FULL BOARD MEETING MINUTES
Wednesday, May 13, 2009
NYU MEDICAL CENTER
FIRST AVENUE

Hon. Lyle Frank, Chair

ATTENDANCE

Members answering first roll call:
Fred Arcaro, Edward Bergman, Charles Buchwald, Jim Collins, Colleen Curtis, Louise Dankberg, Beatrice Disman, Richard Eggers, Lyle Frank, Florence Friedman, Joy Garland, David Garodnick, Linda Goldman, Rebecca Haile, Molly Hollister, Aaron Humphrey, Ellen Imbimbo, Paige Judge, Tom LaBarbera, Mike McGuire, Maxine McIntosh, Terrence O'Neal, Gary Papush, Rev. Joseph Parrish, Andrea Pellezzi, Edward Rubin, Frank Scala, Carol Ann Schachter, Paula Schaeffer, Joshua Schwadron, Lou Sepersky, Sandro Sherrod, Letty Simon, Susan Steinberg, Mark Thompson, Harry E. Ursillo, Wilbur Weder, John Pettit West

Members answering second roll call:
Fred Arcaro, Edward Bergman, Charles Buchwald, Jim Collins, Colleen Curtis, Louise Dankberg, Beatrice Disman, Richard Eggers, Lyle Frank, Florence Friedman, Joy Garland, David Garodnick, Linda Goldman, Rebecca Haile, Molly Hollister, Aaron Humphrey, Ellen Imbimbo, Paige Judge, Tom LaBarbera, Mike McGuire, Maxine McIntosh, Terrence O'Neal, Gary Papush, Rev. Joseph Parrish, Andrea Pellezzi, Edward Rubin, Frank Scala, Paula Schaeffer, Joshua Schwadron, Lou Sepersky, Sandro Sherrod, Susan Steinberg, Mark Thompson, Harry E. Ursillo, Wilbur Weder, John Pettit West

Excused:
Martin Barrett, Rachel Gomez, Ray Knowles, Melissa Lee, Noelle Lilien, Richard Moses, William Oddo, Clara Reiss, (Carol Ann Schachter, Letty Simon, *present first roll call then excused)* Daniel Williams, Susan Wilson, Claude L. Winfield

Note: Resolution votes may vary due to members present for first roll call then excused.

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

Member attendance: Present: **37** Absent: **0** Excused: **11**

Guests signed in: Keith Powers representing A/M Bing, Dan Pasquini representing C/M Garodnick, Romeo Ymalay representing Sen. Daune, Dara Adams representing Congresswoman Maloney, Corey Green representing A/M Gottfried, Chistina Bottego representing C/M Lappin, Buck Moorehead, Ann Arlen, Alicia Mehl, Dan Harris, Jay L. Berger, Lois Rakoff, Gulay Cibik, Lawrence Scheyer, Sandra Stevens, Joan Boyle, Anthony Corallo, Carol Rinzler, Nicole Paikoff

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Meeting Called to Order

Chair Lyle Frank called the meeting to order at 7:00PM

Adoption of the May 13th, 2009 Agenda

Agenda adopted by a voice vote.

PUBLIC SESSION

Keith Powers, representing A/M Jonathan Bing: 1) A/M Bing continues his efforts on school overcrowding, helping to identify the facility formerly occupied by Our Lady of Good Counsel School as a possible location for a temporary school in the school zone on the Upper West Side that has been without a school facility since 2000. **2)** On May 4, 2000 the Assembly passed A/M Bing's legislation (A. 594), which allows taxpayers to make a gift to the New York State Council of the Arts through a "check-off" on their personal income taxes. **3)** A/M Bing was honored on May 22 with a degree from the Laboratory of Institute of Merchandising (LIM), a fashion business college located in his district. **4)** A/M Bing has been invited to Bellevue Hospital to serve as a central service professional for the day, to observe the responsibilities of central service professional and the needs of their profession.

For reports see the Assembly Member's Community Bulletin or call 212-605-0937 to obtain one. http://www.jonathanbing.com

Cameron Peterson representing A/M Kavanagh: 1) A/M Kavanagh joined newly formed New York Chapter of State Legislators against Illegal Guns. 2) On May 2nd, A/M Kavanagh joined Borough President Scott Stringer and C/M Dan Garodnick at the Stuyvesant Town – Peter Cooper Village Tenants Association meeting held at MS 104. 3) A/M Kavanagh's bill (A473A), which passed the Assembly on May 6th, would allow rent stabilized and rent-controlled tenants to recover attorneys' fees and damages from landlords who challenger their primary residency in bad faith. 4) A/M Kavanagh bill (A514), that would prohibit landlords from employing key-card systems to track personal information without tenants' consent passed the Assembly on May 6th.5) A/M Kavanagh and State Senator Daniel Squadron introduced legislation on May 5th that would mandate idling time for all heavy duty vehicles statewide be no more than 1 minute.

For the complete report on this and other issues see the Assemblyman's Report or call 212-979-9696. http://www.assembly.state.ny.us

Corey Green representing A/M Dick Gottfried: 1) A/M Gottfried and State Senate Health Committee Chair Tom Duane have introduced legislation that would enact New York Health Plus (A. 7854/ S. 4884), which builds upon existing programs to make comprehensive, publicly sponsored, publicly funded health coverage available to everyone. **2)** A/M Gottfried opposes New York City Health and Hospital Corporation (HHC) and the New York City Economic Development Corporation (NYCDEC) RFP to build a hotel and conference center **3)** A/M Gottfried State Senator Tom Duane introduced the Gender Expression Non – Discrimination Act (GENDA), A. 5710/S. 2406, which would protect transgender people against discrimination throughout New York State.

For reports see the Assembly Member's Community Report or call 212-680-7900 to obtain one. http://www.dickgottfried.org

Sarra Hale Stern representing State Senator Liz Krueger reported: **1)** On May 6th both houses of the New York State Legislature passed the Senate's MTA bailout and reform package (S.5451) which will save straphangers from draconian fare hikes, crippling service cuts and will finally enact much needed oversight and accountability to Metropolitan Transit Authority (MTA). **2)** Federal stimulus money recently allocated to the New York City will allow for an additional 8,000 jobs to be provided through the Summer Youth Employment Program (SYEP). **3)** Thanks to a partnership with the Corporation for National and Community Service and its AmeriCorps VISTA program, New York City will inaugurate its first class of NYC Civic Corps members this summer. Late in April, the New York State Senate passed a bill (S.1664) Senator Kreuger introduced which creates new guidelines for the re-inspection and monitoring of hazardous violations issued by the NYC Department of Buildings (DOB).

For the complete report on this and other issues see the State Senator's Community Bulletin or call 212-490-9535. www.lizkrueger.com

Romeo Ymalay, representing Sen. Tom Duane: 1) On April 21, 2009 Senator Duane and A/M Gottfried introduced identical bills in Assembly and the Senate to legalize the use of

marijuana for medical purposes. If passed , the new law would provide a framework for the New York Department of Health to create legal and safe methods for growing, prescribing and disseminating marijuana to seriously ill patients. **2)** On April 16, 2009 Senator Duane stood with Governor Paterson as he publically announced that he would introduce an Executive Program Bill to allow same-sex civil marriage in the State of New York. **3)** Last Tax Day (April 15, 2009) Senator Duane along with A/M Linda Rosenthal announced the introduction of their legislation (S.4122/ A.5959), which will restore the New York City commuter tax.

For further reports, see the Senator's Newsletter or call 212-633-8052 to obtain one. www.tomduane.com

Barbara Sherman, representing C/M Rosie Mendez: 1) Informed attendees, The Parks Department announced the children's playground at Union Square Park's north end will be named for Evelyn Strouse, a long time community member who passed away in January. **2)** This past April, the City Council passed two home rule messages which called upon State legislatures to: Give back power to the City of New York to make its own laws regulating rent projections; and to stop the deregulation of apartments with rents over $2,000 – the City Council is strongly urging its Albany counterparts to swiftly enact them. **3)** C/M Mendez convened a meeting with the Department of Buildings (DOB) on the public's right to challenge buildings that don't comply with zoning.

For information on these and other reports see the Council Member's Community Bulletin or call 212-677-1077. www.rosiemendez.com

Christina Bottego, representing C/M Jessica Lappin: 1) On March 6, 2009, C/M Lappin joined over 200 parents for a rally on the steps of City Hall to protest the rampant school overcrowding in the local district and across the city. **2)** Attendees were informed that many eligible New Yorkers are not receiving food stamps, it was suggested that anyone wanted to find out if they qualified should contact C/M Lappin office. **3)** Gave an update on the Mayor's plan to put a garbage facility on 91st Street and York Avenue. ** stated, no permites have been issued by either the New York State Department of Environmental Conservation (DEC) or the U.S. Army Corps of Engineers.

For information on this and other reports see the Council Member's Community Bulletin or call 212-535-5554.
http://www.knowledgemessenger.com/b/ViewNewsletter.asp?id=1282&App=jessicalappin

C/M Dan Garodnick: 1) Joining colleagues at all levels of government, C/M Garodnick continued to push the Department of Education to seat children who are waitlisted for kindergarten in their neighborhood schools. **2)** C/M Garodnick joined elected officials and parents, students, alumni and staff from PS 6 for the dedication of the school's new green roof and eco-center. **3)** C/M Garodnick helped open the new Grand Central Branch Library, which will serve the Turtle Bay, Murray Hill and Tudor City neighborhoods. He also took the opportunity to renew his library card, putting him among 200 residents who opened library cards in the first days after the branch opened.

For the complete report on this and other issues see the Council Member's Community Bulletin or call 212-818-0580. www.garodnick.com

Dara Adams, representing Cg/M Carolyn Maloney: **1)** Rep Maloney, Chair of the Joint Economic Committee (JEC), and Senator Charles E. Schumer, Vice Chairman of the JEC, released a report showing unfair credit card practices are sending American families further into debt and undermining the economic recovery. **2)** Rep Maloney applauded the release by the federal Department of Transportation (DOT) of millions in stimulus funding for the Second Avenue Subway and East Side Access megaprojects, which are located almost entirely within Maloney's congressional district.

For information on this and other reports see the Congress Member's Community Report or call 212-860-0606. www.house.gov/maloney/press.html

Joan Boyle advocated the Manhattan Waterfront Greenway 32-mile route that circumnavigates the island of Manhattan. Also, she informed attendees that Manhattan Community Board 6 is the only district in Manhattan where the Greenway has not been implemented properly; Ms. Boyle appealed to attendees to close the gap and help ensure that the Greenway is implemented in the district.

Donald Iannotti, appealed to attendees to help prevent Bellevue Hospital from closing the Greenhouse Program. This is a modified therapeutic community for the dually diagnosed, at Bellevue Hospital.

Roll Call – Mark Thompson

BUSINESS SESSION

Adoption of April 15 Full Board Minutes;
Minutes were unanimously adopted by voice vote.

Report from the Chair – Lyle Frank
1) Explained one of the main reasons Mark Thompson is calling the rolls is, because Carol Schachter resigned as Secretary of the Board. Thanked Carol for here years of service and Secretary of the Board. **2)** Informed attendees that a special turn lane was instituted at E. 24th Street and Lexington Ave along with a special turn signal, making it safer for pedestrians to cross the street without cars bearing down on them. **3)** We received word that the Department of Transportation (DOT) will be installing countdown transportation signals in the area, thanks to: the District Manager; Health Committee; and Transportation Committee. Several signals will be installed around 14th Street. **4)** Announced the Annual Board Dinner that will take place on June 8th, 2009 in honor of former board member Ted Lynn. 5) Strongly asked Board Members to sign the Budget Letter to the Mayor regarding community board budget cuts. 4) Announced that Harry Ursillo is now the Vice Chair of the Business Affairs and Street Activities Committee (BASA), he's in charge of Sidewalk Cafés. Lyle also, welcomed new board member Melissa Lee to the board.

District Manager's Report – Toni Carlina
1) After 5 years, the board office has received a letter from George Brown, former President of Tudor City Association approving certain improvements of conditions at Tudor City. There will be onsite meeting there on May 22nd, 2009 with a Tudor City resident. 2) At the request of the Turtle Bay association we are having a Development Task Force meeting to review conditions at 301 E. 50th Street and 305 E.53rd Street. **3)** It was brought to our attention by a local resident that, Mama Mexico Restaurant located at 214 E. 49th St were using their backyard as an extension to the restaurant. Toni explained to the owners that without an alternation permit from the State Liquor Authority the extension was illegal. **4)** Recently discovered that the Department of Buildings (DOB) issues permits for Use Group 6, includes eating and drinking establishments. **5)** In regards to launching our new web site, we are now in phase 2 and are reformatting every webpage to Department of Information, Technology and Telecommunications (DOITT) specifications. 6) Announced that May 31st, 2009 was the last day of Urban Fellow, Stephanie Garry with Community Board 6, but has agreed to come to the Full Board to present her findings on sighted waterfront conditions based on the Waterfront Zoning Text Amendment based on a questionnaire Stephanie and Toni made up.

Treasurer's Report – Bea Disman
Bea mentioned the Budget Cut letters enclosed in board members packets, she informed the board of the severity of the community board's budget and reiterated the need to sign it. A $35, 000 budget cut leaves up with no money besides Other Then Personal Services (OTPS), Bea remarked that $13,000 is not enough money to buy office supplies and pay for maintenance and repair of: Phones; copiers; printers...Etc.

Borough President's Report – Dan Benjoya
Dan reported: **1)** Manhattan Borough President Scott M. Stringer today joined Council Member Dan Garodnick, U.S. Rep. Carolyn Maloney, parents, students and teachers at Manhattan's PS 6 for a ceremony dedicating the future "green" roof science center for the school. The $1.4 million state-of-the art center will feature a greenhouse, solar panels, composting center, weather station, picnic area, outdoor classroom, turtle pond, and individual planting zones for each grade. The center will be named for former PS6 science teacher Eric Dutt. **2)** Study shows epidemic rates of obesity and related health problems in East Harlem are matched by poor food choices**,** Manhattan Borough President Scott M. Stringer, who released these findings today in a study issued by his office, said that it is time for New York City to directly address large discrepancies in the retail food environments in different neighborhoods. To that end, the Borough President called on the New York City Department of Health to create a "FoodStat" for every city neighborhood.

For the BP's Report, see the Borough President's Manhattan Monthly Newsletter or go to www.mbpo.org.

COMMITTEE REPORTS

1) Land Use – Ed Rubin, Chair

a. **Report**
Report was waived.

2.) Health Senior, & Disability Issues – Sandro Sherrod, Chair

a. **Report**
Sandro mentioned the Greenhouse and Continuing Treatment Program (CTP) at the Men's Shelter on 30th St. and 1st Ave.

3.) Budget & Governmental Affairs – Dan Williams, Chair

a**. Report**
Dan asked all Committee Chairs to give their District Needs statements to the board office as soon as possible.

4.) Youth & Education – Maxine McIntosh, Chair

a. **Report**
Maxine announced the Summer Youth Employment Program is now accepting applications, and the deadline for applications is on May 15, 2009.

5.) Public Safety – Fred Arcaro, Chair

a. **Report**
Fred thanked Harry Ursillo for chairing April's Public Safety meeting.

6.) Waterfront Committee – Ellen Imbimbo, Chair

a. **Solar 1 summer events and request for a seasonal Beer & Wine License.**

WHEREAS, Solar 1 is scheduling a series of events during May through October 2009 similar to those held in years past, and

WHEREAS, Solar 1 is planning to sell beer and wine at their scheduled events and has requested Community Board 6 support of such sales, and

WHEREAS, Community Board 6 has adopted a resolution in past approving of beer and wine sales so long as sale and consumption be limited to their leased blacktop area, and

WHEREAS, Solar 1 has a security presence to ensure that no one leaves the premises with alcohol, and

WHEREAS, Community Board 6 has received no complaints regarding Solar 1 's previous events, now therefore be it

RESOLVED, that Community Board 6 reaffirms previous resolutions and does not object to such sales.

VOTE: 36 in Favor 1 Opposed 1 Abstention 0 Not Entitled

b. **Report**
Ellen announced that the Waterfront Committee will be having their next meeting, the next day on May 14th, 2009. She also mentioned specific items of discussion for this meeting, such as the discussion on creating a park on the E. 38th Street Pier

7) Transportation – Lou Sepersky, Chair

b. **Application (DOT 2009-03M) to replace existing distinctive sidewalk in front of 860/870 United Nations Plaza.**

Whereas 866 United Nations Plaza, LLC, has filed an application (DOT 2009-03M) with the New York City Department of Transportation (DOT) for the replacement of certain distinctive sidewalk in front of 860/870 United Nations Plaza, in Community Board 6, Manhattan, and

Whereas the design and coloration of the newly installed sidewalk, when completed, is to replicate the sidewalk it is replacing, and

Whereas the existing sidewalk is described by its managers as being deteriorated and hazardous, and

Whereas the applicant has said the replacement sidewalk will meet the traction standards (the co-efficient of friction) and other standard regulations of the DOT, and

Whereas the design has been submitted to the New York City Design (formerly Art) Commission for its approval, now

Therefore, be it

Resolved Community Board 6, Manhattan, offers no objection to the application (DOT 2009-03M) of 866 United Nations Plaza, LLC, to the New York City Department of Transportation (DOT), for the replacement of certain distinctive side walk with a distinctive sidewalk of like design and which meets traction and other standard DOT regulations.

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

c. **Application for a permit to operate a news stand on Second Avenue, near the south east corner of East 53rd Street.**

Whereas, Jajanara Begum has filed an application (1311160) with the New York City Department of Consumer Affairs (DCA) to operate a news stand on Second Avenue, near the south east corner of 53rd Street, Block 1345, Lot 7501, (Manhattan) being 63 feet from the corner property line to the north end of the proposed news stand, in Community Board 6 (CB6), and

Whereas, the sidewalk at the location indicated on the site plan (Location Diagram 1), measures the sidewalk as being 15 feet, four (4) inches, and the proposed news stand has dimensions of 12 feet long and four (4) feet wide and its placement being one (1) foot six (6) inches from the curb, bringing the structure five (5) feet, six (6) inches into the sidewalk, and

Whereas, the DCA requirement is a minimum sidewalk clearance of eight (8) feet, and

Whereas, the remaining sidewalk clearance is nine (9) feet, ten (10) inches, and

Whereas, it is the stated position of CB6 that sidewalk clearances from obstructions and obstacles should be no less than ten (10) feet, now

Therefore, be it

Resolved, that Community Board 6 (CB6), Manhattan, offers no objection to the Department of Consumer Affairs news stand application 1311160, for Second Avenue, near the south east corner of 53rd Street, Block 1345, Lot 7501, being 63 feet from the corner property line to the north face of the proposed news stand, but

Be, it further

Resolved, that CB6 objects to the requirement of eight (8) feet of sidewalk clearance, and calls for uniform minimum clearance of no less than ten (10) feet of useable pedestrian walking space on sidewalks.

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

d. **Dangerous conditions on the portion of the East 20th Street bicycle lane between the Service Road of the Franklin D. Roosevelt (FDR) Drive (a/k/a Avenue C) and First Avenue.**

Whereas, bike riding residents of the Community Board 6 have notice, and complained, about dangerous street conditions on 20th Street between Avenue C and First Avenue, which is also in the 13th Police Precinct, and

Whereas, these conditions include, but are not limited to truck and private car double parking, cars and access-a -ride picking up and discharging passengers in bicycle lanes, and

Whereas, 20th Street, along this stretch is used by a number of express and RTS bus routes, and

Whereas, there is a persistent lack of enforcement of bike lane regulations, along this stretch of 20th Street, now

Therefore, be it

Resolved, that Community Board 6 (CB6) calls on the Police Department, specifically including the 13th Police Precinct, to enforce bicycle safety regulations on all bike lanes in C B6, beginning specifically with 20th Street from Avenue C to First Avenue.

VOTE: 36 in Favor 0 Opposed 2 Abstention 0 Not Entitled

e. **Report**

8) Parks, Landmarks, & Cultural Affairs – Gary Papush, Chair

a. **Citywide Preservation Platform**

Whereas, Community Board 6 has for several years supported measures and adopted resolutions to provide the Landmarks Preservation Commission with sufficient funding and authority to effectively perform the services they are required to provide to the people of New York City under the New York City Charter and the Landmarks Preservation Law, and

Whereas, the Historic Districts Council and the Municipal Art Society are supporting a "Citywide Preservation Platform" to highlight the importance of historic preservation and the work of the Landmarks Preservation Commission (copy attached) and are urging other organizations throughout the city to endorse these principles, and

Whereas, Community Board 6 has reviewed the Preservation Platform and finds the items within to be consistent with resolutions adopted through the years by us,

Therefore, be it

Resolved, Community Board 6 endorses the Citywide Preservation Platform.

VOTE: 36 in Favor 1 Opposed 1 Abstention 0 Not Entitled

b. **Concessions in Public Parks**

Whereas, the New York City Department of Parks & Recreation issues RFP's for the operation of food concessions in public parks, and

Whereas, in the experience of Community Board 6, the RFP's only indicate the area of the park that the concession will be located but not the maximum area to be taken up by the concession nor a limit on the number of tables and chairs, and

Whereas, concessions have been known to increase the amount of parkland they take up with no sanctions by the DPR, and

Whereas, usable public parkland is a precious resource in the City of New York but most especially in Community Board 6 which has the least amount of park acreage in the whole of New York City and while we understand the pressure placed on the DPR to expand revenue for the City of New York, this should not be done at the expense of further decreasing usable park space within Community Board 6, and

Whereas, the New York City Planning Commission does have regulations mandating the maximum amount of space a concession in a public plaza may take, and

Whereas, this regulation states "The exterior corners of the border of the space to be occupied by an open air café shall be marked on the ground by a line painted with white latex traffic or zone marking paint. The line shall be one inch wide and three inches in length on each side of the café border from the point where the borders intersect at an angled corner. In addition, a line one inch wide and three inches long shall be marked on the ground at intervals of no more than five feet starting from the end point of the line marking the café corners," now

Therefore, be it

Resolved, Community Board 6 supports regulations mandating the maximum amount of space that a concession may take up in a New York City public park by the use of a similar mechanism as that used by the City Planning Commission for concessions in public plaza's, and

Be it further

Resolved, we would urge our city councilmember's to enact appropriate legislation to carry this out.

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

c. **Report**
Gary mentioned the opening of the new Grand Central branch of the New York Public Library.

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

a. **New, DCA application (#1297821) enclosed sidewalk café, 12 tables & 24 seats for 3rd Ave. 26 Rest. Corp. d/b/a Sunflower Diner, 359 3rd Ave. btw E. 26th & E. 27th Sts.**

WHEREAS, the applicant appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on May 7, 2009; and

WHEREAS, the cafe is changing ownership of the premises from husband and partner to wife solely; and

WHEREAS, there is absolutely no difference in configuration of the present arrangement and numbers of tables and seats; and

WHEREAS, the hours of operation are 11 p.m. Sunday through Thursday and midnight on Friday and Saturday; and

WHEREAS, there was no one from the community to object to this venue; now

THEREFORE, be it

RESOLVED, that CB6M supports this application.

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

b. **New, DCA application #1312612 for an unenclosed sidewalk café, 15 tables and 31 seat for Elevated Entertainment Restaurants LLC d/b/a Cornerstone Tavern, 961 Second Avenue, at E. 51st Street**

WHEREAS, the applicant appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on May 7, 2009; and

WHEREAS, the applicant signed a Change Agreement to eliminate one table on Second Avenue and one table on E. 51st Street; and

WHEREAS, the applicant further agreed in the same Change Agreement to close his windows daily at 11 p.m. and to close the cafe on the Second Avenue side at midnight during the week and at 1:00 a.m. Friday and Saturday evenings; and

WHEREAS, there was no one from the community to object to this venue; now

THEREFORE~~, be it~~

RESOLVED, that CB6M supports this application.

VOTE: 36 in Favor 1 Opposed 1 Abstention 0 Not Entitled

c. **Renewal, DCA application #1215467 for an unenclosed sidewalk café, 15 tables and 35 seats for 60 Sweet Thing Inc., d/b/a Redemption, 1003 Second Avenue, at E. 53rd Street**

WHEREAS, the applicant appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on May 7, 2009; and

WHEREAS, a committee member expressed the opinion that there was no trouble with the operation of this cafe; and

WHEREAS, a member of the community attended to object to this venue due to the noise created by establishments of this type; and

WHEREAS, the applicant provided documentation that, if CB6 approved the cafe, he would not use that approval as a defense for any appeal which may arise as a result of any SLA revocation hearing; now

THEREFORE, be it

RESOLVED, that CB6M does not object to this application.

VOTE: 26 in Favor 7 Opposed 5 Abstention 0 Not Entitled

d. **New, DCA application #1314793 for an unenclosed sidewalk café, 9 tables and 18 seats for AAM Restaurant LLC d/b/a Bistango, 415 Third Avenue, at E. 29th Street**

WHEREAS, the applicant appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on May 7, 2009; and

WHEREAS, the cafe is merely changing ownership of the premises; and

WHEREAS, there is actually one seat less as presented in this application; and

WHEREAS, the hours of operation are 11 p.m. Sunday through Thursday and midnight on Friday and Saturday; and

WHEREAS, there was no one from the community to object to this venue; now

THEREFORE, be it

RESOLVED, that CB6M supports this application.

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

e. **New, DCA application #1315641 for a small unenclosed sidewalk café, 5 tables and 10 seats for Bar and Books LLC d/b/a Bar and Books, 889 First Avenue, at E. 50th Street**

WHEREAS, the applicant appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on May 7, 2009; and

WHEREAS, prior to attendance at our committee meeting the applicant was responsible for ripping out a tree guard and enclosed flowers and paving over the enclosure; and

WHEREAS, there was considerable outrage from the community, including representation from the Turtle Bay Tree Committee, as well as from our committee for this desecration of property; and

WHEREAS, our committee did not receive an explanation of why there were four outstanding DOB violations regarding an illuminated sign outside the establishment; and

WHEREAS, the applicant offered to replace part of the enclosure but wanted pavers on half of the pit area to better serve its patrons; now

THEREFORE, be it

RESOLVED, that CB6M strongly opposes this application.

VOTE: 35 in Favor 3 Opposed 0 Abstention 0 Not Entitled

f. **New, On Premises Liquor (OP) license for Carlos Narcisse or corp. to be formed d/b/a tbd, 137 East 55th Street, between 3rd and Lexington Avenues**

WHEREAS, Carlos Narcisse, Owner and Terry Flynn, Attorney (together "Representative"), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on May 7, 2009, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, the Representative stated he will be opening a bar/lounge/catering facility in the space formerly occupied by AZZA; and

WHEREAS, the hours of operation as originally stated were 6 pm to 4 am 7 days a week, but after Owner signed a change agreement reducing the hours on Monday through Thursday to 2 am; and

WHEREAS, the establishment will have a DJ and recorded music and they will be applying for a cabaret license so they can have dancing; and

WHEREAS, the capacity for this establishment is 356 people; and

WHEREAS, because of the location of this establishment a 500 foot hearing is required;

WHEREAS, members of the community board stated that this is an ideal location for this type of establishment, because the main area of the establishment is in a basement, thereby significantly reducing the amount of noise which can be heard on the street; and

WHEREAS, Owner is former owner of AER in the meatpacking district; and

WHEREAS, Representative signed a change agreement, agreeing not to have any promoter parties, agreeing not to sublet the space and, as previously stated, agreeing to close by 2 am on Monday through Thursday; and

THEREFORE, be it

RESOLVED, that pursuant to the presentation by the Representative at this meeting, the change agreement, and all other considerations, CB6M does not object to the New, On Premises Liquor (OP) license for Carlos Narcisse or corp. to be formed d/b/a tbd, 137 East 55th Street, between 3rd and Lexington Avenues

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 0 Opposed 0 Abstention 0 Not Entitled

h1. **Alteration, On Premises Liquor (OP) license for 1011 Restaurant Corp, d/b/a The Terrace, 1011 2nd Avenue between East 53rd and East 54th streets**

WHEREAS, Thomas McCallen, Attorney ("Representative"), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on May 7, 2009, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, the Representative stated they intend to combine two spaces to make one large bar: 1009 2nd Avenue, which was formerly Café Bon Gusto, a two floor restaurant and 1011 2nd Avenue, currently The Terrace, a two floor bar; and

WHERERAS, the alterations include store front remodel, combination of the spaces, additional bathroom in the basement, and 2 additional bars; and

WHEREAS, both of these establishments have the same owner; and

WHEREAS, the transfer of the application would have required a 500 foot hearing, and according to Attorney this application can be structured as an alteration does not need a 500 foot hearing; and

WHEREAS, the hours of operation are 12 pm to 4 am, daily and the capacity of the combined space would be approximately 300, however existing zoning only permits up to 200; and

WHEREAS, the establishment is in a highly residential area and there are a lot of noise complaints in the area; and

WHEREAS, the area is highly saturated with bars and clubs and it is the opinion of the community board that a larger one is not needed; and

WHEREAS, two members of the community were present to speak against the proposed application and mentioned there were over 1000 apartments within 500 feet of this establishment; and

WHEREAS, no members of the community were present to speak for the application; and

THEREFORE, be it

RESOLVED, that pursuant to the presentation by the Representative at this meeting, the change agreement, and all other considerations, CB6M **objects** to the Alteration, On Premises Liquor (OP) license for 1011 Restaurant Corp, d/b/a The Terrace, 1011 2nd Avenue between East 53rd and East 54th streets

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

h2. **Renewal, On Premises Liquor (OP) license for 1011 Restaurant Corp, d/b/a The Terrace, 1011 2nd Avenue between East 53rd and East 54th streets**

WHEREAS, Thomas McCallen, Attorney ("Representative"), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on May 7, 2009, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, the Representative stated they want to renew their liquor license which includes the rooftop above the second floor of The Terrace; and

WHEREAS, the hours of operation are 12 pm to 4 am, daily; and

WHEREAS, the establishment is in a highly residential area and there are a lot of noise complaints in the area, especially from the roof noise; and

WHEREAS, the area is highly saturated with bars and clubs and it is the opinion of the community board that a roof bar open to 4 am only exacerbates the noise; and

WHEREAS, two members of the community were present to speak against the proposed application and mentioned there were over 1000 apartments within 500 feet of this establishment; and

WHEREAS, no members of the community were present to speak for the application; and

THEREFORE, be it

RESOLVED, that pursuant to the presentation by the Representative at this meeting, the change agreement, and all other considerations, CB6M **objects** to the Renewal, On Premises Liquor (OP) license for 1011 Restaurant Corp, d/b/a The Terrace, 1011 2nd Avenue between East 53rd and East 54th streets.

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

i. **New, On Premises Liquor (OP) license for E. 53rd LLC d/b/a Albustan, 319 East 53rd Street between 1st and 2nd Avenues**

WHEREAS, Elia Ghafary, Owner and Mark Mehler, Attorney (together "Representative"), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on May 7, 2009, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, the Representative stated he will be opening a Lebanese restaurant, which has been located on 3rd Ave for years; and

WHEREAS, the hours of operation are 12pm to 11 pm Sunday through Thursday, with closing times of midnight on Friday and 1 am on Saturday; and

WHEREAS, because of the location of this establishment, a 500 foot hearing is required; and

WHEREAS, members of the community board spoke in favor of a restaurant in this location and thought it would be in the public interest; and

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

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 Liquor (OP) license for E. 53rd LLC d/b/a Albustan, 319 East 53rd Street between 1st and 2nd Avenues

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 0 Opposed 0 Abstention 0 Not Entitled

k. **New, Restaurant Wine (RW) for Picnic P.A. LLC d/b/a tbd, 151 East 57th Street between 3rd and Lexington Avenues**

WHEREAS, Phillip An, Owner ("Representative"), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on May 7, 2009, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, the Representative stated he will be opening a restaurant and takeout establishment featuring health food; and

WHEREAS, the establishment will close no later than 10 pm daily; and

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

THEREFORE, be it

RESOLVED, that pursuant to the presentation by the Representative at this meeting, and all other considerations, CB6M supports the New, Restaurant Wine (RW) for Picnic P.A. LLC d/b/a tbd, 151 East 57th Street between 3rd and Lexington Avenues

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 0 Opposed 0 Abstention 0 Not Entitled

l. **New, upgrade to On Premises Liquor (OP) license for Big B Restaurant Enterprises Inc d/b/a Candle Light Wine Bar, 229 East 53rd Street btw 2nd and 3rd Avenues**

WHEREAS, Chris Bianchi, Owner and Bruno Gioffre, Attorney (together "Representative"), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on May 7, 2009, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, the Representative stated he owns a preexisting business and would like to serve alcohol in addition to his existing wine and beer service; and

WHEREAS, the hours of operation are 11 am to 4 am, daily; and

WHEREAS, the capacity of the establishment is only 20 persons; and

WHEREAS, because of the location of this establishment a 500 foot hearing is required; and

WHEREAS, members of the community board thought that because the establishment is a very small space with a capacity of only 20, it would not be noisy; in addition, they have been a good business in the past and the community board thinks they are an asset to the community; and

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

THEREFORE, be it

RESOLVED, that pursuant to the presentation by the Representative at this meeting, and all other considerations, CB6M supports the New, upgrade to On Premises Liquor (OP) license for Big B Restaurant Enterprises Inc d/b/a Candle Light Wine Bar, 229 East 53rd Street btw 2nd and 3rd Avenues

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 0 Opposed 0 Abstention 0 Not Entitled

m. **Alteration *(backyard use)*, RW for Sofia Wine Bar & Café d/b/a Sofia Wine Bar & Café, 242 E. 50th Street between 2nd and 3rd Avenues.**

WHEREAS, the Applicant failed to appear before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on May 7th , 2009, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, there was no way for the committee to determine the bona fides of the statements made in the application due to the non-appearance of the Applicant; and

WHEREAS, this location, 242 E. 50th Street, is zoned as an R8b and has been grandfather due to the 1980's Turtle Bay down zoning and therefore, cannot extend the existing commercial space, inside or out, now

THEREFORE, be it

RESOLVED, that pursuant to the lack of a presentation by the Applicant at this meeting and the zoning related issues, CB6M opposes the Alteration *(backyard use)*, Restaurant Wine

(RW) license for Sofia Wine Bar & Café d/b/a Sofia Wine Bar & Café, 242 E. 50th St. between 2nd and 3rd Avenues.

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

o. **New, On Premises Liquor (OP) license for 712-714 Third Avenue Inc. d/b/a tbd, 712-714 3rd Avenue between East 44th and East 45th Streets**

WHEREAS, Thomas McCallen, Attorney ("Representative"), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on May 7, 2009, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, the Representative stated they will be opening a Restaurant/Bar in a second floor only space; and

WHEREAS, the hours of operation are 8 am to 4 am, daily with a capacity of 150 persons; and

WHEREAS, because of the location of this establishment, a 500 foot hearing is required; and

WHEREAS, members of the community board pointed out that the location in question is in a highly commercial area, thereby minimizing any concern the community board has about noise; and

WHEREAS, members of the community board opined that a new Restaurant/Bar in the neighborhood would be in the public interest; and

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

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 Liquor (OP) license for 712-714 Third Avenue Inc. d/b/a tbd, 712-714 3rd Avenue between East 44th and East 45th Streets

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 0 Opposed 0 Abstention 0 Not Entitled

q. **New, OP for Beekman Enterprises Market Inc. d/b/a tbd , 883 1st Avenue (aka 349 East 49th Street)**

WHEREAS, Antoinette Altieri, Owner and Bruno Gioffre, Attorney (together "Representative"), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on May 7, 2009, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, the Representative stated they will be opening a Italian restaurant with prices gauged to the neighborhood; and

WHEREAS, the hours of operation are 11 am to 1 am, daily; and

WHEREAS, Owner owns another restaurant in the CB6M district called Destino; and

WHEREAS, because of the location of this establishment a 500 foot hearing is required; and

WHEREAS, members of the community board spoke in favor of a restaurant in this location and thought it would in the public interest; and

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

THEREFORE, be it

RESOLVED, that pursuant to the presentation by the Representative at this meeting, and all other considerations, CB6M supports the New, OP for Beekman Enterprises Market Inc. d/b/a tbd , 883 1st Avenue (aka 349 East 49th Street)

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 0 Opposed 0 Abstention 0 Not Entitled

r. **Report**
Carol welcomed new board member Aaron Humphrey to the Business Affairs & Street Activities committee.

10.) Housing & Homeless Committee

a. **421-A Partial Real Estate Tax Exemption - KTL 303, LLC for 303-317 E. 33rd St.**

Whereas, KTL 303 LLC has applied for a partial real estate tax exemption under section 421-A for Real Estate Tax Law for 303 East 33rd Street; and

Whereas, the 12 story building contains 26 studios, 63 one bedrooms, 38 two bedrooms, and 3 three bedrooms; and

Whereas, the applicant submitted an incomplete application; and

Whereas, there was insufficient data attesting to the location and construction of "affordable housing" (i.e., Certificate of Eligibility); and

Whereas, the applicant declined to appear for the schedule hearing, now

Therefore be it;

Resolved, that Community Board Six strongly oppose the granting of tax exemption for this application.

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

b. **Report**

11. Executive Committee – Lyle Frank, Chair

a. **Manhattan Community Board 6 Dan Golub resolution**

Whereas, Dan Golub has served for over three years at the Office of Manhattan Borough President Scott Stringer in the positions of Senior Policy Adviser and Deputy Land Use Director, and

Whereas, in those roles, Dan Golub has overseen meetings of the Waterside Working Group, whose function was to work with members of the Community Board in formulating policies related to the development by East River Realty Corp., and

Whereas, thanks in part to Mr. Golub's work, the views of Community Board 6 and the community were included the ultimate adopted re-zoning for the East River Realty site, and

Whereas, Mr. Golub has indicated that he will be leaving The Borough President's office as of close of business May 15, 2009, now

Therefore, be it

Resolved, that Manhattan Community Board 6 recognizes and thanks Dan Golub for his service to the Community Board 6 community at the Manhattan Borough President's office.

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

Old/New Business

Second Roll Call – Mark Thompson

Meeting Adjourned at 10:00 pm