

FULL BOARD MEETING MINUTES
Wednesday, May 14, 2008
NYU MEDICAL CENTER
FIRST AVENUE

Hon. Lyle Frank, Chair

ATTENDANCE

Members answering first roll call:

Arcaro, Barrett, Buchwald, Curtis, Dankberg, Disman, Eggers, Frank, Friedman, Garland, Garodnick, Goldman, Haile, Hollister, Imbimbo, Judge, LaBarbera, McGuire, McIntosh, Moses, Papush, Parker, Parrish, Pellezzi, Ross, Scala, Schaeffer, Sepersky, Simon, Southworth, Steinberg, Thompson, Ursillo, Weder, West, Williams, Wilson, Winfield

Members answering second roll call:

Arcaro, Barrett, Buchwald, Curtis, Dankberg, Disman, Eggers, Frank, Friedman, Garland, Garodnick, Goldman, Haile, Hollister, Imbimbo, Judge, LaBarbera, McGuire, McIntosh, Moses, Papush, Parker, Parrish, Pellezzi, Ross, Rubin, Scala, Schaeffer, Sepersky, Simon, Southworth, Steinberg, Thompson, Ursillo, Weder, West, Williams, Wilson, Winfield

Excused

Collins, Monterossa, Oddo, Peveri, Reiss, Schachter, Sherrod,

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

Knowles, Lilien, Rosa, Talbot,

Member attendance: Present: **39** Absent: **4** Excused: **7**

Guests signed in: Sandra Duque representing NYC Comptroller William Thompson; Tim Laughlin representing C/M Dan Garodnick; Cullen Barrie representing B.P. Scott Stringer; Brice Peyre representing Cg/M Carolyn Maloney; Romeo Ymalay representing Sen. Tom Duane; Sarra Hale Stern representing Sen. Liz Krueger; Keith Powers representing A/M Jonathan Bing; Nily Rozic representing A/M Brian Kavanaugh; Greg Geller representing C/M Rosie Mendez; John Moore representing C/M Jessica Lappin; Glen Agrin, Dick Briglia, Melissa Cerezo, Cathe Giffini, Sherrill Kazan, Carmen Lee Shue, Sandra Stevens, Karen Weiss-NYPL

INDEX

Meeting Called to Order	3
Adoption of the Agenda	3
Public Session	3
Roll Call	5
Business Session	5
Adoption of the Full Board minutes for April 9th	5
Report from the Chair	5
District Manager's Report	6
Treasurer's Report	6
Borough President's Report	6
Committee Reports	6
Public Safety, Environment & Human Rights	6
Budget & Governmental Affairs	7
Youth & Education	7
Health Senior & Disabilities Issues	7
Housing & Homeless Services	7
Parks, Landmarks & Cultural Affairs Committee	7
Land Use	9
Business Affairs & Street Activities	12
Transportation	27
Old/New Business	27
Second Roll Call	27
Appendix A: FULL BOARD ATTENDANCE RECORD	28
Appendix B: ROLL CALL VOTES ON RESOLUTIONS	29

Meeting Called to Order

Chair Lyle Frank called the meeting to order

Adoption of the April 9th, Agenda

Agenda Adopted by a voice vote

PUBLIC SESSION

Brice Peyre, representing **Cg/M Carolyn Maloney**, reported 1) Cg/M Maloney has secured the 100th co-sponsor for her Credit Cardholders Bill of Rights (H.R. 5244), balanced legislation she introduced in February to reform the major credit card industry abuses and improve consumer protections. 2) Cg/M Maloney, the Borough President and other Elected Officials sent a letter to Chancellor Klein, Dept. of Education, requesting a meeting to discuss the overcrowding of the public schools in School District 2.

For information on these and other reports see the Congress Member's Community Report or call 212-860-0606 to obtain a copy.

Sandra Duque representing **Comptroller William Thompson**, reported: 1) Concerned about the higher water bills on the horizon; Comptroller Thompson notified the NYC Water Board of steps to create a fairer structure for New Yorkers to pay their water bills. 2) Comptroller Thompson recently announced several actions requested or taken by his office to increase transparency and accountability in the city's budgeting process. 3) The Comptroller testified on the Dept. for the Aging proposal to revise service delivery to seniors, and called on City Hall to ensure that senior centers are not closed as a result of the reorganization.

For the complete report on these and other issues see the Comptroller's Community Update Bulletin or call 212-669-3089 to obtain a copy

Sarra Hale-Stern, representing **Sen. Liz Krueger**, reported 1) the Senator has been diligently working on getting many bills for the City passed. 2) The Senate Banking Committee held a very comprehensive hearing that would fundamentally change the way mortgages are addressed and would give a tremendous amount of help to families having difficulties making their mortgage or face foreclosure.

For more on what the Senator has been working on see the Senator's Community Bulletin or call 212-490-2151 to obtain a copy.

Romeo Ymalay, representing **Sen. Tom Duane**, reported 1) the Senator presented testimony at the Rent Guidelines Board in which he outlined key features of legislation that the State Assembly has introduced to revamp the method of establishing rent adjustments for rent stabilized and rent controlled apartments. 2) Sen. Duane and A/M Rosenthal announced the introduction of legislation to restore the NYC commuter tax. 3) Sen. Duane co-sponsored two bills with A/M Kellner to reform the way the State MTA responds to the needs of transit riders with disabilities. One bill (A10734-A/S 7817) creates the MTA Riders Council for People with Disabilities. The second (A10420/S7348) requires daily inspection of elevators, escalators, bus lifts, and other accessibility features in MTA facilities and establishes documentation requirements and oversight for their repair. 4) On Tuesday, June 10th, from 12noon to 3:00 p.m. the Senator will hold a public forum at the Legislative Office Building in Albany to discuss the need for passage of the Dignity for All Students Act (S1571/A3496).

This bill, would serve to protect children in public schools throughout NYS from harassment, bullying and discrimination based on real or perceived race, ethnicity, national origin, religion, sex, sexual orientation or mental or physical disability.

For more information on these and other reports see the Senator's Newsletter or call 212-633-8052 to obtain a copy.

Keith Powers, representing **A/M Jonathan Bing**, reported 1) A/M Bing fighting to protect affordable housing, proposed bill (A10647) which would raise the thresholds for high-income decontrol to adjust for the impact of inflation. The rent regulation laws currently provide for the deregulation of housing units that have a legal regulated rent of \$2,000 and a household income of \$175,000. This bill would account for the changes in the consumer price index of the past ten-years and raise the threshold to \$2,700 rent and household income of \$240,000. 2) In a continuing effort to respond to the Turtle Bay crane collapse, A/M Bing has introduced legislation (A10530) that would add to the penal law the crime of filing a false instrument that endangers public safety. This bill would serve as a deterrent to those Department of Building employees who would file reports stating a crane has been inspected when it has not.

For more information on these and other reports see the Assembly Member's Community Bulletin or call 212-605-0937 to obtain a copy.

Nily Rozic, representing **A/M Brian Kavanagh**, reported 1) as a member of the Environmental Conservation Committee, the Assembly passed three bills which he sponsored that would promote a cleaner environment. The first one (A7489) would create a sustainable development task force for NYS, the second (A7630) prohibits the mass release of helium balloons into the air., the third (A8036), would enable the Department of Environmental Conservation Commissioner to hold hearings when State agencies fail to take steps to clean up their operations and impose penalties when necessary. 2) The Assembly passed a nine bill housing package that aims to bring relief to NYC communities suffering from the affordable housing shortage, rapidly increasing rents and landlord harassment. The package is part of an ongoing effort to address the housing crises. A/M Kavanagh and his colleagues successfully fought for inclusion to the 2008-09 State budget \$300 million for affordable housing.

For more information on these and other reports see the Assembly Member's Community Bulletin or call 212-979-9696 to obtain a copy.

Greg Geller, representing **C/M Rosie Mendez**, reported 1) C/M Mendez wrote a separate letter outlining the extreme shortage of space in School District 2. She has been diligently working to ensure that the improvements and repairs promised to the districts schools in the City's Capital Plan stays on schedule, and is advocating for new projects as well. 2) C/M Mendez' is also advocating for the CB6 resolution that would convert the police academy on E. 20th St. to a new district High School.

For information on this and other reports see the Council Member's Community Bulletin or call 212-677-1077 to obtain a copy.

Tim Laughlin representing **C/M Dan Garodnick** reported 1) C/M Garodnick, co-Chair of the City Council's Infrastructure Task Force, summoned climate change experts to share their findings about the City's vulnerability to a major storm, and the possible infrastructure investments the City could make to protect itself 2) C/M Garodnick took part in a forum at

the Stein Senior Center, where he discussed the proposals from the Dept. for the Aging to overhaul senior centers and the Meals on Wheels program.

For information on these and other reports see the Council Member's Community Bulletin or call 212-818-0580 to obtain one.

John Moore representing **C/M Jessica Lappin**, reported: 1) Update on the 51st St. crane collapse of March 15th. At the urging of C/M Lappin, the City Council has conducted two hearings; the first specifically focused on crane safety and the other examined general construction safety throughout the city. On the legislative front, the C/M has introduced a bill that would require the Dept. of Buildings (DOB) to assign independent monitors to investigate unsafe construction sites with repeated immediately hazardous violations. 2) C/M Lappin released her East Side Sustainability Report on April 22nd to coincide with Earth Day 2008. This report focuses on transportation, food, homes and recycling.

For information on these and other reports see the Council Member's Community Bulletin or call 212-535-5554 to obtain one.

Karen Weiss representing Epiphany Library requested support from the board to fight the 10% budget cut proposed for the library.

Sandra Stevens, area resident, gave an update on issues at Phipps Houses and to thank the members of CB6 for their help.

Roll Call – Carol A. Schachter

Due to the absence of the Carol Schachter, Mark Thompson, 1st Vice Chair called the roll.

PRESENTATION:

Michael R. Keane, Borough President's Office Urban Fellow to CB6: A Study in Usage & Conditions of Public Plazas in Community Board 6. Michael gave a power point presentation on the many violations found in our area public plazas. Lyle stated that public plazas are what the community gets in exchange for extra development at a particular site; these plazas are created for public use. Toni thanked the BP's Office for the Urban Fellows Program, and requested another Urban Fellow for additional projects. To obtain a hard copy of the survey e-mail the board office at mn06@cb.nyc.gov.

BUSINESS SESSION

Adoption of April 9th Full Board Minutes

Minutes adopted by a voice vote.

Report from the Chair – Lyle Frank

- 1) Lyle announced that the Annual Board dinner would be held Monday, May 19th; if you haven't sent in your payment please see Bea Disman tonight.
- 2) **Waterside** – The gates that the board has been pushing to have open during the daylight hours, will now be open thanks to the work of Toni and all the Board Members who worked on this issue.
- 3) **School Overcrowding** – Thank you to the Youth & Education for the work they have done as it pertains to school overcrowding in our district.
- 4) **Construction Task Force** – Kudos to the board office and the member of CB6 that are on the Construction Task Force who got a stop work order for the building on E. 49th St. due to the hazardous conditions at the work site.

- 5) **Thank you to Toni & Karen** - who due to the departure of Ryan Shafer and Melissa Severe's being on maternity leave, have been working diligently to keep the Board Office running as smoothly as possible, with just the two of them handling the work load.
- 6) **Welcome** – Lyle informed board members about the new staff member, George Oliver. George started the position on May 1st.
- 7) **Good Bye** – This will be Cullen Barrie's last meeting, he will be leaving the Borough President's Office. We wish him well.

District Manager's Report – Toni Carlina

Toni announced: **1)** On 5/8, the SLA issued a SAPA –State Administration Procedure Act on the Comedy Club. This will allow them to operate, without renewing their license while the SLA reviews their License, due to various violations and issues. **2)** On April 24th, the CB6 Development Task Force met with representatives of Alexander Gurevich, the developer for, 250 E. 49th St. and 315 E. 46th St. On both of these development sites, the contractor has damaged the adjacent buildings, partial stop work orders have been issued, at E. 49th St. no work can be done within 20' of the damaged building and on E. 46th St the bed rock must be removed by hand and no work can be done within 10' of the damaged building. However, community complaints emanating from the Turtle Bay Assoc. and residents of 300 E. 46th St. indicated that work was taking place at 250 E. 49th St. beyond the usual work hours and regularly on Saturdays (DOB) is looking into the reasons why so many after hours permits were given. Additionally, at 250 E. 49th St. there was no sidewalk shed. This resulted in DOB issuing a full stop work order; work cannot resume until the sidewalk shed is completed. The main complaint from residents of 300 E. 46th Street was noise emanating from the 315 E. 46th St. construction site. The DEP representative stated that noise readings had previously been taken and the decibels were within the required levels. After listening to tapes produced by the residents demonstrating the noise levels, DEP agreed to re-inspect the site to ensure that all construction site equipment and the site itself had all noise mitigation measures in place. Mr. Gurevich's representatives were unable to answer most questions or act on any suggestions, therefore another meeting is being arranged when he can attend; this should take place within the next few weeks. They did agree to place the CB contact information on the site Bill Board. In addition, on May 1st, the Development Task Force met with Bovis Lendlease to review the development of 10 UN Plaza at E. 46th St. which will be a 41-story condo, 6 additional stories have been obtained from Inclusionary Housing. They too have agreed to place the CB contact information on the site Bill Board. **3)** This morning Toni met with Bob Redmond, Dir. Of Capital Planning for the DPR to inspect the slate steps at 51st St in Peter Detmold Park, he agrees that the steps need to be redone and will place it on the DPR capital budget list. **4)** The Mayors Executive budget has retained the \$10,000 cut for all Community Boards but omitted the additionally 3% cut. Community Boards all over the City are fighting these cuts through the local Council Members and the Borough Presidents. All Manhattan CB's have signed onto one letter that is being circulated, with the assistance of Borough President Scott Stringer, to The Mayor, Council Speaker Chris Quinn, local Council Members and OMB. **5)** Staff member Melissa Severe returns from maternity leave next Wednesday.

Treasurer's Report – Bea Disman

Bea announced there are 46 people attending the Board Dinner so far, but if anyone else has any payment tonight please give it to her or Frank Scala. The Board office budget is still basically the same, but will be obtaining more office supplies for 2009 before the end of fiscal year 2008.

Borough President's Report – Cullen Barrie

Cullen reported: 1) the Borough President has recently release his school overcrowding report. The city has added just 143 seats in one neighborhood and none in others. He has stated that beginning this fall, we need a much more aggressive five year capital plan; one that relieves existing overcrowding , plans for new growth and gives us the capacity to finally reduce class size throughout the system. 2) He would be leaving the Borough President's Office and he enjoyed working with the members of CB6.

For information on these and other reports, see the Borough President's Manhattan Monthly Newsletter or call 212-669-8300 to obtain a copy

COMMITTEE REPORTS

1) Health, Seniors and Disability Issues – Sandro Sherrod, Chair

a. Report

Report was waived

See committee minutes for full report.

2) Executive Committee – Lyle Frank, chair

a. Ryan Shafer, CB 6 former Assistant District Manager

Whereas Ryan Shafer served the residents and businesses of Community Board 6 with distinction from July 31, 2006 to April, 2008, and

Whereas, Mr. Shafer was named Assistant District Manager of CB6 in September 3, 2007, and remained in such position until his departure from CB6, and

Whereas, Mr. Shaffer served as liaison to the Land Use, Transportation and Business Affairs and Street Activities committee, and

Whereas, Mr. Shaffer was well regarded for his work ethic, intelligence, and good nature,

Now Therefore

Be It Resolved, that CB6 thanks Ryan Shafer for his service to Community Board 6 Manhattan.

VOTE: 39 in Favor 0 Opposed 0 Abstention 0 Not Entitled

2a. Transportation – Lou Sepersky, Chair

a. Report

Lou reported C/M Dan Garodnick followed up on the Boards letter to the NYPD as it pertained to the closures of 13th, 14th and 15th Sts. and the FDR Drive. He wants the board to continue discussions on this issue to decide on a better strategy.

He then informed Board members about the proposed installation of bus pads within the district and has asked members to inform him or board office of any locations that require them.

3) Land Use – Edward Rubin, Chair

- b. **(BSA 18-78-BZ) to apply for an extension of the term of a previously granted variance to allow in a residential R8B zoning district the commercial use of the ground floor of the premises located at 111-113 East 38th Street, Manhattan.**

WHEREAS, the Law Office of Slater & Beckerman, LLP on behalf of Kitano Construction Corp. owner of record of a multi-story mixed use building located at 111-113 East 38th Street, Manhattan, presented to the Land Use Committee of CB6 on Wednesday, May 7, 2008 an application to apply for an extension to a Variance (Calendar #18-78 -BZ) under Zoning Resolutions § 72-21, to allow in a residential R8B zoning district the commercial use of the ground floor of the premises located at 111-113 East 38th Street, Manhattan for an additional period of ten years beyond May 23, 2008; and

WHEREAS, the above applications is pursuant to Section 72-21 New York City Zoning Resolution; and

WHEREAS, applicant has filed all papers necessary with the Board of Standards and Appeals to apply for an extension to a variance to allow to allow in a residential R8B zoning district the commercial use of the ground floor of the premises located at 111-113 East 38th Street, Manhattan for an additional period of ten years beyond May 23, 2008; and

WHEREAS, the use of the ground floor and cellar of the Premises for commercial use has been in operation since 1975 with no adverse impact and the neighborhood having not registered any complaints, now

THEREFORE, be it

RESOLVED, that Community Board Six has no objection to the application for an extension to a Variance (Calendar #18-78 -BZ) under Zoning Resolutions § 72-21, to allow in a residential R8B zoning district the commercial use of the ground floor of the premises located at 111-113 East 38th Street, Manhattan for a period of five years

VOTE: 39 in Favor 0 Opposed 0 Abstention 0 Not Entitled

b. **Report**

Ed briefly reported on the forum he participated in at the Municipal Arts Society. Subject of discussion was David versus Goliath.

4) Youth & Education – Maxine McIntosh, Chairs

- a. **Recommendation that the former NYPD Academy on E. 20th St. be transformed into a free public school**

WHEREAS, New York City plans to move the Police Academy to new quarters in College Point, Queens, sometime after 2009; and,

WHEREAS, the existing police academy structure on East 20th Street is within the boundary lines of Manhattan Community Board Six; and,

WHEREAS, the structure contains class space, a well-appointed gymnasium, an auditorium, and numerous facilities that could be converted to use as a regular school; and,

WHEREAS, the existing facility is merely across Second Avenue from the campuses of PS 40 and MS 104, ("The Jonas Salk School"); and,

WHEREAS, the Thirteenth Precinct is located on East 21st Street (a/k/a "P.O. Anthony Sanchez Way"), which also houses Manhattan Borough Command, so that the neighborhood is among the safest and most crime-free in all of New York City; and,

WHEREAS, there is a need for taxpayer supported, free public neighborhood school for students in Community Board Six; and,

WHEREAS, a recent report by Manhattan Borough President Scott Stringer showed overcrowding and near over crowding conditions in the schools located in the area of the police academy; and

WHEREAS, substantial new development in the area will lead to the need for increased classroom space for the area's children; and

WHEREAS, if the police academy were to become a free public school, the close physical proximity of the existing police academy facility and the aforementioned PS 40 and MS 104 would create a unique opportunity for a familiar, integrated, nurturing learning environment all in proximity to friends and siblings, while maintaining physical separation in separate schools; and,

WHEREAS, such a learning environment would create unique educational opportunities and such an environment would allow the easy sharing of equipment, materials, and even possibly administrative staff; so that more resources can be devoted to classroom instruction; and

WHEREAS, such a learning environment and physical proximity of the students would allow teachers, guidance counselors, students and support staff at the high school to genuinely get to "know" each other; and,

WHEREAS, children in such a learning environment, who have all learned "from the ground up" in the same facilities and in the same broad learning community, would tend to enhance a student's pride of place and sense of belonging; and,

WHEREAS, the neighborhood's moderate income residents enjoy affordable neighborhood businesses such as pizzerias, coffee shops, bagel shops, ethnic and low-cost restaurants that rely, in turn, on a steady stream of daytime customers to provide high-volume, low-cost meals, goods, and services (i.e., NYPD cadets) to maintain their businesses; and,

WHEREAS, a school would help ameliorate the loss of these high-volume, low-cost transactions that neighborhood businesses will incur when the police academy closes; now

THEREFORE be it

RESOLVED, that Community Board Six urges New York City to work with the CB, the

community and elected officials to fully explore creation of a general, free public school, including a public high school at the facility located on East 20th Street, Manhattan, that is currently known as "The New York City Police Academy".

VOTE: 38 in Favor 0 Opposed 1 Abstention 0 Not Entitled

b. Report

Maxine reported that the committee would discuss the construction of the new school on E.20 St and 2nd Ave.

5) Housing & Homeless Services – Claude Winfield, Chair

a. 421a Partial Real Estate Tax Exemption for Charleston @ 225 East 34th Street, LLC - Resubmission

Whereas, in May 2007, Community Board Six passed a resolution in opposition to the granting of 421a tax abatement for 225 East 34th Street LLC, and

Whereas, 225 East 34th Street LLC did not attend a new public hearing scheduled to reconsider the granting of 421a tax abatements, now

Therefore be it

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

VOTE: 39 in Favor 0 Opposed 0 Abstention 0 Not Entitled report

b. NYS legislation Assembly Bill A10158 Senate Bill S3361 – in relation to primary Residence.

Whereas Landlords have increasingly brought court actions against tenants in recent years to eliminate their rent-stabilization protections on the basis of non-primary residence, and

Whereas approximately 15% of all tenants up for renewals every month have been sent notices of non-renewal at Peter Cooper Village and Stuyvesant Town by the new owners, and

Whereas by October 2007 one-third of the non-renewals notices had been dropped and tenants turned in their keys in only half of the cases, and

Whereas this legislation would allow tenants to recover attorney's fees and damages in cases where landlords act in bad faith to bring eviction proceedings against tenants on tenants on the basis of non-primary residence, now

Therefore be it

Resolved that Community Board Six urges the New York State legislature to pass Assembly Bill A10158, Senate Bill S3361, and Governor Paterson to sign in to law legislation in relation to primary residence.

VOTE: 39 in Favor 0 Opposed 0 Abstention 0 Not Entitled

- c. **NYS legislation Assembly Bill A06849, Senate Bill S3961 – in relation to providing a renter tax credit.**

Whereas, rising property values and resultant increased property taxes have increased the housing burden on the city's renters, and

Whereas, homeowners have also been hit with rising property taxes in the last few years, several tax relief programs offered to homeowners help to ease their housing burden, and

Whereas, homeowners are eligible for numerous tax deductions, including New York State School Tax Relief property tax exemption (STAR), and

Whereas, all City homeowners, regardless of income, qualify for the basic STAR exemption, and

Whereas, for the past three years, all resident homeowners have received a \$400 property tax rebate from the City to help offset the 18.5 percent property tax increase implemented in 2002, and

Whereas, renters have not participated in any of these benefits, and

Whereas, according to recent Census data over 40% of renters in the city spend more than 30% of their income on rent, and

Whereas, the renter tax credit would create a refundable credit of up to \$300 for New York City resident renters against their City personal income tax, and

Whereas, that credit can be used to pay taxes or, if it is more than what is owed, provides that taxpayers will get the credit as part of their refund, and

Whereas, taxpayers must have income under the income caps stipulated in the bill, now

Therefore be it

Resolved that Community Board Six urges the State Legislature to pass Assembly Bill A06849, Senate Bill 3691 and Governor Paterson to sign in to law legislation in relation to providing low income resident renters with renter's tax credit.

VOTE: 29 in Favor 7 Opposed 3 Abstention 0 Not Entitled

- d. **NYS Assembly Bill 10688 Senate Bill 7714- in relation to partial abatement of real property taxes**

Whereas, the real property tax system in New York City places a higher burden on co-op and condominium units than on comparably valued one-, two- and three-family homes, and

Whereas, in 1993, a blue ribbon commission appointed by Mayor Dinkins acknowledged that homeowners in cooperatives and condominiums paid more than their share of property tax, and

Whereas, in 1996, Mayor Giuliani and the City Council together called for tax reform, and

Whereas, recognizing this inequity, New York State authorized and the City of New York implemented a partial property tax abatement for co-op and condo owners beginning in 1996, and

Whereas, in August 1999, September 2001, and May 2004, the abatement program was extended for two, then three and then four years until June 30, 2008, and

Whereas, in the case of the last extender, in 2004, legislation was passed early enough to provide for a seamless transition, and

Whereas, the abatement is no substitute for the long-overdue reform of tax policy to correct this inequity, extending the current abatement program will continue the current level of relief for hundreds of thousands of New York City co-op and condo owners, now

Therefore be it

Resolved that Community Board Six urges Mayor Bloomberg and the City Council to send the state legislature a Home Rule Message supporting passage of A.10688/S.7714, and

be it further

Resolved that Community Board Six urges the State Assembly and Senate to pass and Governor Paterson to sign into law legislation to amend the real property tax law, in relation to partial abatement of real property tax.

VOTE: 39 in Favor 0 Opposed 0 Abstention 0 Not Entitled

e. **Report**

See committee minutes for report.

6). Public Safety, Environmental & Human Rights – Fred Arcaro. Chair

a. Adopting Labor Standards for Community Board Six in the Review of development Projects.

Whereas, our community is facing a boom in development projects and can have a multitude of active construction sites throughout the neighborhood at any one time, it is vital that both the workers and the community are protected by the highest of standards for labor employment and safety. To that end, the Community Board will seek to establish a common set of principles on labor and responsible contracting when considering development projects; and

Whereas, to promote the welfare of workers and the surrounding community, the community board will take the standards put forth by the Manhattan Borough President's Community and Labor Task Force into account when reviewing development projects; and

Whereas, the Manhattan Borough President's Community and Labor Task Force's principles include ensuring contractors have clean work histories with no history of defaulting a project, no previous violations of wage law, and no history of violating federal or state safety and environmental laws; and

Whereas, reviewing that contractors employed in Manhattan abide by current wage rates and provide workers appropriate benefits ensures that jobs being provided at a development site are good jobs that attract trained professionals; and

Whereas, contractors doing business in our community should provide opportunities for all New Yorkers, all general contractors and subcontractors should be participants in a federal or state Class A Apprenticeship Program and maximize opportunities for minority- and women-owned business enterprises (MWBE) to participate in the development; and

Whereas, construction sites can be hazardous if not properly run, there must be a guarantee that general contractors and subcontractors have the resources and qualifications to perform the contract and the proper insurance and bonding to correct any problems should they arise; and

Whereas, developers must provide the community board with a complete list of their general contractor and all subcontractors to allow the community to have as much information as possible for each development, and to assure that these contractors are adhering to these standards; and

Whereas, by using these labor standards as a component of reviewing development proposals, the Community Board will ensure the safety of the community, and encourage the hiring of laborers working in our community that are properly certified and compensated; now

Therefore, be it

Resolved that Community Board Six will review development projects using the Manhattan Borough President's Community and Labor Taskforce labor standards in an effort to improve the safety of construction sites and promote the welfare of both laborers and the surrounding communities.

VOTE: 32 in Favor 6 Opposed 1 Abstention 0 Not Entitled

b. **Noise from removing construction debris during the night.**

Whereas, residents have been awakened in the middle of the night by loud equipment removing, placing or otherwise adjusting containers of construction debris; and

Whereas, residents have been awakened in the middle of the night by loud equipment emptying commercial dumpsters; and

Whereas, remove, empty or move dumpsters or containers of construction debris with mechanical equipment of any sort which cannot be done without making loud and jarring noise; and

Whereas, Manhattan Community Board Six has found no laws prohibiting the use of equipment to place, remove, empty or move dumpsters or containers of construction debris during reasonable sleeping hours, when the debris is classified as sweepings; and

Therefore, be it

Resolved, that Community Board Six urges members of the City Council to develop legislation prohibiting the use of equipment to place, remove, empty or move dumpsters or containers of construction debris between the hours of 10 pm and 7 am.

VOTE: 39 in Favor 0 Opposed 0 Abstention 0 Not Entitled

- c. **NYS Assembly Bill A10292 - in relation to preventing scalding burns by requiring safe temperatures for tap water in multiple dwellings and one-family and two-family tenant occupied dwelling units; and to amend the general municipal law, in relation to minimum water temperatures**

WHEREAS, the U. S. Consumer Product Safety Commission estimates that nationwide approximately 3,800 injuries and 34 deaths result each year from scalding by excessively hot tap water in the home, and

WHEREAS, that tap water scald burns account for 7% to 17% of all childhood scald burns that require hospitalization, and the Journal of Pediatric Health Care estimates the nationwide cost of scald injuries in children aged 4 years and younger is \$1.3 billion annually; and

WHEREAS, Children and elderly persons are particularly susceptible to such burns given the delicacy and sensitivity of their skin; and

WHEREAS, studies have shown that water at 160 degrees Fahrenheit causes full thickness or “third-degree” burns within one second; water at 140° causes such burns in six seconds; water at 125° F causes such burns in two minutes; but water at 120° F takes ten minutes to cause such burns; and

WHEREAS, the US Centers for Disease Control and Prevention stated as far back as 1982 that “tap-water-scald injuries can be virtually eliminated by limiting water-heater temperature to no more than 120° F...”; and

WHEREAS, such mandated temperature restrictions will decrease utility costs for landlords and will not have a negative impact on the quality of the water;

THEREFORE BE IT

RESOLVED, that Community Board Six urges the State legislature to enact Assembly bill A-10290 and that the Governor should sign such legislation as soon as possible

VOTE: 28 in Favor 5 Opposed 6 Abstention 0 Not Entitled

e. **Report**

Fred thanked Mike McGuire for chairing the committee meeting this month in his absence. See committee minutes.

7) **Parks, Landmarks, and Cultural Affairs – Gary Papush, Chair**

a. **Landmark Designation- Irving Berlin House (17 Beekman Place).**

WHEREAS, Irving Berlin lived to the age of 101, 95 years as a resident of New York City and the last 42 (1947-1989) as the owner and resident of 17 Beekman Place in Community Board 6; and

WHEREAS, during a professional career as a composer lasting more than 70 years, Irving Berlin registered 899 songs for copyright of which 282 reached the top ten listing in sales and 35 reached the #1 position and two of them: Alexander's Ragtime Band (1911-1942) and White Christmas (1942-) were the all time selling songs for their era; and

WHEREAS, Jerome Kern stated that "Irving Berlin is American music" and George Gershwin stated that "Irving Berlin was the greatest American song composer" and Cole Porter called Irving Berlin "the greatest songwriter of all time"; and

WHEREAS, 17 Beekman Place was build in 1929 for James Forrestal, America's first Secretary of Defense and designed by the architect Harold Sterner and is considered one of the last significant private residences constructed in Manhattan; and

WHEREAS, Irving Berlin purchased the house in 1947 and all of his post 1947 music was composed in the house on one of the three pianos he installed and this included the Broadway show "Call me Madam" and the film scores for the movies Easter Parade, White Christmas and There's No Business Like Show Business"; and

WHEREAS, the American Society of Composers, Authors & Publishers (ASCAP) in a letter to Community Board 6 states that "this home is of such intellectual and artistic significance, that it is clearly worthy of landmark designation"; and

WHEREAS, 17 Beekman Place was purchased after Mr. Berlin's death by the Government of Luxembourg which has respected the significance of Mr. Berlin's long residency by placing their offices on the top floors of the building and leaving the first two levels as they were when Mr. Berlin lived there; and

WHEREAS, the Turtle Bay Association also strongly supports this proposal and that the spirit of Irving Berlin lives on in the Turtle Bay neighborhood nearly 2 decades after his passing, a tradition started by the community during his lifetime, the singing of White Christmas in front of 17 Beekman Place every December 24 has continued; now

THEREFORE, BE IT

RESOLVED, Community Board 6 urges the Landmarks Preservation Commission to calendar a public hearing and to vote to designate the Irving Berlin House at 17 Beekman Place as a historic Landmark of the City of New York.

VOTE: 39 in Favor 0 Opposed 0 Abstention 0 Not Entitled

b. **Temporary sculpture exhibit- Dag Hammarskjöld Plaza**

WHEREAS, the Friends of Dag Hammarskjöld Plaza sponsor temporary sculpture exhibitions at the raised platform in the park; and

WHEREAS, they propose to sponsor a group of four figures sculpted by Eleanora Kupencow titled "Horsing Around the Hours of Time"; and

WHEREAS, the sculptures are constructed of steel and powder coated and will be in bold colors that will be appropriate for the summer and fall seasons; and

WHEREAS, it is proposed to be exhibited for up to six months from approximately June 1-December 1, 2008; and

WHEREAS, the exhibit has been approved by the Department of Parks and reviewed by Community Board 6; now

THEREFORE, BE IT

RESOLVED, Community Board 6 supports the temporary exhibition of “Horsing Around the Hours of Time” at Dag Hammarskjöld Plaza.

VOTE: 39 in Favor 0 Opposed 0 Abstention 0 Not Entitled

c. Report

Gary reported that the Stuyvesant Square Park Association is filing a complaint with the Landmarks Preservation Commission (LPC) over Dept. of Parks & Recreation (DPR) installing new park benches without them notifying LPC. Please see committee minutes for further reports..

Waterfront Sub-committee – Ellen Imbimbo, Chair

a. Report

Ellen reported promises were made to the committee that the Water Club renovations and the Stuyvesant Cove Park fixtures would possibly be completed by Memorial Day.

8. Business Affairs & Street Activities – Carol A. Schachter, Chair

b. New, On-premises (OP) liquor license for Bar and Books, LLC, d/b/a TBD, 889 1st Avenue at E. 50th St.

WHEREAS, Raju S. Mirchandani, President, Benjamin Scolah, Owner, and Michael Kelly, Representative, appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on May 1, 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 April 22, 2008), the Applicant indicated that the business type of the establishment is a bar serving light food, and the Applicant’s questionnaire also provided the following proposed Operational Information:

- Hours of Operation (original Questionnaire information): 5 PM – 4 AM, 7 days a week.
- Capacity: 74.

- 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; Restroom accessibility: Yes; and

WHEREAS, Mr. Kelly 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 or has owned the following establishment(s) in NYC:

- Le Bateau Ivre, 230 E. 51st St., NYC (btw 2nd & 3rd Aves.); and

WHEREAS, the Application is subject to an SLA 500-foot rule hearing; and

WHEREAS, in order to persuade the Committee that it would be in the interest of the community to allow more than three licensed premises within 500 feet of each other, **Mr. Mirchandani signed the Liquor License Applicant’s Change Agreement, changing the original hours of operation above from 5 PM – 4 AM to 5 PM – 2 AM every day, including weekends;** 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
- **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)**
- 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, **the signing of the Change Agreement** and all other considerations, CB6M has no objection to the New, On-premises (OP) liquor license for Bar and Books, LLC, d/b/a TBD, 889 1st Avenue at E. 50th St.; 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: 37 in Favor 1 Opposed 1 Abstention 0 Not Entitled

VOTE: 38 in Favor 0 Opposed 0 Abstention 0 Not Entitled

- e. **New, On-premises liquor license for 905 Restaurant Corp., d/b/a Ethos, 905 1st Ave. at E. 51st St.**

WHEREAS, Michael Kelly, Representative, appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on May 1, 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 April 18, 2008), the Applicant indicated that the business type of the establishment is a Greek restaurant, and the Applicant’s questionnaire also provided the following proposed Operational Information:

- Hours of Operation: Weekdays 11 AM – 12 AM; Weekends 11 AM – 1 AM.
- Capacity: 62 at tables; 5 at the bar.
- Music on-premises: recorded background.
- Staging area (waiting lounge): no.
- Windows/doors opened/removed during warmer months: Yes; hours open: until 11 PM.
- Patron use of Outdoor Areas (Backyard, Deck/terrace, Roof): none.
- Wheelchair accessibility: Yes; Restroom accessibility: Yes; and

WHEREAS, the Representative provided an extensive menu; and

WHEREAS, the site was formerly a Greek restaurant; 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); and

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

- Euro Diner, 542 3rd Ave. at E. 36th St., NYC
- Moonstruck, 2nd Ave. at E. 53rd St., NYC; and

WHEREAS, members of the Committee determined that the restaurant as described would be in the interest of the community; and

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

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

- the presentation by the Representative
- verification of the information contained in the CB6M “Liquor License Questionnaire” which, coupled with the information about the operation as described above at the May 1, 2008, Committee meeting, served to a great extent to form the opinion of the committee
- 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 Representative at this meeting and all other considerations, CB6M supports the New, On-premises (OP) liquor license for 905 Restaurant Corp., d/b/a Ethos, 905 1st Ave. at E. 51st St.; 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, **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: 38 in Favor 1 Opposed 0 Abstention 0 Not Entitled

g. **New, Restaurant-wine (RW) license for Orchard House Café, LLC, d/b/a Orchard House Café, 1064 First Ave., at E. 58th St.**

WHEREAS, Glen Agrin, Principal, and Stefi N. Kaplan, Esq., appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on May 1, 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 February 20, 2008), the Applicant indicated that the business type of the establishment is a restaurant (coffee house/café), and the Applicant’s questionnaire also provided the following proposed Operational Information:

- Hours of Operation: Weekdays 7 AM – 10 PM; Weekends 7 AM – 12 AM.
- Capacity: 33.
- Music on-premises: recorded & live (acoustic string instruments on special occasions).
- Staging area (waiting lounge): no.
- Windows/doors opened/removed during warmer months: Yes: will close them at 11 PM **and** whenever there is a live performance.
- Patron use of Outdoor Areas (Backyard, Deck/terrace, Roof): none.
- Wheelchair accessibility: Yes; Restroom accessibility: Yes; and

WHEREAS, the Applicant provided plans/drawings and an extensive menu for the Committee to consider; and

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

- Coliseum Books Café, 11 W. 42nd St., NYC (closed); 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
- 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 Restaurant-wine (RW) license for Orchard House Café, LLC, d/b/a Orchard House Café, 1064 First Ave., at E. 58th St.; 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, **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: 39 in Favor 0 Opposed 0 Abstention 0 Not Entitled

- h. **New, Unenclosed Sidewalk Cafe for 20th St. Food Corp. d/b/a Lenz’s, 514 East 20th Street between First Avenue and Avenue C, 8 tables and 24 seats**

WHEREAS, the applicants appeared before us to answer any concerns and provided extensive plans for this cafe; and

WHEREAS, the applicants could have asked for a bigger café but chose not to, thus providing more pedestrian space; and

WHEREAS, there were no objections from the community; now

THEREFORE, be it

RESOLVED, that Community Board Six supports the application for an unenclosed café for the above entity at this time.

VOTE: 37 in Favor 1 Opposed 1 Abstention 0 Not Entitled

- i. **New, Unenclosed Sidewalk Café for Fiasco Group LLC, d/b/a t/b/d, 323 Third Avenue between E. 24th and E. 25th Streets, 14 tables and 26 seats.**

WHEREAS, the applicants appeared before us to answer any concerns and provided extensive plans for this café; and

WHEREAS, the applicants are already doing business as Bar Milano which is a fine restaurant for upscale clientele; and

WHEREAS, there were no objections from the community; now

THEREFORE, be it

RESOLVED, that Community Board Six supports the application for an unenclosed café for the above entity at this time.

VOTE: 29 in Favor 7 Opposed 3 Abstention 0 Not Entitled

- j. **Renewal, Unenclosed Sidewalk Cafe for 301 E. 47th St. Restaurant Corp., d/b/a Nino’s Positano, aka 888-890 Second Avenue between E. 47th and E. 48th Streets, 15 tables and 33 seats**

WHEREAS, the applicants did not appear before us to answer any concerns regarding this café renewal license; and

WHEREAS, we therefore were not able to have any information before us to render a committee vote; and

WHEREAS, it is committee policy not to support absentee applicants; now

THEREFORE, be it

RESOLVED, that Community Board Six objects to the application for a renewal license for this café at this time.

VOTE: 39 in Favor 0 Opposed 0 Abstention 0 Not Entitled

k. Report

Harry announced the redemption revocation hearing has been postponed; the revocation hearing for Tonic East was postponed but has since been rescheduled for next week. See committee minutes.

9. Budget & Governmental Affairs – Dan Williams, Chair

a. Assembly Bill A10439- appointing youth to NYC Community Boards

Whereas, Assembly Bill A10439 provides permission for the appointment of up to two Community Board Members for any Community Board who are ages sixteen or seventeen, and

Whereas, including youth on the board brings new views and gives incentive to our youth to participate in our democracy, and

Whereas, this bill promotes civic engagement among the city's youth, now

Therefore be it,

Resolved, that Community Board Six supports Assembly Bill A10439.

VOTE: 35 in Favor 2 Opposed 2 Abstention 0 Not Entitled

Report

Dan waived committee report. For the full reports see committee minutes.

Old/New Business

Second Roll Call

Meeting Adjourned at 10:15 pm