

FULL BOARD MEETING MINUTES
Wednesday, February 11, 2009
NYU MEDICAL CENTER
550 FIRST AVENUE

Hon. Lyle Frank, Chair

ATTENDANCE

Members answering first roll call: Arcaro, Curtis, Disman, Eggers, Frank, Friedman, Garland, Goldman, Haile, Hollister, Imbimbo, Judge, Knowles, LaBarbera, McIntosh, Moses, Oddo, Papush, Pellezzi, Reiss, Rubin, Scala, Schacter, Schaeffer, Schwadron, Sepersky, Sherrod, Steinberg, Thompson, Ursillo, Weder, Williams, Winfield

Members answering second roll call: Arcaro, Curtis, Disman, Eggers, Frank, Friedman, Garland, Goldman, Haile, Hollister, Imbimbo, Judge, Knowles, LaBarbera, McIntosh, Moses, Oddo, Papush, Pellezzi, Reiss, Rubin, Scala, Schacter, Schaeffer, Schwadron, Sepersky, Sherrod, Steinberg, Thompson, Ursillo, Weder, Williams, Winfield

Excused: Barrett, Buchwald, Collins, Garodnick, Monterossa,

Absent (Members not present or not answering one or both roll calls):
Dankberg, Lilien, McGuire, Parker, Parrish, Simon, Southworth, West, Wilson,

Member attendance Present: **33** Absent: **10** Excused: **5**

Guests signed in: Sandra Duque – NYC Comptroller Office, Lawrence Scheyer, Melissa Schwartz, Carmen Lee Shue, K. Weiss-NYPL, Matt Shotkia, Roger Parrish, James Snyder – Learning Spring School, Mary Carlos – Earth Society Foundation, John Drysdale – Earth Society Foundation, Cathe Giffuni, Thomas Eccarott, Aaron Humphrey, Sandra Stevens, Henry Szczepanski, Laura Marie Egli

INDEX

Meeting Called to Order	3
Adoption of the Agenda	3
Public Session	3
Roll Call	5
Business Session	5
Adoption of the Full Board minutes for Dec. 10 th	5
Report from the Chair	6
District Manager's Report	6
Treasurer's Report	6
Borough President's Report	7
Committee Reports	7
Budget & Governmental	7
Youth & Education	7
Health, Senior & Disability Issues	7
Transportation	8
Waterfront	9
Parks, Landmarks & Cultural Affairs Committee	9
Land Use	10
Business Affairs & Street Activities	12
Public Safety, Environment & Human Rights	16
Housing & Homeless Services	18
Old/New Business	18
Second Roll Call	19
Appendix A: FULL BOARD ATTENDANCE RECORD	
Appendix B: ROLL CALL VOTES ON RESOLUTIONS	

Meeting Called to Order

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

Adoption of the Agenda

Agenda adopted by a voice vote with one change, Solar 2 will make their presentation.

C/M Mendez reported: **1)** reported that she supported the February 11 Council vote approving the Phipps Houses development. **2)** On January 29 she hosted a memorial for tenant leader Rafaela Puerto. **3)** Stated that East Midtown Plaza (EMP) voted to remain in the Mitchell Lama Program. **4)** On March 6 she will meet with DA Morgenthau regarding false prostitution arrests of gay men. **5)** Announced the departure of Susan Kingsland and stated Chief of Staff, Lisa Kaplan will now cover Community Board 6.

For these and other reports, see the Council Member's Community Report or to obtain a e-mail mendez@council.nyc.us

C/M Dan Garodnick reported: **1)** Earlier that day the City Council passed two bills he authored, one to create the first-ever bill of rights for livery passengers, and another to safeguard New Yorkers' drinking water by bringing transparency to the inspections of building water tanks. Currently, City law expressly prohibits the public from viewing those inspection reports, even with a subpoena. **2)** Announced three Housing Clinics: one was held the night before on "Decreasing Home Energy Costs"; the 2nd "How to Keep Co-op Costs Down" is scheduled for March 12th, 6:30pm, at Marymount College, 221 E. 71st Street, Room 461 is; the 3rd "Handling a Building's Failure to Make Necessary Repairs" will be held on April 30th, 6:30pm at P.S 6, 45 E. 81st Street.

For these and other reports, see the Council Member's Community Report or to obtain a e-mail call 212-818-2580.

Nily Rozic representing **A/M Brian Kavanagh** announced: **1)** the start of the new legislative session is faced with dealing with the budget crisis and will begin holding hearings to review the Governor's budget proposals. The Assembly will also consider some critical legislation this year; after passing 18 of A/M Kavanagh's bills in 2008, 9 of which were passed in the State Senate, and 7 were signed into law. A/M Kavanagh has already introduced 98 bills for the 2009 session and looks forward to working with the new leadership. **2)** On January 16th, the Assembly's Housing Committee will hold a hearing to examine what actions can be taken to preserve the existing supply of rent regulated housing in New York and to encourage the development of new units.

For additional information on these and other reports, see the Assembly Member's Newsletter or email <mailto:kavanaghb@assembly.state.ny.us>

Keith Powers representing **A/M Jonathan Bing** Reported: **1)** The Assembly passed two bills authored by the Assembly Member aimed at protecting tenants from exorbitant rent increases. **2)** **A/M Bing** recently joined with State Senator Jose Serrano in a letter to President Barack Obama advocating for \$50 million for the National Endowment for the Arts. **3)** On February 6, the **A/M** participated in a New York State Assembly hearing on Mayoral control of the New York City public school system. **4)** The **A/M Bing** was recently appointed to the Insurance Committee.

For these and other reports, see the Assembly Member's Community Bulletin or to obtain a copy go to bingj@assembly.state.ny.us

Sara Hale-Stern representing **Sen. Liz Krueger** reported: **1)** As vice- Chair of the Finance Committee, Sen. Krueger and her colleagues are evaluating the difficult decisions they must make in addressing the fiscal crisis facing New York state. **2)** Stated the Select Committee on Budget and Tax Reform will evaluate legislation and furthers an agenda of creating a more transparent and rational budget process. **3)** Sen. Krueger gave notification that the Select Committee on Budget and Tax Reform will evaluate proposals to create a more rational and responsive tax structure that will provide the revenue needed by the state to meet the needs of New York in the twenty-first century. **4)** Pleasantly reported that the New York City Department of Buildings has announced new procedures that will increase both the information available about new buildings and the opportunities for community review of building approvals.

O & A

Bea Disman, Treasurer how does the stimulus package affect the budget process?

Sara Hale-Stern responded that she was unsure; however it should lead to fewer cuts. For more information and other reports, see the Senator's Community Bulletin or go to www.lizkrueger.com under press releases.

Lyle gave thanks to former liaison

Dara Adams representing **Cg/M Carolyn Maloney** reported **1)** On February 3, 2009 Cg/M Maloney issued a report outlining jobs and other economic benefits created by the construction of the Second Avenue Subway and East Side Access. Cg/M Maloney recently released a statement in reaction to the Bureau of Labor Statistics (BLS) report on the 13th straight month of job losses "Today's grim job loss numbers underscore the human toll of our economic crises and add to the overwhelming evidence for getting a recovery package to the president's desk fast." **2)** 9/11 Health Bill has been reintroduced in Congress; the 911 Health and Compensation Act, provides medical monitoring and treatment for those exposed to toxins by the collapse of the World Trade Center Towers.

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

Romeo Ymalay representing **Sen. Tom Duane** reported **1)** On February 3, working with the Governor and the Assembly, the Senate passed a critical deficit reduction plan. This legislation will result in closing a budget gap of approximately \$1.6 billion for the current fiscal year and will improve the State's bond rating. **2)** The Senator is now the Chair of the NYS Senate Health Committee and presided over the Joint Senate Finance and Assembly Ways and Means Committee Hearing on Health Care in the 2009 – 2010 Budget earlier in February. **3)** Sen. Duane attended the Stuyvesant Town – Peter Cooper Village Tenant Association meeting, and will continue to negotiate with building's owner Tishman Speyer regarding energy saving measures. **4)** On January 14, Sen. Duane sent a letter to Nancy Pelosi, Speaker of the U.S House of Representatives, and Harry Reid, Majority Leader of the U.S Senate, requesting that the new economic stimulus package being considered by Congress includes \$5 billion in supplemental assistant for the Public House Capital Fund.

For more information on the testimonies and other reports, see the Senator's Community Newsletter or go to www.tomduane.com under News and Issues.

Andrew Lawrence stated his opposition to Solar II building plans. Also, he spoke about potential air pollution around Con Edison plant site.

Lawrence Scheyer spoke in favor of Solar II building plans.

Sandra Duque representing the **New York City Comptroller, William C. Thompson Jr.** reported: **1)** Comptroller Thompson adamantly opposes Metropolitan Transit Authority (MTA) transit hikes and cuts to weekend transit service. He's also opposed to bridge tolls and access-a-ride fare increases. **2)** She announced the Comptroller was currently looking over the Mayor's budget and will have a full analysis on it soon. **3)** The Comptroller has done a full review of Yankee Stadium financing and concludes the construction costs have ballooned to more than 325 million, two and a half times the 2006 estimate; he also stated that the loss of 250 parking spaces as part of the negotiations for use of a luxury suite at the stadium would result in losses of \$500,000 per year in revenue for the City. Comptroller Thompson was the only board member to cast a vote of "no" on approving the deal. **4)** Reports recently released: the Annual Capital Debt and Obligation report; Comptroller's audit on the Department of Buildings (DOB) and realized over 200million dollars in unpaid fines owed to the city from more than 75 building and zoning fines; and on February 26, 2009, Comptroller Thompson will honor five leaders in the African-American Community at his eighth annual African-American History Month Celebration.

Q&A

Bill Oddo, recently the Comptroller's office did a very thorough audit on Skyport's Lease. The Comptroller recommended that the lease be terminated unless certain conditions are met. Skyport claims they are only responsible for maintenance. Can you give any updates on this matter regarding the termination of this lease?

Sandra Duque, aware that this was discussed last fall, will check up on it and update the board office.

Roll Call – Carol A. Schachter, Secretary

Public Hearing: Statement on the Mayor's Preliminary Budget: No speakers signed in; hearing closed.

Presentation: 2009 Building Plans for Solar 2 at Stuyvesant Cove.

- The height of the building above the FDR Drive and its distance from the FDR – 19' and 24', respectively. Total building height is now 47'3", requiring lease modification which limits height to 32'.
- Building is within lease requirements of footprint of 6200 square feet and 8000 square feet of volume.
- Placement of food services on the third floor, likely to discourage casual passersby from refreshments.
- The possibility of relocating mechanical space.
- Traffic flow and space allocation within the building.
- Ambient noise levels.

- Placement of trash before pick-up and while waiting for pick-up.
- Details regarding landscape of area around the new building and incorporation into its surroundings.

BUSINESS SESSION

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

Chair's Report – Lyle Frank

- 1) Informed everyone that Charles Buchwald has become a grandfather.
- 2) Announced that Claude Winfield will be exhibiting his art work at the National Arts Club on Monday, February 22nd.
- 3) Announced how much of a pleasure it has been to work with Susan Kingsland, Community Board 6 liaison for C/M Rosie Mendez.

District Manager's Report – Toni Carlina

- 1) Stated that Department of Buildings (DOB) has finished their inspection of the Community Board's 77 public plazas, using as a guide Community Board 6 former Planning Fellows report on Public Plazas. The report showed there were 30 violations; DOB only came up with 10 violations. Toni is arranging a meeting with DOB to discuss the other 20 violations. In order to go forward, we need feed-back from Department of City Planning.
- 2) Participated as one of the speakers at a recently held meeting by the NYPD 17th precinct, on local bar and restaurant owners.
- 3) Reviewed the next project of this year's Urban Planning Fellow, Stephanie Garry who will walk the full length of the district's waterfront documenting current conditions of pathways, benches, trees, lighting and other features including the Ferry Terminal and Heliport, note the accessibility and areas that do not connect continuously. During the survey she plans on taking pictures and produce a report, including several maps identifying agency jurisdictions and display current conditions.
- 4) Spoke with representatives of DOB and DOT to find out what their policies are on stalled development sites, to ensure that these sites are safe and secure. DOB and DOT do not have a policy on this issue, their procedure is to just let the permits run out, and instead requested a list of stalled sites from us. Toni requested that Board members and the Public inform her of any construction sites where work has been halted.

Treasurer's Report – Bea Disman

Bea Reported: Bea gave an updated report on the Board office OTPS budget and stated, as usual, the board office is very frugal. Two of the major purchases were: Postage Meter Rental, which came up to \$892; and \$688 for Office Supplies and Materials. This leaves a balance of \$11, 262.

Borough President's Report – Dan Benjoya

Dan reported: 1) Borough President Stringer held a press conference with the Port Authority of New York and New Jersey to announce the Authority's agreement to make public all building inspection records as part of its conformance with City's fire and safety codes. 2) On January 15th, the BP submitted testimony to the MTA Board of Directors objecting to the MTA's budget strategy. 3) Borough President Stringer was joined on January 31st by Cg/M Rangel in hosting the fourth annual Earned Income Tax Credit Assistance Day in Harlem. 4) On January 23rd, the day after a tragic accident where two children were killed after a truck left unattended drove into a crowd of preschoolers in Chinatown, the BP and Senator Squadron released a nine-point safety plan that included changes to the city's traffic management and sidewalk safety measures.

COMMITTEE REPORTS

1) Budget & Governmental – Dan Williams, Chair

a) Report: Dan reported that the City and State budget is not going well. He also, informed the public that there is a Mayoral Budget hearing at the Manhattan Borough President office on February 24th, 3:00 – 7:00pm.

2) Youth & Education – Maxine McIntosh, Chair

a) Report: Briefly stated that the committee meeting will take place at its usual date and time, however, they will not be meeting at the board office, but at E. 54th Street Recreation Center located 348 E. 54th Street in the 2nd floor Multipurpose Room.

3) Health, Seniors & Disability Issues – Sandro Sherrod, Chair

a) Organ Donation Trial.

Whereas, organ donations currently come from two sources, in-hospital deaths and live donors; and

Whereas, organ donations from these two sources are not sufficient to meet the need of the transplant recipients, resulting in many people being placed on waiting lists for an organ transplant needed to save their life many dying before an organ is made available to them; and

Whereas, Dr. Lewis Goldfrank, Director of Emergency Medicine at Bellevue Hospital, has developed a pilot program that seeks to rectify this organ donation shortfall by seeking to make it possible that those individuals who die at home or elsewhere in unanticipated out-of-hospital deaths could be voluntarily included in the organ donation program; and

Whereas, organ donation and preservation present difficult ethical issues that are of concern; and

Whereas, the pilot project would help to determine the best approach to ensure that no person would become part of the organ donation process without explicit consent or have his or her standard of care by emergency medical workers lessened because of possible organ donation and/or organ preservation methods; and

Whereas, expanding the opportunities for organ donation would translate to more lives saved with more organs available for transplant; and

Therefore be it Resolved, that Community Board Six, Manhattan strongly supports the proposed pilot project of Dr. Lewis Goldfrank and his colleagues development of methodologies to expand organ donation opportunities and to preserve the organs of deceased persons who have died in the home or out-of-hospital and are on the New York State Organ Donor registry or whose families have given consent.

VOTE: 30 in Favor 2 Opposed 0 Abstention 1 Not Entitled

b) Report: Sandro thanked Wil Weder for his work on the resolution.

4) Transportation Committee – Lou Sepersky, Chair

a) Newsstand (1304924) SE corner, E. 25th St. & Lex. Ave.

WHEREAS, an application has been filed with the N.Y.C. Department of Consumer Affairs (#1304924) to establish a newsstand on the south side of East 25th Street, and

WHEREAS, the proposed newsstand is to be a design, width and length approved by the N.Y.C. Art Design Commission and located 18 inches from the curb line of East 25th Street on a 14' 6" wide sidewalk, and

WHEREAS, the midline of the width of the newsstand would be at the midpoint between the third and fourth tree beds east of Lexington Avenue along the property line of Baruch College of the City University of New York's vertical campus (building), and

WHEREAS, the college has 16,000 students, plus faculty, staff and visitors using its facilities, including the 14 story "vertical campus" and its library building, both which are in the immediate vicinity of the location of the proposed newsstand, and

WHEREAS, representatives of the college have expressed concern about the free and clear movement of pedestrians between college buildings on E. 25th Street potentially creating a bottleneck to these facilities, now

THEREFORE, be it

RESOLVED, that Community Board 6 objects to the proposed license (#1304924) for the placement of a newsstand sited (approximately) at the mid-point between the third and fourth tree beds on the south side curb of East 25th Street, east of Lexington Avenue, as presented in drawing prepared for the Department of Consumer Affairs and in accord with the standards of the Design Commission.

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

d. Proposal for a 2nd Ave bikeway from E. 21st to E. 14th Sts.

WHEREAS, there is a continuous and apparently growing interest in the expansion of bikeways in New York City, and

WHEREAS, bikeways provide an alternative way to commute to jobs and a recreational opportunity, with the associated reduction in automobile usage, and

WHEREAS, a southbound bikeway already has been added on Second Avenue south from 14th Street, and

WHEREAS, this proposed bikeway would intersect with an already designated 20th and 21st Streets bikeways and would become part of a regional network, now

THEREFORE, be it

RESOLVED, that Community Board 6 urges the New York City Department of Transportation to paint such lane markings and route designations as may be appropriate for the creation of a designated bikeway running southbound from 21st to 14th Streets on Second Avenue.

VOTE: 27 in Favor 4 Opposed 1 Abstention 1 Not Entitled

Q & A

Dan Williams declared his opposition to the bikeway, because bicyclers riding against traffic will increase auto incidents. Is there any way that we can enforce traffic laws against bicyclers riding against traffic on 2nd Avenue?

Lyle Frank responded that the proposed bikeway will direct people south, with traffic. He suggested a friendly amendment that will state southbound from E. 23rd St to E. 14th St.

e. Report:

Lou reported, in accordance to a letter from the Department of Consumer Affairs (DCA), Deputy Director of Special Applications Unit, Beverly Gotay, reporting on progress on a newsstand on the North East corner of E.34th St and Madison Ave. DCA has forward that application to the Public Design Commission for its review, DCA does not feel bound by the boards position on this newsstand.

5) Waterfront Committee – Ellen Imbimbo, Chair

- a. Report** Proposed building plans for Solar 2. Due to the fact that there was presentation, Ellen waived her report.

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

a. Rules for filming in NYC parks.

WHEREAS, Community Board 6 has made complaints to the Department of Parks & Recreation over teams of photographers using local parks for shoots where they have overwhelmed other park users and entering planted areas amongst other transgressions; and

WHEREAS, the Parks Department has scheduled a public hearing for the purpose of receiving public testimony on proposal to revise and amend Section 1 of Title 56 of the Rules of the City of New York; and

WHEREAS, Community Board 6 has reviewed the proposed changes;

THEREFORE, BE IT

RESOLVED, Community Board 6 supports the proposed changes but urges the following clarifications and additions:

1. The permit shall be specific to the park and the area of the park where photography shall be permitted.
2. The permit holder shall be advised that their permit is non-exclusive and the rights of other park users to enjoy the park shall be respected.
3. Copies of the approved permit shall be sent to the community board office.

4. Applicants engaging in commercial photography or schools holding permits shall be bonded against potential damage to the park.

VOTE: 29 in Favor 2 Opposed 2 Abstention 0 Not Entitled

b. Report:

Gary Papush reported two additional buildings in CB6 were designated as landmarks: 275 Madison Avenue; and the Con Edison building. He referred the public to the Landmarks reports to view all designate buildings.

7) Land Use Edward Rubin, Chair

a. BSA # 306-08-BZ, Special Permit for a Physical Culture Establishment at 969 3rd Ave. a/k/a 200 E. 58th St.

WHEREAS, Sheldon Lobel, P. E. on behalf of Evergreen Spa, Inc. located at 969 Third Avenue, Cellar, Manhattan, New York, presented to the Land Use Committee of CB6 on Wednesday, February 4, 2009 an application to apply for a Special Permit (Calendar #306-08-BZ) under Zoning Resolution §73-36, to permit a Physical Culture Establishment (Evergreen Spa, Inc.) located in the cellar of an existing building in a C5-2 zoning district; and

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

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

WHEREAS, Evergreen Spa, Inc. operator of the physical culture establishment will not adversely impact the neighborhood; and

WHEREAS, the special permit will permit Evergreen Spa, Inc. to operate the new facility which will contain a total of 2,735 sq. ft. of floor area in the cellar within an existing building, now

THEREFORE, be it

RESOLVED, that Community Board Six has no objection to the application for an a Special Permit (Calendar #306-08-BZ) under Zoning Resolution §73-36, to permit a Physical Culture Establishment within portions of the existing building located at 150 East 55th Street, Manhattan, Manhattan for a period of, no more than, five-years.

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

b. BSA # 316-08-BZ, Variance for Learning Spring School at 345-349 2nd Ave. a/k/a 247-249 E. 20th St.

WHEREAS, Bryan Cave LLP, on behalf of The Simons Foundation owner and operator of Learning Spring Elementary School, and owner of record of Manhattan Block 901, Lots 26 through 28 located at 345-349 Second Avenue, Manhattan, New York, presented to the Land Use Committee of CB6 on Wednesday, February 4, 2009 an application for a variance to reduce

the height of the minimum street wall required by Section 35-24(c) for a 20 foot portion of the Project Site; and

WHEREAS, The above application is in pursuant to authorizing Section 72-21 of the Zoning Resolution; and

WHEREAS, applicant has filed all papers necessary with the Board of Standards and Appeals for the terms of the variance; and

WHEREAS, Learning Spring Elementary School, a non-profit organization, is a full-time private educational institution that was founded in 2001 by a group of parents of children diagnosed as being on the high-functioning end of the autism spectrum; and

WHEREAS, the variance will allow a portion of the Second Avenue frontage (*including a ten foot screen wall*) to be approximately twelve feet below the minimum required height for the contextual district; and

WHEREAS, the requested variance will allow for a better functioning special needs school; and

WHEREAS, there is a severe shortage of New York City schools that focus on children with autism spectrum disorder; and

WHEREAS, Learning Spring School will admit students from all five boroughs and from a wide range of socioeconomic background and;

WHEREAS, Learning Spring School is publicly funded and will not charge tuition now,

THEREFORE, be it

RESOLVED, that Community Board Six supports the application (Calendar #316-08-BZ) for a variance pursuant to Section 72-21 of the Zoning Resolution to modify the minimum street wall requirement of Section 35-24(c) to enable the build a new middle and high school on the site located at 345-349 Second Avenue, Manhattan, New York.

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

c. CEQR #09DCP035Y, Waterfront Zoning Text Amendment, to amend certain provisions related to mandated waterfront public access areas in the Zoning Resolution text.

WHEREAS, the Dept. of City Planning seeks to amend certain provisions related to mandated waterfront public access areas in the Zoning Resolution text, and

WHEREAS, the amendments would update design regulations and administrative requirements for new privately owned waterfront public access areas with minor, related changes to bulk regulations, and

WHEREAS, the proposal applies to new construction of required privately owned public waterfront access areas and visual corridors, and

WHEREAS, the DCP proposal establishes a high standard for view corridors and public access to the waterfront as well as excellent standards for quality public space at the waterfront, and

WHEREAS, the new regulations would improve design and facilitate construction and operation of high quality public spaces on privately owned waterfront sites, and

WHEREAS, Community Board Six has no privately owned waterfront sites and therefore these proposed regulations would not technically be applicable to our waterfront sites, and

WHEREAS, the development of first class parks and open space along the waterfront is a priority of the board, and

WHEREAS, Community Board Six has initiated the development of two waterfront parks, Glick Park and Stuyvesant Cove Park, and is actively working to establish new parkland along its underdeveloped waterfront, and

WHEREAS, the DCP has presented the Land Use Committee of Community Board Six with an excellent power point presentation of the proposal by two well informed staff members, now

THEREFORE, be it

RESOLVED, that Community Board Six supports the proposed text amendment, and

BE IT FURTHER RESOLVED, that Community Board Six recommends that the carefully prepared and visually well documented proposal to the Land Use Committee serve as a model for future DCP presentations of complex zoning and text amendments.

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

d. Report - Waived by committee Chair

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

**a. Renewal, Unenclosed Sidewalk Cafe for Eros Restaurant Corp. d/b/a
La Mediterranee Restaurant, 947 2nd Avenue btw E. 50th and E. 51st street.**

WHEREAS, Sara Morel (“Applicant”), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on February 5, 2009 CB6M having jurisdiction of the premises in the DCA application process; and

WHEREAS, the applicant has requested a renewal with no changes or modifications; and

WHEREAS, La Mediterranee Restaurant is a well know neighborhood restaurant; and

WHEREAS, members of the committee spoke favorably of the application; and

WHEREAS, there were no objections from the community; now

THEREFORE, be it

RESOLVED, that pursuant to the presentation by the applicant at this meeting and all other considerations, CB6M supports the Renewal, Unenclosed Sidewalk Cafe for Eros Restaurant Corp. d/b/a La Mediterranee Restaurant, 947 2nd Avenue between E. 50th and E. 51st Street.

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

b. Alteration, On-premises (OP) liquor license for Elevated Entertainment Restaurants LLC, d/b/a Corner Stone Tavern, 961 Second Avenue btw E. 50th and E. 51st street.

WHEREAS, Terry Flynn, Esq, Attorney for Applicant and Denis Keane, Owner and Adrian McCarty, Owner (collectively, “Representatives”), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on February 5, 2009, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, the Representatives explained their plans to change an existing pizza parlor into additional tables and chairs, which will be served by a new larger bar; and

WHEREAS, the applicant’s wanted to convert an additional roof area into a seating area for 9 tables where food and drinks could be served; and

WHEREAS, members of the committee raised concerns about possible noise from the outdoor area; and

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

WHEREAS, Denis Keane, Owner signed a Change Agreement, agreeing to close the outdoor area at 11 pm, every day of the week and have no music at all in the outdoor area.

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

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

THEREFORE, be it

RESOLVED, that pursuant to the presentation by the applicant at this meeting and all other considerations, CB6M has no objection to the Alteration, On-premises (OP) liquor license for Elevated Entertainment Restaurants LLC, d/b/a Corner Stone Tavern, 961 Second Avenue btw E. 50th and E. 51st 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: 33 in Favor 0 Opposed 0 Abstention 0 Not Entitled

Joshua Schwadron amended the second whereas to state new larger bar instead of existing bar.

c. Transfer, OP for Fondue52 LLC d/b/a TBD, 986 2nd Avenue btw E. 52nd and E. 53rd Streets.

WHEREAS, the applicants did not appear before us to answer any concerns regarding this café transfer 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 transfer license for this café at this time.

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

d. Transfer, On-premises (OP) liquor license for Dabobsan Inc d/b/a Bombay Bistan, 155 East 52nd Street btw 3rd and Lexington Avenues.

WHEREAS, Sanjeev Charma, President (“Applicant”), appeared before the Business Affairs & Street Committee of Community Board 6 Manhattan (CB6M) on February 5, 2009, CB6M having jurisdiction on the premises in license application process; and

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

WHEREAS, the applicant intends to run the restaurant identically to the existing restaurant; and

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

THEREFORE, be it

RESOLVED, that pursuant to the presentation by the Representative at this meeting and all other considerations, CB6M supports the On-premises (OP) liquor license for Dabobsan Inc d/b/a Bombay Bistan 155 East 52nd Street btw 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: 33 in Favor 0 Opposed 0 Abstention 0 Not Entitled

e & f. New, Vessel liquor license for Jewel Barco LLC d/b/a New York Skyport Marina, 2430 FDR Drive East Service Road (near 23rd Street) and New, Vessel liquor license for Lucille Barco LLC d/b/a New York Skyport Marina, 2430 FDR Drive East Service Road (near 23rd Street).

WHEREAS, Rolf Djemani, General Manager and Alex Suazo, General Manager, (together “Representative”), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on February 5, 2009 CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, Applicant plans to open two dinner and party boats which leave from Skyport Marina throughout both the day and night; and

WHEREAS, Applicant stated that boats would return no later than 2:30 am; and

WHEREAS, Applicant stated that they would have security to control the passengers upon disembarkation; and

WHEREAS, Applicants already run the same type of operation from Piers on the west side of Manhattan; and

WHEREAS, no members of the community were present to speak for or against 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 New, vessel liquor license for Jewel Barco LLC d/b/a New York Skyport Marina, 2430 FDR Drive East Service Road (near 23rd Street) and New, Vessel liquor license for Lucille Barco LLC d/b/a New York Skyport Marina, 2430 FDR Drive East Service Road (near 23rd Street).; and be it

FURTHER RESOLVED, if the SLA application, **however**, contains a different method of operation than has been presented to CB6M as stated in this Resolution, **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: 28 in Favor 4 Opposed 1 Abstention 0 Not Entitled

h. Transfer, On-premises (OP) liquor license for 591 1st Avenue Corp d/b/a Pine Tree Lodge, 591 1st Avenue btw East 33rd and East 34th Streets.

WHEREAS, Andre Fleury, Jr., Owner (“Applicant”), appeared before the Business Affairs & Street Committee of Community Board 6 Manhattan (CB6M) on February 5, 2009, CB6M having jurisdiction on the premises in license application process; and

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

WHEREAS, the applicant intends to run open a restaurant across the street from NYU Hospital; and

WHEREAS, the applicant stated his operating hours are M – Th 10 am – 2 am, Fri & Sat 10 am – 3 am, and Sunday 10 am – 11 pm.

WHEREAS, there were no members of the community present to speak for or against the Application; 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 On-premises (OP) liquor license for 591 1st Avenue Corp d/b/a Pine Tree Lodge, 591 1st Avenue btw East 33rd and East 34th 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: 33 in Favor 0 Opposed 0 Abstention 0 Not Entitled

i. Report - Waived by committee Chair

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

b. NYC Council Intro. 880 in relation to displaying a passengers’ bill of rights in for-hire vehicles.

Whereas, an amendment has been proposed to the administrative code of the city of New York, in relation to requiring to display a passengers’ bill of rights in taxicabs and liveries; and

Whereas, the Taxi and Limousine Commission estimates that it receives 1,000 complaints per year about issues that would be covered under the passenger bill of rights; and

Whereas, this Intro. 880-A is intended to promote safety and consumer protection for passengers who might use one of the 20,000 liveries; and

Whereas, this bill provides that the bill of rights shall be posted in at least one conspicuous location in the rear passenger compartment of such taxicab or livery; and

Whereas, the bill of rights for taxicab passengers shall state the following:

- ¶pay for ride with credit/debit card
- ¶go to destination in New York City, Westchester county, Nassau county or Newark airport
- ¶car is in good condition and has passed all required inspection
- ¶a properly licensed driver in good standing, with the commission-issued driver’s license information on display
- ¶direct the route taken
- ¶safe and courteous driver who obeys all traffic laws

- ¶ driver speak English and is familiar with city geography
- ¶ AC or heat on request
- ¶ a quiet trip free of horn honking or radio or other music playing
- ¶ clean air, which is smoke and scent free
- ¶ workable seatbelts
- ¶ a clean vehicle, both inside and outside
- ¶ be accompanied by a service animal
- ¶ a driver who does not use a cell phone (hand-held or hands free) while driving
- ¶ decline to tip for poor service, and

Whereas, the bill of rights for livery passengers shall state the following:

- ¶ car is in good condition and has passed all required inspection
- ¶ a properly licensed driver in good standing, with the commission-issued driver's license information on display
- ¶ safe and courteous driver who obeys all traffic laws
- ¶ AC or heat on request
- ¶ a quiet trip free of horn honking or radio or other music playing
- ¶ clean air, which is smoke and scent free
- ¶ workable seatbelts
- ¶ be accompanied by a service animal
- ¶ pay a pre-approved fare quoted by the dispatcher
- ¶ a driver who does not use a cell phone (hand-held or hands free) while driving
- ¶ decline to tip for poor service

Therefore, be it

Resolved, that Community Board Six urges the Mayor to sign Intro. 880-A as soon as possible.

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

c. Report - Waived by committee Chair

10. Housing & Homeless Services – Claude Winfield, Chair

a. On Assembly Bill A02005, a law to make conforming technical changes to NYC administrative code and the emergency tenant protection act relating to vacancy decontrol.

Whereas, the shortage of affordable housing in New York City is an acute crisis; and

Whereas, the system of rent regulation presently existing in the state and local government is the most effective program preserving the supply of affordable housing; and

Whereas, these programs have been seriously eroded by the vacancy decontrol laws; and

Whereas, available data and several studies suggest that over 300,000 rent stabilized apartments have been removed from regulation in New York City, the counties of Westchester, and Nassau under vacancy decontrol; and

Whereas, the pace at which vacancy decontrol removes affordable housing from regulation is accelerating; and

Whereas, vacancy decontrol has been an incentive for owners of rental housing to withhold services and to use forms of harassment to induce regulated tenants to vacate their rental units; and

Whereas, in some circumstances, the cost of renovations have been inflated or even falsified in order to drive apartment rents to the \$2000 threshold for vacancy decontrol; and

Whereas, the repeal of vacancy decontrol is essential to restore the integrity of the rent regulation system and to protect state's supply of affordable housing; now

Therefore be it

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

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

b. Report- Waived by committee Chair

Old/new business

None

Second Roll Call – Conducted by Board Secretary, Carol Schachter.

Adjournment: 9: 30pm