

FULL BOARD MEETING MINUTES
Wednesday, November 14, 2007
NYU MEDICAL CENTER
FIRST AVENUE

Hon. Lyle Frank, Chair

ATTENDANCE

Members answering first roll call:

Arcaro, Barrett, Buchwald, Cervera, Curtis, Dankberg, Frank, Garland, Garodnick, Hollister, Imbimbo, Judge, LaBarbera, Lilien, McGuire, McIntosh, Papush, Parker, Parrish, Peveri, Reiss, Ross, Rubin, Scala, Schaeffer, Sepersky, Sherrod, Simon, Thompson, Ursillo, Weder, West, Williams, Winfield

Members answering second roll call:

Arcaro, Barrett, Buchwald, Cervera, Curtis, Dankberg, Frank, Garland, Garodnick, Hollister, Imbimbo, Judge, LaBarbera, Lilien, McGuire, McIntosh, Papush, Parker, Parrish, Peveri, Reiss, Ross, Rubin, Scala, Schaeffer, Sepersky, Sherrod, Simon, Thompson, Ursillo, Weder, West, Williams, Winfield

Excused

Collins, Monterossa, Schachter

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

Disman, Goldman, Greenspan, Haile, Knowles, Moses, Oddo, Rosa, Rosenthal, Steinberg, Talbot

Member attendance Present: **34** Absent: **11** Excused: **3**

Guests signed in: C/M Dan Garodnick; A/M Brian Kavanagh; Shaan Khan & Cullen Barrie representing B.P. Scott Stringer; Tina Olechowski representing Cg/M Carolyn Maloney; Brad Usher representing Sen. Liz Krueger; Romeo Ymalay representing Sen. Tom Duane; Barry Klein representing A/M Jonathan Bing; Ethel Sussman representing C/M Jessica Lappin, Greg Geller representing C/M Rosie Mendez; Simeon Banister representing Pub. Advocate Betsy Gotbaum; Jay & Minna Charles, Chris Gatto, Sandy Leivin-Davila, Nily Rozic,

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Meeting Called to Order

Chair Lyle Frank called the meeting to order.

Adoption of the Agenda

Presentation: Municipal Art Society documentary on the East Side Waterfront Charrette.

Jasper Goldman and Frank Sanchez of the Municipal Art Society gave a presentation on the charrette that was held in June. A group of six leading landscape architects worked together to develop a bold vision for Midtown's inaccessible East River waterfront, that was reviewed on June 10th by over 200 interested New Yorkers. This intensive daylong design workshop was organized by MAS, Community Board Six and Council Member Dan Garodnick. Representatives from State DOT, the City's Parks and Recreation and East River Realty Co. LLC, (ERRC), the developer for the former Con Edison 1st Avenue properties participated in the briefing. The charrette was organized due to the rare opportunity to open up public access to the East River waterfront, create a new park and complete a greenway connecting the Battery to Harlem. The charrette looked at ways the rebuilding of the midtown section of FDR, the development of the 1st Avenue properties, and the expansion of the United Nations could be linked together, to result in an open waterfront from 34th to 63rd Streets. You may view details of the charrette by going to <http://www.mas.org>.

Presentation: Linda Jones-Jannah, Manhattan DA's Office, East Side Alliance.

Linda Jones-Jannah, Senior Community Affairs Coordinator of the DA's office stated that the East Side Alliance (ESA) is a networking partnership of various organizations, agencies, institutions, law enforcement, businesses and community groups that are committed to encourage an economically successful and safe neighborhood. ESA has been working with several Methadone Clinics in the areas between 3rd & 14th Streets from the East River to 6th Avenue and from 14th & 28th Streets, between 1st & 6th Aves.

Clinics within this area have signed a Community Policy Agreement this agreement will help the community address quality of life crimes, e.g., loitering, drug dealing, shoplifting and illegal drug use in neighborhoods and many parks. Additionally this program will assist homeless clients. A similar policy was initiated by the District Attorney's office in 2004 on 125th Street. Linda stated that due to discussions with the 13th Pct. most of the arrests they were making extended further east of the ESA map, therefore the map will be revised to include the FDR Drive area between 14th & 28th Sts.

She stated that she has discussed the Alliance at the District Service Cabinet meeting of CB5 and she has begun discussions with Toni Carlina and looks forward to the involvement of CB6.

For information on the East Side Alliance and their affiliates you may contact the District Attorneys office at 212-335-9400.

PUBLIC SESSION

C/M Dan Garodnick reported that there have been developments in the last couple of weeks that causes him to continue to have serious concerns about ERRC's proposal. His view on the density and heights of the buildings has not changed; and noted that there has been some progress. Commitments have been made by the developer to include permanent affordable housing as well as dedicated space for a new public school that can accommodate 650 students. Without this commitment, we could not have had any serious conversations about this proposal. The Borough President's office is the next step in the ULURP process. A Public Hearing has been scheduled for November 15th at NYU Medical Center in Farkas Hall at 6:30 pm. It is important that all attend and have the B.P. hear your views.

He then reported that on October 25th, a public hearing was held on Congestion Pricing, copies of his testimony can be obtained from his office. We all share the grave concern about congestion here in Manhattan, and we know that we will gain about a million more residents by the year 2030, with more people comes even more congestion, something needs to be done. At this time there is no concrete proposal and his testimony at the hearing expressed some of his views and some of his concerns about the current proposal.

On October 27th, residents of Stuyvesant Town held a Tenants Association meeting to discuss the issue of tenancy and the notices of non-primary residency that Tischman Spyer has sent to some of the rent stabilized tenants. The tenants learned from a Tischman Spyer representative that since they have owned the property 3,380 leases have come up for renewal and about 85% were renewed, 15% were sent notices of non primary residency, and approximately half relinquished their apartments. He believes this to be an extraordinarily high number, he, and other elected officials have asked the Department of Housing and Community Renewal (DHCR) to look into this practice, DHCR is now investigating.

C/M Garodnick stated he, Speaker Quinn and C/M Melissa Mark-Viverito have introduced Intro. 627, this legislation would give tenants the power to sue their landlords for harassment. A hearing will be held on December 6th at 1:00 pm. in City Hall. He also thanked Claude Winfield, Chair of the Housing & Homeless Services committee for exploring the issue at the committee meeting.

C/M Garodnick announced that board member Joy Garland has stepped down as Director of the Stuyvesant Cove Association and thanked her for all of her hard work. He also mentioned the demise of long time board member Ted Lynn and stated he will be greatly missed; he worked tirelessly as a board and community member.

For additionally reports, see the Council Member's newsletter or call 212-818-0580 to obtain a copy.

A/M Brian Kavanagh announced that he adds his congratulations and support to the East Side Alliance and the various agencies that are working together to make our communities better.

A/M Kavanagh announced that he would testify at the Borough President's, November 15' Public Hearing on the former Con Ed First Ave. properties to voice his continued concerns over the ERRRC proposal, which remains overwhelmingly tall and dense and needs to better address the traffic and transit burden that will be added to this already congested neighborhood.

He them announced that he and his colleagues are urging the MTA to postpone a proposed fare increase slated for 2008. He is suggesting instead that the MTA work with the legislature to increase public support for our transportation system. He has also co-sponsored a bill (A9424), which would reverse a long-term trend of declining City & State support for the MTA, by restoring millions for operating expenses to the NYC transit Authority. Right now the legislature is in the process of reviewing the MTA's proposals for congestion pricing and they have been asked to come up with a new Capital Budget in for the spring of 2008 that would explain how funds from congestion pricing would be spent.

He additionally reported that he attended the November 5, CB6 Transportation committee meeting to address some concerns and issues raised by the committee and community on congestion pricing. He stated that he is a strong advocate of congestion pricing for Manhattan's central business district.

He also attended the November 6, Parks, Landmark & Cultural Affairs Hearing to share his perspective on the parkland alienation process and the proposed legislative changes the committee is suggesting.

He then announced that he and Sen. Krueger have a State Bill on polystyrene that essentially eliminates its use from all city and state food service providers and concessions. He requested that the board review the bill.

For additional reports, see the A/M's newsletter or call 212-979-9696 to obtain a copy.

Simeon Banister representing Public Advocate Betsy Gotbaum announced that he was very intrigued by the presentation given by the D.A.'s office as it pertained to the homeless in the city. He reported that the Public Advocate has written a letter to the commissioner of DHS objecting to its new policy of denying emergency shelter to families who are reapplying for shelter after being ruled ineligible. This new policy may be leaving families with no choice but to sleep in a park, subway or hospital waiting room. Survivors of domestic violence may return to their abusers or to a place where their abuser could find them.

For additional reports see the Public Advocates bulletin or call 212-669-8390 to obtain a copy.

Tina Olechowski representing Cg/M Carolyn Maloney announced that the Congress Member was very happy to hear that the developers for the ERRC project has agreed to include 600 low-cost to moderate income housing units and the developer is working with the City's School Construction Authority (CSA) to build a school for an estimated 650 students. She has described this concession as a significant breakthrough.

Tina reported that Cg/M Maloney was happy to announce that today the House of Representatives passed the final version of the Federal Transportation, Housing & Urban Development Appropriations bill for FY 2008, which would contain \$171,235,000 for the Second Avenue Subway and \$215,000,000 for East Side Access, both will provide relief for commuters in her district.

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

Romeo Ymalay representing Sen. Tom Duane reported that the Senator is very pleased that ERRC has committed a space at the development for a new Public School and agreed to set aside 20% for permanent affordable housing. He stated that Sen. Duane will testify at the Borough President's hearing.

Romeo then reported that on November 5th Sen. Duane and A/M Brennan held a press conference to introduce legislation that would increase State and City operating support for the MTA and thus render a fare hike unnecessary.

On October 15th Sen. Duane and other elected officials attended the groundbreaking for the Alexandria Center for Science & Technology at the East River Science Park. Sen. Duane has stated that this is a welcome addition to the east side, creating 1,800 construction jobs and ultimately housing more than 2,000 employees from the bioscience sector. This was accomplished through excellent collaboration between the public and private sector, elected officials, Community Board 6, the local community and adjoining institutions.

For additional reports, see the Senators Newsletter or call 212-633-8052 to obtain a copy.

Brad Usher representing Sen. Liz Krueger announced that the Senator is co-sponsoring an East Side Dept. of Housing & Community Renewal (DHCR) Day, Thursday, November 29th, at the Eviction Intervention Services (EIS) Center, 150 East 62nd St., b/w Lexington and 3rd Aves.

Representative from the State DHCR will be available by appointment to answer questions about rent regulations issues, tenant rights and other issues.

He also announced Sen. Krueger will co-sponsor a Medicare forum on Wednesday, December 5th at the Marble Collegiate Church, 1 West 29th St. on 5th Ave. Case workers from the Medicare Rights Center will be available to answer questions about the changing cost of Medicare and how to choose the best Medicare Part D Plan for you.

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

Barry Klein representing A/M Jonathan Bing announced the A/M will host the Unclaimed Fund Program, Wednesday, December 12th at St. Peter's Church Senior Center, 619 Lexington Ave. The State is currently holding billions of dollars in unclaimed funds from various financial institutions that are required by State law to surrender inactive accounts to the State. The NYS Comptroller's office serves as custodian of this money until it is claimed. If you can prove you are entitled to the money, the state will gladly return it to you without charge.

For additional reports, see the A/M's Newsletter or call 212-605-0937 to obtain a copy.

Ethel Sussman representing C/M Jessica Lappin announced that C/M Lappin recently brought together a broad coalition of elected leaders to breathe new life and to endorse the FDR memorial proposed for Southpoint Park on Roosevelt Island.

For additional reports see the Council Member's newsletter or call 212-535-5554 to obtain a copy.

Greg Geller representing C/M Rosie Mendez announced that the C/M is introducing legislation that would give free legal council to all senior citizens whose income falls below \$27,000 and are facing eviction or foreclosure. With tenant harassment becoming a growing problem C/M Mendez has received a lot of support for this bill, 21 other C/M's have signed on looking to make this bill a law.

For additional reports, see the C/M's Newsletter or call 212-677-1077 to obtain a copy.

Roll Call – Due to the absence of Carol Schachter, Toni Carlina conducted the roll call.

BUSINESS SESSION

Adoption of the Oct. 10th Full Board Minutes: Minutes were adopted by voice vote.

Chair's Report – Lyle Frank

1. Lyle reminded the Board members to attend the Borough President's Public Hearing on the ERRC development project and to give their input on the issue.
2. Lyle thanked all committee chairs and everyone that worked on the ERRC resolution, stating that everyone should be very proud of this great resolution.
3. Lyle announced that he attended the groundbreaking for ERSP. Lyle noted that this development was going to provide a lot of open space.
4. Lyle thanked Toni Carlina, District Manager and the Board office staff for swiftly getting the Dept. of Health contractors to reopen E. 27th St.

5. Lyle gave congratulations to Tom LaBarbera, who is now the new Vice Chair of the Housing & Homeless Services committee.
6. Lyle welcomed new board member Wil Weder.
7. Lyle, in memory of Ted Lynn, asked that all pause for a moment of silence.

District Manager’s Report – Toni Carlina

Toni stated that budget cuts have been proposed for all city agencies, including community boards. The proposed cuts would require a \$5,000 reduction for this year and another \$5,000 reduction for next year. For community boards, this is a huge cut that boards just cannot afford. Inside all board member packages is a letter addressed to the Mayor expressing our concern over the proposed budget cuts. Toni requested that the board members sign the letters, which would be sent as a package to the Mayor.

Treasurer’s Report – Bea Disman

Due to the absence of the treasurer the report was waived. Lyle reminded the members to send in their donations for the holiday party.

Borough President’s Report – Cullen Barrie

Cullen reminded everyone to attend the Borough President’s Public Hearing on the ERRC Project, Thursday, November 15th at NYU Medical Center, 550 First Ave. in Farkas Hall. He then introduced Shaan Khan the new Director of Community Affairs & Constituent Services for the Borough President.

Shaan announced that some board memberships were up for reappointment, and a new one page easier to fill out application has been designed. Those up for reappointment should receive theirs in the mail.

COMMITTEE REPORTS

1) Budget & Governmental Affairs – Dan Williams, Chair

a. Report

Report was waived

2) Youth & Education – Maxine McIntosh, Chair

a) Report

Maxine reported that this year’s DOE School Report Card was out and most of the schools in our district did very well with the exception of Washington Irving H.S and The School for the Deaf. The school report card is based on student progress.

3) By-Laws select Committee – Marty Barrett, Chair

a) Report

Marty reported that the committee has been reviewing and discussing the By-laws of other boards as well our own and the Borough President’s counselor participated. Next month the committee will present the revised version of the Boards By-laws for the board members review and vote.

4) Transportation Committee – Lou Sepersky

a) Report

Lou reported Sen. Duane and A/M Kavanagh participated in the committee meeting discussion on Congestion Mitigation & Congestion Pricing. The points raised as part of the discussion are in the committee minutes.

The committee meeting based most of its questions on what occurred at the October 25th NYC Traffic Congestion Mitigation Commission hearing and to examine the issues that were raised. The report from the Commission is to be submitted to City Council for a vote in the spring of 2008. Both the Senator and the Assembly Member stated they support Mitigation /pricing with the understanding that there are concerns that still need to be addressed by the Commission.

He additionally reported that he has received numerous phone calls in reference to the NYC DOT proposal to change York Ave. from a two-way street to a one-way street. The south end of York Ave. happens to be in the north boundary of CB6.

See committee minutes for the full report.

5) Housing & Homeless – Claude Winfield, Chair

a) Report

Claude reported that at last night's meeting the committee met with representatives from A/M Bing's office and C/M Garodnick's office to prioritize their legislative agenda for 2008. Next month there will be a resolution on Intro. 627 the Tenant Harassment Act.

He also reported that the city has changed the way it deals with homeless on the streets. The city now has consortiums for Manhattan; the lead agency for that consortium is Goddard-Riverside. The consortium is made up of five different agencies, Center for Urban Services, Common Ground, John Heuss House, Lenox Hill House, and The Bridge and Urban Pathways. These agencies cover specific areas from the West to the East side. In our district Urban Pathways covers from 14th to 42nd Streets, Common Ground covers 42nd to 59th Streets. A representative from Goddard-Riverside explained the homeless outreach they do. They operate from 5:30 a.m. to 5:30 p.m. and can be reached through 311.

See committee minutes for complete report.

6) Land Use – Edward Rubin, Chair

a) Ed reported that due to the lack of Department of City Planning representation at the meeting the two Zoning Text Amendment agenda items, Yards and Street Tree Planting were removed from the agenda.

He also reported that while it was good news that East River Realty Corp. was providing an affordable housing concession as part of the development but what was not mentioned is that 685 First Ave is not part of that deal.

He then reported that for the Borough President's Public Hearing on the First Ave. Properties there are 22 to 23 board members who are prepared to testify. To help send the message that this community feels that this project does not fit in with this community, he urges others to come and give testimony that it is just too big.

See committee minutes for complete report.

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

a. Intro 624- in relation to the use of bicycles for commercial purposes

Whereas, use of unsafe commercial bicycle riding has become a serious public safety issue; and

Whereas, children and seniors have been hit by bicycle riders which can be life threatening; and

Whereas, there is a compelling need to make our sidewalks safe again; and

Whereas, an amendment has been proposed to the administrative code of the city of New York, that would hold an employer liable for the violation by an employee bike rider; and

Whereas, this Intro. 624 is intended to strengthen existing bike laws; and

Whereas, this Intro. 624 would send a message to business owner that he or she would be held accountable for unsafe and unlawful use of bicycles of their bicycle riders; and

Whereas, this Intro. 624 provides that owner of businesses would be subject to fines between \$100 and \$250 or imprisonment for up to fifteen days or both such fine and imprisonment; now

Therefore, be it

Resolved, that Community Board Six urges the City Council to pass Intro 624, which transfers fines for unlawful use of riding commercial bicycles on the sidewalk from the bicycle operator to the business owner, as soon as possible.

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

b) In Support of establishing a Commercial Bicycle Unit within the New York City Police Department.

Whereas, unsafe commercial bicycle riding has become a serious public safety issue; and

Whereas, children and seniors have been hit by bicycle riders, which can be life threatening; and

Whereas, serious injuries and deaths have resulted from unsafe use of bicycles; and

Whereas, there is a compelling need to make our sidewalks safe again; and

Whereas, New York City has passed several laws governing use of commercial bicycles; and

Whereas, large numbers of complaints are made to Police Precincts and our elected officials concerning unsafe commercial bicycle riding; and

Whereas, the work load of many police officers prevent them from issuing bicycle summonses; and

Whereas, many bicycle violations involve two police precincts, in that a bicycle operator may commit a violation within the confines of the 17th Pct. while employed by a business establishment located in the 19th Pct. or vice versa; and

Whereas, there is a compelling need to have a police unit that could operate borough wide to issue bicycle summonses; now

Therefore, be it

Resolved, that Community Board Six urges New York City Police Department to establish a commercial bicycle unit that will issue summonses for commercial bicycle violations borough wide.

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

c) Report

Fred waived the committee report.

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

In Carol's absence Harry Ursillo introduced the resolutions.

a) Transfer, OP liquor license for MDDCAR Corp., d/b/a Chimichurri Grill (Currently Don Vieta), 860 2nd Ave. at E. 46th St.

WHEREAS, no one appeared on behalf of the applicant before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on November 1, 2007, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, representatives had appeared before the committee in the past, but requested their item be laid over due to one problem or another with their lease to the premises; and

WHEREAS, it is CB6M's policy to generate a negative resolution for non-appearance, which is then forwarded to the State Liquor Authority; now

THEREFORE, be it

RESOLVED, that CB6M opposes the Transfer, OP liquor license for MDDCAR Corp., d/b/a Chimichurri Grill (Currently Don Vieta), 860 2nd Ave. at E. 46th St.

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

d) New, OP liquor license for Bombay Holding, Inc., d/b/a Bombay Grill, 344 Lexington Ave. btw E. 39th & E. 40th Sts.

WHEREAS, Michael Kelly, Representative, appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on November 1, 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 11, 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/Weekends 11 AM – 11 PM
- Capacity: 50
- Public Assembly permit?: Not required
- Music on-premises: Yes, recorded Indian music.
- Dancing: No
- Staging area (waiting lounge): No
- Windows/doors opened/removed during warmer months: No
- Patron use of Outdoor Areas: No
- Wheelchair accessibility: No: there are 3 steps down to enter the premises; the applicant

- plans to provide a ramp over the steps for handicapped access
- Restroom accessibility: Yes, when inside; and

WHEREAS, the applicant did provide plans/drawings for the committee to consider and comment on which depicted a modest layout for this small space; and

WHEREAS, the Applicant stated the SLA Application has not been filed, but indicated the anticipated filing date would be within the next two weeks from the date of this meeting, and agreed to provide a copy of the Application to CB6M (with sensitive information blacked out); and

WHEREAS, members of the committee expressed satisfaction with the Application and the hours and scope of the operation; 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’s Representative
- the fact that a 500-foot SLA Hearing was required
- there were no residents from the community present to comment on the application; now

THEREFORE, be it

RESOLVED, that CB6M supports the New, OP liquor license for Bombay Holding, Inc., d/b/a Bombay Grill, 344 Lexington Ave. btw E. 39th & E. 40th Sts.

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

e. **Alteration, OP Liquor License for Monju, Inc., d/b/a Restaurant Hiyoko 305 E 53RD Street btw 1st & 2nd Aves.**

WHEREAS, Mr. Hisashi Ibata, President, and Mr. Yuji Oryi, Investor appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on November 1, 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 12, 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 7pm to 2am; Weekends 7pm to 2am
- Capacity: 74Public Assembly permit: not required
- Music on-premises: Yes: if yes:
 - Recorded and Karaoke
- Dancing: No
- Staging area (waiting lounge): Yes; if yes, waiting bar
- Windows/doors opened/removed during warmer months: No
- Patron use of Outdoor Areas: No
- Wheelchair accessibility: No; if no, why not The second floor of 303 East 53rd is grandfathered, however the second floor of 305 East 53rd may NOT be grandfathered.
- Restroom accessibility: On second floor walk up.

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

WHEREAS, the Applicant described the alterations to be done to the premises as the addition of 900 square feet and the creation of approximately 12 dining/karaoke rooms, and DID provide plans/drawings for the committee to consider and comment on ; and

WHEREAS, the Applicant stated the SLA Application HAS been filed on October 9, and has agreed to provide a copy of the Application to CB6M (with sensitive information blacked out); and

WHEREAS, members of the committee expressed their concerns about the Application as follows:

1. The alterations are not in fact alterations, but are rather an attempt to legitimize that which has existed since the premises opened;
2. The premises has operated since its opening as a Karaoke bar and lounge and is currently open until 4 am on many weekend evenings charging \$8 an hour for karaoke from opening hours until 11 and then \$10 an hour until closing;
3. The premises currently occupies TWO addresses 303 and 305 East 53rd St. and the diagram submitted with the SLA application is misleading;
4. Since the day the premises opened, it has had music even though its original application to CB6 stated it would have no music;
5. NO menu was presented;
6. The applicant's representatives admitted that from the time the premises opened for business they operated beyond the 1am closing time they represented to the committee when they first applied for a liquor license, and they also admitted that since the premises first opened for business there was music and karaoke; and

WHEREAS, On Thursday July 26, 2007, at 23:35 hours, members of the 17th Precinct Cabaret Unit in conjunction with the N.Y.P.D. Civil Enforcement Unit, Legal Bureau, conducted a joint M.A.R.C.H. Operation within the confines of the precinct and found at HIYOKO BAR (305 East 53rd) Four health department violations, one building department violation for work without a permit, A FDNY violation for having electronic door magnets on the exit doors and one State Liquor Authority violation for extension of the premises. In addition, by letter dated July 13, 2007, CB6 has already asked the SLA to investigate various misrepresentations made by the applicant in its original submission when it sought its liquor license; and

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

- The presentation by the Applicant
- Comments from the committee, the MARCH results and the prior misrepresentations made by the applicant to the Community Bd. in February, 2007; now

THEREFORE, be it

RESOLVED, that Community Board Six strongly opposes the application for an Alteration, OP liquor license for Monju, Inc., d/b/a Restaurant Hiyoko, 305 E 53rd St. between First and Second Aves.

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

f. **Transfer, OP liquor license for 400 Restaurant Group Corp., d/b/a Sofrito, 400 E. 57th St. btw 1st Ave. & Sutton Pl.**

WHEREAS, Genaro Morales, Owner, appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on November 1, 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 12, 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: Weekdays 5 PM – 1 AM, Weekends 5 PM – 3:30 AM
- Capacity: 205
- Public Assembly permit?: Yes
- Music on-premises: Yes. Recorded, background
- Dancing: No
- Staging area (waiting lounge): Yes; people wait in the bar area to be seated
- Windows/doors opened/removed during warmer months: No
- Patron use of Outdoor Areas: No
- Wheelchair accessibility: Yes
- Restroom accessibility: Yes; 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, members of the committee had no concerns about the Application; 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 residents from the community present to comment on the application; now

THEREFORE, be it

RESOLVED, that CB6M does not oppose the Transfer, OP liquor license for 400 Restaurant Group Corp., d/b/a Sofrito, 400 E. 57th St. btw 1st Ave. & Sutton Pl.

VOTE: 31 in Favor 3 Opposed 0 Abstention 0 Not Entitled

g. **Alteration, OP liquor license for 384 3rd Ave. Rest. LLC, d/b/a Arctica, 384 3rd Ave. btw E. 27th & E. 28th Sts.**

WHEREAS, Mark Fox, Principal, appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on October 12, 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 11, 2007), the Applicant indicated that the business type of the establishment is a Bar/Restaurant, and the Applicant’s questionnaire also provided the following proposed Operational Information:

- Hours of Operation: Weekdays 11 AM – 4 AM, Weekends 12 PM – 4 AM
- Capacity: 200
- Public Assembly permit?: The Applicant has a temporary CO and is applying for a PA
- Music on-premises: Yes; if yes:
 - DJ
 - Recorded
 - Sound Control: Yes; the applicant hired an acoustical consultant; the premises has a triple-hanger ceiling with shock absorber-like devices to dampen the sound
- Dancing: No
- Patron use of Outdoor Areas: Yes; Deck/terrace
- Wheelchair accessibility: Yes
- Restroom accessibility: Yes and

WHEREAS, the applicant provided plans/drawings for the committee to consider showing the new 22-foot long bar addition; and

WHEREAS, the Applicant stated the SLA Application was mailed 10/29/07 and agreed to provide a copy of the Application to CB6M (with sensitive information blacked out); and

WHEREAS, the Applicant currently owns or has owned the following establishment(s) in NYC:

- Banc Café, 431 3rd Ave., NY, NY 10016; and

WHEREAS, members of the committee had no concerns about the Application; 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
- there were no residents from the community present to comment on the application; now

THEREFORE, be it

RESOLVED, that CB6M has no objection to the Alteration, OP liquor license for 384 3rd Ave. Rest., LLC, d/b/a Arctica, 384 3rd Ave. btw E. 27th & E. 28th Sts.

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

h. **Transfer, OP liquor license for J. Entertainment Group, Inc., d/b/a TBD (Currently Restaurant Aqua), 236 E. 53rd St. btw 2nd & 3rd Aves.**

WHEREAS, James Wang, Representative, appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on November 1, 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 given to the Committee at the meeting), the Applicant indicated that the business type of the establishment is a Bar/Lounge/Karaoke, and the Applicant’s questionnaire also provided the following proposed Operational Information (Yes/No answers with/or explanations):

- Hours of Operation: Monday – Friday, 9 PM – 2 AM; Saturday, 9 PM – 4 AM; closed Sunday
- Capacity: 55
- Public Assembly permit: not required
- Music on-premises: Recorded/Karaoke
- Dancing: No
- Staging area (waiting lounge): No
- Windows/doors opened/removed during warmer months? Closed all the time
- Patron use of Outdoor Areas: No
- Wheelchair accessibility: No; the establishment is on the 3rd floor and grandfathered; and

WHEREAS, this is a Transfer from Lounge Aqua, Inc., to J. Entertainment Group, Inc.; 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, a member of the committee stated what’s there now is very quiet and he believed Mr. Wang’s statement that this would be basically the same type of operation, since Mr. Wang has been before the Committee before and had credibility with it; 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 residents from the community present to comment on the application; now

THEREFORE, be it

RESOLVED, that CB6M has no objection to the Transfer, OP liquor license for J. Entertainment Group, Inc., d/b/a TBD (Currently Restaurant Aqua), 236 E. 53rd St. btw 2nd & 3rd Aves.

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

i Transfer, OP liquor license for J. Entertainment Group, Inc., d/b/a TBD (Currently Restaurant Aqua), 236 E. 53rd St. btw 2nd & 3rd Aves.

WHEREAS, James Wang, Representative, appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on November 1, 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 given to the Committee at the meeting), the Applicant indicated that the business type of the establishment is a Bar/Lounge/Karaoke, and the Applicant’s questionnaire also provided the following proposed Operational Information (Yes/No answers with/or explanations):

- Hours of Operation: Monday – Friday, 9 PM – 2 AM; Saturday, 9 PM – 4 AM; closed Sunday
- Capacity: 55
- Public Assembly permit: not required
- Music on-premises: Recorded/Karaoke
- Dancing: No
- Staging area (waiting lounge): No
- Windows/doors opened/removed during warmer months? Closed all the time
- Patron use of Outdoor Areas: No
- Wheelchair accessibility: No; the establishment is on the 3rd floor and grandfathered; and

WHEREAS, this is a Transfer from Lounge Aqua, Inc., to J. Entertainment Group, Inc.; 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, a member of the committee stated what's there now is very quiet and he believed Mr. Wang's statement that this would be basically the same type of operation, since Mr. Wang has been before the Committee before and had credibility with it; 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 residents from the community present to comment on the application; now

THEREFORE, be it

RESOLVED, that CB6M has no objection to the Transfer, OP liquor license for J. Entertainment Group, Inc., d/b/a TBD (Currently Restaurant Aqua), 236 E. 53rd St. btw 2nd & 3rd Aves.

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

j. **Alteration & New, OP liquor license for Crave Foods, Inc., d/b/a Crave Ceviche, 946 2nd Ave. btw E. 50th & E. 51st Sts.**

WHEREAS, Bruno Gioffre, Esq., Brian Owens, President, and Chris Bianchi, Owner, appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on November 1, 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 given to the Committee at the meeting), 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: Sunday - Wednesday 12 PM – 12 AM, Thursday – Saturday 12 PM – 1 AM
- Capacity: will be 40
- Music on-premises: Yes from an iPod behind the bar
- Dancing: No

- Staging area (waiting lounge): No
- Windows/doors opened/removed during warmer months: Yes; the owners said they would be closed at 11 PM; this had been stipulated in the original RW license
- Patron use of Outdoor Areas: No
- Wheelchair accessibility: Yes, from 50th Street, which is for the exclusive use of handicapped patrons
- Restroom accessibility: yes, when inside and

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

WHEREAS, the Applicant described the alterations to be done to the premises as moving the kitchen to the former Halal food establishment and then adding seating to the former kitchen space; and

WHEREAS, the Applicant stated the SLA Application has not been filed, but indicated the anticipated filing date would be the week following the date of this meeting and agreed to provide a copy of the Application to CB6M (with sensitive information blacked out); and

WHEREAS, the Applicant currently owns or has owned the following establishment(s) in NYC:

- Crunch Pizza, 980 2nd Ave., NY, NY; and

WHEREAS, members of the committee had no concerns about the Application; 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 residents from the community present to comment on the application; now

THEREFORE, be it

RESOLVED, that CB6M supports the Alteration & New, OP liquor license for Crave Foods, Inc., d/b/a Crave Ceviche, 946 2nd Ave. at E. 50th St.

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

k. Report

Harry reported that there are currently three legal proceedings involving the SLA before the committee and this community board. Harry deferred to Lyle Frank, Chair to give the information. Lyle reported that we have three enforcement proceedings happening with the SLA: 1) Tonic East, which Harry will be testifying on, a new date for the hearing should be set soon; 2) Redemption is on-going, a date should be set for this hearing soon, 3) Hiyoko, which was voted on this evening and which we have strongly opposed. Ali Baba has undergone major renovations to change their CofO, so the board has asked that the SLA postpone their hearing.

9) Health, Seniors & Disability Issues – Sandro Sherrod, Chair

a. Intro 609 – In relation to restricting the use of polystyrene foam food packaging.

Whereas, polystyrene foam is virtually immune to biological decomposition and resist compacting so that when products from polystyrene foam are landfilled they consume more space than other materials; and

Whereas, polystyrene foam is a pollutant that breaks down into smaller non-biodegradable pieces that pose a threat to marine life and other wildlife; and

Whereas, the United States Environmental Protection Agency has deemed “that such materials can also have serious impacts on human health, wildlife, the aquatic environment and the economy”; and

Whereas, affordable and biodegradable alternatives to polystyrene like paper or cardboard exist; and

Whereas, further study is needed to determine the precise effects of how Benzene and other chemicals used in the production of polystyrene can effect food that it is in contact with; now

THEREFORE, be it

Resolved, that Community Board 6 calls on the Council of the City of New York to immediately vote on and adopt Intro 609-2007 restricting the use of polystyrene in food packaging to safeguard the well being of wildlife and the citizens of the New York City.

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

b. A Community Advisory Board to support the VA Medical Center mission.

Whereas, the United States Department of Veterans Affairs - VA Medical Center New York (VAMC) is located at 423 East 23rd Street, New York, NY 100010, in Manhattan Community Board 6 (CB6); and

Whereas, CB6 was a leading participant in the citizen’s coalition which fought to keep the VAMC from being closed or having its services and capabilities reduced; and

Whereas, the health care provided to veterans of the armed forces of the United States, nationally, has come under close examination for alleged defects and failures, including excessively bureaucratic procedures and other circumstances which would discourage trust and confidence in the performance of the Veterans health care system nationally; and

Whereas, there is an intense interest and support of the New York region in the performance and contribution to the health, physical and emotional well being of this hospital for those who have served in the military; and

Whereas, it is the tradition of the New York Community to join with institutions and agencies to work jointly for such continued excellence; now

Therefore be it

Resolved, that Community Board 6 calls on the administration of the VA Medical Center New York, and those individuals and agencies which joined to assist in the effort to protect and preserve the VAMC from threatened constriction or closure, to form a Community Advisory Board to sustain and nurture the quality, promptness, availability and generally humane nature of the care provided at this nationally recognized leader in veteran's medical treatment.

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

c. Report

Sandro reported that hopefully at the December committee meeting he will have the Assembly bill on Polystyrene for the committee to discuss.

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

b. Proposed landmark designation of the Morris B. Sanders Jr. House, 219 East 49th Street b/w 2nd & 3rd Aves.

Whereas, the property located at 219 East 49th Street, between Second and Third Avenues Manhattan (aka the Sanders House), has been proposed for landmark status, and

Whereas, the property lies within Manhattan Community District Six and a vote on landmark status by the New York City Landmarks Preservation Commission requires a review and recommendation by Community Board Six; and

Whereas, the well-known structure was built as a two-family residence - designed by architect and designer Morris B. Sanders, Jr. - during 1934-1935, making it one of the earliest structures in New York City to adopt the aesthetic 'modernist' principles promoted by le Corbusier and the other European modernists; and

Whereas, the design includes a first floor office, colorful blue brick and glass cantilevered façade, with almost no ornamentation, no stoop, and a slightly angled entrance; and

Whereas, the ground floor contrasts with the upper floors, and includes a white marble façade and curved, waist-high planter; and

Whereas, the upper stories juxtapose solids and voids, alternating wide recessed balconies and walls of clear glass and glass brick, while the ground floor opening is comprised of glass brick; and

Whereas, the Architectural League awarded the project a silver medal for domestic architecture in 1935, applauding the architect's "fresh and modern use of glazed brick and glass brick and a harmonious color scheme;" and

Whereas, multiple articles regarding the house were published in Architectural Review and Architectural Forum; and

Whereas, Morris Lapidus, well-known designer (one project includes the landmark hotel on Lexington Avenue at 51st Street, also within Community District 6), who collaborated with Sanders on the 1939 New York World's Fair, described the building as "a fine modern building, one of the first of its kind;"

Therefore, be it

Resolved, that Community Board Six recommends approval of landmark designation of this property.

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

c. Report

Gary reported that the Public Hearing on Alienation & Privatization of Public Parkland was a success. Sen. Krueger and A/M Kavanagh both testified and a statement from C/M Mendez was read into record. The committee will be considering all the input that was given.

See committee minutes for full report.

Old/new business

Second Roll Call

Adjournment: 10:30 p.m.