

FULL BOARD MEETING MINUTES

**Wednesday, July 9, 2008
NYU MEDICAL CENTER
550 FIRST AVENUE**

Hon. Lyle Frank, Chair

ATTENDANCE

Members answering first roll call:

Arcaro, Buchwald, Curtis, Dankberg, Eggers, Frank, Friedman, Garland, Goldman, Hollister, Imbimbo, Knowles, LaBarbera, McIntosh, Moses, Papush, Pellezzi, Ross, Rubin, Scala, Schachter, Schaeffer, Sepersky, Sherrod, Simon, Southworth, Steinberg, Thompson, Ursillo, Weder, West, Williams, Wilson, Winfield

Members answering second roll call:

Arcaro, Buchwald, Curtis, Dankberg, Eggers, Frank, Friedman, Garland, Goldman, Hollister, Imbimbo, Knowles, LaBarbera, McIntosh, Moses, Papush, Pellezzi, Ross, Rubin, Scala, Schachter, Schaeffer, Sepersky, Sherrod, Simon, Southworth, Steinberg, Thompson, Ursillo, Weder, West, Williams, Wilson, Winfield

Excused: Barrett, Judge, McGuire, Talbot

Absent: Collins, Disman, Garodnick, Haile, Lilien, Monterossa, Oddo, Parker, Parrish, Reiss

Member attendance: Present: **34** Absent: **10** Excused: **4**

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Chairman Lyle Frank explained the reason for our meeting tonight.

Outside speakers: Tina from Rep. Carolyn Maloney’s office presented a proclamation for Irene Peveri.

Dennis Griggs spoke from the floor about Phipps plan in-fill housing. This was a long discussion, with plans presented, and give and take. There was dissention about open areas, etc., this was countered by the presenter. Elisa Papa spoke about lewd behavior being conducted by the homeless at the E. 46 St. public plaza; the board is investigating this.

Senator Duane stopped in to say hello and made us all laugh but highlighted his upcoming finance forum and said that the EDC report “bothers him.” (assuming Phipps here)

Anne Bonfiglio of the Partnership for Student Advancement spoke about their program and need for support.

Sandy Stevens spoke of Phipps and gave an update.

Kathy Thompson also spoke about lewd behavior at the E. 46 St. public plaza.

Chair’s Report: Lyle Frank reported on the ESRA Fair on July 19 and told us Marty Barrett is recovering. Joy Garland has been a vital liaison in this regard. Also, Lyle mentioned the Mayor’s BBQ on July 23.

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

a) RE: Certificate of Appropriateness for 149 East 38th Street

WHEREAS, the owner of 149 East 38th Street, the Gabarron Foundation, a cultural organization, has made application to the New York City Landmarks Preservation Commission (LPC) for a Certificate of Appropriateness for the installation of a display case and banner at the front façade; and

WHEREAS, the building, a Dutch Revival style former stable building constructed in 1902, is designated by the LPC as an Individual Landmark; and

WHEREAS, the applicant has indicated that he has received approval from LPC to install a bronze landmark sign of the standard type provided by the New York Landmarks Preservation Foundation for landmarked building facades; and

WHEREAS, the proposed clear Plexiglas display case, mounted on the building façade between the stone quoins and measuring approximately 11 inches by 17 inches by 2 inches deep, is for the purpose of displaying facility announcements, and the proposed vinyl banner, mounted on metal poles set perpendicular to the building façade and measuring 72 inches high by 20 inches deep, is for the purpose of advertising facility exhibits; and

WHEREAS, the proposal was reviewed by the Committee; now

THEREFORE, be it

RESOLVED, Community Board 6 does not object to the approval of the Certificate of Appropriateness applied for by the applicant providing:

- that the display case is designed to fit comfortably within the space between the quoins to allow for a border of brickwork to remain visible at its perimeter;

- that the banner is reduced in size so as to be more in keeping with the scale of the building and not detract from its architectural features;
- that the banner pole is finished in black or another color that does not call attention to itself on the building façade;
- and that the display case and banner are both affixed to the façade in a manner that is readily reversible and does minimal damage to the building's historic fabric.

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

2. Business Affairs & Street Activities, Carol Schachter, Chair

- a) Re: New, On-premises (OP) liquor license for Onin, LLC, d/b/a No One, 208 E. 58th Street, btw 2nd & 3rd Avenues.**

WHEREAS, Nino Selinaj, Owner, appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on July 3, 2008, 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 May 9, 2008), 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: 7 days a week 12 PM – 3 PM & 5 PM – 11 PM.
- Capacity: 120. Public Assembly permit: will be applied for.
- Music on-premises: recorded background music.
- Staging area (waiting lounge): none.
- Windows/doors opened/removed during warmer months: no.
- Patron use of Outdoor Areas (Backyard, Deck/terrace, Roof): none.
- Wheelchair accessibility: no; grandfathered ; and

WHEREAS, the applicant provided plans/pictures for the committee to consider; and

WHEREAS, the Applicant is well-known to the committee; and

WHEREAS, the Applicant stated the SLA Application has not 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 in NYC:

- Nino's Tuscany, 117 W. 58th Street, btw 6th & 7th Avenues
- Nino's, 1354 1st Avenue, btw E. 72nd & E. 73rd Streets
- Nino's Positano, 890 2nd Avenue, btw E. 46th & E. 47th Streets

WHEREAS, members of the committee felt that it was in the public interest to add another high-end restaurant to the area; and

WHEREAS, members of the community were not present to speak for or against the Application; and

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

- the presentation by the Applicant, including
 - the description of the operation of the business
 - verification of the information contained in the CB6M “Liquor License Questionnaire” which, coupled with the information about the operation as described above at the July 3, 2008, committee meeting, served to a great extent to form the opinion of the committee
- the fact that a 500-foot SLA Hearing was required
- there were no comments from the community; now

THEREFORE, be it

RESOLVED, that pursuant to the presentation by the applicant at this meeting and all other considerations, CB6M supports the New, On-premises (OP) liquor license for Onin, LLC, d/b/a No One, 208 E. 58th St. btw 2nd & 3rd Avenues; and be it

FURTHER RESOLVED, if the SLA application, however, contains a different method of operation than has been presented to CB6M as stated in this Resolution and in any attached change agreement (if applicable), including “Hours of Operation” that differ in any way from those described above, then CB6M opposes the application and urges the SLA to deny the application based on such misrepresentation to Community Board 6 Manhattan.

VOTE: 34 in Favor 0 Opposed 0 Abstention

b) Re: New, On-premises (OP) liquor license for 388 3rd Avenue, LLC, d/b/a TBD, 388 3rd Avenue, btw E. 27th & E. 28th Streets.

WHEREAS, William T. Treanor, Owner, and Terrence R. Flynn, Jr., Esq., appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on July 3, 2008, CB6M having jurisdiction of the premises in the license application process, their second presentation to the committee as objections were raised about the premises at the June 2008 meeting; and

WHEREAS, on the CB6M “Liquor License Questionnaire” sent to the Applicant (and received at the Board office May 21, 2008), 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: Sunday – Wednesday 11 AM – 2 AM; Thursday 11 AM – 2:30 AM; Friday – Saturday 11 AM – 3 AM PER THE CHANGE AGREEMENT: originally 11 AM – 4 AM 7 days a week.
- Capacity: 188 or less PER THE CHANGE AGREEMENT: originally 220. Public Assembly permit: will be applied for.
- Music on-premises: recorded, soundproofing would be installed.
- Staging area (waiting lounge): none.
- Windows/doors opened/removed during warmer months: yes; Sunday – Thursday closed at 10 PM; Friday – Saturday closed at 11 PM, PER THE CHANGE AGREEMENT.
- Patron use of Outdoor Areas (Backyard, Deck/terrace, Roof): none.

- Wheelchair accessibility: premises will be made wheelchair accessible, as will the bathrooms; and

WHEREAS, the applicant provided plans/menus for the committee to consider, the Applicant's menu redesigned to a more upscale one from a typical bar menu; and

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

WHEREAS, members of the committee were satisfied with the negotiations between it and the applicant, where issues that had been previously raised were resolved and the applicant signed the Applicants Change Agreement with the following provisions

- The capacity of the premises was being reduced from 220 previously to 188 or less.
- Hours of operation were changed to those listed in the 2nd WHEREAS above; and

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

- the presentation by the Applicant, including
 - the description of the operation of the business
 - verification of the information contained in the CB6M "Liquor License Questionnaire" which, coupled with the information about the operation as described above at the July 3, 2008, committee meeting, served to a great extent to form the opinion of the committee
 - the applicant agreed to these changes in order to demonstrate that it would be in the public interest to have more than 3 licensed premises within 500 feet of each other
- the fact that a 500-foot SLA Hearing was required
- there were no comments from the community; now

THEREFORE, be it

RESOLVED, that pursuant to the presentation by the applicant at this meeting and all other considerations, CB6M has no objection to the New, On-premises (OP) liquor license for 388 3rd Avenue, LLC, d/b/a TBD, 388 3rd Avenue, btw E. 27th & E. 28th Streets; and be it

FURTHER RESOLVED, if the SLA application, however, contains a different method of operation than has been presented to CB6M as stated in this Resolution and in any attached change agreement (if applicable), including "Hours of Operation" that differ in any way from those described above, then CB6M opposes the application and urges the SLA to deny the application based on such misrepresentation to Community Board 6 Manhattan.

VOTE: 30 in Favor 3 Opposed 1 Abstention 0 Not Entitled

j) Re: Alteration, On-premises (OP) liquor license for Vatan, Inc., d/b/a Vatan, 409 3rd Avenue, btw E. 28th & E. 29th Streets.

WHEREAS, Neal Mehta, Owner, and Randi Bernfeld, Esq., appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on July 3, 2008, 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 May 9, 2008), 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: Tuesday – Sunday 11 AM – 11 PM; closed Mondays.
- Capacity: 150. Public Assembly permit: has it.
- Music on-premises: recorded background music.
- Staging area (waiting lounge): none.
- Windows/doors opened/removed during warmer months: no.
- Patron use of Outdoor Areas (Backyard, Deck/terrace, Roof): none.
- Wheelchair accessibility: yes; and

WHEREAS, the applicant provided plans for the committee to consider, the alterations consisting of

- 1000 square-foot basement dugout to extend under the property
- 300 square feet added to the mezzanine, which was moved to the front of the restaurant
- Kitchen enlarged
- Ceiling now has a higher elevation; and

WHEREAS, the restaurant is an existing one which has been in the neighborhood for many years; and

WHEREAS, the Applicant stated

- The roof was not going to be used
- The restaurant has no relationship with Tonic East, its next door neighbor contiguous to it on the north; and

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

WHEREAS, members of the community were not present to speak for or against the Application; and

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

- the presentation by the Applicant, including
 - the description of the operation of the business
 - verification of the information contained in the CB6M “Liquor License Questionnaire” which, coupled with the information about the operation as described above at the July 3, 2008, committee meeting, served to a great extent to form the opinion of the committee
- there were no comments from the community; now

THEREFORE, be it

RESOLVED, that pursuant to the presentation by the applicant at this meeting and all other considerations, CB6M has no objection to the Alteration, On-premises (OP) liquor license for Vatan, Inc., d/b/a Vatan, 409 3rd Avenue, btw E. 28th & E. 29th Streets; and be it

FURTHER RESOLVED, if the SLA application, however, contains a different method of operation than has been presented to CB6M as stated in this Resolution and in any attached change agreement (if applicable), including “Hours of Operation” that differ in any way from those described above, then CB6M opposes the application and urges the SLA to deny the application based on such misrepresentation to Community Board 6 Manhattan.

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

m) Re: Alteration, On-premises (OP) liquor license for 203 E. 45th Street Restaurant, Inc., d/b/a

The Perfect Pint, 203 E. 45th Street, btw 2nd & 3rd Avenues.

WHEREAS, David I. Korngut, Esq., appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on July 3, 2008, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, the Representative provided plans for the committee to consider, the alterations consisting of

- Removal of the entire top (4th) floor
- The installation of a seasonal dining patio on the roof; and

WHEREAS, the restaurant is an extant one which is undergoing renovation, which original liquor license application had been approved by CB6M circa late 2007; and

WHEREAS, the Representative explained there was a dispute governing the transfer of air rights from this building to the hotel next door, the Alex, which improperly used 1500 square feet of space that was supposed to be reserved for this premises; and

WHEREAS, the Representative stated the SLA Application has not been filed and has agreed to provide a copy of the Application to CB6M (with sensitive information blacked out); amended applications are being filed with the SLA & the DOB; and

WHEREAS, members of the community were not present to speak for or against the Application, as this is primarily a commercial area; and

WHEREAS, the applicant’s representative signed the Applicants Change Agreement with the following provision

- Hours of operation for the rooftop patio were changed to 11 AM – 2 AM, 7 days a week; and

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

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

THEREFORE, be it

RESOLVED, that pursuant to the presentation by the applicant at this meeting and all other considerations, CB6M has no objection to the Alteration, On-premises (OP) liquor license for

203 E. 45th Street Restaurant, Inc., d/b/a The Perfect Pint, 203 E. 45th Street, btw 2nd & 3rd Avenues; and be it

FURTHER RESOLVED, if the SLA application, however, contains a different method of operation than has been presented to CB6M as stated in this Resolution and in any attached change agreement (if applicable), including “Hours of Operation” that differ in any way from those described above, then CB6M opposes the application and urges the SLA to deny the application based on such misrepresentation to Community Board 6 Manhattan.

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

n) Re: Alteration, On-premises (OP) liquor license for LM Restaurant Group, LLC, 120 E. 15th Street.

WHEREAS, Terrence R. Flynn, Jr., Esq., appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on July 3, 2008, 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 May 7, 2008), 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 7 AM – 2 AM; Weekends 11 AM – 4 AM.
- Capacity: 350. Public Assembly permit: they have one as this is an existing restaurant.
- Music on-premises: recorded.
- Staging area (waiting lounge): none.
- Patron use of Outdoor Areas (Backyard, Deck/terrace, Roof): none.
- Wheelchair accessibility: yes; and

WHEREAS, the applicant provided plans for the placement for the additional bar for the committee to consider; and

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

WHEREAS, the applicant agreed the hours of operation would be limited to the same hours as those contained in the original license; and

WHEREAS, members of the community were not present to speak for or against the Application; and

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

- the presentation by the Applicant, including
 - the description of the operation of the business
 - verification of the information contained in the CB6M “Liquor License Questionnaire” which, coupled with the information about the operation as described above at the July 3, 2008, committee meeting, served to a great extent to form the opinion of the committee

- there were no comments from the community; now

THEREFORE, be it

RESOLVED, that pursuant to the presentation by the applicant at this meeting and all other considerations, CB6M has no objection to the New, On-premises (OP) liquor license for LM Restaurant Group, LLC, 120 E. 15th Street; and be it

FURTHER RESOLVED, if the SLA application, however, contains a different method of operation than has been presented to CB6M as stated in this Resolution and in any attached change agreement (if applicable), including "Hours of Operation" that differ in any way from those described above, then CB6M opposes the application and urges the SLA to deny the application based on such misrepresentation to Community Board 6 Manhattan.

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

3. Transportation Committee, Lou Sepersky, Chair

c) RE: Grand Central Partnership's proposal for placing a directional Compass at 150 East 42nd Street.

WHEREAS, the Grand Central Partnership (GCP), a business improvement district association, has proposed installing an informational "compass" (a passive directional sign) in front of 150 East 42nd Street, in Community Board 6, and

WHEREAS, GCP has said that this installation has the approval of the property owner and the New York City Department of Transportation, and

WHEREAS, this "compass," in GCP's description, provides both geographic directions (i.e. East and West) and also points "Uptown" and "Downtown," providing pedestrian orientation, and

WHEREAS, the "compass" is to be between 30" and 36" square and installed as a sidewalk "leaf," constructed and maintained by the GCP, without promotional identification, will be bronze, and is to be designed to meet both Federal and New York City traction and skid resistance standards and whose design is to be approved by the New York City Art Commission, now

THEREFORE, be it

RESOLVED, that Community Board 6 offers no objection to the proposal of the Grand Central Partnership's (GCP) proposal to install a passive bronze "Compass", as described in the text and drawings provided to CB6, in front of 150 East 42nd Street, provided:

1. The sidewalk leaf is designed and fabricated to meet or exceed the traction and skid resistance standards of the Federal Government and the New York City Department of Transportation.
2. The full costs of fabrication, installation, maintenance and removal be borne by the GCP.

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

4. Housing & Homeless Services Committee, Claude Winfield, Chair

a) 421a Partial Real Estate Tax Exemption for 47 East 34 Partners LP-Resubmission

Whereas, in March 2008, Community Board Six passed a resolution in opposition to the granting of 421a tax abatement for 47 East 34 Partners LP, and

Whereas, 47 East 34 Partners LP did not attend a new public hearing scheduled to reconsider the granting of 421a tax abatements, and

Whereas, for the second time, the applicant did not submit a complete application to the community review process, now

Therefore be it

Resolved that Community Board Six reaffirms and restates its opposition to the granting of 421a tax abatement for the resubmitted application.

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

The meeting was adjourned circa 9 p.m.

Carol A. Schachter, Secretary

September 2008