



MANHATTAN COMMUNITY BOARD SIX

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Lyle Frank
Chair

Toni Carlina
District Manager

FULL BOARD MEETING MINUTES Wednesday, September 9, 2009 NYU MEDICAL CENTER FIRST AVENUE

Hon. Lyle Frank, Chair

ATTENDANCE

Members answering first roll call:

Fred Arcaro, Edward Bergman, Charles Buchwald, Colleen Curtis, Louise Dankberg, Beatrice Disman, Richard Eggers, Lyle Frank, Florence Friedman, David Garodnick, Rebecca Haile, Aaron Humphrey, Ellen Imbimbo, Paige Judge, Tom LaBarbera, Melissa Lee, Maxine McIntosh, Richard Moses, William Oddo, Terrence O'Neal, Gary Papush, Rev. Joe Parrish, Andrea Pellezzi, Clara Reiss, Carol Schachter, Frank Scala, Paula Schaeffer, Joshua Schwadron, Lou Sepersky, Sandro Sherrod, Letty Simon, Mark Thompson, Harry E. Ursillo, Wilbur Weder, Dan Williams, Claude Winfield

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, David Garodnick, Rebecca Haile, Aaron Humphrey, Ellen Imbimbo, Paige Judge, Tom LaBarbera, Melissa Lee, Maxine McIntosh, Richard Moses, William Oddo, Terrence O'Neal, Gary Papush, Rev. Joe Parrish, Andrea Pellezzi, Clara Reiss, Carol Schachter, Frank Scala, Paula Schaeffer, Joshua Schwadron, Lou Sepersky, Sandro Sherrod, Letty Simon, Mark Thompson, Harry E. Ursillo, Wilbur Weder, Dan Williams, Claude Winfield

Excused:

Absent (Members not present or not answering one or both roll calls): Marty Barrett, Jim Collins, Joy Garland, Linda Goldman, Molly Hollister, Noelle Lilien, Mike McGuire, Edward Rubin, Susan Steinberg, John West, Susan Wilson

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

Guests signed in to speak: Keith Powers representing A/M Jonathan Bing; Tim Laughlin representing C/M Dan Garodnick; Sarra Hale-Stern representing Sen. Liz Krueger; Romeo Ymalay representing Sen. Tom Daune; Dara Adams representing Cg/M Carolyn Maloney; Corey Green representing A/M Dick Gottfried; A/M Brian Kavanagh; Chistina Bottego representing C/M Jessica Lappin; Tommy Lin representing the Public Advocate's Office; Sandy Stevens; Matt Shotkin

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Meeting Called to Order

Chair Lyle Frank called the meeting to order at 7:07

Adoption of the September 9th, Agenda

Agenda adopted by a voice vote.

Presentation

The Board presented former Sutton Area Committee president Mary-Claire Bergin with a resolution honoring her years of community service.

Whereas, *Mary-Clare Bergin* recently stepped down as President of the Sutton Area Community after serving greater than 10-years with distinction, and

Whereas, during her tenure as President, Ms. Bergin exhibited her leadership on a number of issues that benefitted not only Sutton Place but the community in general, and

Whereas, she has had many accomplishments including but not limited to working for sensible development at the former Con Edison site, beautifying the community, working with and promoting small community businesses, fighting for increased pedestrian safety, and working to ensure that a shaft to the Third Water Tunnel did not compromise public safety, and

Whereas, Ms. Bergin's intellect and tenacity coupled with her calmness and grace stand as an example on how to lead a community organization, now

Therefore Be It

Resolved, that Community Board 6 thanks and salutes Mary-Claire Bergin for her many years of service to the Community Board 6 area.

PUBLIC SESSION

Assembly Member Brian Kavanagh reported on the following: **1)** stated that he was recently appointed Chair of a new Assembly sub-committee on Election Day Operations and Voting Rights. **2)** He and State Senator Daniel Squadron along with 75 other elected officials are campaigning to secure financing for state and city developments and public housing developments such as 344 East 28th Street in the next budget. **3)** He toured the Bellevue Psych building and continues to push for a use that addresses the needs of the community. **4)** He has been working with the board's Waterfront committee Chair on a proposal to improve various amenities around the waterfront; i.e., the 35th Street Pier and improving amenities at Stuyvesant Cove Park. The goal is to create an East River Blue-way that connects with a project south of Community Board 6 at the lower eastside Calvary Center. **5)** The legislature will meet in the fall to address a projected \$2 billion budget gap.

For more information on this and other reports see the Assembly Member's Community Bulletin or email kavanaghb@assembly.state.ny.us

Dara Adams representing Congress Member Maloney reported: On August 29th the Cg/M attended a Health Care Reform rally to support the need for Health Care Reform.

Romeo Ymalay representing Senator Duane reported: **1)** In July the Senate passed the Family Health Care Decisions Act (FHCDA) which the Senator sponsored in the Senate. **2)** The Senator held a Town Hall Meeting on the State of the NYS Senate on September 1st. **3)** On Thursday, September 10, the New York State's Court of Appeals will hear arguments in the Roberts vs. Tishman Speyer case.

For more information on this and other reports see the Senator's Community Bulletin or e-mail romeo@tomduane.com

Sara Hale-Stern representing Senator Krueger reported: **1)** Ethics and reform bills are on the agenda for the upcoming session to address standards for campaign contributions, lobbyists and candidates. **2)** The Personal Lease Eviction bill did not make the agenda, but the Senator will continue to pursue this important tenant issue. **3)** On Wednesday, September 16th from 6-8PM at the Lighthouse International, the Senator will participate in a Town Hall meeting to discuss recent events in Albany. The discussion will be moderated by former C/M Ronnie Elridge.

For more information on this and other reports see the Senator's Community Bulletin or email liz@lizkrueger.com

Keith Powers representing Assembly Member Bing reported: **1)** the A/M introduced legislation that would improve arts education and funding by creating an arts advisory committee for New York. The bill has already been passed in the Senate. **2)** Significant safety improvements have been made at 57th Street and First Avenue to increase pedestrian safety. Two left lanes heading northbound on First Avenue will now be "Left Turn Only" dedicated lanes and pedestrians will only be allowed to cross when cars are not turning from these lanes. **3)** free mammogram screening sponsored by A/M Bing will be held on Tuesday, October 20th by appointment only starting at 8AM. The van will be located at Stanley Issacs Neighborhood Center at E.93rd Street and 1st Avenue.

For more information on this and other reports see the Assemblyman's Community Bulletin or email bingj@assembly.state.ny.us

Corey Green representing Assembly Member Gottfried reported: **1)** the A/M testified before the City Council about the air disaster over the Hudson and requested that all recreational and tourist flights over NYC be suspended. **2)** the Electronics Recycling bill co-sponsored by the A/M passed the Assembly in June. The bill would require manufacturers to accept electronics for reuse or recycling beginning in July of 2010; and is now awaiting action by the State Senate.

For more information on this and other reports see the Assembly Member's Community Update or email gottfr@assembly.state.ny.us

Tim Laughlin representing Council Member Garodnick reported: **1)** The C/M advocated for and was able to restore PTA funded classroom aid positions. **2)** The C/M met with Borough President Stringer to discuss school overcrowding on the eastside. **3)** a live viewing of the Thursday, September 10 New York State Court of Appeals hearing in the Roberts v. Tishman Speyer case will be held at the Stein Senior Center (340 East 24th Street) in the 2nd Floor lounge. The oral arguments begin at 2:00 P.M. and can also be viewed on the Court of Appeals website at: www.nycourts.gov/ctapps **4)** introduced legislation aimed at regulating the process server industry. **5)** Overhaul of street vending laws to cover food trucks and other vendors not currently covered under the law.

For more information on this and other reports check the C/M's website at www.garodnick.com

Christina Bottega for Council Member Lappin reported: **1)** after receiving several complaints concerning conditions at 303 E. 51st, the site of the crane accident, C/M Lappin contacted the developer and asked him to take measures to improve the appearance of the site. As a result several improvements were made to the appearance. **2)** The C/M continues to work on north-bound traffic issues at the intersection of 57th Street and 1st Avenue and was pleased with the safety improvements. **3)** A hearing is pending on Intro 1066 sponsored by the C/M, to amend the administrative code of the city of New York, in relation to the allocation of bus stops to private bus companies.

Barbara Sherman representing Council Member Rosie Mendez reported: 1) The council member introduced legislation addressing backyard and rooftop bars. The legislation would require that the Community Board and the Council Member in whose district the outdoor bar will operate be notified of the application and that a public hearing on the matter is held.

For more information on this and other reports see the Council Member's newsletter or call 212-677-1077

Sandy Stevens spoke about issues at Phipps Houses.

Tommy Lin representing Public Advocate Betsy Gotbaum reported: 1) The Public Advocate has been working hard for the passage of the Language Access Pharmacies Act (LAPA) bill in the City Council. The bill would require city pharmacies to provide language assistance for New Yorkers with Limited English Proficiency (LEP).

Roll Call – Mark Thompson

Presentation: EDC – Review of E. 34th Street Ferry Landing / E. 35th Street Pier Improvement and Expansion Project.

- Brian Lawson of EDC presented renderings of the final build out of the ferry landing project.
- The cost of the project is approximately \$10 million.
- The final build out includes: a ticket booth a canopy structure.
- The existing pier structure will be completely demolished and replaced by a new structure.
- A new barge will be added.
- The renderings included landside improvements such as seating and the bikeway.
- The first phase will be the marine work; the second phase will be the top side of the pier.
- The wooden walkway leading to the ticket booth will remain. There are no funds for restrooms.
- Funding will come from a variety of different sources: federal grants, port authority and transportation grants, etc.

Lou Sepersky requested the exact number of seating depicted in the rendering; EDC stated they will follow-up with this information. Bea Disman asked for figures on the cost of the original structure started eight years ago. Aaron Humphrey requested information on night time security plans; EDC will follow-up. Bill Oddo suggested that EDC do more research and provide more details on the project. He also wanted to know why the Board received the February 2009 handout only recently. Ellen Imbimbo requested that more research go into making sure the site is equipped with proper amenities like a bathroom. Toni Carlina stated that the presentation was inadequate and requested the scope of work.

BUSINESS SESSION

Adoption of July 8th Full Board Minutes

Minutes were adopted unanimously by voice vote.

Report from the Chair – Lyle Frank

1) Rachel Gomez has resigned from the Board and Mary Elizabeth Ruzs, a public member who has served on the Board for a number of years, has also resigned. We thank them for their service. 2) Over the summer there were a few preliminary discussions on Robert Moses Park, the Board will continue to be involved on this issue every step of the way. 3) Thank you to Ellen and Bill for all your work on the 20th Street potential pier and researching funding for the 35th Street Pier. 4) The Waterfront committee has been seriously looking at the feasibility of putting a park just north of Glick Park. There have been discussions with Council Member Garodnick's office on the issue.

Nominating committee report – Linda Goldman

In Linda’s absence the report was read by Gary Papush.

Members of the nominating committee were appointed in June by the Chair. The committee met over the summer and a slate was proposed. The members of the nominating committee who voted for the proposed slate included: Linda Goldman, Fred Arcaro, Paige Judge, Gary Papush and Joe Parrish. The proposed slate is as follows:

Chair – Mark Thompson

First Vice Chair – Ellen Imbimbo

Second Vice Chair – Charles Buchwald

Vice Chairs – Claude Winfield, Letty Simon

Treasurer – Beatrice Disman

Secretary – Tom LaBarbara

The Chair suggested that Ellen and Tom, formerly appointees to the nominating, are eligible to be nominated from the floor if people wish to do so. The Chair’s ruling was appealed by Lou Sepersky. The appeal was put to a roll call vote. The motion was defeated by a combined 13 No and 7 Abstentions versus 13 Yes votes.

Ellen Imbimbo and Harry Ursillo were nominated from the floor for the office of First Vice Chair and they both accepted the nomination. Tom LaBarbara was nominated from the floor for the office of Secretary and he accepted the nomination.

The vote will take place in October.

District Manager’s report – Toni Carlina

1) The bulkhead collapse on the FDR was due to aging infrastructure. The Department of Transportation is working on the project; the right lane will be closed for another 4-6 weeks as they work on this project 2) The Public Plaza Task Force met over the summer and I would like to thank Lou and Fred for participating as well as Adam Wolff from the Department of City Planning (DCP) and Steve Figuerido from the Department of Buildings (DOB). DCP will be joining DOB to evaluate the Public Plaza report findings. 3) Tim from Council Member Garodnick’s office and me were invited to tour Tudor City by George Brown the President of the Tudor City Association and Brian Thompson the Chair of the Tudor City Development Committee. They are seeking to make changes and improvements at Tudor City that would require major changes. Right now because Tudor City is a landmarked area we are working with the Borough President’s Land Use division to determine how this effects the proposal. When all the research has been completed there will be a presentation of the proposal. 4) Barbara Benfield will be our new intern, she starts tomorrow. Barbara was recommended by Joy Garland and we have a lot of work for her to do. 5) The Borough President will hold his Urban Planning Fellow meeting soon. Our first assignment for the new Urban Fellow will be the sidewalk cafes and sidewalk obstructions. The fellow would go into the field to review all the sidewalk cafes and evaluate different compliance criteria. 6) The City is auditing Vornado’s rent structure because they think the Community Board is being overcharged; Vornado is the CB 6 landlord.

Treasurer’s Report – Beatrice Disman

1) There have been no expenditures since the fiscal year began. The current balance is \$12,208.00. 2) The bulk money from the budget has been restored.

Borough President’s Report – Dan Benjoya

1) Over the summer we worked on halting the spread of illegal outdoor ATM machines. Areas in CB 6 that were canvassed include 14th Street to 32nd Street along 2nd and 3rd Avenues. As a result of the BP offices findings, DOT will be looking into the ones deemed illegal; 24 were found in Community Boar 6 alone. 2) A study was done on bus blockages during rush hour utilizing list of recommendations there are plans to come up

with legislation to tackle the issue. 3) Third report on school overcrowding was released calling on the Department of Education to use Department of City Planning data to plan ahead.

For complete report on this and others, see the Borough President's Manhattan Monthly Newsletter or go to www.mbpo.org

COMMITTEE RESOLUTIONS & REPORTS

- 1) **Land Use** – Ed Rubin, Chair
 - a. **Report:** Waived
- 2) **Youth & Education** – Maxine McIntosh, Chair
 - a. **Report:** Waived
- 3) **Health, Seniors & Disability Issues** – Sandro Sherrod, Chair
 - a. **Report:** At the next committee meeting there will be an update from NYU on the new Muscular Skeletal Ambulatory Care center and an update on the Heal 11 grant in conjunction with St. Vincent's Medical Center.
- 4) **Waterfront Committee** – Ellen Imbimbo, Chair
 - a. **Report:** The Waterfront committee will be moving forward on the 38th Street Pier at the next meeting. DCAS is the lease holder of the property and we are hoping Con Ed will initiate repairs before their obligation ends. The committee would like to see a park in future plans for the site which will be highlighted in a booklet released by the Municipal Arts Society. There will be an update on the Water Club.
- 5) **Budget & Governmental Affairs** – Dan Williams, Chair
 - a. **Report:** Next month we will hold the committee meeting one hour prior to the October Full Board meeting. At the Full Board meeting a Public Hearing will be held on our FY 2011 Capital and Expense budget priorities.
- 6) **Public Safety, Environment & Human Rights** – Fred Arcaro, Chair
 - a. **Report:** Waived
- 7) **Executive Committee** – Lyle Frank, Chair
 - a. By-laws amendment were discussed, a motion was made to refer back to committee, the motion carried.
- 8) **Transportation** – Lou Sepersky, Chair

a. **Bridges & Tunnels construction protection protocols.**

Whereas, the Commissioner of the Department of Transportation (DOT) is authorized by the New York City Charter (CC) and the Administrative Code (ACNYC) to promulgate rules regarding streets and highways in the City, including those in Community Board 6 (CB6), and

Whereas, there are many structures that constitute bridges (including bridges, tunnels, underpasses and overpasses), and

Whereas, these structures may not always be obvious or apparent to a contractor wishing to perform excavations at, or near, such city owned structures, and

Whereas, the Commissioner (DOT) has determined that in order to protect such bridges (or any portion of a bridge) that the approval of DOT should be obtained for work to be done within 100 feet (on, above, below or in either direction, and including approach to, slabs,, retaining walls and column supports) that the Division of Bridges shall be final determinant of the method of excavation and final restoration of the work,(subparagraph x of paragraph 1 of subdivision d of Section 2-11 of Title 34 of the Rules of the City of New York), now

Therefore Be It

Resolved, that Community Board 6 supports the promulgation of the Proposed Rule by the Commissioner of the Department of Transportation, which amends the rules (subparagraph x of paragraph 1 of subdivision d of Section 2-11 of Title 34 of the Rules of the City of New York), with regard street openings and excavations within the vicinity (100 feet) of bridges under the jurisdiction of the of the New York City Department of Transportation, and the approval of the Division of Bridges must be obtained.

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

b. DCA, proposed amendments to rule regarding the licensing of Pedicab Businesses and Pedicab Operators.

Whereas, the Administrative Code of the City of New York (ACNYC) authorizes the Commissioner of the Department of Consumer Affairs (DCA) to adopt rules, as necessary, to license and regulate the pedicab business and

Whereas, the ACNYC authorizes DCA to regulate the pedicab business and operation of pedicabs, and

Whereas, Community Board 6 has previously supported the licensing and regulation of pedicabs (April, 2007) and

Whereas, the proposed regulations would establish a specific time for the pedicab registration application process and the qualifying of inspectors, and

Whereas, the proposed amendments also would provide that registration plates for new pedicabs would be issued only for the replacement of the pedicabs currently registered, and

Whereas, the proposed amendment would specify when a seized pedicab is deemed to be abandoned and how the abandoned property is to be disposed of, now

Therefore Be It

Resolved, that Community Board 6 supports the proposed amendments to the pedicab rules published in the City Record August 14, 2009.

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

c. EDC construction: intermodal ferry landing shelter & bus transfer point at E. 35th St. and the East River.

Whereas, the New York City Economic Development Corporation (EDC) is renewing its plans for the construction of an intermodal ferry landing shelter and bus transfer point at 35th Street and the East River, in

Community Board 6 (CB6), and

Whereas, CB6 offered no objection to the proposal (January, 2003) and, in fact, made supportive suggestions to the upland portions of the scheme, and offered "no objection" to the then suggested "design and landscaping," and

Whereas, EDC moved forward with a proposal for the upland portion with an unenclosed, covered, intermodal transfer (April, 2007) which CB6 found unacceptable, and

Whereas, in April, 2007 CB6 called for a facility which would have (at a minimum) sufficient seating capacity, toilet facilities, and appropriately climate controlled and called a facility without these minimum amenities "totally inadequate," now

Therefore Be It

Resolved, that the New York City Economic Development Corporation's (EDC) intention to proceed with the installation of the upland facility as presented in April, 2007, and which was found by Community Board 6 to be inadequate and unacceptable, is not agreed to by Community Board 6 unless, and until, the facility:

Is enclosed, made weather proof and suitable for year-around use?

Have toilets and passenger amenities, such as a snack bar.

Have provisions for permanent ticket sales for the ferries.

Has lighting and other affirmative 24 hour security measures included.

Has sufficient seating for intending passengers, and visitors to the waterfront, and

Be It Further

Resolved that in view of the passage of time, the greater knowledge and experience that has accrued about the uses and expectations of waterfront spaces, including other projects in the immediate area (the heliport, 34th Street parking lot, and the expected reconstruction of the FDR Drive) that the EDC present new plans for the intermodal transfer and for a master plan for properties from (about) 33rd Street to, and including, the ferry terminal done in consultation with Community Board 6, as required by the New York City Charter.

VOTE: 34 in Favor 1 Opposed 2 Abstention 0 Not Entitled

d. **Report:** Waived

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

b. **Landmark eligibility E. 54th St. Recreation Center, 348 E. 54th St.**

Whereas, the Borough President of Manhattan and New York City built and, through the Public Recreation Commission, operated a "Public Baths and Gymnasium" (the center) at 342-348 East 54th Street (Block 1346, Lot 32, Section 5) in Community Board 6, Manhattan, and

Whereas, the north facade (the entry) whose temple front, with giant orders is a strong and monumental presence on the street scape, is described in the American Institute of Architects Guide to New York City (p. 307; U26; 4th Edition) has having "a major façade heralded by colossal brick Classical columns, and

Whereas, the barrel vaulted ceiling in the entryway, according to research done by the Sutton Area Community, the neighborhood association, features examples of the work of the world renowned tile maker, Rafael Guastavino, and

Whereas, the center, designed by Werner and Windolph, opened for public use in 1911 with 79 showers for men and 59 for women to provide sanitary facilities for the city's working classes, and introduced swimming pools in public bath houses (1915), and

Whereas, the site for this building was purchased for \$72,500 and the building was constructed for \$216,851, and title was vested in New York City May 31, 1906, and

Whereas, in addition to the showers and gymnasium the center, which has just undergone a major interior rehabilitation and reconstruction, still includes a swimming pool, indoor and roof top recreational and athletic facilities, and

Whereas, both the Sutton Area Community (SAC) and the Turtle Bay Association (TBA) have passed resolutions endorsing the Landmarking of the exterior of this building, and

Whereas, only a dozen interior bathhouses were built in New York City, making this example one of unique social and cultural importance and which (exterior) remains remarkably intact from its original construction, now

Therefore Be It

Resolved, that Community Board 6, Manhattan, calls upon the New York City Landmarks Preservation Commission to designate the exterior of the Public Baths and Gymnasium, (now the East 54th Street Recreation Center) 342-348 East 54th Street, (Block 1346, Lot 32, Section 5) in CB6, as a New York City Landmark.

VOTE: 35 in Favor 1 Opposed 1 Abstention 0 Not Entitled

c. Robert Moses Playground

WHEREAS, Community Board 6 stated by resolutions in April 2003 and March 2007 that we will oppose any attempt to alienate Robert Moses Playground for a building to be used by the United Nations unless there is adequate mitigation for the new building and an adequate active replacement park of the same size and configuration that could accommodate the current uses of Robert Moses, and

WHEREAS, in April 2007 a letter of support for the Community Board 6 position was signed by all our elected local representatives on the federal, state and city level, and

WHEREAS, Community Board 6 and the neighborhoods we represent thank our elected representatives for their constant support on this issue, and

WHEREAS, the city administration is again trying to move forward on their proposal to sell their buildings at 1&2 United Nations Plaza and have a replacement building for the UN built on Robert Moses, and

WHEREAS, the local community and active users of Robert Moses Playground support the position of Community Board 6, now

THEREFORE, BE IT

RESOLVED, Community Board 6 reaffirms the wording of our resolutions of April 2003 and March 2007, and

BE IT FURTHER,

RESOLVED, Community Board 6 will oppose any action to transfer Robert Moses from the jurisdiction of the Department of Parks & Recreation and will oppose any legislative action to alienate Robert Moses Playground until and unless appropriate and adequate mitigation space has been designated and an active replacement park of the same size and configuration has been identified and fully constructed, and

BE IT FURTHER

RESOLVED, Community Board 6 is willing to listen and work with New York City on any adequate replacement as long as such replacement meets the needs of the community we represent and is consistent with our previously adopted resolutions of April 2003 and March 2007.

VOTE: 31 in Favor 1 Opposed 5 Abstention 0 Not Entitled

d. **Report:** Waived

10) Business Affairs & Street Activities – Carol Schachter, Chair

a. **Relocation of October 2nd Community Board 6 street fair from E. 47th St. bet. 1st & 2nd Aves. to E. 43rd St. bet. 2nd & 3rd Aves.**

WHEREAS, Community Board budgets have been cut by the City in recent years; and

WHEREAS, it does not appear that these cuts will be restored; and

WHEREAS, there is always a need for discretionary funds to have on hand to cover contingency expenses; and

WHEREAS, several Community Boards throughout the City have street activities to raise these funds; and

WHEREAS, there is no conflict of interest involved in a Community Board's contracting with a promoter to run its event per the City Corporation Counsel

WHEREAS, the relocation sight was recommended by the fair's promoter Mardi Gras Festival Productions Ltd and approved by the New York Police Department; and

THEREFORE, be it

RESOLVED, that Community Board 6 Manhattan **supports** the Community Board 6 Manhattan Street Activity Permit application for the relocation of the October 2 CB 6 Street Fair from East 47th Street to East 43rd Street between Third and Lexington Avenues, Friday, October 2nd, 2009, produced by Mardi Gras Festival Productions, Ltd.

VOTE: 29 in Favor 5 Opposed 3 Abstention 0 Not Entitled

b. **New, DCA unenclosed café (# 1329670), 8 tables and 24 seats for Lenz's Food Inc. d/b/a 20th St. Food Corp., 514 E. 20th Street bet. FDR & 1st Ave.**

Whereas, the applicant appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on September 3, 2009; and

Whereas, the committee was familiar with the applicant's space and felt there was more than adequate room for such a venue; and

Whereas, there was no one from the community to object to this venue and that Lenz's has been a good neighbor, being active in the community; now

Therefore, Be It

Resolved, that CB6M supports this application.

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

c. **New, OP license, Habana Room Inc. d/b/a TBD, 134 E. 48th St. at Lexington Ave.**

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

WHEREAS, this establishment is subject to the 500 foot rule and, as such, the committee is required to determine if this application is in the public interest; and

WHEREAS, failure to appear rendered the committee unable to make a determination to whether application was in the public interest or to determine the "bona fides" of the application; and

THEREFORE, be it

RESOLVED, that Community Board Six objects to the application for a new license for Habana Room at this time.

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

d. **Renewal, OP license, 513 Restaurant Ltd d/b/a Joshua Tree, 513 3rd Ave. bet. E. 34th & E. 35th Sts.**

WHEREAS, Brian Malloy, President, ("Representative"), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on September 3, 2009, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, the Representative stated he was applying to the SLA for a renewal of his existing license; and

WHEREAS, 8 members of the community spoke to complain of noise and refuse created by the establishment creating a nuisance; and

WHEREAS, Representative stated that the landlord denied his request to install "city" windows on the apartments which would help block the noise; and

WHEREAS, Representative stated that he has consistently closed all windows of the establishment by 10 pm nightly and will continue to voluntarily do so; and

WHEREAS, committee asked if Representative would be willing to close at 2 am and Representative refused; and

WHEREAS, no members of the community spoke for the applicant; and

WHEREAS, as this application if for a renewal the 500 foot rule’s public interest analysis does not apply; and

THEREFORE, be it

RESOLVED, that pursuant to the presentation by the Representative at this meeting and all other considerations, CB6M **opposes the Renewal, OP License, 513 Restaurant Ltd d/b/a Joshua Tree, 513 3rd Avenue, between 34th and 35th Streets**

VOTE: 24 in Favor 9 Opposed 4 Abstention 0 Not Entitled

e. **Renewal, OP license, Sutton Place Restaurant & Bar Inc. d/b/a Sutton Place, 1015 2nd Ave. bet. E. 53rd & E. 54th Sts.**

WHEREAS, Allen Bradbury, General Manager, (“Representative”), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on September 3, 2009, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, the Representative stated he was applying to the SLA for a renewal of his existing license; and

WHEREAS, 2 members of the community representing the group East Midtown Neighborhood, which is comprised of 1200 apartments and 2000 residents, spoke to complain of noise created by the establishment; and

WHEREAS, committee asked if Representative would be willing to close at 2 am and the Representative refused; and

WHEREAS, Representative stated that to his knowledge the establishment had never received a noise violation from the police; and

WHEREAS, no members of the community spoke for the applicant; and

WHEREAS, as this application if for a renewal the 500 foot rule’s public interest analysis does not apply; and

THEREFORE, be it

RESOLVED, that pursuant to the presentation by the Representative at this meeting and all other considerations, CB6M **opposes the Renewal, OP License, Sutton Place Restaurant & Bar Inc, d/b/a Sutton Place, 1015 Second Avenue between East 53rd and East 54th Streets**

VOTE: 28 in Favor 5 Opposed 4 Abstention 0 Not Entitled

f. **Renewal, OP license, LQ 511 Corp. d/b/a Latin Quarter, 511 Lexington Ave. bet. E. 47th & E. 48th Sts.**

WHEREAS, Anthony Calderola, Manager, (“Representative”), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on September 3, 2009, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, the Representative stated he was applying to the SLA for a renewal of his existing license; and

WHEREAS, this establishment recently made news when Plaxico Burress, the NFL player accidentally shot himself; and

WHEREAS, Representative stated that the employment of the person responsible for allowing the weapon to come into the establishment has since been terminated; and

WHEREAS, no members of the public spoke for or against the applicant; and

WHEREAS, as this application is for a renewal the 500 foot rule's public interest analysis does not apply; and

THEREFORE, be it

RESOLVED, that pursuant to the presentation by the Representative at this meeting and all other considerations, CB6M **does not object** to the **Renewal, OP License, LQ 511 Corp. d/b/a Latin Quarter, 511 Lexington Avenue between East 47th and East 48th 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: 37 in Favor 0 Opposed 0 Abstention 0 Not Entitled

g. **Transfer, OP license, Murray Hill Enterprises Inc. d/b/a Cask, 167 E. 33rd St. bet 3rd & Lex. Aves.**
WHEREAS, Ronan Conlin, Owner, ("Representative"), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on September 3, 2009, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, the Representative stated he was applying to the SLA for mainly a restaurant but also bar/lounge similar to Banc Café and other establishments he owns; and

WHEREAS, the establishment is in is heavily residential area; and

WHEREAS, the Representative signed a change agreement, agreeing to stop serving liquor at 3:30 am seven days a week and agreeing to have no televisions; and

WHEREAS, this transfer requires a 500-foot rule public interest analysis; and

WHEREAS, based on the facts presented and the change agreement, the committee believes this application is in the best interest of the community; and

WHEREAS, no members of the public 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 **has no objection to the Transfer, OP License, Murray Hill Enterprises Inc. d/b/a Cask, 167 East 33rd 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: 37 in Favor 0 Opposed 0 Abstention 0 Not Entitled

i. **Transfer, OP license, Sutton First Corp (Formerly Panda Restaurant-on Sutton Place Inc.) d/b/a tbd, 987 1st Ave. bet. E. 54th & E. 55th Sts.**

WHEREAS, Andy Choi, Attorney, (“Representative”), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on September 3, 2009, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, the Representative stated he was applying to the SLA to transfer the existing license; and

WHEREAS, the former establishment was Panda Restaurant; and

WHEREAS, the applicant will keep the same name and current method of operation; and

WHEREAS, the Representative signed a change agreement agreeing to close no later than midnight, seven days a week

WHEREAS, this transfer requires a 500-foot rule public interest analysis; and

WHEREAS, based on the facts presented, the committee believes this application is in the best interest of the community; and

WHEREAS, no members of the public 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 **Transfer, OP License, Sutton First Corp (Formerly Panda Restaurant-on Sutton Place Inc.) d/b/a tbd, 987 1st Avenue between East 54th and East 55th 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: 37 in Favor 0 Opposed 0 Abstention 0 Not Entitled

j. **New, RW license, Solthab Inc. d/b/a Solthab (Formerly Tibetan Kitchen), 442 3rd Ave. bet. E. 30th & E. 31st Sts.**

WHEREAS, Tashi Dalowa, Partner, (“Representative”), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on September 3, 2009, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, the Representative stated they are opening a restaurant in the Tibetan Kitchen space; and

WHEREAS, the establishment will close at 11:00 pm daily; and

WHEREAS, this new OP License requires a 500-foot rule public interest analysis; and

WHEREAS, based on the facts presented, the committee believes this application is in the best interest of the community; and

WHEREAS, no members of the public 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, RW License, Solthab Inc. d/b/a Solthab (formerly Tibetan Kitchen), 442 3rd Avenue between East 30th and East 31st 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: 37 in Favor 0 Opposed 0 Abstention 0 Not Entitled

k. **Renewal, OP license, Nicokuz Inc. d/b/a Nine Two Five, 800 2nd Ave. bet. E. 42nd & E. 43rd Sts.**

WHEREAS, David Helbraun, Attorney, and Jozef Kuzimkowski, Owner, (together “Representative”), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on September 3, 2009, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, the Representative stated he was applying to the SLA for a renewal of his existing license; and

WHEREAS, there were 2 letters complaining about the bar in this location, both mentioning a bartending fire trick that had been performed in the establishment; and

WHEREAS, Representative stated the fire trick was a mistake and will not happen again;

WHEREAS, two members of the committee who live close by complained of noise and other problems with the venue; and

WHEREAS, there was a letter in support of the applicant; and

WHEREAS, a member of the community recalled that the applicant originally said they were going to operate a restaurant until 2 am serving breakfast, lunch and dinner at reasonable prices but now are operating a bar/lounge until 4 am; and

WHEREAS, a member of the committee opined that had they originally applied for a license as a bar/lounge they would have likely not received support from the community board because of other bars within 500 feet; and

WHEREAS, Representative stated that because of changing business needs they adapted their business concept and planned to file a change of method of operation with the SLA soon; and

WHEREAS, this application is for a renewal, so the 500 foot rule's public interest analysis does not apply; and

THEREFORE, be it

RESOLVED, that pursuant to the presentation by the Representative at this meeting and all other considerations, CB6M **opposes** the **Renewal, OP License, Nicokuz Inc d/b/a Nine Two Five, 800 2nd Avenue between East 42 and East 43rd Streets**

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

l. **New, OP license, 22 Noodle Market Corp. d/b/a TBD, 222 E. 53rd St. bet. 2nd & 3rd Aves.**

WHEREAS, Michael Huynh, Owner, ("Representative"), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on September 3, 2009, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, the Representative stated they are opening a noodle and BBQ restaurant; and

WHEREAS, according to a member of the committee, the Owner currently operates another establishment which was favorably mentioned in the NY Times; and

WHEREAS, the Representative signed a change agreement, changing his closing hours to 2 am nightly; and

WHEREAS, this new OP License requires a 500-foot rule public interest analysis; and

WHEREAS, based on the facts presented, the committee believes this application is in the best interest of the community; and

WHEREAS, no members of the public 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 License 22 Noodle Market Corp. d/b/a tbd, 222 East 53rd Streets between 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: 37 in Favor 0 Opposed 0 Abstention 0 Not Entitled

m. **New, OP license, Crave Foods Inc. d/b/a Crave, 249 E. 50th St. bet. 2nd & 3rd Aves.**

WHEREAS, Todd Mitgang Parnter and Dino Andreakos, Partner, (together “Representative”), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on September 3, 2009, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, the Representative stated they are opening a restaurant at the old site of Lutece Restaurant; and

WHEREAS, their prior business, Crave Ceviche, was destroyed by the crane crash in 2008; and

WHEREAS, the Representative signed a change agreement, changing the closing hours to 2 am nightly; and

WHEREAS, this new OP License requires a 500-foot rule public interest analysis; and

WHEREAS, based on the facts presented, the committee believes this application is in the best interest of the community; and

WHEREAS, no members of the public 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 License, Crave Foods Inc. d/b/a Crave, 249 East 50th Streets between 2nd and 3rd Avenue**

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: 37 in Favor 0 Opposed 0 Abstention 0 Not Entitled

n. **Report:** Waived

11) **Housing & Homeless Services** – Claude Winfield, Chair

b. **421-a application for 250 E. 49th Street**

Whereas, 250 East Borrower LLC has applied for a partial tax exemption under section 421-A for Real Estate Tax Law for 250 East 49th Street, and

Whereas the 26 story building contains 1 studio, 38 one bedrooms, 28 two bedrooms and 10 three bedrooms, and

Whereas, the applicant submitted an incomplete application (Section 6, Part D), and

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

Whereas, the applicant did not attend the schedule public hearing, now

Therefore Be It

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

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

c. **Report:** The resolution on tenant screening will be laid over to next month. The resolution deals with screening reports used against people when purchasing a home.

Old/new Business

Second Roll Call – Mark Thompson

Meeting Adjourned at 10:40 pm