

FULL BOARD MEETING MINUTES
Wednesday, June 11th, 2008
NYU MEDICAL CENTER
FIRST AVENUE

Hon. Lyle Frank, Chair

ATTENDANCE

Members answering first roll call:

Arcaro, Buchwald, Collins, Curtis, Disman, Eggers, Frank, Friedman, Garodnick, Goldman, Haile, Holliister, Imbimbo, Judge, LaBarbera, Lilien, McGuire, McIntosh, Moses, Papush, Parrish, Pellezzi, Reiss, Rubin, Schachter, Schaeffer, Sepersky, Simon, Southworth, Steinberg, Talbot, Thompson, Ursillo, Williams, Wilson, Winfield

Members answering second roll call:

Arcaro, Buchwald, Curtis, Disman, Eggers, Friedman, Frank, Garodnick, Goldman, Haile, Holliister, Imbimbo, Judge, LaBarbera, Lilien, McGuire, McIntosh, Moses, Papush, Parrish, Pellezzi, Reiss, Rubin, Schachter, Schaeffer, Sepersky, Simon Southworth, Steinberg, Talbot, Thompson, Williams, Wilson, Winfield

Excused

Barrett, Dankberg, Oddo, Parker, Peveri, Scala, Sherrod, Ursillo

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

Collins, Garland, Knowles, Monterossa, Ross, Weder, West

Member attendance **36** Absent: **7** Excused: **7**

Guests signed in: Dick Briglia, Karen Weis (NYPL-Epiphany), Caroline Mello (C/M Lappin), Evelyn Konrad, Mark Harris, Cindy Harris, Jim Harris, Al Benninghoff, Sandy Leivin-Davila, Michael Sosankin, Rosemary English, Mary E. Ruzs, Sherrill Kazan, Meryl Brodsky, Mirtha Monterossa, Sandy Stevens, Patty Cobbet, Diane Cooper, Vita Pellettieri

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Meeting Called to Order

Chair Lyle Frank called the meeting to order.

Adoption of the June 11th Agenda

Agenda adopted by a voice vote. The Board Chair suggested the presentation by UN official Michael Adlerstein follow Council Member Garodnick's community report and then return to the Public Session.

PUBLIC SESSION

C/M Dan Garodnick -responded to the newly released DOE blueprint to relieve overcrowding in District 2. He stated 1) we need additional information 2) Are the enrollment figures accurate? 3) DOE must find solutions that do not require busing students from overcrowded schools to other, "under-utilized schools." This practice proves to be disruptive. 4) Cluster spaces must be preserved or restored. 5) Rezoning will more than likely have to be explored. However, it will not suffice to simply move students around; new sites need to be identified. He agreed with the Board that the Police Academy is an obvious potential site for additional classroom space.

New legislation has been introduced to deal with development issues and that the construction industry has been cooperative in the aftermath of crane incidents. He is developing legislation to address the challenging issue of illegal hotels. Additionally, Hunter College received significant bids for the Brookdale campus

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

PRESENTATION: Michael Adlerstein, Asst. Secretary-General on the U.N. Capital Master Plan (CMP)

- UN Headquarters is in dire need of renovations to bring the facility up to code, more energy efficient and less susceptible to threats of terrorism.
- The renovations began in May 2008 and will take five-years to complete.
- A temporary building on the North Lawn will be used to house the main UN offices (the Conference Rooms, the General Assembly and the Office of the Secretary-General) while they are under renovation.
- Renovation of the basement and relocation of the data center to the basement (2008).
- Continuous relocation of staff to swing spaces (late 2008- May/June 2009).
- Begin renovation of Secretariat building (June/July 2009).
- Begin renovation of Conference building (2009).
- Continued renovation of the Secretariat & Conference building (2010).
- Last phase of Secretariat renovation & the completion of the Conference building (2011).
- Renovation of the General Assembly & the South Annex building which houses the cafeteria (2011).
- Completion of the Secretariat building & the South Annex (2012).
- Renovation of the Library (note: the Library will be used as a swing space prior to renovation) (2012).
- Completion of the Library & the General Assembly (2013).
- Demolish of the temporary North Lawn building restoring the landscape (2013).

Community Concerns

Piles will be augured not driven to reduce noise; the temporary building will be 3 stories; tower cranes will not be used; the contractor is Skanska USA. The only new constructions will be security gates; this is solely a renovation project. There is a voluntary agreement with the U.S. mission that the project will comply with and be subject to city, state and federal standards.

Patrick Van Keerbergen representing **Assembly Member Brian Kavanagh** reported 1) to reduce environmental and economic costs drastically the Assembly Member introduced the Electronic Pay Stub bill that would require the State Comptroller to study the feasibility of offering electronic pay stubs to State employees.

2) Bill A10153-B, introduced by the A/M requires state agencies to post their reports online instead of sending the full report, was recently passed in the Assembly; the legislation will reduce the financial and environmental costs associated with printing and mailing full reports.

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

Tina Olechowski representing **Congress member Maloney** reported 1) Rep. Maloney has been working on the school overcrowding issue and has been meeting with the appropriate agencies to address the issue. 2) Following the crane collapse Rep. Maloney sent a letter to OSHA requesting the inspection of all major NYC construction sites

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

Romeo Ymalay representing **Senator Tom Duane** reported 1) the Senator introduced two bills (S. 7817 & S.7348) to improve MTA access for people with disabilities. The first bill creates a MTA Riders Council for People with Disabilities and the second bill requires daily inspections of accessibility features in MTA facilities and establishes documentation requirements and oversight for their repair.

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

Sara Hale-Stern representing **Senator Liz Krueger** reported 1) The Assembly has passed the most comprehensive e package of reforms to improve renters protections. This nine bill package are legislation making Major Capital Improvements (MCI) charges temporary, repealing vacancy decontrol, and restoring local control over NYC housing law. The Senate needs to move the same package of bills. 2) Governor Paterson recently appointed two new chairs to the State Liquor Authority from NYC/Downstate region 3) The future of the E 51st Street crane site is currently being reviewed.

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

Caroline Mello representing **C/M Jessica Lappin** reported 1) Legislation is being drafted to address the crane safety issue 2) The Council Member is working on building a park at the Heliport site

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

Greg Geller representing **C/M Rosie Mendez** reported 1) Legislation was introduced that will increase transparency at the Department of Buildings 2) Intro 765 to change the requirement for the Commissioner of the Department of Buildings is being considered 3) CM Mendez wrote a letter in support of the Board's May resolution opposing the renewal of the Comical Corp d/b/a The New York Comedy Club liquor license. Neighbors state that the club is doing very little to curb the loud noise and unruly atmosphere created by their patrons. 4) The CM voted against the Mayor's budget that included cuts to direct learning programs in the classroom.

Greg announced that this will be he's last meeting representing the Council Member. He will be attending graduate school in Boston.

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

Keith Powers representing **A/M Jonathan Bing** reported 1) revised plans for 303 E. 51st Street has been submitted to DOB and they should soon be available for re-examination. 2) Legislation is pending to address the two crane incidents (A10530, A11393) 4). There will be a Healthy Living forum Friday June 27th, 1751 2nd Avenue between East 91st & East 92nd Street, all are invited 5) The Assembly Member is participating in the Summer Reading Challenge.

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

Sandra Stevens, area resident, gave an update on issues at Phipps Houses.

Evelyn Konrad an attorney representing 5 Tudor City Place, expressed opposition to ERRC redevelopment of the former Con Ed site along 1st Avenue. She also discussed a lawsuit that has been filed by residents of 5 Tudor City Place against ERRC.

Mark & Cindy Harris, Rosemary English, area residents gave an update on 5 Tudor City Place, and expressed their opposition to ERRC redevelopment of the former Con Ed site along 1st Avenue.

Roll Call –Carol Schachter conducted the roll call.

BUSINESS SESSION

Adoption of the May 14th Full Board Minutes: Minutes were adopted by voice vote.

Chair's Report – Lyle Frank

- 1) **Appointment of the Nominating Committee:**
Noelle Lillian (Chair), Linda Goldman, Joe Parrish, Gary Papush, Ellen Imbimo, Paige Judge, Fred Arcaro
- 2) **July Full Board meeting** – There will need to be a July Full Board meeting.
- 3) **Update** – Marty Barrett is quite ill due to a burst appendix. Our condolences to Bill Oddo, his mother is in the hospital and his father recently passed away. Seena Parker is recovering from shoulder surgery; keep her in your thoughts.
- 4) **Thank you**– The dinner was a success thank you to Frank Scala, Carol Schachter & Mark Thompson. Thank you to the board staff for their work and the entire board for an incredible 2007- 2008 season.

District Manager's Report – Toni Carlina

- 1) We recently had an equipment audit by the Comptroller's Office, it went very well.
- 2) Harry Ursillo and I attended a Roundtable conducted by the NYS Law Revision Commission. We brought up the need to receive the application prior to the SLA issuing a license or at the very least when filed, automatically receiving a copy.
- 3) Three development taskforce meetings will be held this month.
- 4) Our first street fair will take place on Friday, June 27th from 11-6pm, volunteers are needed.

Treasurer's Report – Bea Disman

- 1) Surplus of \$10, 096 used towards three new desktop computers, a laptop and Microsoft 2007 software for the Board office

COMMITTEE REPORTS

1) **Land Use** – Edward Rubin, Chair

a. **Report**

Phipps Plaza South rezoning proposal on East 25th Street is being held up for ULURP certification by City Planning. Land Use and the Housing & Homeless committee met jointly to address this issue, specifically the two lots that would need to be rezoned to allow for affordable housing at the expense of

open space. A letter was written to Ms. Burden stating CB 6 concerns about the rezoning and possible solutions.

See committee minutes for complete report and letter to Amanda Burden.

2) **Health, Seniors & Disability Issues** – Sandro Sherrod, Chair
a. **Report** - waived due to absence of the chair

3) **Parks, Landmarks & Cultural Affairs** – Gary Papush, Chair
a. **Report**

Parks committee will meet on July 1st to discuss two items and a landmark resolution. 149 East 38th Street CA and 275 Madison Avenue is a possible designation.

This year \$50 million was received by the Department of Parks and Recreation citywide from concessions. 20% from snack bars and restaurants, 60% of the \$50 million revenue was received in the borough of Manhattan. Community Board Six only has one food concession at Dag Hammarskjöld Plaza, that concession provided \$35,395 in revenue. Committee will discuss uses for the revenue specifically that it stays within the Parks Department.

Landmarks Commission contacted us regarding our resolution on the Irving Berlin houses, it will be submitted to the Commissioner to determine whether to calendar a designation hearing for this location.

See committee minutes for complete report.

4) **Waterfront Sub-Committee** – Ellen Imbimbo, Chair
a. **Report**

The Waterfront committee will probably meet on July 1st. Current committee issues include the situation at the Water Club and lighting at Stuyvesant Cove Park which EDC has been very supportive with this issue. CB 6 and CB 8 Waterfront Committee will be meeting over the coming months to formulate common interests and what our plans will be for the waterfront between 14th - 96th Streets.

I and several board members conducted a walkthrough of the district from 14th Street to 38th Street where the esplanade ends.

See committee minutes for complete report.

5) **Housing & Homeless** – Claude Winfield, Chair
a) **RE: Support of A11097/S8235 – ‘Rent Board Reform Act of 2008’**

WHEREAS the public emergency which led to the laws regulating rents and evictions continues to exist and necessitates the intervention of state and local governments to prevent unwarranted increases in rents and unjust and arbitrary evictions; and

WHEREAS the existing laws would better promote equity and serve the public interest if amended to include restructuring the system of general rent adjustments, repeal of the statutory vacancy bonus and the substitution of statutory tenancies for the current renewal leases for rent regulated units; and

WHEREAS the proposed bill modifies existing regulations to:

- Restructure the existing Rent Guidelines Board to be renamed the Rent Board, to consist of 3 tenant representatives, 3 owner representatives and 3 public members, appointed by the Mayor upon advice and consent of the City Council, for a 2-year term
- Eliminate the misleading Price Index Method used by the Rent Guidelines Board to make adjustments to regulated rents and use, instead, Income and Expenditure Data (Net Operating Income)
- Eliminate the lease renewal system for rent controlled apartments and substitutes statutory tenant protections
- End the 7.5 percent statutory rent increases plus fuel and labor pass-alongs for rent controlled units
- Eliminate the Maximum Base Rent System for rent controlled apartments so that both rent controlled and rent stabilized tenants experience the same rent adjustments
- Limit the vacancy allowance to not more than 5% and not more than once in a calendar year
- Provide that all rent adjustments be effective the same day every year – January 1; and

WHEREAS the proposed legislation would afford protections to existing tenants in rent controlled and rent regulated apartments and contribute to the general health, safety and welfare of New York City renters; now

Therefore be it

RESOLVED that Community Board 6 urges the State Assembly and Senate to pass and Governor Paterson to sign into law legislation to amend the administrative code of the City of New York, the emergency tenant protection act and the emergency housing rent control law, in relation to the establishment of rent adjustments and vacancy leases.

VOTE: 32 in Favor 0 Opposed 4 Abstention 0 Not Entitled

b) Report

Housing & Homeless held a joint meeting with Land use which resulted in a candid discussion with developers.

Urban Pathways, which covers 14th St. to 42nd St. and Common Ground which covers 42nd St. to 59th St. (during the day) were invited to address issues of homelessness in CB 6. During the night time Urban Pathways covers 59th St. to Battery Park, not surprisingly they are often overloaded in the nighttime. Committee members that are interested in going on a run with either of these organizations to learn the homeless outreach process should contact Chair Claude Winfield.

See committee minutes for complete report.

6) **Transportation Committee** – Lou Sepersky, Chair

a) **RE: Proposed Bus Pads.**

WHEREAS, the New York City Department of Transportation (DoT) has sought recommendations from Community Board 6 on suitable locations for the installation of "bus pads," and

WHEREAS, bus pads are poured concrete platforms at bus stops in the street bed, and other similar locations, which serve to minimize the damage done to asphalt road surfacing due to the bus's weight, when a bus gains traction and in high temperatures, and

WHEREAS, DoT has enumerated criteria for the designation of bus pads, including high volumes of bus traffic, including multiple bus routes and "Limited" bus routes which are denoted by an asterisk (*), now

THEREFORE, be it

RESOLVED, that Community Board 6 recommends to the New York City Department of Transportation that the following locations have bus pads installed:

M1 - Park Avenue, 34th to 39th Streets, north bound, and 40th to 34th Streets, south bound, all stops;

M2*, 3, 4, Madison Avenue, north bound, 34th to 40th Street, all stops;

M9 - See M14

M14 - 14th St. crosstown, west bound - all routes, First, Second and Third Avenues;

M15* First and Second Avenues, 14th to 59th Streets, all stops;

M16 - 34th Street crosstown, See M34

M21 - (See, in part M23), First Avenue and 26th Street
M23 - 23rd Street crosstown, FDR Service Road layover locations; FDR Dr., 23rd and 20th Streets and 23rd Street at First, Second, and Third Avenues, west bound, and, east bound, 23rd Lexington, Third, Second and First Avenues (with X25) and at the FDR Service Road.

M27/49-50 - 49th/50th Streets cross town, (See, in part, M15), and west bound: 49th Street and First, Second, and Third Avenues, and east bound: 50th Street, Lexington, Third and Second Avenues;

M31 - 57th Street cross town - See M57

M34 - 34th Street crosstown; Layover area (Intermodal transfer point - 34th Street Ferry Terminal); east and west bound, First; Second; Third; Lexington Avenues and, in addition, Park and Madison Avenues, west bound;

M42 - 42nd St. crosstown; 41st St. layover; and 42nd Street at First; Second; Third and Lexington (except west bound) Avenues.

M57 - 57th Street crosstown; 55th Street at First Avenue; 57th at First, Second and Third Avenues.

M101*, 102, 103 - Third Avenue, north bound; 14th to 59th Streets, all stops, and Lexington Avenue, south bound, 40th to 34th Streets (only), all stops.

M104 - 42nd Street crosstown; See M42.

VOTE: 36 in Favor 0 Opposed 0 Abstention 0 Not Entitled

b) RE: Commercial Parking Regulation change Saturdays on Second Avenue between East 40th and East 50th Streets.

WHEREAS, the New York City Department of Transportation (DoT) has installed and operated specialized parking meters, known as Muni-meters, to collect fees for parking in an area of Second Avenue governed by a regulation, "No Standing except Commercial Vehicles, Monday through Saturday, 7 a.m. - 10 a.m. and 4 p.m. - 7 p.m.", on Second Avenue between 40th and 50th Streets, in Community Board 6, and

WHEREAS, DoT initiated a review of parking regulations for the effect area, including days and times needed for controlled parking, and

WHEREAS, DoT has determined that such a regulation is not needed on Saturdays, and has proposed ending it along this stretch of Second Avenue, for that day only, but these parking spaces will continue to be subject to Muni-meter parking fees, now

THEREFORE, be it

RESOLVED, that Community Board 6 raises no objection to ending the "No Standing except Commercial Vehicles, 7 a.m. - 10 a.m. and 4 p.m. to 7 p.m." on Saturdays (only), on Second Avenue, between 40th and 50th Streets, understanding that these spaces will continue to be subject to Muni-meter parking fees.

VOTE: 36 in Favor 0 Opposed 0 Abstention 0 Not Entitled

c) Report

DOT presentation on the Mayor's proposed Summer Streets aka "Play on Park" program for August will be made at the next committee meeting on either June 30th or July 7th. Play on Park would extend from the Brooklyn Bridge to 72nd St along Park Ave. for three weekends in August closing all vehicular traffic.

Margaret Forgione at DOT has responded to an issue the committee brought to her attention concerning the thousands of dollars in tickets incurred by people being dropped off at NYU Cancer Center.

See committee minutes for complete report.

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

a) **RE: Assembly Bill A10530 - in relation to filing a false instrument that endangers public safety.**

Whereas, it was shocking to hear of the arrest of a Department of Buildings inspector who allegedly falsified records claiming that he had inspected a construction site where a crane collapsed; and

Whereas, this bill would create a criminal penalty specific to when a person knowingly presents to a public office a written instrument containing a false statement if pertinent information that pertains to the public safety of those in and surrounding building construction; and

Whereas, this bill will serve as a deterrent against government officials filing false statement and ensure that they receive adequate sentences for their criminal activity; now

Therefore, be it

Resolved, that Community Board Six urges the State Assembly and the Senate to adopt a similar bill to pass A10530 and the Governor sign such bill as soon as possible.

VOTE: 36 in Favor 0 Opposed 0 Abstention 0 Not Entitled

b) **Report**

The Public Safety committee will not be meeting in July and August, but they will be working on developing ways to address the inefficiencies at the Department of Buildings.

See committee minutes for the full report.

8) **Youth & Education – Maxine McCintosh**

a) **RE: School Overcrowding**

Whereas real estate development is progressing rapidly in our community including large areas once zoned for commercial and manufacturing which are now opened to residential building; and

Whereas according to the School Construction Authority's (SCA) *Enrollment, Capacity and Utilization Report for 2006-2007*, last year P.S. 116 was at 110% capacity, P.S. 40/Jonas Salk School was nearly 100% capacity and I.S. 104 was at nearly 90%; and

Whereas using the SCA utilization formula as above, P.S.116 is presently at 113% capacity; and

Whereas the SCA has gone on record as stating that 85% capacity is technically full capacity because this figure enables the existence of art and music classes, science and computer labs and gymnasiums which would otherwise be used as classrooms in overcrowded schools; and

Whereas P.S.116 has neither an auditorium nor sufficient cafeteria space to provide for its current student population resulting in the need to schedule 20 minute lunch periods beginning at 10:20 AM; and

Whereas Lorraine Grillo, Senior Director of Government and Community Relations for the SCA has stated that the P.S.116 kitchen and cafeteria, “cannot accommodate additional capacity nor is there a possibility of enlarging either space”, making the options of temporary “trailer” classrooms or the building of an extra floor superfluous; and

Whereas development within the CB6 boundaries (not including the Solow development on the former Con Ed site) is estimated at over 800 residential units at this time with many more in the next few years (P.S. 116’s catchment area extends outside CB6 borders, giving their zone at least 3374 new units); and

Whereas using the SCA’s most conservative formulas the above mentioned residential units (for P.S. 116), separate and apart from the Solow site, would create a minimum of 330 new elementary school aged children who will all be zoned for P.S.116; and

Whereas although there has been approval for a 650 student K-8 school on the Solow property it will not accommodate the expected 800 elementary/middle school students moving into the Solow residences ; and

Whereas The Department of Education’s (DOE) assumption that residents in upper class areas and luxury buildings will send their children to private rather than public schools is a false one as they have also reached their capacity and limit their enrollment. The DOE continues to use this excuse when asked about new construction on the east side; and

Whereas even though there is a formula which sets the size limits of grades K-3 at 20 students per class and grades 4-8 at 28, the DOE has, nevertheless, allowed students to be enrolled in these grades far in excess of these numbers resulting in schools that are woefully overcrowded; and

Whereas ten years ago the NYC comptroller found that public schools were the most underinvested and neediest part of our infrastructure and, since then, the city’s share of the capital spending budget has shrunk and is now at a 20 year low and in absolute terms, city funds spent on school construction and repair is lower today than in 2001 – not taking into account inflation and despite much higher reimbursement rates for city spending on new school construction (50% now vs. 30% in the past); and

Whereas the State gave 1.5 billion to NYC in 2006 for school construction and authorized 9.5 billion in financing of which the state agreed to pay half, as well as agreeing to pay a higher (50-60%) rate for all new school construction, yet in 2006 the DOE cut the number of seats in the capital plan by 3,000; and

Whereas the budget required to double the number of seats has already been allocated (Based on cost estimates in the current plan 120,000 new seats would require an additional \$275 million for annual financing which would only be \$138 million after 1/7 the amount that the Mayor gave back in tax cuts last year. It is about 10% of the property tax cuts and rebates that the Mayor proposes to reinstate this year). **Therefore be it**

Resolved that CB6 recognizes that the shortage of seats for the expected influx of students is one of the serious issues facing our community and will use the resources of the Board, including Landmarks and Land Use & Zoning committees, to identify potential sites for schools; and be it further

Resolved that CB6 Manhattan recognizes that school overcrowding is a severe problem citywide but is especially bad in our district (and most especially P.S. 116); and be it further

Resolved that CB6 strongly supports the Manhattan Borough President's Task Force on School Overcrowding; and be it further

Resolved that CB6 urges the DOE and SCA to identify new seats for the increasing number of students coming into our district; and be it further

Resolved that CB6 urges the DOE and SCA to create new public elementary and middle schools within the geographic boundaries of CB6.

VOTE: 36 in Favor 0 Opposed 0 Abstention 0 Not Entitled

b) RE: Mobile Phone Opt-In requirement

WHEREAS many parents see the need to have their child possess a mobile phone for urgent and more routine telephonic communications; and,

WHEREAS technology allows most mobile phones to be portable entertainment and communications devices; and,

WHEREAS a "basic contact" for mobile telephone services permits a user, whether an adult or a minor, to obtain a wide array of additional services for additional fees that are "buried" in phone bills; and,

WHEREAS parents who obtain mobile phones for their children are often ignorant of the wide array of entertainment options available for such devices; and,

WHEREAS such options include, but are not limited to, text messaging; electronic games; iPod music as well as gambling; pornography and other sexually explicit "entertainment" that is inappropriate for youngsters; and,

WHEREAS parents cannot oversee the use of their children and their telephone at all times; and,

WHEREAS, the mobile phone is a necessity more for parents than for their children, taking the phone away from the child when it is misused by the child is not a viable option and defeats the very purpose for which the phone was acquired in the first instance; and,

WHEREAS the cost of games, text messaging, and other non-telephonic games and communications can cost thousands of dollars in a single month; and,

WHEREAS parents may not even be aware that such charges have been incurred unless they closely scrutinize their telephone bills; and,

WHEREAS mobile phone service providers can "activate" or "deactivate" non-telephonic mobile telephone services upon specific additional request by the person responsible for the contract; and,

WHEREAS additional-charge non-telephonic services are being added to mobile telephones constantly, so that one would have to first be charged for a service to know to that the service even exists before one could place an order to deactivate it; and,

Now therefore be it,

RESOLVED that Community Board Six calls upon the New York State Assembly and Senate and the Office of the Governor or any entity having jurisdiction to require mobile phone carriers in New York State to provide a special "opt-in" requirement for non-telephonic mobile telephone services so that only those services that are specifically requested by the person responsible for the telephone contract can be ordered from the hand-held unit.

VOTE: 30 in Favor 5 Opposed 1 Abstention 0 Not Entitled

c) **Report**

Public Advocates office released two reports: 1) Fair Play – follow up survey on student access to physical education 2) Parent Coordinators survey.

Budget cuts are again being proposed for schools and educational programs.

See committee minutes for complete report.

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

a) **Re: New, DCA application (#1285644), Unenclosed sidewalk café, 22 tables and 44 seats, for LM Restaurant Group, LLC, 120 E. 15th Street @ Irving Place**

WHEREAS, Mike Kelly, Representative, and Joe Gerics, Owner, appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on June 5, 2008; and

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

WHEREAS, in response to a request from the committee, the applicant agreed to remove 3 tables on 15th Street so as to improve pedestrian flow; and

WHEREAS, the plans indicated 8 feet of clearance between the café and a phone booth; and

WHEREAS, the plans indicated 11 feet of sidewalk clearance for the remainder of the café, 3 feet more than the DCA-required minimum and 1 foot more than the 10 feet of clearance that CB6M indicated was its preference in its July 2001 Resolution on the subject; and

WHEREAS, members of the committee expressed their satisfaction with the final layout of the café when the changes agreed to would be implemented; now

THEREFORE, be it

RESOLVED, that pursuant to the presentation by the applicant at this meeting and the changes agreed upon to the design of the café, CB6M supports the New, DCA application (#1285644), Unenclosed sidewalk café, 22 tables and 44 seats, for LM Restaurant Group, LLC, 120 E. 15th Street @ Irving Place.

VOTE: 36 in Favor 0 Opposed 0 Abstention 0 Not Entitled

b) Re: Alteration, OP liquor license for LM Restaurant Group, LLC, d/b/a Evette, 120 E. 15th Street @ Irving Place

WHEREAS, Mike Kelly, Representative, and Joe Gerics, Owner, appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on June 5, 2008, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, this is an alteration to the premises' liquor license in order to sell alcoholic drinks in the proposed sidewalk cafe; and

WHEREAS, the café will close in accordance with NYC DCA rules, with no adverse affect on the neighborhood; now

THEREFORE, be it

RESOLVED, that pursuant to the presentation by the applicant at this meeting and all other considerations, CB6M supports the Alteration, OP liquor license for LM Restaurant Group, LLC, d/b/a Evette, 120 E. 15th Street @ Irving Place.

VOTE: 36 in Favor 0 Opposed 0 Abstention 0 Not Entitled

c) Re: New, Restaurant-wine (RW) license for Moe's Manhattan, LLC, d/b/a Moe's Southwest Grill, 367 1st Avenue, btw E. 21st & E. 22nd Streets.

WHEREAS, Donald and Sophia Lindover, Principals, appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on June 5, 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 March 25, 2008, and updated at this meeting), the Applicant indicated that the business type of the establishment is a restaurant specializing in southwestern fare, and the Applicant's questionnaire also provided the following proposed Operational Information:

- Hours of Operation: Weekdays 11 AM – 10 PM; Weekends 11 AM – 11 PM.
- Capacity: 44.
- Music on-premises: recorded background; sound control to be installed.
- Staging area (waiting lounge): no.
- Windows/doors opened/removed during warmer months: no, not even in mild weather.
- Patron use of Outdoor Areas (Backyard, Deck/terrace, Roof): none.
- Wheelchair accessibility: yes; Restroom accessibility: yes; this will be new construction; and

WHEREAS, the Applicant described the alterations to be done to the premises as complete interior alterations, including plumbing & electric, all new equipment; this is the former Burger King; 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
 - their description of the operation of the business
 - their verification of the information contained in the CB6M “Liquor License Questionnaire” which, coupled with the information about the operation as described above at the June 5, 2008, committee meeting, served to a great extent to form the opinion of the committee
- the fact that a 500-foot SLA Hearing was not 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, Restaurant-wine (RW) license for Moe’s Manhattan, LLC, d/b/a Moe’s Southwest Grill, 367 1st Avenue, btw E. 21st & E. 22nd 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: 36 in Favor 0 Opposed 0 Abstention 0 Not Entitled

d) **Re: New, On-premises (OP) liquor license for Overlook II, Inc., d/b/a The Overlook, 712 3rd Avenue, btw E. 44th & E. 45th Streets.**

WHEREAS, Terry Flynn, Esq., and General Managers Patrick Evangelista & Jeffrey Perzan appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on June 5, 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 June 5, 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 – Thursday 11:30 AM – 2 AM, Friday – Saturday 11:30 AM – 3 AM.
- Capacity: 250 - 300. Public Assembly permit: will be applied for.
- Music on-premises: DJ & recorded.
- Staging area (waiting lounge): none.
- Windows/doors opened/removed during warmer months: yes; will close them at 10 PM.
- Patron use of Outdoor Areas (Backyard, Deck/terrace, Roof): rooftop use; capacity 125.
- Wheelchair accessibility: no; this is a 2nd floor premises; they do not have rights to access the first floor for accessibility; and

WHEREAS, the applicant provided basic plans/drawings for the committee to consider and comment on; 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 expressed their concerns about the use of the roof by 125 people and the serious noise issues it raises, especially since there will be an audio-visual set-up; and

WHEREAS, 11 residents of the community were present to speak in support of the Application, having patronized the Applicants' other establishment before it closed; and

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

- the presentation by the Applicant, including
 - their description of the operation of the business
 - their verification of the information contained in the CB6M "Liquor License Questionnaire" which, coupled with the information about the operation as described above at the June 5, 2008, committee meeting, served to a great extent to form the opinion of the committee
- that a copy of the actual Liquor License Application was NOT available to the committee at the June 5, 2008, committee meeting, and thus it became impossible for the committee to determine whether the information presented to it by the applicant or the information contained in the CB6M "Liquor License Questionnaire" is the same information contained in the actual License application
- 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), provided for the following stipulations executed as follows:
 - Sunday – Thursday, 11:30 AM – 2 AM operation, but the roof will be closed at 11 PM sharp;
 - Friday – Saturday, 11:30 AM – 3 AM operation, but the roof will be closed by 12 AM sharp;
 - Sunday – Saturday: windows and doors closed and audio-visual turned off at 9:30 PM;
- the fact that a 500-foot SLA Hearing was required to demonstrate that it would be in the community's best interest to have more than 3 licensed premises within 500' of each other; the committee accepted the signing of the Change Agreement as proof that it would be;
- comments from the members of the community in support of the application and no comments against it; 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 Overlook II, Inc., d/b/a The Overlook, 712 3rd Avenue, btw E. 44th & E. 45th 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 the attached change agreement, **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 2 Opposed 1 Abstention 0 Not Entitled

e) **Re: New, On-premises (OP) liquor license for Vino Five Group, LLC, d/b/a Vino 313, 201 E. 31st Street, btw 2nd & 3rd Avenues.**

WHEREAS, Michael A. Sosankin, sole Owner, appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on June 5, 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 14, 2008), the Applicant indicated that the business type of the establishment is a wine café (but will offer patrons the option to have cocktails as well), and the Applicant’s questionnaire also provided the following proposed Operational Information:

- Hours of Operation: Monday – Sunday 4 PM – 3 AM.
- Capacity: 120. Public Assembly permit: required.
- Music on-premises: soft mood music.
- Staging area (waiting lounge): no.
- Windows/doors opened/removed during warmer months: no.
- Patron use of Outdoor Areas (Backyard, Deck/terrace, Roof): none.
- Wheelchair accessibility: yes; Restroom accessibility: yes; and

WHEREAS, the applicant provided plans/drawings for the committee to consider and comment on, which depicted a restaurant layout and not a bar layout; 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 presented an extensive menu which included a list of between 100 & 150 wine choices; the Applicant stressed this would be an upscale establishment; and

WHEREAS, no members of the community were 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
 - description of the operation of the business, business plan and target patrons
 - verification of the information contained in the CB6M “Liquor License Questionnaire” which, coupled with the information about the operation as described above at the June 5, 2008, committee meeting, served to a great extent to form the opinion of the committee
- that a copy of the actual Liquor License Application was NOT available to the committee at the June 5, 2008, committee meeting, and thus it became impossible for the committee to determine whether the information presented to it by the applicant or the information contained in the CB6M “Liquor License Questionnaire” is the same information contained in the actual License application

- 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), provided for the following stipulation executed as follows:
 1. Operation hours to be changed to Monday – Sunday, 12 Noon – 2 AM;
- the fact that a 500-foot SLA Hearing was required to demonstrate that it would be in the community’s best interest to have more than 3 licensed premises within 500’ of each other; the committee accepted the signing of the Change Agreement as proof that it would be;
- 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 Vino Five Group, LLC, d/b/a Vino 313, 201 E. 31st 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 the attached change agreement, **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: 36 in Favor 0 Opposed 0 Abstention 0 Not Entitled

f) Report

Carol thanked Harry for his work on the cafes and for strengthening our criteria.

See committee minutes for full report.

Old/new business

There will be an end of year mixer after executive committee at around 8pm. Please notify the board office if you plan to attend.

Second Roll Call

Adjournment: 10:20 p.m.