

FULL BOARD MEETING MINUTES
Wednesday, November 12, 2008
NYU MEDICAL CENTER
550 FIRST AVENUE

Hon. Lyle Frank, Chair

ATTENDANCE

Members answering first roll call:

Arcaro, Buchwald, Collins, Curtis, Dankberg, Eggers, Frank, Friedman, Garland, Haile, Hollister, Imbimbo, Judge, McGuire, McIntosh, Moses, Papush, Parker, Pellezzi, Reiss, Rubin, Scala, Schachter, Schaeffer, Schwadron, Sepersky, Sherrod, Southworth, Steinberg, Thompson, Weder, West, Wilson

Members answering second roll call:

Arcaro, Buchwald, Collins, Curtis, Dankberg, Eggers, Frank, Friedman, Garland, Haile, Hollister, Imbimbo, Judge, McGuire, McIntosh, Moses, Oddo, Papush, Parker, Pellezzi, Reiss, Rubin, Scala, Schachter, Schaeffer, Schwadron, Sepersky, Sherrod, Southworth, Steinberg, Thompson, Weder, West, Wilson

Excused

Barrett, Disman, Garodnick, Goldman, LaBarbera, Lilien, Simon, Ursillo, Williams

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

Knowles, Monterossa, Oddo, Parrish, Talbot, Winfield

Member attendance Present: 34 Absent: 5 Excused: 9

Guests signed in: Hon. Scott Stringer, A/M Kavanagh, Dan Benjoya representing BP Scott Stringer, Dara Adams representing Cg/M Carolyn Maloney, Kieth Powers representing A/M Bing, Susan Kingsland representing C/M Mendez, Tim Laughlin representing C/M Dan Garodnick, Christina Bottego representing C/M Lappin, Corey Green representing A/M Gottfried, Romeo Ymalay representing Sen. Duane, Brad Usher representing Sen. Krueger, Benny Silber (Vero Midtown), Rolland Garcia (Health First), Peter Person (State Liquor Authority)

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Meeting Called to Order

Chair Lyle Frank called the meeting to order at 7:05PM.

Adoption of the Agenda

Agenda adopted by a voice vote.

PUBLIC SESSION

Hon. Scott Stringer thanked the Board for being so engaged on a multitude of issues. The BP stated that the biggest issue facing the city right now is the economy. It is important that we don't repeat the budget mistakes of the 1970's fiscal crisis and offered several approaches and practical ideas:

- 1) Prioritize our budget and see what makes sense economically for the borough and for the city.
- 2) The 2nd Ave. Subway project and the expansion of the Moynihan station must continue.
- 3) Cuts to social services, especially to education and senior centers, have to be done with extreme care as many people in the city depend on these services.
- 4) NYC generates more funds for Washington, DC and Albany than we actually get back we must look to the Federal Government for our fair share of dollars. The Federal Government has failed to support programs like NYCHA; as it happens a recent report done by my office uncovered significant concerns relating to elevator safety in NYCHA housing.
- 5) Greater emphasis on nurturing small businesses which are the backbone of our economy.

BP Stringer also expressed concern about the upcoming Department for the Aging (DFTA) RFP for senior center contracts and its affect on service delivery to seniors. He stated that only centers with resources will end up answering the RFP and receive money, we must work with those who can't and request assistance in this endeavor.

On November 19th the Manhattan Borough President's Office will be hosting a conference with Columbia University called *The Politics of Food*.

A/M Brian Kavanagh spoke on the following issues: 1) he recently testified at City Hall about school overcrowding; he stressed the need to anticipate the affect of new housing development on school capacity. He reported that as a result of overcrowding at P.S. 116 over the summer approximately 50 students left the school even with the departures the school remains filled to capacity.

2) Participated in Stuyvesant Town-Peter Cooper Village tenant's association meeting in October. 3) met with Margaret Forigione, the Manhattan Borough Commissioner of NYC DOT to discuss traffic safety at the 14th Street AND 1st Avenue intersection. 4) Joined volunteers on "It's My Park! Day" in cleaning up and replanted the green spaces in Union Square Park. 5) Has requested a hearing of the NYS Department of Environmental Conservation to discuss the impact of renewing Con Edison's Title V permit at the East River station and the possibility of the plant operating exclusively on natural gas. The public hearing will be held at Campos Plaza Community Center at 611 East 13th Street on November 17th 2008 at 7:00pm.

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

Benny Silber of Vero Midtown, a restaurant located at 1004 2nd Ave., agreed to the Community Board's modifications to his sidewalk café so as not to interfere with pedestrian flow. He has promised that doors would be closed at 11pm and serving will end at 12pm.

Dara Adams representing Cg/M Maloney reported on the following issues: 1) at a recent House Oversight & Government Reform committee hearing the Cg/M had an opportunity to question former Federal Reserve Chairman Alan Greenspan on his opposition to regulation of derivatives. 2) The Cg/M wrote the Department of Justice asking them to outline the steps being taken to fully disburse authorized funds to local agencies and provide an audit of spending of such funds received by Debbie Smith DNA Grant program participants. The Debbie Smith DNA Grant was created by Cg/M Maloney to process DNA evidence kits. 3) On October 27 the Cg/M and the Sallie Mae Fund held a "Paying for College" workshop at the Lenox Hill Neighborhood House. One lucky student at the forum won a \$500 scholarship from Sallie Mae to help pay for his college education.

For additional reports, see the Cg/M's newsletter or call 212-860-0606 to obtain a copy.

Kieth Powers representing A/M Bing reported that the Governor has created a website www.reducenyspending.gov which outlines his budget deficit reduction plan. The A/M continues to support the 2nd Avenue Subway and East Side Access projects.

For additional reports see the A/M's newsletter or call 212-605-0927 to obtain a copy.

Brad Usher representing State Senator Liz Krueger reported that the Senator is preparing for the upcoming session and prioritizing based on the expected budget deficit. She supports a Federal stimulus package that includes State and infrastructure aid. Also, on her agenda for the upcoming session is local control and rules reform. The Senator will be hosting her 7th annual Youth Civics Project for high school juniors and seniors beginning in December.

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

Romeo Ymalay representing Sen. Tom Duane reported that the Senator had recently co-sponsored a bill with A/M Kavanaugh to aid wrongly accused tenants. The legislation if passed would require landlords to pay attorney's fees and/or expenses incurred by tenants wrongly accused of breaking rent-stabilization regulations.

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

Corey Green representing A/M Gottfried reported that on the 28th of October a Public Hearing was held to discuss the building of a new public elementary school in school district 2. The new site would be at 6th Ave. & E. 18th St., which is where the New York City Foundling Hospital is currently located. The A/M supports the new school proposal.

For additional reports, see the A/M's newsletter or call 212-807-7900 to obtain a copy.

Christina Bottego representing C/M Jessica Lappin reported that she will be replacing Ms. Miller the former Legislative Policy Director. The C/M's office in conjunction with Community Board 6 will conduct a walk around of the crane accident site to address quality of life issues.

Representatives from the Department of Transportation, Homeless Services, 17th Police Precinct, the Department of Buildings, the Department of Sanitation and representatives of other elected official offices are expected to be in attendance.

For additional reports see the C/M's newsletter or call 212-788-6665 to obtain a copy.

Tim Laughlin representing C/M Dan Garodnick reported 1) the C/M is working with the Department of Environmental Protection to address the brown water issue. The issue started about a month ago when the water system switched over from the Catskill reservoir to the Croton. 2) The C/M recently met with the Community Board about the Bellevue RFP and he is working to ensure that the process is carried out respective to CB 6's 197-a Plan. 3) The C/M also participated in the site visit with DOT Borough Commissioner Margaret Forgione regarding the safety issues at 14th St. and 1st Avenue.

Susan Kingsland representing C/M Rosie Mendez reported: 1) the C/M voted against extending term limits. 2) On October 29th the C/M held a public housing sub-committee hearing on elevator maintenance and inspection. Next steps for the C/M will be allocating funds specifically for elevator improvements. 3) Today (November 12th) the LES rezoning hearing was held and a long awaited plan was released with specifications for the rezoning. 4) The C/M also participated in the site visit with DOT Borough Commissioner Margaret Forgione regarding the safety issues at 14th St. and 1st Avenue. 5) The C/M sponsored a meeting between the Department of Parks and Community Gardeners for an update on capital projects. Stuyvesant Square Park was high on the agenda and the east gates are expected to be installed in early December. The dog run gates should be installed in early spring 2009. 6) Right Rides, a non-profit, which offers free safe late-night rides home for individuals on Saturday nights, has expanded its service.

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

Rolland Garcia of Health First reported that open enrollment for Medicaid/Medicare will begin November 15. On Saturday, December 20th Health First will host a children's event called Santa Land at Madison Square Garden.

Roll Call –Carol A. Schachter, Secretary

Q & A with Peter Person, Dir. of Operations NYC/Asst. Dir. of Enforcement (State-wide) for the State Liquor Authority (SLA)

- His office houses 13 investigators who cover the five boroughs of New York City, Nassau, Suffolk, Westchester & Rockland counties.
- There are 70,000 licensed premises in New York State. The five boroughs of New York City and Nassau, Suffolk, Westchester & Rockland counties account for approximately 40,000 of the licensed premises.
- Not every license goes before the SLA Full Board.
- Within the three licensing zones (NYC, Albany, Buffalo) there are local boards designated to sign off on a license.
- If a license has an adverse history and community opposition it will be referred to the Full Board by licensing and counsel. From there the Full Board will review the entire file and history.

- Administrative Law Judges (ALJ) have a back log of cases. If and when there is adjudication for a revocation or cancellation of a license, there is the possibility that the case will move on to a higher court.
- There is a threshold of adverse history that has to be met before a renewal will not be granted.
- The SLA works with the NYPD through Multiple Agency Response to Community Hot Spots (M.A.R.C.H) operations
- The SLA is an administrative agency; they do not make criminal arrests or issue criminal summonses although they do work in conjunction with criminal agencies that do. All sanctions are administrative, they progress as follows: levying fines, suspensions, cancellations and revocations.
- If a premise does not have a license the SLA does not have jurisdiction; ABC law puts the onus on law enforcement agencies.
- Renewals are handled out of Albany NY.

BUSINESS SESSION

Adoption of the Oct. 15th Full Board Minutes: Minutes were adopted by voice vote.

Chair's Report – Lyle Frank

Steve Sanders of Town and Village wrote a very nice article on the Bellevue Psych building meeting held by CB 6. On November 13, there will be an informational meeting on 303 East 51st Street where the crane collapsed and killed a number of people. Mr. Kennelly will be in attendance and there will be an opportunity for question and answer.

District Manager's Report – Toni Carlina

Toni reported that on November 20, CB 6 will hold its first public plaza task force meeting. While reviewing violations with DOB, it became clear that a disconnection exists between DOB, DCP and the Law Department in taking action against an owner who is not in compliance with the public plaza regulations. These meetings will address this issue and the many noted violations.

As requested by board member Mark Thompson the board office met with the New York Film Academy to address disturbances created by their students when filming in Stuyvesant Square Park.

The East Side Access project meeting is tentatively set for December 12th. There have been a myriad of complaints about this site. Construction will be held in abeyance beginning November 23rd until after the New Year.

Discolored water had been going on for weeks throughout a large portion of CB 6 before DEP addressed the issue.

The board office and Council Member Lappin's office will conduct a walk around the crane accident site with various city agencies and Common Ground for the Homeless to address quality of life issues at and around the site.

Please recommend problematic bars in the community to the board office so they may be placed on M.A.R.C.H initiatives.

The temporary website is: www.cbsix.org . A new and improved website is coming.

The holiday party will be discussed at the November Executive Committee.

Treasurer's Report – Bea Disman
Report waived due to Treasurer's absence

Borough President's Report – Dan Benjoya, see Hon. Scott Stringer report in the Public Session.

COMMITTEE REPORTS

1) **Waterfront**–Ellen Imbimbo, Chair

a) **Report**

Ellen reported that the Waterfront Committee recently met with Solar One to discuss their new building. They will return next month with full, detailed plans.

2) **Youth & Education** – Maxine McIntosh, Chair

a) **Report**

Maxine invited all in attendance to attend the next Youth & Education meeting on school construction projects

3) **Health, Senior & Disability Issues**–Sandro Sherrod, Chair

a) **Report**

Wil Weder reported that 1.2 billion Medicaid dollars will be lost in New York State. In this and coming fiscal years the cuts will amount to millions of dollars from our public hospital systems, HHC & Bellevue. Wil urged all in attendance that are concerned about health care to attend the HHC public hearing at Bellevue on December 16th. The hearing is open to the public and testimony is limited to five minutes. Lyle added that at the next Health committee meeting a representative from EDC will be present to discuss the status of the E. 28th Street direct ambulance access the board asked for.

4) **Housing & Homeless**– Claude Winfield, Chair

a) **Report** - Waived due to absence of the committee Chair

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

a) **RE: Consolidated Edison Building- Landmark designation**

WHEREAS, the Landmarks Preservation Commission has conducted a public hearing on the designation of the Consolidated Edison Company Building, 4 Irving Place as an individual landmark; and

WHEREAS, the Consolidated Edison Company Building was constructed in stages between 1910-1929 and designed by the leading architectural firms of Henry Hardenbergh and Warren & Wetmore and is considered a major feature of the New York City skyline; and

WHEREAS, Hardenbergh employed elements of the Beaux Arts and Neo-Renaissance styles to combine four separate structures into a unified design which also included an elaborate system of nighttime illumination which highlight the buildings decorative features; and

WHEREAS, a further wing designed by Warren & Wetmore in 1928 consists of an 18 story addition which matched the older Hardenbergh-designed portions of the building and includes a monumental Neoclassical corner tower which rises to 26 stories and has a 3 story colonnade and a stepped-back tower featuring illuminated clocks surmounted by a colonnaded temple with a pyramidal roof and a lantern which contains an upward pointing searchlight; and

WHEREAS, Community Board 6 in a resolution dated November 14, 1984 supported the landmark designation of several area buildings including Consolidated Edison; and

WHEREAS, the proposed designation does not include the current parking lot/loading dock on the 3rd Avenue side of the buildings; and

WHEREAS, while Community Board 6 does not oppose development of this area (our 197-A plan) we would not want any structure to rise as high or higher than the current Warren & Wetmore Tower or block further neighborhood views of this iconic landmark;

THEREFORE, BE IT

RESOLVED, Community Board 6 supports designation of the Consolidated Edison Company Building as a historic landmark of the City of New York; and

BE IT FURTHER

RESOLVED, we urge the Landmarks Preservation Commission to consider the iconic nature of the tower and its importance in defining the character of the surrounding neighborhoods and therefore work to protect view corridors toward the tower, specifically the view of the tower from the southeast which may be blocked by any development of the Consolidated Edison parking lot site adjoining the building to the east.

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

b) **Report** – Waived by committee Chair

6) **Land Use** – Edward Rubin, Chair

a) **RE: BSA (244-08BZ) to apply for a Special Permit to permit a Physical Culture Establishment located within portions of the existing building located at 153 East 53rd Street, Manhattan.**

WHEREAS, Rizzo Group LLP on behalf of 24-Hour Fitness USA, Inc. located at 153 East 53rd Street, Manhattan, New York, presented to the Land Use Committee of CB6 on Wednesday, November 5, 2008 an application to apply for a Special Permit (Calendar #244-08-BZ) under Zoning Resolution §73-36, to permit a Physical Culture Establishment (24 Hour Fitness USA, Inc.) located within portions of the existing building located at 153 East 53rd Street, Manhattan; and

WHEREAS, the above applications is pursuant to Section 73-36 New York City Zoning Resolution; and

WHEREAS, applicant has filed all papers necessary with the Board of Standards and Appeals to apply for a Special Permit to permit a Physical Culture Establishment; and

WHEREAS, 24 Hour Fitness USA Inc. operator of the physical Culture establishment will not adversely impact the neighborhood; and

WHEREAS, the special permit will permit 24 Hour Fitness USA Inc. to operate the new facility which will contain a total of 31,160 sq. ft. of floor area; 3,418 sq. ft, of area on the first floor, 27,742 sq of area on the Cellar level; and

WHEREAS, The entrance to the physical culture establishment is located in a commercial are with not residential dwellings and

THEREFORE, be it

RESOLVED, that Community Board Six has no objection to the application for an a Special Permit (Calendar #244-08-BZ) under Zoning Resolution §73-36, to permit a Physical Culture Establishment within portions of the existing building located at 153 East 53rd Street, Manhattan, for a period of five years.

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

c) **RE: DCP N090105 ZRM, Bellevue South Urban Renewal Area text amendment, as it relates to Phipps (in fill) Housing.**

WHEREAS, Phipps Houses is proposing to build a nine story infill housing building on a zoning lot between two existing tenement buildings on East 25th Street in the Bellevue South Urban Renewal area, and

WHEREAS, the tenements have habitable rooms with side wall windows that open onto narrow inner courts that face the sidewall of the proposed building, and

WHEREAS, any open area along the side property line must be built on the side property line, setback continuously for eight feet, or meet the very onerous requirements for an inner court, and

WHEREAS, the proposed text amendment would allow the front portion of the proposed building to be placed on the side lot lines and extend back to the point where the side windows of the adjacent tenements are, and

WHEREAS, the proposed text amendment allows for street wall continuity while at the same time providing additional light and air for the tenement windows, therefore

Be it resolved, that CB6 supports the proposed zoning text amendment and its ability to provide light and air for adjacent property windows while at the same time providing for street wall continuity, and

Be it further resolved, that the benefits of the zoning text amendment be provided citywide in all medium to high density zoning districts

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

d) **Report** – Waived by committee Chair

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

a) RE: Assembly Bill A10188D & Senate Bill S7845D

WHEREAS, building proceeds at a rapid rate in New York City, many projects are cutting corners, bending rules, doing whatever they can get away with even when their work is creating hazardous situations for the public, the neighbors, the owners, and even for the workers on site; and

WHEREAS, the Department of Buildings has tools they can use to prevent such hazardous violations by issuing stop work orders and requiring work to be done properly, with safety measures used to protect people and property in the vicinity of the construction site; and

WHEREAS, Assembly Bill A10188D will amend the administrative code of the city of New York, in relation to adding civil penalties for failure to certify correction of immediately hazardous violations that pose a threat of imminent danger and creating a duty to re-inspect and abate hazardous activities in violation of the New York city building code; and

WHEREAS, this bill would make any one falsely certifying correction of an immediately hazardous condition would be subject to prosecution under the penal law; and

WHEREAS, this bill will also provide a penalty of between \$1,500-\$5,000 if a person fails to submit certification of correction to DOB of an immediately hazardous violations; and

WHEREAS, this bill requires the Department of Buildings to re-inspect every 60 days until the violation is cured upon which work could resume; now

THEREFORE, BE IT

RESOLVED, that Community Board Six urges the State Assembly to pass A10188D and the State Senate to adopt S7845D respectively and the Governor sign such bill as soon as possible

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

b) RE: Assembly Bill A07745B & Senate Bill S5422B

WHEREAS, the Federal Occupational Health and Safety Administration considers building construction to be the most dangerous occupation with its death rate four times the average for other workers; and

WHEREAS, the Construction Industry Partnership of New York City, a labor-management alliance, estimates the cost of construction accidents in New York City at \$858 million in 2002; and

WHEREAS, a review of 2,500 OSHA construction site safety inspection in NYC in 2003, released by the New York Trial Lawyers Institute in 2005, determined that two thirds of inspection found at least one violation of safety standard; and

WHEREAS, to promote better monitoring of construction sites, Assembly Bill A07745B and Senate Bill S5422B would require the Department of Buildings to notify community boards and borough presidents of all construction permits and DOB actions in the district and to issue reports on construction accidents, property damage, and dangerous conditions resulting from code violations; and

WHEREAS, this bill will also provide that any information in the complaint book that is kept by DOB to be available to the public by posting them on the department's website; and

WHEREAS, this bill also requires DOB to publish on the website all permits granted for construction, demolition or excavation work; and

WHEREAS, this bill requires a site safety coordinator be designated at a construction site of a new building greater than 5 stories; now

THEREFORE, BE IT

RESOLVED, that Community Board Six urges the State Assembly to pass A07745B and the State Senate to adopt S5422B respectively and the Governor sign such bill as soon as possible.

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

c) **RE: Adherence to City of New York code policy as it relates to non conforming regulation buildings such as the new World Trade Center.**

WHEREAS there are many buildings under State and Federal jurisdiction that are not presently required to comply with New York City Building and Fire Codes; and

WHEREAS the DOB has completely overhauled the Building Code effective in July 2008, revolutionizing the way new construction projects are undertaken in the City of New York; and

WHEREAS the new Building Code which came about partially as a by-product of the terrorist attacks of September 11, 2001 and was written with a primary focus on life safety issues, efficiency and sustainability, which are all of deep concern to those in this community; and

WHEREAS the United Nation, though not required to comply with New York City codes has indicated that they will comply with City codes, thus providing an example of such compliance, now

THEREFORE BE IT

RESOLVED, that Community Board Six calls on both houses of the New York State Legislature to pass legislation to require the Port Authority and other State agencies, as soon as is practical, to comply with all applicable New York City Code Requirements, and

BE IT FURTHER

RESOLVED, that Community Board Six asks Mayor Michael Bloomberg, New York State Governor David Paterson and New Jersey Governor Jon Corzine **to ensure that all properties being developed under the existing non City conforming regulations be required to be constructed under the legal jurisdiction of the City of New York, with appropriate Certificates of Occupancy being issued, and including ongoing building and fire code enforcement, security, and police protection**

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

d) **Report** – Waived by committee Chair

8) Transportation- Lou Sepersky, Chair

a) DRAFT - RE: Petition for a new revocable consent by Con Ed for permission to close portions of 14th and 15th Streets in and around Avenues C and D in Community Board 6, and elsewhere.

Whereas, Consolidated Edison Company of New York, Inc., (Con Ed) , 801 East 14th Street, New York, New York, 10009, (block 367, lot 100) has submitted a Petition Form For A New Revocable Consent requesting permission of the New York City Department of Transportation (DoT) to continue to operate and maintain certain security equipment and barricades around its East River (steam and electric generating) Complex (complex) and other facilities in the immediate neighborhood, but outside Community Board 6, (CB6) and:

Whereas, Con Ed's request includes the closure of 14th Street from the east side of Avenue C to the Franklin D. Roosevelt Drive (FDR Dr.), and 15th Street from the east side of Avenue C to the FDR Dr. and certain streets on the south side of 14th Street, outside CB6 and;

Whereas there has been an insufficient examination of any sort of the impact and dislocation of vehicular traffic on these, and other, neighborhood streets and, similarly, on pedestrians; especially traffic impacts north of 23rd Street and;

Whereas CB6 testified at that hearing that the closure of these streets, and southbound exit of the FDR Dr. at 15th Street and the southbound entrance to the FDR Dr at 14th Street, caused, or would cause impacts and changes in traffic patterns which, similarly, had not been analyzed or reviewed, nor had the impact of southbound exiting and entering traffic dislocated to 23rd and 20th Streets be reviewed, and;

Whereas, Con Ed has concentrated 42 percent of its peak steam production capacity and 55 percent of its annual steam production capability and which could also generate 360 MW of back up electrical power at this complex, a result of its East River Re powering Project (ERRP) and;

Whereas, the Con Ed request is to continue the closure of the area to the general public and to continue the use security equipment including a 12 foot high fence, K rated Electric Vehicle Barriers, Reinforced Jersey Barriers and reinforced cable fence at the entrance / exit of the complex on 14th Street and elsewhere in the immediate neighborhood and;

Whereas, Con Ed has said that this petition, and the security measures it has taken, and is continuing, are in response to requests and instructions of the New York City Police Department (NYPD) as being necessary for the protection, safety and security of these premises and the associated plant and equipment and;

Whereas, the NYPD held a public forum, as required by Local Law 24 of 2005, to allow the affected community to comment on "potential adverse impacts of street closures initiated for security reasons" at the Con Ed plant site, on December 13, 2005 and;

Whereas, The New York State Board on Electric Generation Siting and the Environment was told (March 28, 2001, excerpts again presented Dec. 13. 2005) that Con Ed was warned that the consolidation of production at the complex, "The steam system will then be more vulnerable to outages, accidents and sabotage, while its environmental and health impacts will be borne disproportionately by the communities surrounding the East River Complex." and;

Whereas there has been no indication that Con Ed has taken any steps of its own to "harden" its facilities and making its buildings more resistant to acts of sabotage, unlike innumerable other commercial, office and industrial buildings in New York City, and leaving security to these street closures and;

Whereas it appears that no steps have been taken to minimize the dislocation to the CB6 portion of the effected neighborhood, now

Therefore, be it

Resolved, that Community Board 6 objects to, and strongly opposes, the granting of a revocable consent to Consolidated Edison Company of New York, Inc., 801 East 14th Street, New York, New York, 10009, (block 367, lot 100) to continue to operate and maintain certain security equipment and barricades around its East River (steam and electric generating) Complex (complex) and other facilities in Community Board 6, (CB6) including, the closure of 14th Street from the east side of Avenue C to the Franklin D. Roosevelt Drive (FDR Dr.), and 15th Street from the east side of Avenue C to the FDR Dr., unless:

It is clearly shown that Con Ed has done a study of hardening its complex and that these steps are not sufficient for the security of these buildings, nor has it offered other alternative security measures to insure security of the facility;

It is clearly shown that Con Edison has done a security study of its complex in close proximity to the FDR Drive;

The New York City Police Department (NYPD) makes itself available to take full and continuing part in the review of the Petition;

The New York City Department of Transportation (DoT) and NYPD begin and sustain, in cooperation with CB6, a comprehensive examination of the traffic and pedestrian impacts of the closure of affected streets and avenues in CB6, including streets to which traffic has been displaced;

The length of time of this Revocable Consent is established between the DoT, NYPD and CB6 and the process, and criteria, for any extension is to be clearly established;

The criteria for the establishment of a security zone is set out in agreement between NYPD and CB6 and that standards for persons dealing with sensitive data be set out so as to make it possible for appropriate members of CB6 to be fully involved in the examination, and

Be It Further Resolved, that the issues raised by the unilateral, uncontrolled and unsupervised nature of the establishment of security zones under the provisions of Local Law 24 (2005) be addressed by the New York City Council in amendments

The original drafted resolution was jointly presented by the Chairs of the Transportation and Public Safety, Environmental & Human Rights committee. Various board members made motions to amend the resolution. After discussions and votes, the following amended resolution was passed.

a) RE: Petition for a new revocable consent by Con Ed for permission to close portions of 14th and 15th Streets in and around Avenues C and D in Community Board 6, and elsewhere.

WHEREAS, Consolidated Edison Company of New York, Inc., (Con Ed) located at 801 East 14th Street, NY, NY (block 367, lot 100) has submitted a Petition Form For A New Revocable Consent requesting permission of the New York City Department of Transportation (DOT) to continue to close 14th and 15th Streets from Avenue C to the FDR Drive to maintain barricades around its East River steam generating complex and;

WHEREAS, Con Ed's request includes the closure of 14th Street from the east side of Avenue C to the Franklin D. Roosevelt Drive (FDR Dr.), and 15th Street from the east side of Avenue C to the FDR Dr. and certain streets on the south side of 14th Street, outside CB6 and;

WHEREAS, there has been an insufficient examination of the impact and dislocation of vehicular traffic on these, and other, neighborhood streets and, similarly, on pedestrians; especially traffic impacts north of 23rd Street and;

WHEREAS, CB6 testified at that hearing that the closure of these streets, and southbound exit of the FDR Dr. at 15th Street and the southbound entrance to the FDR Dr at 14th Street, caused, or would cause impacts and changes in traffic patterns which, similarly, had not been analyzed or reviewed, nor had the impact of southbound exiting and entering traffic dislocated to 23rd and 20th Streets been reviewed, and;

WHEREAS, the Con Ed request is to continue the closure of the area to the general public and to continue the use of security equipment including a 12 foot high fence, K rated Electric Vehicle Barriers, Reinforced Jersey Barriers and reinforced cable fence at the entrance / exit of the complex on 14th Street and elsewhere in the immediate neighborhood and;

WHEREAS, there has been no indication that Con Ed has taken any steps of its own to "harden" its facilities and making its buildings more resistant to acts of sabotage, unlike innumerable other commercial, office and industrial buildings in New York City, and instead has simply left security to the closure of these streets, now;

THEREFORE, BE IT

RESOLVED, that Community Board Six strongly opposes the granting of a revocable consent to Con Ed, located at 801 East 14th Street, NY, NY (block 367, lot 100) including its steam generating facility that would prevent the opening of 14th and 15th Street and further,

BE IT FURTHER

RESOLVED, that Con Ed design, build and maintain security measures, including hardening of the perimeter of the steam generating complex that opens and permits 14th and 15th Streets traffic as soon as possible and further,

BE IT FURTHER

RESOLVED, that Con Ed employ measures similar to other sites around the city including entry and exit to the FDR Drive at the UN, other power plants, and the area around the World Trade Center that permit through streets.

VOTE: 24 in Favor 8 Opposed 2 Abstention 0 Not Entitled

b) RE: Proposed newsstand at the northeast corner of 34th Street and Madison Avenue.

WHEREAS, an application (#1289712) for a newsstand has been filed with the New York City Department of Consumer Affairs (DCA) to be located at the northeast corner of 34th Street at Madison Avenue (the location), in Community Board 6 (CB6), and

WHEREAS, the proposed newsstand would be 6 feet wide and be located at or more than one (1) foot, six (6) inches from the curb to the rear of the newsstand, so meeting or exceeding the DCA's clearance requirements, and

WHEREAS, the DCA's requires a minimum clearance of nine (9) feet, six (6) inches in front of the proposed newsstand, and

WHEREAS, CB6 has continuously called for a minimum ten (10) feet of clearance from all obstructions and street furniture for all sidewalk uses so as to allow unimpeded pedestrian movement, and

WHEREAS, the location is 23 feet wide, exceeding the DCA's (and CB6's desired) minimum requirement and so meets or exceeds the regulatory requirements for clearance from traffic signs and signals, property lines, street furniture, now

THEREFORE, be it

RESOLVED, that Community Board 6, having reviewed the Department of Consumer Affairs newsstand application #1289712 for 34th Street at Madison Avenue, takes no position.

VOTE: 8 in Favor 26 Opposed 0 Abstention 0 Not Entitled

b1) RE: Addition of a newsstand at the NE corner of 34th Street and Madison Avenue.

WHEREAS, there is already a newsstand on the SW corner of the same intersection; and

WHEREAS, a news rack has already been installed by the 34th Street BID on the NE corner; and

WHEREAS, the presence of the Astro Mineral Gallery is highly valued for their beautiful displays of art and artifact, which should not be obscured; and

WHEREAS, the owners of the nearby stores and building, as well as the Murray Hill Neighborhood Association are opposed to the news stand; and

WHEREAS, the NE corner is a bus stop for three different bus lines (M2, M3, M4, Q32) with the commensurate lines of waiting bus riders; and

WHEREAS, there is a large amount of tourist foot traffic at that intersection, which is one block from the Empire State Building.

THEREFORE,

BE IT RESOLVED, That CB 6 opposes the addition of a news stand at the NE corner of 34th Street and Madison Avenue

VOTE: 23 in Favor 7 Opposed 4 Abstention 0 Not Entitled

d) Report

The Department of Transportation (DOT) has sent a list of locations where they are planning to install bike racks and has asked the Community Board to review and submit their opinion. Lou suggested that the list be broken up amongst the Transportation Committee members with each member visiting a certain amount of locations. Other Board members interested in reviewing the proposed list of bicycle racks can obtain the list from Lou. The deadline for submitting Board opinion to DOT is approximately December 1st.

9) Business Affairs & Street Activities– Carol Schacter, Chair

a) Re: Renewal, DCA application #1289202 for an unenclosed sidewalk café, 21 tables and 43 seats for Vero Midtown LLC d/b/a Vero Midtown, 1004 Second Ave. at E. 53rd St.

WHEREAS, the applicants appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on November 6 2008; and

WHEREAS, the committee advised the applicants about concerns regarding the smokers leaning outside the café boundaries and also the problem of the two large telephone booths located directly opposite the café which resulted in severe congestion on the Avenue; and

WHEREAS, the committee suggested a Change Agreement (which was prepared) stipulating: 1) the applicants close their windows nightly at 11 p.m.; 2) the café would close at midnight on weekends; and 3) there was to be only one row of tables on Second Avenue in front of the phone booths; and

WHEREAS, the committee was informed the applicants could not do this at our meeting but would get back to us after checking with the partners involved; now

THEREFORE, be it

RESOLVED, that CB6M will not object to the café **ONLY IF** the three conditions in the Change Agreement are signed by the responsible parties.

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

b) Re: Renewal, DCA application #1166753 for an unenclosed sidewalk café, 8 tables and 18 seats for Riingo Restaurant LLC, 205 East 45 Street, btw 2nd and 3rd Aves.

WHEREAS, the applicants appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on November 6 2008 being duly authorized to conduct such business; and

WHEREAS, the committee asked the applicants about a discrepancy in the number of tables requested and were told there was a revision from 7 tables to 8 tables, giving us detailed plans to this effect; and

WHEREAS, there was no one from the community to comment on this application; and

WHEREAS, the committee was familiar with this establishment and felt the addition of one table would not adversely impact the community; now

THEREFORE, be it

RESOLVED, that CB6M supports the application for this café.

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

c) **Re: Alteration, On-premises (OP) liquor license for Lexington Avenue BBQ, LLC., d/b/a Brother Jimmy's BBQ, 181 Lexington Ave. at E. 31st Street.**

WHEREAS, Josh Leibowitz, Owner ("Representative"), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on November 6, 2008, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, the Representative stated that DCA has already approved an outdoor café along 31st street; Representative provided the committee a set of plans showing the café's configuration; and

WHEREAS, the restaurant is an extant one which would like to extend its liquor license to permit liquor to be served in the outdoor café; and

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

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

- Close outdoor café at Midnight on weekends;
- Close outdoor café at 11 PM weeknights;
- Close windows at 11 PM nightly.

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

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

THEREFORE, be it

RESOLVED, that pursuant to the presentation by the applicant at this meeting and all other considerations, CB6M has no objection to the Alteration, On-premises (OP) liquor license for Lexington Avenue BBQ, LLC., d/b/a Brother Jimmy’s BBQ, 181 Lexington Avenue at 31st Street.; and be it

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

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

d) Re: Alteration, On-premises (OP) liquor license for Jinx Proof LLC d/b/a Beauty Bar, 231 East 14th Street.

WHEREAS, Paul Devitt, Managing Partner and Michael Stewart, General Manager (collectively, “Representatives”), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on November 6, 2008, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, the Representatives explained that they have in the past had a licensed fully functioning second bar area in their establishment that they closed one year ago when business was down; and

WHEREAS, the restaurant is an extant one which would like to reopen second bar to meet recent demand; and

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

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

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

THEREFORE, be it

RESOLVED, that pursuant to the presentation by the applicant at this meeting and all other considerations, CB6M has no objection to the Alteration, On-premises (OP) liquor license for Jinx Proof LLC d/b/a Beauty Bar, 231 East 14th Street.

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

f) Re: Renewal On-premises (OP) liquor license for Platinum J Inc d/b/a Moco, 516A 3rd Ave. btw E. 34th & E. 35th Sts, New York, NY 10016.

WHEREAS, Arthur Levine, Esq., attorney for Platinum J Inc. d/b/a Moco, appeared before the Business Affairs & Street Committee of Community Board 6 Manhattan (CB6M) on November 6, 2008, CB6M having jurisdiction on the premises in license application process; and

WHEREAS, the applicant has requested a renewal of its liquor license with no changes or modifications; and

WHEREAS, on the CB6M “Liquor License Questionnaire” sent to the Applicant (and received at the Board office October 2, 2008), the Applicant indicated that the business type of the establishment is a Restaurant and the Applicant’s questionnaire also provided the following proposed Operational Information:

- Hours of Operation: Weekdays: 5:30 PM – 12:00 AM; Weekends: 5:30 PM – 12:00 AM.
- Capacity: 50 at tables
- Music on-premises: recorded background.
- Staging area (waiting lounge): no.
- Windows/doors opened/removed during warmer months: Yes
- Patron use of Outdoor Areas (Backyard, Deck/terrace, Roof): none.
- Wheelchair accessibility: Yes; Restroom accessibility: Yes; and

WHEREAS, this restaurant has been at this same location for some time; and

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

THEREFORE, be it

RESOLVED, that pursuant to the presentation by the Representative at this meeting and all other considerations, CB6M supports the On-premises (OP) liquor license for Platinum J Inc d/b/a Moco 516A 3rd Avenue between 34th and 35th Street, New York, NY 10016.

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

g) RE: Limitation of Parking Privileges in connection with a Block Party application for P.S. 116, East 32nd Street between Second and Third Avenues, for Sundays Commencing January 4, 2009 from 9 a.m. to 5 p.m. (open ended)

WHEREAS, the applicants appeared before Community Board 6 to request approval to restrict six parking spaces in front of the school to vendors for the school’s weekly flea market on Sundays between the hours of 6 a.m. and 5 p.m. with the City’s Community Assistance Unit having jurisdiction over such request; and

WHEREAS, the applicants informed Community Board 6 the flea market would be held inside the school; and

WHEREAS, the applicants told Community Board 6 the profits would directly benefit the school; now

THEREFORE, be it

RESOLVED, that Community Board 6 supports the application by P.S. 116 for a street activity permit to limit such parking as indicated above.

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

h) Report

Carol thanked Joshua for his committee work with Cavatappo café.

Old/new business

Lyle announced that his wife is pregnant with twins and is due in April (2009).

Second Roll Call

Adjournment: 10:15p.m.