

FULL BOARD MEETING MINUTES
Wednesday, October 10, 2007
NYU MEDICAL CENTER
FIRST AVENUE

Hon. Lyle Frank, Chair

ATTENDANCE

Members answering first roll call:

Arcaro, Barrett, Buchwald, Cervera, Collins, Curtis, Disman, Frank, Garland, Garodnick, Judge, Knowles, LaBarbera, Lilien, McGuire, McIntosh, Moses, Oddo, Papush, Parker, Parrish, Peveri, Ross, Rubin, Scala, Schaeffer, Sepersky, Simon, Steinberg, Talbot, Ursillo, West, Williams, Winfield

Members answering second roll call:

Arcaro, Barrett, Buchwald, Cervera, Collins, Curtis, Disman, Frank, Garland, Garodnick, Judge, Knowles, LaBarbera, Lilien, McGuire, McIntosh, Moses, Oddo, Papush, Parker, Parrish, Peveri, Rubin, Scala, Schaeffer, Sepersky, Simon, Steinberg, Talbot, Ursillo, West, Williams, Winfield

Excused

Greenspan, Hollister, Lynn, Ross (left just before final roll call) Thompson

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

Dankberg, Goldman, Haile, Imbimbo, Monterossa, Reiss, Rosa, Rosenthal, Schachter, Sherrod

Member attendance Present: **33** Absent: **10** Excused: **5**

Guests signed in: C/M Jessica Lappin, C/M Rosie Mendez; Tina Olechowski representing Cg/M Carolyn Maloney; Sara Hale-Stern representing Sen. Liz Krueger; Michael Kent representing B.P. Scott Stringer; Keith Powers representing A/M Jonathan Bing; Nily Roxic representing A/M Brian Kavanagh; Simeon Banister representing Pub. Advocate Betsy Gotbaum; Gretchen Kruesi representing C/M Dan Garodnick; Noah Adler, Dick Briglia, Michel Janet-Bus, Hazelle Byrd, Alex Cennamo, Jay& Minna Charles, Sandy Levin-Davila, Beth Farber, Dan Harris, Jane Hsu, Budd Heyman, Brenda Levin, Pat Pardo-NYPL; Esther Perez, Vicky Ritter, Daniel Roses, Sadamitsu Sakoguchi, James Schmidt, Gary Shevell, Ethel Sussman, Marilyn Taylor, Karen Weiss-NYPL.

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Meeting Called to Order

Lyle Frank, Chair called the meeting to order.

Adoption of the Agenda

PUBLIC SESSION

C/M Lappin reported that she and C/M Gerson introduced legislation, Intro. 624 - in relation to the use of bicycles for commercial purposes. This bill would shift liability from the biker to the business they work with. Her office has received numerous complaints about illegal bike riding in our streets and on the sidewalks. Messengers, food delivery people, and others frequently put pedestrians in danger by riding fast on our walkways or riding the wrong way down our streets. This is a serious public safety issue and businesses have to be held responsible for their bikers.

She then reported that the City Council has recently passed legislation that would increase the fines for stealing recyclables placed out for collection by the Dept. of Sanitation (DOS). On the East Side of Manhattan, the amount of paper tonnage collected has fallen as much as 25% in the past year, that's because it has become profitable for illegal, unmarked out of state trucks to come and pick up the recyclables before the scheduled DOS pick up.

NYC sells it's recyclables it collects which means this decrease in recycling affects the city finances, which in Manhattan alone equates to a loss of \$150,000 in city revenue. With this new legislation, the penalty for taking recyclables without permission carries a fine of \$2,000 for the first offense & \$5,000 for any subsequent offense. Also the vehicle used to transport the recyclables could be impounded. This bill will help protect the long term viability of recycling.

C/M Lappin announced that she has written a letter to the Dept. of Education in opposition of Julia Richman H.S. moving to the Hunter/Brookdale Campus site on 25th Street; a copy of the letter will be sent to the Board.

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

C/M Rosie Mendez presented Kadhira Pillai, the national chess champion from P.S. 116 with a proclamation on behalf of herself & C/M Garodnick. Five-year-old Kadhira, is a very accomplished chess player who participated in the National Chess Tournament in Nashville, Tennessee where he finished a three day marathon of games with a score of 7-0. He became the 2007 National Champ in the Pre-K – 1st grade age group.

C/M Mendez reported that the City Council held a hearing on Intro 340 - a bill intended to afford rent-stabilized tenants greater protection against "phony demolitions". This occurs when landlords claim that they are demolishing a building, when in reality they are doing major renovations; a tactic used to evict rent stabilized tenants. This bill would alert local elected officials and community boards so they could provide sound advice and advocate for the affected tenant.

Additionally, on October 18th a public hearing will be held on a resolution encouraging the government to pass a law that would provide federal funding to 21 NYC Housing Authority (NYCHA) developments that currently receive no federal funding. A bill currently sponsored by Sen. Schumer and

Cg/M Velazquez would reduce NYCHA's deficit by directing nearly \$60 million to their coffers. One of these developments is within CB6, 334 E 28 Street.

On October 23 at 11am the City Council will hold a hearing on Intro 542 sponsored by her and C/M's Garodnick and Lappin. This legislation will protect land marked buildings from being destroyed by owners who had pre-existing building permits, even after they are designated a landmark

For complete reports, see the Council Member's Newsletter or call 212-677-1077 to obtain a copy.

Brenda Levin, Daniel Roses & Budd Heyman, requests the Board's support of the Dr. Saul Farber street co-naming resolution for 30th Street.

Simeon Banister representing Public Advocate Betsy Gotbaum reported that the Public Advocate recently met with members of the Murray Hill Association to discuss some of their concerns pertaining to transportation and educational issues, most importantly the overcrowding of area schools. Simeon stated that the Public Advocate's office is working hard to find solutions that could address these concerns.

To contact the Public Advocates office call 212-669-8390.

Gretchen Kruesi representing C/M Dan Garodnick reported that the Council Member recently met with, Lyle Frank, Bill Oddo and community residents to discuss the closure of 14th & 15th Streets and the 14th Street FDR ramp.

C/M's Garodnick and Mendez have written DOT and Con Ed requesting a traffic study be done to evaluate the impact of these closures to the community, as well as what alternatives there are, as opposed to keeping these streets closed.

She announced that C/M Garodnick will attend the Boards September 20th public hearing on the 1st Ave. properties and the October 2nd DEIS public hearing. He is looking forward to reading the Boards final comments on this issue.

Additionally, this year through the Council's Cultural After-School Adventure initiative (CASA), C/M Garodnick would fund four cultural programs in local public schools. With help from many of the city's museums and dance programs, hundreds of students will round out their educational experience through an exploration of the fine arts, dance & theater.

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

Keith Powers representing A/M Jonathan Bing made the following announcement: **1)** A/M Bing would host his annual Senior Health Fair on Tuesday, October 16 at the community room of Knickerbocker Plaza, 1751 2nd Ave. from 10:00 am – 2:00 pm. They will once again provide free Flu shots, health screenings and there will be an information table for the community. Since the supply of flu shots have been fully allocated, you may contact his office at 212-605-0937 and they will be happy to assist you in finding a local organization that is providing the shot. **2)** The last day for registered voters to change their party affiliation in order to vote in the February 5, 2008 Presidential Primary is October 12, 2007; this rule, does not apply if you are a new voter in New York. The deadline to register as a new voter is January 11, 2008. **3)** The City Council will be conducting an oversight hearing Wednesday, October 24th on Parks Department Concessions and the award process at 250 Broadway, 14th Floor at 10:00 am. A/M Bing will be submitting testimony in light of the events at Dag Hammarskjold Plaza last year. **4)** In November, the Assembly Member will co-sponsor a forum with Comptroller Bill Thompson and A/M

Vito Lopez on Mitchell-Lama housing issues. The event will be held at the United Federation of Teachers building, 52 Broadway; information on the date and time will be announced. **5)** A/M Bing and other elected officials will co-host a housing forum on Monday, November 12th at the United Methodist Church, 150 E. 62nd Street, 3-7 pm with representatives from the Dept. of Housing & Community Renewal (DHCR).

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

Tina Olechowski representing Cg/M Carolyn Maloney reported that the Congress Member wrote a letter to the Dept. of Education urging that the East River Realty Company's (ERRC) development for the former Con Ed Waterside site planned community space be used to house a new public school. The east midtown schools are severely overcrowded and will become much more so if the proposal for the new 1st Ave Properties goes forward. She urges the East River Realty Company (ERRC) to work with us to make a new school a reality.

The ERRC has agreed to provide a community facility at the former Con Ed/Waterside site as compensation for the project's impact on the community, but the developer's DEIS repeatedly suggests that the proposed community facility be used for medical purposes, not for a school.

Tina then reported that Cg/M Maloney was happy to announce that the Federal Transportation Administration has informed Congress that it will approve a full-funding grant agreement for the 2nd Ave. Subway.

This crucial investment, which is expected to provide about \$1.3 billion in federal funds, is the first leg of the subway project.

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

Sara Hale-Stern representing Sen. Liz Krueger made the following announcements: **1)** The Senator has organized an event highlighting the crisis of global warming and what the State of New York can do to lead the fight for this environmental hazard. The event will be held Tuesday, October 23rd, St. Bart's Church (E. 51st St.), 6:00 – 8:30 pm. **2)** Sen. Krueger will host a Long-Term Care Insurance forum on Thursday, November 1st, Sutton Place Synagogue, 225 E. 51st Street, 5:30-7:30 pm. **3)** Sen. Krueger's office is co-hosting a Division of Housing & Community Renewal (DHCR) day on Monday, November 12th at Eviction Intervention Services, United Methodist Church, 150 E. 62nd Street, 3-7 pm. .

For complete reports, see the Senator's Community Report or call 212-490-9535 to obtain a copy.

Roll Call – Due to the absence of Carol Schachter, Lyle Frank conducted the roll call.

PUBLIC HEARING

Budget & Governmental Affairs Committee, Dan Williams, Chair

Capital and Expense Budget priorities for FY 2009.

Dan briefly addressed some of the listed priorities, such as the request for an Education Census -Age 0 to 20 at child's home. This was made #1 on our expense priority list to emphasize its importance. The other item he discussed was the esplanade and bikeway along waterfront from E. 14th to E. 59th Streets. The committee continues its emphasis on the area around the U.N. and wants to extend it to at least the 56/57th Streets esplanade. He then stated that items that didn't make the list this year will be brought up next year.

Jane Shu Principal of P.S. 116 stated that the chess program is one of the things that make the school special. She then stated that the Murray Hill neighborhood is expanding at an incredible rate, with this growth comes more children. She said including a public school with the development of the former Con Ed site is one way of providing the much need additional school space. She also proposed to expand the school by adding 2 additional floors; this would help eliminate the now over-crowding conditions at P.S. 116. The PTA had an architectural firm conduct a feasibility study two-years-ago that states it is possible to add on to the existing structure; however, funding is needed. She thanked CB6 for placing the school on the Capital Budget list for FY 2009.

BUSINESS SESSION

Adoption of the Sept. 19th Full Board Minutes: Minutes were adopted by voice vote.

Chair's Report – Lyle Frank

1. Lyle thanked the members for making his first year as Chair a wonderful experience.
2. **ERRC Project** – We have drawn up our resolution for the ERRC project, this now puts us in a new phase; up until now, we have had many public hearings and we have been listening. After this, we will advocate for the community's position as a Community Planning Board. This is not the end of the process for us. This is a very important project and we have a very important role to play, make sure you read the resolution and information in your Board Member packets.
3. **Waterfront Sub-Committee** – Lyle announced that we now have a Waterfront Sub-committee. Ellen Imbimbo has agreed to chair, committee members include Marty Barrett, Louis Dankberg and Mark Thompson.
4. **BP to have taskforce on development standards.** – He also announced the Bp's office is creating a taskforce on Development Standards. If anyone has any interest in this, contact the Borough President's office.
5. **Budget Process -A Success** – He commemorated the Budget Committee & the Committee Chairs on the great work they did as it pertained to the Budget process and all those who attended the Budget Consultations.
6. We have lost two members; Darren Bloch and Barbara Russo have both resigned from the Board. We wish them well in their future endeavors. Work on getting the Board back to its full contingent of 50 members in progress.

Nominating Committee-Election of Board Officers – Ted Lynn

Due to the absence of Ted Lynn, Fred Arcaro conducted the election of officers. Board voted unanimously on the slate of officers.

Officers:

Lyle Frank-Chair, Mark Thompson-1st Vice Chair, Irene Perveri-2nd Vice Chair, Claude Winfield-Vice Chair, Letty Simon-Vice Chair, Beatrice Disman-Treasurer, Carol Schachter-Secretary

District Manager's Report – Toni Carlina

Toni reported that at the June Full Board meeting area resident Elizabeth Shapiro complained that on several occasions she reported to 311, but to no avail, that 10 lights in Peter Detmold Park have been out for approximately a year and the slate staircase leading to E. 51st St and 1st Ave. are in need of serious repair. Toni was happy to report that within a week the lights were restored and the staircase has been placed in our capital budget for repair.

As you know the underpass at E. 37th St and the FDR Service Rd. has been closed by DPR due to the crumbling of the ceiling that has created an unsafe condition; this area is under State DOT jurisdiction. Toni reported that she called Jim Romanovsky, Structuring Supervisor for NYS DOT, an inspection was immediately done and a work order has been placed to their contractor. Work is scheduled to begin in November; they will get back to her with a completion date. NYC DOT will examine the feasibility of brighter luminaries.

She then reported that on September 17, she and Ryan met with the Chief of Staff for OCME, Gretchen from C/M Garodnick's office, representatives from EDC and DOT, to discuss OCME parking vehicles under the FDR at E.18th and E. 23rd Sts. It was agreed that the barbed-wire fence at E. 23rd St. would be removed once EDC installs and connects a video surveillance camera to their 18th St. site thereby allowing their security people to view both locations.

Toni additionally reported that at Lyle's request the office put together a Vendor Task Force consisting of NYPD, DOH, DCA, DOS; she & Ryan were joined by Gretchen of C/M Garodnick's office. They walked E. 23 St. from 1st to 3rd Aves., 1st Ave. to Bellevue. Although several small violations were noted, all vendors were properly licensed.

She also reported that on October 4th, a meeting was held to discuss a request to the Parks Dept. by Schiavone, the contractor for the 3rd Water Tunnel Shaft site 32b at 2nd Ave. & E. 35th St. They are proposing to use a portion of St. Vartan's Park for their concrete pouring operation for a 2-3 month period that would begin in the last week of October. This would shave approx 2 months off the job, meaning they would be off 35th St. that much faster. Some of the concerns raised were the safety of local residents who use the park, the lack of traffic enforcement, and increased traffic by the QMT during the holiday season. Some solutions discussed were, the contractor would place signs on the fence inside the park "Danger construction site – Keep Out"; on the N.W. corner of 1 Ave. @ E. 35 St they would post Local thru Traffic signs or signs recommend by DOT. Regarding the traffic officer, we reminded the contractor and DOT that they had committed not to sign off on any permits unless a traffic officer was included as part of the contract and that this did not happen.

Colleen from DOT spoke with Traffic Enforcement; they will have traffic officers there, but not every day.

Treasurer's Report – Bea Disman

Bea reported that the board office had no expenditures for the month October.

She then reported that we raised a nice amount of money from our September 7th Street Fair and that we have a good amount put away from the combination of all 3 street fairs. There is a Board resolution on how these funds, if needed, can be used.

Borough President's Report – In the absence of Cullen Barrie, the report was waived.

COMMITTEE REPORTS

1) Housing & Homeless – Claude Winfield, Chair

a. Report

Report was waived.

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

a. Report

Report was waived.

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

a. Report

Report was waived.

4) Youth & Education – Maxine McIntosh, Chair

a. Report

Maxine announced that Borough President Stringer would host a Conference on Education Saturday, October 20th.

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

b. Report

Gary announced that on Wednesday, October 24th, the City Council Parks Committee would hold a hearing on “Awarding Concessions”. He will be presenting testimony and will provide the Council Committee with the Board’s resolution on this subject.

6) Budget & Governmental Affairs – Dan Williams, Chair

a. Capital Budget

Revised 2009	Capital 2009 Item	Register FY 2008
1	Construct continuous esplanade and bikeway along waterfront from 14th Street to 59th Street. Emphasis on area around U.N. and 56th to 57th Streets	1
2	Develop an Adult Day Care Center and Community Lounge/ Life Long Learning Senior center in Community District 6 for northern area of Community District 6	2
3	Develop and implement a cogent Pre-K to 12 school construction plan based on the scheduled increase in residential units	
4	Preserve existing and develop additional low and moderate income housing in Community District 6	4
5	Restore Stuyvesant Square Park fence and restore bluestone sidewalk – east side – phase work over more than one fiscal year	5
6	Build overpass between Murphy Park and Stuyvesant Cove Park	8
7	Shorten cycle of street paving	9
8	Irrigation system at Stuyvesant Cove Park (\$60,000)	11
9	Develop additional housing for the homeless mentally ill population in Community District 6 as per New York New York III	10
10	PKS - 54th Street Recreation Center: convert roof into outdoor passive recreation space	
11	DEP - Install Catch Basin at NE corner of E 44th Street and Lexington Avenue to eliminate the ponding condition in front of the Fitzpatrick Hotel	
12	DOT - Repair Stairs that lead up to the pedestrian overpass at Peter Detmold Park	
13	DOT - Rehabilitation of all cement, asphalt mediums and barriers along the FDR service road (Ave C) throughout the district	
14	Evaluate all approximately 250 intersections in CB6, and install, as appropriate, more clearly marked crosswalks, pedestrian ramps, crossing signals and corner curb cuts.	
15	New lighting for underpass at 37th street for East River Esplanade Park	13

Revised 2009	Capital 2009 Item	Register FY 2008
16	Replace safety surfaces and repair benches in Douglas McArthur Park	15
17	Reconstruct Ralph J. Bunche Park including Isaiah's Wall	16
18	Reconstruct Trygve Lie Plaza including install water service for plants	17
19	Additional street maintenance and resurfacing equipment	18
20	Funding for catch basins that need replacing	20
21	Resurface Robert Moses Park – last done in 1993	19
22	Develop additional permanent housing for homeless families in Community District 6	23
23	PKS – ADA Compliance for all comfort stations within district include rehabilitation of Stuyvesant Square Park Comfort Station	
24	Install audible crossing signals in 10 heavily traveled intersections in Community District 6.	
25	Provide an off road layover facility to remove commuter busses from idling in Community District 6 neighborhoods.	
26	Increasing funding for computer initiative so that all city agencies, FDNY and 311 can communicate in compatible formats.	
27	Expand PS116	
28	Installation of additional Red Light Cameras within Community District 6	
CS	Restore fountains in East River Esplanade Park (Glick Park)	CS
CS	Build full length 2 nd Avenue Subway	CS
CS	Completion of third city water tunnel	CS
CS	Reconstruct Park Ave Tunnel East 34 th to East 39 th Streets	CS

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

b. **Expense Budget**

Revised 2009	Expense Item	Register FY 2008
1	Education Census – Age 0 to 20 at child's home.	
2	Increase materials and procure computers for the Kips Bay and Epiphany libraries	3
3	Expansion of traffic and parking enforcement agents for Community District 6 and improve the quality of training	4
4	Increase funding for youth services/ Beacon School and after school youth programs in Community District 6	2
5	Hire additional parks maintenance and operations personnel and a district gardener with specific attention to be paid to Albano Park	7
6	Increase funding for Parks Enforcement Patrol in Community District 6	8
7	Expansion of bicycle equipped police officers and lengthen hours of operation in 17th Precinct & the Community District 6 portion of the 13th Precinct	9
8	Additional funding for home assistance programs for the elderly serviced by senior agencies in Community District 6	10
9	Increase staff for Landmarks Preservation Commission as recommended by Municipal Art Society to aid in enforcement in Community District 6 with	5

Revised 2009	Expense Item	Register FY 2008
	6 Historic Districts	
10	Bring staffing levels of the 13 th and 17 th Precincts up to census they are presently up to the 2000 census level that is required.	6
11	Increase rat control & abatement efforts in Community District 6	11
12	Expand schedule for cleaning of Community District 6 catch basins	12
13	Provide additional operating funds and staff member for CB6 District Office with focus on Youth Service coordination	27
14	Parks – CDL driver for Community District 6	13
15	Fund Shopping and Escort service for frail and homebound at Stein Senior Center	25
16	Fund TEMIS (Technically Enhanced Medical Interpretation System) at Bellevue	22
17	Additional staffing for Dept. of Sanitation street litter basket trucks in Community District 6	16
18	Establish Full day pre-Kindergarten in Community District 6	23
19	Increase funding for substance abuse prevention and Intervention specialist for Department of Education in Community District 6	18
20	Add air and noise pollution control Inspectors - Bureau of Air Resources for Community District 6	19
21	Additional funding for home assistance programs for people with disabilities and other debilitating conditions in Community District 6	20
22	FDNY - Fund the purchase of 10,000 Smoke Detectors at a cost of \$100,000 and 10,000 Carbon Monoxide Detectors at a cost of \$200,000, for the purpose of public distribution & 10,000 CPR Kits for CPR training	
23	Additional funding for respite care for seniors in Community District 6	21
24	Increase funding for long-term public health research & education initiatives in the Public Health Research laboratory	24
25	Increase funding for Housing Preservation inspectors for affected properties in Community District 6	

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

c. Report

Dan thanked all the Board members and Toni for their input in putting together the budget priorities.

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

a. Report

Fred reported that the Public Safety comments on the DSEIS have been submitted and will be voted on as a part of the Land Use committee resolution. He did say that the comments in the member packets are not the final draft and that there will be more comments added to his committee section.

8) Transportation Committee – Lou Sepersky

a. Proposed co-naming of the southeast corner of 30th Street and First Avenue in honor of Dr. Saul J. Farber, M.D.

WHEREAS in June 2007 Manhattan Community Board 6 adopted "Guidelines for the Co-Naming of Streets..." within the board's area of responsibility, and

WHEREAS the Bellevue Association has proposed the co-naming of the southeast corner of 30th Street and First Avenue in honor of Dr. Saul J. Farber, M.D., and

WHEREAS Dr. Farber was, from 1966 to 2000 Chairman of the Department of Medicine at the New York University (NYU) Medical School and was Director of Medicine at the Bellevue Hospital Medical Center, and

WHEREAS after three separate tours of service as Acting Dean he was, from 1987 to 1998, Dean of the NYU School of Medicine and Provost of the NYU Medical Center, and

WHEREAS Dr. Farber served as a consultant and on the Research and Education Committee of the Veterans Administration Hospital (23rd Street and First Avenue), and

WHEREAS Dr. Farber was instrumental in the education of medical students, and Chairman, Graduate Education Committee (1977-81) of the Associated Medical Schools of New York State, and

WHEREAS he served of the Advisory Committee of the Association of Academic Health Centers, beginning in 1981, and

WHEREAS he similarly served the Association of American Medical Colleges, and

WHEREAS he was a member and, during his service, was the President of the Association of Professors of Medicine and, similarly was active in local and national health research and policy agencies, and

WHEREAS he sustained an active participation in medical research and writing, as reflected in his being the author, lead author or co-author of at least 63 professional articles, and

WHEREAS Dr. Farber worked for the improvement of health and health care service deliver in New York City as a member of the Board of Health and, separately, of the Department of Health's Medical Advisory Committee on Hypertension (1972-75), and

WHEREAS he served the health needs of the State of New York as a member of the state's Health Advisory Council as co-chairman (1975-80); of the state's Kidney Disease Institute (1968-72) and the state Task Force on Life and the Law, and

WHEREAS Dr. Farber contributed to fund of knowledge in other states, national charitable foundations and medical education internationally, and

WHEREAS Dr. Farber's efforts in medical education, research in medicine and accomplishments in seeking to improve the health of all people, thus meeting the criteria of the Board's standard for a street co-naming, now

THEREFORE BE IT

RESOLVED that Community Board 6 urges the co-naming of the southeast corner of 30th Street and First Avenue as Dr. Saul J. Farber Way, and

BE IT FURTHER

RESOLVED that, in accordance with the adopted position of Community Board 6, the New York City Department of Transportation supply street signage in accord with its existing physical and design standards, at the expense of those initiating (The Bellevue Association) this request.

VOTE: 26 in Favor 5 Opposed 3 Abstention 0 Not Entitled

b. Report

Lou reported that representatives from the MTA Long Island Railroad (LIRR) Access project met with the committee to give an update on the latest proposal for the installation of sidewalk grates for a ventilation air duct that would run through the CB6 area north of 37th St. to Park Ave. The committee will continue to monitor the LIRR's progress.

He also reported that the comments and resolution points for the ERRC proposal would be reviewed by the committee and submitted at a later date.

9) Land Use – Edward Rubin, Chair

a. Con Ed Waterside – ULURP and DSEIS

Ed explained that the Board has worked on this project for almost 8 years and that this has been a long time coming. He stated that we have a 197-a Plan and the 197-c Plan whose application is now 18 months old at the Dept of City planning (DCP); however, we have before us the 197-c plan from ERRC that was filed with DCP in June. We have reviewed their plan and are submitting a resolution and comments as our response to their proposal. We have written this resolution analyzing the ERRC's proposal with some alternate proposals of our own. This resolution is designed to explain part of the vision that we have for our section of the east side and the area within and around the 1st Ave. properties.

The resolution was prepared by John West with comments by the Land Use Committee members. Rebecca Haile contributed to the editing of the resolution as well as writing the cover letter to the DCP.

To view CB6 comments & resolution submitted to the Dept of City Planning (DCP) visit our website at www.MN06@cb.nyc.gov. All CB6 Board Members have received hard copies for their review.

b. BSA Cal. No. 390-61-BZ, to extend the term of variance for parking garage at 148-50 E. 33rd St.

WHEREAS, Peter Hirshman, on behalf of Rapid Park Industries owner of record of the Garage located at 148-50 East 33rd Street, Manhattan, New York, presented to the Land Use Committee of CB6 on Wednesday, October 3, 2007, an application to extend the term of variance for the parking garage which expires on March 3, 2008 and;

WHEREAS, The above application is in pursuant to authorizing Section 11-411 of the Zoning Resolution and;

WHEREAS, applicant has filed all papers necessary with the Board of Standards and Appeals for an extension of term of variance for use of parking garage and;

WHEREAS, applicant has been operating since 1961 at the aforementioned location; and

WHEREAS, Community Board Six is not aware of any complaints against the applicant at the aforementioned location; and

WHEREAS, the neighborhood will not be adversely affected by the continuation of presence of this parking garage and;

WHEREAS, applicant will continue to operate entirely within the existing structure with no alterations of the exterior of the building and will continue to be in compliance with the BSA's restrictions now,

THEREFORE, be it

RESOLVED, that Community Board Six has no objection to the application to extend the term of variance for five years to allow a parking garage.

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

c. Report

Ed announced that comments on the ERRC, DCP application has to be turned in to DCP by October 29th, and asks that all final committee comments be submitted to the Board office before then.

10) Business & Governmental Affairs – Harry E. Ursillo, Chair

a. New, DCA application, Cabaret with Patron Dancing, for 226 East 54th Street Restaurant, Inc., d/b/a Branch, 226 E. 54th St. btw 2nd & 3rd Aves.

WHEREAS, Michael Kelly (a representative but not a lawyer) and Robert Pereira, Owner, appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on 10/4/07, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, on 9/11/07, Robert A. Hudak, Dpty. Dir. of Intergovernmental and Community Affairs DOB emailed the CB6M office with the following historical information:

- A certificate of Occupancy was issued in 1975 indicating that the ground floor is to be used for eating and drinking (C6-4) use group 12
- As per Section 52-11 of the NYC Zoning Resolution, an existing non-conforming use is permitted to continue, so long as the use was permitted before the change in the zoning
- In this instance, the C of O was issued in 1975 and complied with all regulations then in effect; the zoning subsequently changed, but the use itself was grandfathered
- A C of O, with no change in use, was issued in 2002; since the use was “grandfathered”, this C of O was issued as of right; and

WHEREAS, Mr. Pereira stated they do not intend to perform renovations of the premises and the configuration of the premises will remain as set forth on the paperwork provided CB6M by the Applicant; and

WHEREAS, the Applicant stated the cabaret license application is being filed with DCA; and

WHEREAS, Mr. Kelly showed the committee the ECB clearance letter, a Certificate of Qualification from the Dept. of Health, a Certificate of Flame Retardancy for the establishment's curtains, the C of O and the Sales Tax EIN, copies of which will be sent to the CB6M office for the record (an electrical inspection is not required since the applicant has a valid C of O); and

WHEREAS, this premises was formerly Club Pulse; the applicant has no relationship with it; and

WHEREAS, Mr. Pereira stated that most of their business is from private parties for Bar Mitzvahs and product launches; and

WHEREAS, Mr. Pereira also stated that the establishment is open to the public on Fridays and Saturdays, from 10 PM – 4 AM for dancing and other uses and he would close at 4 AM; and

WHEREAS, Mr. Pereira stated the premises does not have windows that open, there is no roof access and only the main floor is accessible (bathrooms are downstairs) and that's grandfathered as well; and

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

- To the question about why not apply for a catering license instead of a cabaret license (which would also permit dancing), Mr. Kelly replied the premises was open to the public on Friday and Saturday nights
- The "branchny.com" Website was of concern to the committee since it advertised free admission for ladies and guys under certain circumstances and their DJs would be spinning Hip Hop, 80s Rock and R&B; Mr. Pereira stated their dancing crowd ranges from mid-20s to early 40s
- While this is a cabaret application, the committee was concerned about an establishment adding to the saturated bar scene in the East 50s; and

WHEREAS, residents from the Brevard (245 E. 54th St.) and from 220 East 54th St. were present to speak against the Application and had the following comments to make

- There have been numerous complaints to the 17th Prct. concerning 4 AM vomiting, bottle throwing, ripped up landscaping
- There was a great deal of noise associated with the premises
- There was objection to the premises operating beyond 4 AM, to which Mr. Pereira reiterated he'd close at 4 AM
- The establishment has a significant impact on the neighborhood with its VIP waiting area, which increases the sidewalk noise problem
- A community resident stated there has been a deterioration in the behavior of Branch's patrons and they are nosier and disturb the community
- A resident of the Brevard stated his wife is regularly awakened at 4 AM due to noise from the establishment
- There were a half dozen or so residents present who didn't speak, but, by a show of hands, indicated they agreed with the preceding comments; and

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

- the presentation by the Applicant
- comments from the community
- the on-going concerns CB6M has with the over-saturation of nightlife establishments in the East 50s; now

THEREFORE, be it

RESOLVED, that CB6M strongly urges DCA to reject the New, DCA application, Cabaret with Patron Dancing, for 226 East 54th Street Restaurant, Inc., d/b/a Branch, 226 E. 54th St. btw 2nd & 3rd Aves..

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

c. **Transfer, OP liquor license for M. Arai Inc., d/b/a TBD, 137 E. 45th St., btw Lexington & 3rd Aves.**

WHEREAS, Kee Yeung, Legal Assistant, Makato Arai, President, and Ming Cai, Waiter, appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on 10/4/07, 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 the evening of the meeting, 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/Weekends 11 AM – 11 PM
- Music on-premises: recorded background
- Dancing: No
- Staging area (waiting lounge): No
- Windows/doors opened/removed during warmer months: No
- Patron use of Outdoor Areas: No
- Wheelchair/Restroom accessibility: Yes; and

WHEREAS, the Applicant stated the SLA Application has not been filed, but would furnish a copy of the application when filed; and

WHEREAS, members of the committee determined the location was in a commercial area; and

WHEREAS, no one from the community appeared to oppose 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 not required
- there was no opposition from the community; now

THEREFORE, be it

RESOLVED, that CB6M has no objection to the Transfer, OP liquor license for M. Arai Inc., d/b/a TBD, 137 E. 45th St., btw Lexington & 3rd Aves.

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

d. **New, Restaurant Wine license for 629 Second Ave. Corp. d/b/a Rosa Pizza, 629 2nd Ave. btw E. 34th & E. 35th Sts.**

WHEREAS, Kathleen E. Negri Stathopoulos, Esq., appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on 10/4/07, 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 9/6/07, the Applicant indicated that the business type of the establishment is a pizzeria/restaurant, and the Applicant’s questionnaire also provided the following proposed Operational Information:

- Hours of Operation: Monday - Saturday 11 AM – 12 AM, Sunday 11 AM – 10 PM
- Capacity: 24 (12 tables, 24 seats)
- Music on-premises: No
- Dancing: No
- Staging area (waiting lounge): No
- Windows/doors opened/removed during warmer months: No
- Patron use of Outdoor Areas: No
- Wheelchair/Restroom accessibility: Yes; and

WHEREAS, the Applicant stated the SLA Application has not been filed, but would furnish a copy of the application when filed; and

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

- Rosa Pizza, 168 W. 27th St., NY, NY
- Rosa Pizza, 57 Main St., Port Washington, NY; and

WHEREAS, members of the committee determined the operation was a nice and clean one that’s been at this location since August, 2004; and

WHEREAS, no one from the community appeared to oppose 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 not required
- there was no opposition from the community; now

THEREFORE, be it

RESOLVED, that CB6M supports the New, Restaurant Wine license for 629 Second Ave. Corp. d/b/a Rosa Pizza, 629 2nd Ave. btw E. 34th & E. 35th Sts.

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

- e. **New, Restaurant Wine license for 250 E. 58th St. Food Corp. d/b/a Moonstruck Diner, 250 E. 58th St. at 2nd Avenue**

WHEREAS, Nick Georgiadis, Owner/Manager, appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on 10/4/07, 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 8/29/07, the Applicant indicated that the business type of the establishment is a diner, and the Applicant’s questionnaire also provided the following proposed Operational Information:

- Hours of Operation: Weekdays 6 AM - 1 AM, Weekends 6 AM – 6 AM
- Capacity: 105
- Has a Public Assembly Permit
- Music on-premises: No
- Dancing: No
- Staging area (waiting lounge): No
- Windows/doors opened/removed during warmer months: No
- Patron use of Outdoor Areas: No
- Wheelchair/Restroom accessibility: Yes; and

WHEREAS, the Applicant stated the SLA Application has not been filed, but would furnish a copy of the application when filed; and

WHEREAS, the Applicant stated he’d been in business for 2-1/2 years; and

WHEREAS, no one from the community appeared to oppose 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 not required
- there was no opposition from the community; now

THEREFORE, be it

RESOLVED, that CB6M supports New, Restaurant Wine license for 250 E. 58th St. Food Corp. d/b/a Moonstruck Diner, 250 E. 58th St. at 2nd Avenue

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

- g. **New, OP liquor license for El Torito Restaurants Inc., d/b/a TBD, 150 E. 42nd St. btw 3rd & Lexington Aves.**

WHEREAS, Leonard Fogelman, Esq., Ray Garcia, Sr. VP of Operations, and Raul Canales, Regional Dir. of Operations, appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on 10/4/07, 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 9/26/07, 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 11 AM – 10 PM (bar ‘til 11 PM), Fri – Sat 11 AM – 11 PM (bar ‘til 12 AM), Sun 11 AM – 10 PM (closing at 10 PM)
- Capacity: 226
- Public Assembly permit: will be making an application
- Music on-premises: recorded
- Dancing: No
- Staging area (waiting lounge): Yes
- Windows/doors opened/removed during warmer months: No
- Patron use of Outdoor Areas: No
- Wheelchair/Restroom accessibility: Yes; and

WHEREAS, the Applicant stated the SLA Application has not been filed, but would furnish a copy when it was; and

WHEREAS, the Applicant currently owns numerous restaurants in over 27 states; and

WHEREAS, no one from the community appeared to oppose 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 was no opposition from the community; now

THEREFORE, be it

RESOLVED, that CB6M supports the New, OP liquor license for El Torito Restaurants Inc., d/b/a TBD, 150 E. 42nd St. btw 3rd & Lexington Aves.

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

h. New, OP liquor license for E. 33rd Restaurant Corp., d/b/a TBD, 488 3rd Ave. at E. 33rd St.

WHEREAS, Peter J. Constantine, Esq., on behalf of Bobby H. J. Kim, Esq., the attorney of record, appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on 10/4/07, 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 9/20/07, 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 12 PM – 1:45 AM, Weekends 12 PM – 3 AM
- Capacity: 100
- Public Assembly permit: has a Public Assembly Permit
- Music on-premises: recorded
- Dancing: No
- Staging area (waiting lounge): Yes
- Windows/doors opened/removed during warmer months: No
- Patron use of Outdoor Areas: Two sidewalk cafes
- Wheelchair/Restroom accessibility: Yes; and

WHEREAS, the Applicant stated the SLA Application has not been filed, but would furnish a copy when it was; and

WHEREAS, the Applicant is taking over Caliente Cab and it will be operated by different owners, Pat DeSimone, Dominick DeSimone and Anthony Brasco; and

WHEREAS, no one from the community appeared to oppose 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 was no opposition from the community; now

THEREFORE, be it

RESOLVED, that CB6M supports the New, OP liquor license for E. 33rd Restaurant Corp., d/b/a TBD, 488 3rd Ave. at E. 33rd St.

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

k. **New, OP liquor license for 203 E. 45th St., d/b/a TBD, 203 E. 45th St. btw 2nd & 3rd Aves.**

WHEREAS, David Korngut, Esq., appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on 10/4/07, 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 9/21/07, 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 10 AM – 4 AM
- Capacity: 225
- Public Assembly permit: has a Public Assembly Permit
- Music on-premises: recorded
- Dancing: No
- Staging area (waiting lounge): No
- Windows/doors opened/removed during warmer months: No
- Patron use of Outdoor Areas: No
- Wheelchair/Restroom accessibility: Yes; and

WHEREAS, the Applicant stated they are under contract to buy the building (which is currently vacant) in which there has always been a restaurant; and

WHEREAS, the Applicant owns five restaurants known as Connolly’s and the Perfect Pint, and it is likely the new restaurant would be called the Perfect Pint as well; they have been in business for 60 years

- Connolly’s Pubs: 121 W. 45th St., 14 E. 47th St., 150 E. 47th St., 43 W. 54th St.
- Perfect Pint, 123 W. 45th St.; and

WHEREAS, the Applicant stated the SLA Application has not been filed, but would furnish a copy when it was; and

WHEREAS, no one from the community appeared to oppose 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 was no opposition from the community
- the block on which the premises is located is commercial; now

THEREFORE, be it

RESOLVED, that CB6M supports the New, OP liquor license for 203 E. 45th St., d/b/a TBD, 203 E. 45th St. btw 2nd & 3rd Aves.

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

1. Report

Harry reported that BASA would not revisit the issue of Tonic East since the issues are about neither the noise, crowds, rooftops nor any quality-of-life matter. What follows, from the B&GA Committee Minutes of 10/5/06, is what this is all about:

In the Matter of Proceedings to Cancel or Revoke (1906-2006/Case No 33259), 411 Restaurant Corp is to plead to the following charges:

1. That the licensed premises has ceased to be operated as a bona fide premises within the contemplation of the license issued for such premises, all cause for revocation, cancellation or suspension of the license in accordance with rule 36.1(d) of the Rules of the State Liquor Authority [9 NYCRR 53.1(d)].
2. That in violation of subdivision 1 of section 99-d of the Alcoholic Beverage Control Law, the licensee altered the licensed premises without the permission of the State Liquor Authority first obtained.
3. That in connection with the licensee's initial application, the licensee submitted a false material statement or suppressed information concerning its intention to alter the licensee in a material fashion before opening for business thereby misleading and suppressing information that should have been imparted to the Authority and to the Community Board having jurisdiction of the premises in the license application process, which conduct had the practical effect of subverting the purpose and intention of Section 64(7)(f) of the Alcoholic Beverage Control Law; all cause for revocation, cancellation or suspension of the license in accordance with rule 36.1(b) of the Rules of the State Liquor Authority [9 NYCRR 53.1(b)].

Among other things, this was a bait-and-switch move by Tonic East's owners who seem, in hindsight, to assume the Community Board wouldn't notice "The Kitchen" had morphed into "Tonic East", just because it was a year or so later. Our position is unchanged: revocation for fraud.

Old/new business

Second Roll Call

Adjournment: 10:30 p.m.