

**FULL BOARD MEETING MINUTES
Wednesday, September 19 2007
NYU MEDICAL CENTER
550 FIRST AVENUE**

Hon. Lyle Frank, Chair

ATTENDANCE

Members answering first roll call: Sept. 19th

Arcaro, Barrett, Cervera, Collins, Curtis, Dankberg, Disman, Frank, Garodnick, Goldman,
(ballot not available; therefore, resolution votes are 33); Imbimbo, Judge, Knowles,
LaBarbera, Lilien, Lynn, McIntosh, Monterossa, Moses, Oddo, Papush, Parker, Peveri, , Rubin,
Scala, Schachter, Schaeffer, Sepersky, Sherrod, Simon, Steinberg, Thompson, Ursillo, Winfield

Excused: Buchwald, Greenspan, Ross, Williams

Absent: Bloch, Garland, Haile, Hollister, McGuire, Parrish, Reiss, Rosa, Rosenthal, Russo,
Talbot, West

Reso votes based on first roll call: Present: **34** Absent: **12** Excused: **4**

Guests signed in: A/M Bing, Sarra Hale-Stern (Sen. Liz Krueger); Romeo N. Ymalay III (Sen. Duane); Tina Olechowski (Cg/M Carolyn Maloney); Guzman Manci (A/M Dick Gottfried); Mary Cooley (A/M Brian Kavanagh); Gretchen Kruesi (C/M Dan Garodnick); Greg Geller (C/M Rosie Mendez); Dennis Griggs, Sandy Stevens, Michele Winfield, Andrea Skewrand (Hunter), Jill Ranthan (Hunter), Jay Charles, Minna Charles, Matt Shotkin, Pat Pardo (Kips Bay Public Library), Steve Pacer, Dana Ewer (Hunter College), Rose Keinovich, Amadeus Ehrhardt (Coldwell Bank), Kiet Barton, Sandy Leiva-Davila, Nick Mckee, Ryan Lew, Sandy Hecker, Noah Adler, Dan Harris,

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Meeting Called to Order

Lyle Frank, Chair, called the meeting to order.

Adoption of the Agenda

PUBLIC SESSION

Assembly Member Bing announced that his annual Senior Health Fair would be held on October 16 at Knickerbocker Plaza located at E 92nd St & 2nd Ave.; call the office in advance if you would like to receive a flu shot at the Health Fair. P.S. 59 on 228 E 57 St. will be closed for two years as a new construction is built. Students will be temporarily relocated to 213 E 63 Street.

A/M Bing reported on this past legislative session: 9 of the A/M's bills passed in the Assembly 3 of which were signed into law. Most notable was a bill (A.60 18-A) that was vetoed twice by former Governor Pataki before being signed into law by Governor Spitzer. The bill concerns notification of cancellation and renewal of state contracts with nonprofits. Another bill (A06898) concerning the Mitchell Lama program which had passed the Assembly but was not passed in the Senate, was instituted through DHCR with the help of Gov. Spitzer's office.

The A/M plans to attend the CB 6 September 20 public hearing on the Solow 1st Avenue development, the former Con-Ed site. While not located in his district the A/M's district is surrounded on the North and West by the site and is concerned about the impact on the neighborhood services by the influx of additional people.

For additional reports and information call 212-605-0937 or e-mail bingj@assmbly.state.ny.us

Sarra Hale-Stern representing Senator Krueger reported that the Senator will also attend the Boards September 20 public hearing and looks forward to addressing this important community project. The Senator would co-host a Global Warming forum with Kathy Mattea and Pete Grannis, on October 23. On November 1, the Senator will hold a forum on Long Term Care Insurance. For additional reports & information, call 212-490-9535 or e-mail liz@lizkrueger.com.

Gretchen Kruesi representing C/M Dan Garodnick reported on the August 7, City Council over-site hearing on the Con Ed steam pipe explosion and thanked CB 6 for its assistance. September is National Emergency Preparedness Month. The American Red Cross and C/M Garodnick will co-host an emergency preparedness seminar on Tuesday, September 25, at 4PM in the Stuyvesant Town Community Center.

The C/M will hold a series of free legal clinics that will give tenants an opportunity for one-on-one consultations with attorneys on October 11, November 8 and December 13, from 5 to 8PM. C/M Garodnick co-sponsored a bill requiring businesses to post rules of the road to help promote bicycle safety. Gretchen reported that C/M Garodnick will also attend the September 20 public hearing; the office has sent notices out to the community.

For further reports and information, see the C/M's bulletin or call 212-818- 0580 to obtain a copy.

Tina Olechowski representing Cg/M Carolyn Maloney reported that the Cg/M introduced a bill, the 9/11 Compensation Act, to protect those exposed to the toxins at the site.

The Cg/M recently addressed the Tudor City post office closing and proposed reopening it as an Automated Postal Center (APC). A letter has been sent to USPS requesting that they reconsider the closure plan.

For further information, call 202-225-7944 or go www.house.gov/maloney.press.html

Assembly Member Kavanagh reported that this past legislative session Governor Spitzer signed into law two housing bills that he introduced (A89798-HFA bond issuance bill and A7905-Shelter Allowance Bill).

He announced that he helped obtain \$700,000 in funding for liquor Investigators; the SLA is in the process of recruiting and training these investigators.

Additionally, as a result of Assembly bill A9362, that I sponsored a congestion pricing commission will be formed this fall. I and Senator Krueger sponsored the Styrofoam Bill (A9420/S6402) in our respective legislative houses. The bill would prohibit the use of Styrofoam on food surface ware. For further information, call 212-979-9696 or email kavanaghassembly.state.ny.us

Romeo N. Ymalay III representing Sen. Duane reported that the next episode of “Tom Duane in the Neighborhood” on MNN entitled “Envisioning the East Side Waterfront” will air on September 25 at 7:30 PM and again on September 28th at 12 noon.

The Senator will be sponsoring a College Financial Aid Forum on September 25th (West Side, P.S. 199) and October 2 (East Side, (P.S. 19). For further information, call 212-633-8052 or email adam@tomduane.com

Greg Gellar representing C/M Rosie Mendez reported that C/M Mendez secured nearly \$7M in total funding for the district, including \$6.5M for capital projects.

Rosie testified at the Board of Standards and Appeals questioning how the Department of Buildings interprets the Sliver Law. For further information, call 212-677-1077

Roll Call — Carol Schachter

BUSINESS SESSION:

Adoption of the May 9 and the June 13 Full Board minutes. Minutes were adopted by voice vote.

Chair’s Report — Lyle Frank Waived his report, then requested all board members to fill-out the FY 2009 Service Rankings and return the forms to the board office by the end of the week.

Lyle thanked Harry Ursillo for his recent work on Tonic East, including being subjected to a cross examination. Lyle also congratulated the Parks committee on their contribution to the Franchise and Concessions Review.

District Manager’s Report — Toni Carlina

Toni waived her report

Nominating Committee Report — Ted Lynn, Chair

Ted reported that tonight would be the last night for nominations from the floor; no nominations would be accepted in October. Officers as selected by the committee: Chair, Lyle Frank; 1st Vice Chair Mark Thompson; 2nd Vice Chair, Irene Peveri; Vice Chair, Claude Winfield; Vice Chair, Letty Simon; Treasurer, Bea Disman; Secretary, Carol Schachter. A Motion to close the nominations was made.

Treasurer's Report — Bea Disman

Bea reported there were not many expenditures over the summer except for basic expenses. Since 7/1/2007 we have spent \$726.00, all invoices are accounted for and we are off to a good year. Toni also noted that our June Street Fair earned \$7,500 we do not yet have figures for the September 7th, street fair.

Borough President's Report — Cullen Barrie

Due to Cullen's absence, there was no report

COMMITTEE REPORTS

1. Parks, Landmarks, & Cultural Affairs — Gary Papush, Chair

a. **Report:** Gary reported that on November 6 the committee would conduct a public hearing on parks alienation, leases and concessions. As a result of suggestions from residents in and around E 23 and 2nd Ave., the committee is developing a proposal to create park space at the old East End Temple site. Public Libraries are now open 6 days a week. The next budgetary step is to update the quality of materials available to patrons. For further information, see committee minutes.

2. Land Use Committee — Edward Rubin, Chair

a. **Report:** Ed waived the report.

3. Transportation Committee — Lou Sepersky, Chair

a. **Report:** Lou announced that if anyone see any locations not equipped with pedestrian ramps, to please notify the Board office. The committee plans to invite speakers on congestion pricing before the year is over. At the October 1 committee meeting the committee will generate a position on the Solow project (Former Con-Ed 1stis Ave. Properties). see committee minutes.

4. Health, Senior & Disability Issues Committee—Sandro Sherrod, Chair

a. **Report:** Sandro reported that over the summer Cabrini filed a HEAL application with the Department of Health to remain open as an ambulatory care and treatment center. They are hoping to keep approximately 400-500 of the current employees. See committee minutes for details.

5. Public Safety, Environmental & Human Rights, Fred Arcaro, Chair

a. **Report:** Fred reported that at the September committee meeting a representative from TRC was present to update the committee on the cleanup of the former Con-Ed Waterside plant. DEP was invited to address the recent flash floods and catch basin clean-up. Also, a representative from Con-Ed updated the committee on the status of the Con-Ed steam pipe explosion that occurred on July 18.

6. Youth & Education Committee, Maxine McIntosh, Chair

a. **Report:** Maxine reported that C/M Jessica Lappin's office would hold their 2nd annual east side children's (3-12 years) art contest, applicant deadline is October 19 the location of the exhibit has yet to be determined. For more information contact C/M Lappin's office. The UFT will hold it's free 10th annual Parent Teacher Conference on Saturday, October 13th at the NY Sheraton Hotel; for more information go to www.uft.org.

The committee is continuing discussions on the relocation of the Julia Richman Education Complex to the Hunter College Brookdale site at 425 East 25th Street

7. By-Laws Select Committee, Martin Barrett, Chair

a. **Report:** Marty reported that the committee is in the process of revising the by-laws text and urged everyone to review the existing text.

8. Budget & Governmental Affairs Committee, Dan Williams, Chair

a. **Report:** In the absence of Dan Williams, Marty Barrett gave the report. On September 26th the committee would be reviewing the capital and expense budget priorities for FY 2009. All board members are invited to give input.

9. Business & Governmental Affairs — Carol A. Schachter, Chair

a. **Renewal of unenclosed sidewalk cafe for 4 tables and 8 seats for Grouben Food Corp. d/b/a Bar 515, 515 Third Avenue between E. 34 and E. 35 Streets**

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

WHEREAS, we discussed their problematic sanitation problems after hours and Andrea Papadopoulos agreed to address these concerns even though they were not technically part of the application; now

THEREFORE, be it

RESOLVED, that Community Board Six does not oppose the application by the applicant for a renewal of its unenclosed café application at this time.

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

b. **New, Restaurant Wine Liquor License for Apex-Pal d/b/a Sakae Sushi, 405 Lexington Avenue at E. 43rd Street**

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

WHEREAS, we were advised that this establishment is part of the Chrysler Building; and

WHEREAS, the applicants informed us their hours of operation would be 11 am to midnight on weekdays, and from 11 am to 10pm on weekends; and

WHEREAS, there were no community attendees to speak against this application; now

THEREFORE, be it

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

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

c. Transfer, On-Premises Liquor License for Esmir Restaurant Inc. d/b/a Bistango's, 415 Third Avenue, at E. 29 Street.

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

WHEREAS, this is a corporate transfer only with the owners remaining the same, and the applicant enjoys a good reputation with the board and the community; and

WHEREAS, there were no concerns from the community in attendance at our meeting; now

THEREFORE, be it

RESOLVED, that Manhattan Community Board Six does not oppose the application for a Transfer, On-Premises Liquor License for the above entity at this time.

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

d. Transfer, On-Premises Liquor License for Vibro Restaurant Corp. d/b/a TBD, 248 East 52 Street, between Second and Third Avenues.

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

WHEREAS, this is a Japanese restaurant with hours of operation from 5 pm to midnight six nights a week and closed Sundays; and

WHEREAS, there were no concerns from the community in attendance at our meeting; now

THEREFORE, be it

RESOLVED, that Manhattan Community Board Six does not oppose the application for a Transfer, On-Premises Liquor License for the above entity at this time.

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

e. Renewal, On-Premises Liquor License for 411 Rest. Corp. d/b/a Tonic East, 411 3rd Ave. at E. 28th Street.

WHEREAS, the applicant appeared before the Business Affairs and Street Activities Committee to answer any concerns and provided a completed questionnaire form we had requested; and

WHEREAS, CB6 had previously advised the State Liquor Authority that CB6 considered Tonic East misrepresented their premises when they originally appeared before the Business Affairs and Street Activities Committee for their license; and

WHEREAS, there will be an SLA revocation hearing shortly concerning this applicant based upon our information and that of the community; and

WHEREAS, we have been informed by the 13th Precinct, representatives of co-op boards of nearby buildings, and individuals in the community of continuous noise problems caused by this establishment; now

THEREFORE, be it

RESOLVED, that Manhattan Community Board Six strongly opposes the application for a Renewal, On-Premises Liquor License for the above entity.

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

f. Transfer, On-premises liquor license for 1016 Second Ave. Restaurant Corp. d/b/a Havana Post (formerly Mistrall/Soleil), 1016 2nd Ave. btw. E. 53rd & E. 54th Sts.

WHEREAS, the Applicant appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on 8/2/07, 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 7/5/07), 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 11:30 AM— 11PM; Weekends 11:30 AM— 12AM
- Capacity: 90
- Public Assembly permit: Required
- Music on-premises: No
- Dancing: No
- Staging area (waiting lounge): No
- Windows/doors opened/removed during warmer months: No
- Patron use of Outdoor Areas: Deck/Terrace
- Wheelchair/Restroom accessibility: No; and

WHEREAS, the Applicant assured us that they received their lease; and

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

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

- the presentation by the Applicant
- there were no comments from the community; now

THEREFORE, be it

RESOLVED, that CB6M does not oppose the Transfer, On-premises liquor license for 1016 Second Ave. Restaurant Corp. d/b/a Havana Post (formerly Mistral/Soleil), 1016 2nd Ave. btw. E. 53rd & E. 54th Sts.

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

- g. **Transfer, On-premises liquor license for 218 E. 52nd St. Restaurant LLC, d/b/a Bayard's Ale House, 218 E. 52nd Street btw 2nd & 3rd Aves. (Formerly Doherty's Pub)**

WHEREAS, Matthew Moran, Managing Partner, appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on 8/2/07, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, CB6M did not receive a completed "Liquor License Questionnaire" which was sent to the Applicant, the Applicant indicated in person that the business type of the establishment is a restaurant, and the Applicant also provided the following proposed Operational Information:

- Hours of Operation: Weekdays/Weekends 11 AM — 4 AM
- Capacity: 87
- Public Assembly permit: Required
- Music on-premises: Jukebox (low background music)
- Sound Control: the contractor will install sound control materials
- Dancing: No
- Staging area (waiting lounge): No
- Windows/doors opened/removed during warmer months: Yes
 - o *The Applicant signed the "Applicant's Change Agreement" agreeing to close windows at 11 PM nightly.*
- Patron use of Outdoor Areas: No
- Wheelchair/Restroom accessibility: Yes; and

WHEREAS, the Applicant stated the SLA Application has not been filed at this time; and

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

- Bayard's Ale House, Hudson & Charles, NY, NY; and

WHEREAS, there were no members of the community present to comment on the application; and

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

- the presentation by the Applicant
- the "Applicant's Change Agreement" (if executed) attached to this Resolution between the Applicant and CB6M (which indicates amendments agreed upon by both parties to the original/renewal/transfer SLA application, to be depicted on an amended application to be forwarded to the SLA with a copy to CB6M); now

THEREFORE, be it

RESOLVED, that CB6M opposes the Transfer, On-premises liquor license for 218 E. 52nd St. Restaurant LLC, d/b/a TBD, 218 E. 52nd Street b/w 2nd & 3rd Aves. (formerly Doherty's Pub), unless the Applicant adheres to the changes agreed upon in the attached Applicant's Change Agreement".

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

i. New, Restaurant Wine liquor license for Anthea, LLC, d/b/a Anthea Café, 320 Lexington Ave. b/w E. 38th & E. 39th Sts.

WHEREAS, Roman Kuzmin, Esq., appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on 8/2/07, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, CB6M did not receive a completed “Liquor License Questionnaire” which was sent to the Applicant, the Mr. Kuzmin indicated in person that the business type of the establishment is a cafe, and the he also provided the following proposed Operational Information:

- Hours of Operation: Weekdays 11 AM — 10 PM, Saturday 5 PM — 10 PM, Sundays closed
- Capacity: 26
- Public Assembly permit: Not required
- Music on-premises: background music
- 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 at this time; and

WHEREAS, there were no members of the community present to comment on 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 were no comments from the community; now

THEREFORE, be it

RESOLVED, that CB6M does not oppose the New, Restaurant Wine liquor license for Anthea, LLC, d/b/a Anthea Café, 320 Lexington Ave. b/w E. 38th and E. 39th Sts.

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

j. New, Restaurant Wine liquor license for 30 Irving Restaurant, LLC, d/b/a TBD, 30 Irving Place b/w E. 15th & E. 16th Streets.

WHEREAS, Mario Riva, Managing Partner, Sergio Riva, Managing Partner, appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on 8/2/07, 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 7/18/07), the Applicant indicated that the business type of the establishment is a restaurant/Italian cafe, and the Applicant’s questionnaire also provided the following proposed Operational Information:

- Hours of Operation: Weekdays 9 AM — 11 PM, Weekends 9 AM — 12 AM
- Capacity: under 100

- Public Assembly permit: Required
- Music on-premises: Recorded background music
- Dancing: No
- Staging area (waiting lounge): No
- Windows/doors opened/removed during warmer months: Yes
- Patron use of Outdoor Areas: No
- Wheelchair/Restroom accessibility: Yes; and

WHEREAS, the Applicant stated the SLA Application has not been filed at this time; and

WHEREAS, one of the Managing Partners stated he lives in the neighborhood at E. **16th** & 3' Ave.; and

WHEREAS, there were no members of the community present to comment on 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
- the fact that a 200-foot SLA Hearing may be required due to the Applicant's proximity to Washington Irving H.S.
- there were no comments from the community; now

THEREFORE, be it

RESOLVED, that CB6M does not oppose the New, Restaurant Wine liquor license for 30 Irving Restaurant, LLC, d/b/a TBD, 30 Irving Place b/w E. & E. **16th** Sts.

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

k. Renewal, On-premises liquor license for Sutton Place Restaurant & Bar, Inc., d/b/a Sutton Place, 1015 2nd Ave. b/w E. 53rd & E. 54th Sts.

WHEREAS, Allen Bradbury appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on 8/2/07, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, though CB6M did not receive a completed "Liquor License Questionnaire" which was sent to the Applicant, the establishment is well-known to the committee; and

WHEREAS, Mr. Bradbury stated he did not know if the SLA Application had been filed; and

WHEREAS, members of the committee expressed their concerns about the Application: Committee members were aware of numerous complaints about the operation of this establishment from residents in the area concerning noise, crowds and rowdy behavior.

- That CB6M had strongly opposed their use of the rooftop as it likewise contributed to the noise quotient in the area and was cited by community residents as the primary source of the noise
- The establishment has instituted a new form of "Happy Hour" in the neighborhood: 11PM — 1 AM on Thursdays, of great concern to the committee as "Happy Hours" tend to draw crowds;

and

WHEREAS, members of the community were present to speak against the Application and had the following comments to make:

- A resident from the area pointedly characterized the establishment as a “noise factory” on all its levels and outside in front of it as well; 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
- comments from the community; now

THEREFORE, be it

RESOLVED, that CB6M strongly opposes the Renewal, On-premises liquor license for Sutton Place Restaurant & Bar, Inc., d/b/a Sutton Place, 1015 21st Ave. b/w E. 53rd and E. 54th Sts.

VOTE: 32 in Favor 0 Opposed 1 Abstention 0 Not Entitled

1. **Renewal, On-premises liquor license for Belcantata Rest. Inc., d/b/a Pig ‘n Whistle on 3rd, 922 3rd Ave. b/w E. 55th & E. 56th Sts.**

WHEREAS, Ken McCoy appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (**CB6M**) on 8/2/07, 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 7/11/07), 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 11:30 AM —4 AM; Weekends 11 AM — 4 AM
- Capacity: 155
- Public Assembly permit: Required
- Music on-premises: Yes; if yes:
 - o DJ: Yes
 - o Recorded: Yes
 - o Live: Yes
- Sound Control: Yes
- Dancing: No
- Staging area (waiting lounge): No
- Windows/doors opened/removed during warmer months: Yes
- Patron use of Outdoor Areas: No
- Wheelchair/Restroom accessibility: Yes; and

WHEREAS, the Applicant stated the SLA Application is in process; and

WHEREAS, the d/b/a name for the establishment on the CB6M “Liquor License Questionnaire” is “Pig N Whistle on 3rd, and

WHEREAS, members of the committee noted this is a commercial neighborhood; and

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

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

- the presentation by the Applicant
- there were no comments from the community; now

THEREFORE, be it

RESOLVED, that CB6M does not oppose the Renewal, On-premises liquor license for Belcantata Rest., Inc., d/b/a Pig'n Whistle on 3rd, 922 3' Ave. b/w E. 55th and E. 56th Sts.

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

- n. **Transfer, Hotel Liquor license for PNY II Bev. LLC d/b/a Tudor Hotel at the United Nations (currently Crowne Plaza at the United Nations), 302-304 E. 42' Street at 2nd Ave.**

WHEREAS, Donald Bernstein, Esq., appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on 9/6/07, 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 8/15/07), the Applicant indicated that the business type of the establishment is a hotel/restaurant lounge, and the Applicant's questionnaire also provided the following proposed Operational Information:

- Hours of Operation: Weekdays/Weekends 6:30 AM — 10:30 PM; hotel 24 hrs/daily; lounge 12 PM-12 AM daily
- Capacity: 1,000 +
- Public Assembly permit: Yes
- Music on-premises: Yes, recorded background only with Sound Control
- Dancing: No
- Staging area (waiting lounge): No
- Windows/doors opened/removed during warmer months: No
- Patron use of Outdoor Areas: No
- Wheelchair accessibility: Yes
- Restroom accessibility: Yes; and

WHEREAS, this is only a name change with no alterations; and

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

WHEREAS, the Applicant currently owns the following establishments

- Buffalo Niagara Marriott, 1340 Millersport Hgwy, Amherst, NY 14221
 - Holiday Inns, Doubletree Inns, Hilton Hotels, Radisson Hotels and others in 16 states; and
- WHEREAS**, members of the committee approved of the name change back to the Tudor City Hotel and commented that the Applicant has been neighborhood-oriented and had turned the property around; and

WHEREAS, there was no community objection; 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
- the church nearby is used for a lot of non-church activities, obviating the need for a 200- foot hearing and is grandfathered in; now

THEREFORE, be it

RESOLVED, that CB6M approves the Transfer, Hotel Liquor license for PNY II Bev. LLC d/b/a Tudor Hotel at the United Nations (currently Crowne Plaza at the United Nations), 302-304 E. 42nd Street at 2nd Ave.

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

- o. **Transfer, Restaurant Wine license for Real Thai Incorporated d/b/a Real Thai (currently Pattaya Thai), 1069 1st Ave. b/w E. 58th & E. 59th Sts.**

WHEREAS, Panda Siriwatanakul, Pres., appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on 9/6/07, 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 8/23/07), 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 12 PM — 10:30 PM
- Capacity: less than 75
- Public Assembly permit: Not required
- Music on-premises: Yes, recorded background only
- Dancing: No
- Staging area (waiting lounge): No
- Windows/doors opened/removed during warmer months: No
- Patron use of Outdoor Areas: No
- Wheelchair accessibility: No: This is an old restaurant; the applicant signed the CB6M “Applicant’s Change Agreement” agreeing to install a ramp for ADA accessibility
- Restroom accessibility: Yes; and

WHEREAS, this is a transfer of license application where the new applicant will continue the same type of operation as well as cuisine; and

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

WHEREAS, the Applicant currently owns the following establishment

- Thai Sesame Restaurant, 160 Smith St., Brooklyn, NY 11201

WHEREAS, members of the committee had no objections to the establishment; and

WHEREAS, there was no community objection; 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
- the “Applicant’s Change Agreement” attached to this Resolution between the Applicant and CB6M (which indicates amendments agreed upon by both parties to the original/renewal SLA application, to be depicted on an amended application to be forwarded to the SLA with a copy to CB6M); now

THEREFORE, be it

RESOLVED, that CB6M opposes the Transfer, Restaurant Wine license for Real Thai Incorporated d/b/a Real Thai (currently Pattaya Thai), 1069 1st Ave. b/w E. 58th & E. 59th Sts., unless the Applicant adheres to the changes agreed upon in the attached “Applicant’s Change Agreement”.

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

p. New, On-premises liquor license for Treaty Management d/b/a Bridge Tavern, 1074 1st Ave. b/w E. 58th & E. 59th Sts.

WHEREAS, John Moloney, Owner, appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on 9/6/07, 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 8/16/07), the Applicant indicated that the business type of the establishment is a bar/tavern, and the Applicant’s questionnaire also provided the following proposed Operational Information:

- Hours of Operation: Weekdays/Weekends 12 PM — 4 AM
- Capacity: approximately 50
- Public Assembly permit: Not required
- Music on-premises: Yes, jukebox
- Dancing: No
- Staging area (waiting lounge): No
- Windows/doors opened/removed during warmer months: Yes; French windows to be closed 11 PM per the Applicant
 - o The applicant stated that due to the traffic, noise and dirt near the 59th Street Bridge, the windows are often left closed.
- Patron use of Outdoor Areas: No
- Wheelchair accessibility: Yes
- Restroom accessibility: Yes; and

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

WHEREAS, the Applicant currently owns the following establishment

- The Mad Hatter, 360 3rd Ave., NY, NY 10016 (2 years)

WHEREAS, members of the committee had no objections to the establishment; and

WHEREAS, there was no community objection; 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; now

THEREFORE, be it

RESOLVED, that CB6M has no objection to the New, On-premises liquor license for Treaty Management d/b/a Bridge Tavern, 1074 1st Ave. b/w E. 58 & E. 59th Sts.

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

r. New, Restaurant Wine license for Uncorked LLC d/b/a Uncorked, 322 E. 59th St. b/w 1st & 2nd Aves.

WHEREAS, Jane F. Lambert, Owner, appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on 9/6/07, 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 8/20/07), the Applicant indicated that the business type of the establishment is a wine bar, and the Applicant’s questionnaire also provided the following proposed Operational Information:

- Hours of Operation: Weekdays/Weekends 12 PM — 12 AM, closed Mondays
- Capacity: approximately 74
- Public Assembly permit: Not required
- Music on-premises: Yes, recorded jazz
- Dancing: No
- Staging area (waiting lounge): No
- Windows/doors opened/removed during warmer months: No
- Patron use of Outdoor Areas: No
- Wheelchair/Restroom accessibility: No

o The applicant signed the CB6M “Applicant’s Change Agreement” agreeing to make the front steps and bathrooms ADA compliant; and

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

WHEREAS, members of the committee had no objections to the establishment; and

WHEREAS, there was no community objection; 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
- the “Applicant’s Change Agreement” attached to this Resolution between the Applicant and CB6M (which indicates amendments agreed upon by both parties to the original/renewal SLA

application, to be depicted on an amended application to be forwarded to the SLA with a copy to CB6M); now

THEREFORE, be it

RESOLVED, that CB6M opposes the New, Restaurant Wine license for Uncorked LLC d/b/a Uncorked, 322 E. 59th St. b/w 1st & 2nd Ayes., unless the Applicant adheres to the changes agreed upon in the attached “Applicant’s Change Agreement”.

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

t. New, **On-premises liquor license for 48 H&Y Duet, Inc., d/b/a H&Y Duet, 304 E. 48th St. at 2nd Ave.**

WHEREAS, Alan Gardner, Esq., and Young Kee Ham, Principal, appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on 9/6/07, 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 Karaoke Bar, and the Applicant’s questionnaire also provided the following proposed Operational Information:

- Hours of Operation: Weekdays 2 PM —4 AM, Weekends 1 PM —6 AM
- o The applicant signed the CB6M “Applicant’s Change Agreement” agreeing to stop liquor sales at 4 AM, but, retaining the right to have premises open until 6 AM.
- Capacity: 175
- Public Assembly permit: Yes
- Music on-premises: Yes, recorded Karaoke music in a heavily soundproofed premises
- 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 yet been filed (probably mid-September) and has agreed to provide a copy of the amended Application to CB6M (with sensitive information blacked out); and

WHEREAS, the Applicant currently owns/owned the following establishment

- 35 H&Y Duet, 53 W. 35th St., NY, NY.
- 256 E. 49th1 St., NY, NY (lost lease; was open until 6 AM)

WHEREAS, members of the committee questioned why this liquor license would be in the public interest if approved; the attorney had the following comments:

- It would be serving people who like Karaoke bars, which is about signing, not drinking;
- Liquor sales would end at 4 AM, with consumption until 4:30 AM and no alcohol after that;
- The clientele will be Korean, who like to stay out late and sing;
- Signage would be in English;
- There would be security cameras; and

WHEREAS, there was no community objection; 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
- the “Applicant’s Change Agreement” attached to this Resolution between the Applicant and CB6M (which indicates amendments agreed upon by both parties to the original/renewal SLA application, to be depicted on an amended application to be forwarded to the SLA with a copy to CB6M); now

THEREFORE, be it

RESOLVED, that CB6M opposes the New, On-premises liquor license for 48 H&Y Duet, Inc., d/b/a H&Y Duet, 304 E. 48th St. at 2nd Ave., unless the Applicant adheres to the changes agreed upon in the attached “Applicant’s Change Agreement”.

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

v. New, On-premises liquor license for Elegant Affairs of New York, d/b/a TBD, 16 Gramercy Park South b/w Irving Place & Park Ave. South

WHEREAS, Jonathon Castle, COO, appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on 9/6/07, 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 8/23/07), 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:

- The establishment is a semi-private restaurant/bar for its members, but, the club can approve events from the outside
- The location is the Players Club, which has landmark status
- Hours of Operation: varies by affair
- Capacity: approximately 500 in all rooms, 125 for catered events
- Public Assembly permit: Exempt, the premises is on the National Register of Historic Places
- Music on-premises: DJ, or band if approved by the club
- Dancing: Yes
- Staging area (waiting lounge): Yes, lounge in the lower level
- Windows/doors opened/removed during warmer months: Yes, 2” level
- Patron use of Outdoor Areas: No
- Wheelchair/Restroom accessibility: No, exempt; and

WHEREAS, members of the committee had no objections to the establishment; and

WHEREAS, there was no community objection; 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; now

THEREFORE, be it

RESOLVED, that CB6M has no objection to the New, On-premises liquor license for Elegant Affairs of New York, d/b/a TBD, 16 Gramercy Park South b/w Irving Place & Park Ave. South.

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

w. Report

Carol has asked for more assistance from the members of her committee. Michael Bastone, former public member used to do the committee minutes, but has moved to Brooklyn. She requests that other members of the committee help out with the minutes and resolutions.

10. Housing & Homeless Services — Claude Winfield, Chair

a. 421-A Partial Real Estate Tax Exemption for Victory @ E. 23, LLC

Whereas, Victor@ E. 23, LLC has applied for a partial real estate tax exemption under Section 421-A of the Real Estate Tax Law for 334-346 East 23rd Street; and

Whereas, the 21 story building contains 54 studios, 85 one bedrooms, 44 two bedrooms, and 24 three bedroom condominium apartments; and

Whereas, Victor@ E.23, LLC's representatives met with the Housing Committee in a public meeting on July 10, 2007; and

Whereas, there was insufficient data attesting to the construction and location of the “affordable housing” in the West Bronx; and

Whereas, Victor@E 23's representatives presented the committee with certificates accounting for 4.6 affordable units of the 41.5 units needed for the construction of the 207 market rate units; and

Whereas, approximately 130 market rate units have been sold to date; now

Therefore be it

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

VOTE: 31 in Favor 0 Opposed 1 Abstention 1 Not Entitled

b. Inclusionary Housing Program - Lower Income Housing plan application for 228 E. 46th St. b/w 2nd & 3rd Aves.

Whereas, the location of the low income inclusionary housing units is 228 East 46th Street, and

Whereas, the 7 story building contains 1 studio and 18 one bedroom apartments, and **Whereas**, the monthly rent will be set at 80% of the Average Median Income, AMI, of Community Board Six, Manhattan, and

Whereas, these lower income units are intended to generate approximately 77,636 square feet, SF, of bonus floor area, and

Whereas, the units appear to meet the guidelines for new construction issued by The Department of Housing and Preservation, HPD, and

Whereas, on September 11, 2007, the developer met with the Housing Committee of Community Board Six, Manhattan in a public hearing regarding this matter, now

Therefore be it

Resolved that Community Board Six Manhattan recommends the approval of this project.

VOTE: 32 in Favor 0 Opposed 1 Abstention 0 Not Entitled

c. Report

Claude waived his report. See committee minutes.

Old/new Business

Second Roll Call to be conducted at the September 20th, Public Hearing, which is the second part of the September Full Board meeting.

Adjournment: 9:00