

**MANHATTAN COMMUNITY BOARD 6**  
**FULL BOARD MEETING MINUTES**  
**Wednesday, December 8, 2010**  
**Baruch College**  
**151 East 25<sup>th</sup> St, Newman Conference Ctr, Rm. 750**

**Hon. Mark Thompson, Chair**

**ATTENDANCE**

**Members answering first roll call:**

Arcaro, Barrett, Buchwald, Collins, Curtis, Eggers, Friedman, Hollister, Humphrey Imbimbo, Judge, McIntosh, O'Neal, Papush, Parise, Pellezzi, Reiss, Rubin, Schaeffer, Scheyer, Schwadron, Seligman, Sepersky, Thompson, Weder, West, Winfield

**Members answering second roll call:**

Arcaro, Barrett, Buchwald, Collins, Curtis, Eggers, Friedman, Hollister, Humphrey Imbimbo, Judge, McIntosh, O'Neal, Papush, Parise, Pellezzi, Reiss, Rubin, Schaeffer, Scheyer, Schwadron, Seligman, Sepersky, Thompson, Weder, West, Winfield

**Excused:** Dubnoff, Garland, Gonzalez, Negrete, Scala, Schachter, Sherrod

**Absent:** Dankberg, Disman, Figueroa, Frank, Landesman, Lee, McGuire, Steinberg

**Guests signed in:** A/M Kavanagh; Kristen Ellis – BP Stringer; Lappin; Keith Powers – A/M Jonathan Bing; Anicka Kolarik

## INDEX

<b>Meeting Called to Order, Adoption of the Agenda, Roll Call</b>	<b>3</b>
<b>Public Session</b>	<b>3</b>
<b>Business Session</b>	<b>4</b>
<b>Report from the Chair</b>	<b>4</b>
<b>District Manager's Report</b>	<b>4</b>
<b>Borough President's Report</b>	<b>5</b>
<b>Committee Reports</b>	<b>5</b>
<b>Health, Senior &amp; Disability Issues</b>	<b>5</b>
<b>Housing, Homeless Services &amp; Human Rights</b>	<b>5</b>
<b>Budget &amp; Governmental Affairs</b>	<b>5</b>
<b>Youth &amp; Education</b>	<b>5</b>
<b>Parks, Landmarks &amp; Cultural Affairs</b>	<b>5</b>
<b>Land Use &amp; Waterfront</b>	<b>5</b>
<b>Public Safety, Environment &amp; Transportation</b>	<b>7</b>
<b>Business Affairs &amp; Street Activities</b>	<b>8</b>
<b>Old/New Business</b>	<b>10</b>
<b>Second Roll Call</b>	<b>10</b>
<b>Appendix A: FULL BOARD ATTENDANCE RECORD</b>	<b>11</b>
<b>Appendix B: RESOLUTION VOTES</b>	<b>12</b>

## Meeting Called to Order

**Mark Thompson**, Chair, called the meeting to order.

## Adoption of Agenda

**Roll Call** – Aaron Humphrey

## PUBLIC SESSION

**A/M Kavanagh** announced that along with State Senator Liz Krueger they were working on legislation to require battery manufacturers to work with retailers to set up free, easily accessible recycling programs for batteries sold or disposed in New York State. The new law would reduce toxins in the waste stream, decrease air contamination, and protect human health and the environment.

For further community news and updates go to <http://assembly.state.ny.us/mem/?ad=074>

**Brice Peyre** representing Cg/M Carolyn Maloney reported: **1)** Cg/M Maloney urged Manhattan residents who think they may have missed their tax refund check to contact the IRS immediately. **2)** On November 18, 2010 Cg/M Maloney voted for legislation which would have prevented an estimated 160,000 unemployed workers in the New York State, including 95,000 in New York City, from losing their benefits by the end of the year by extending federal unemployment benefits for three months, unfortunately House Republicans blocked the legislation.

For further community news and updates see the Congress Members Newsletter or go to [www.house.gov/maloney/press/html](http://www.house.gov/maloney/press/html)

**Brad Usher** representing Sen. Liz Krueger announced, on February of 2010 Sen. Krueger vote help pass the Family Health Care Decision Act (FHCDA) that created a legal mechanism for the appointment of a health care surrogate to make health care decisions for individuals who become incapacitated.

For further community news and updates see the Senator's Community Bulletin or go to [www.lizkrueger.com](http://www.lizkrueger.com)

**Keith Powers** representing A/M Jonathan Bing waived his report.

For further community news and updates email the Assembly Member at [bingj@assembly.state.ny.us](mailto:bingj@assembly.state.ny.us)

**Jeffre LeFrancois** representing A/M Dick Gottfried reported: **1)** At the end of November 2010, the Assembly passed a bill co-sponsored by A/M Gottfried to impose a moratorium on hydraulic fracturing in New York State until May 15, 2011. **2)** A/M Gottfried will push for more funding for the Hunger Prevention and Nutrition Assistance Program (HPNAP) to help New York City's soup kitchens and pantries fight hunger.

For further community news and updates email the Assembly Member at [gottfrR@assembly.state.ny.us](mailto:gottfrR@assembly.state.ny.us)

**Anicka Kolarik** representing C/M Dan Garodnick reported: **1)** C/M Garodnick was elected by his colleagues to chair the Council's Committee on Consumer Affairs, as his first order of business, C/M Garodnick announced an email tip line [FightFraudNYC@gmail.com](mailto:FightFraudNYC@gmail.com) for consumers to report complaints, scams, questionable business practices or areas for the committee to delve into its oversight hearings. **2)** In the first hearing of the Consumer Affairs Committee under its new chair, C/M Garodnick, the committee examined debt settlement companies and called for an end to predatory 'Debt Settlement'.

For more information go to Council Member's East Side Bulletin or go to [www.garodnick.com](http://www.garodnick.com).

**Christina Bottego** representing C/M Jessica Lapping reported: **1)** As Chair of the City Council Committee on Aging, C/M Lapping recently chaired a hearing on the alarming rate of Elder Abuse, and ask that anyone that is a victim or elder abuse or suspect an instance of abuse to report it to the Elderly Crime Victims Resource Center by calling 311. **2)** C/M Lapping is very pleased that Manhattan Community Board 8 voted to turn the Greenmarket on 82<sup>nd</sup> St into a year round operation, previous it operated from July through December.

For further community news and updates call the Council Member's District Office at (212) 980-1808

## **BUSINESS SESSION:**

### **Adoption of October Full Board minutes**

Minutes were adopted by a voice vote as amended.

### **Chair's Report – Mark Thompson**

Mark made a few announcements and acknowledgements: **1)** Unofficially announced Sandra Mckey as a potential appointee to the Board. **2)** Board reapplications are out and due back to the BP by December 31. New applications are due by January 14. Please be sure to get yours in on time. Applications are on the website at [www.mbpo.org](http://www.mbpo.org)

### **District Manager's Report — Toni Carlina**

Toni remarked on the following items: **1)** Regarding our Public Plaza Study the DCP has so far sent 14 letters to property owners most of which for not responded, therefore DCP has forward the letters to DOB so violations can be issued. **2)** Regarding the request to look into the sidewalk obstructions by Dafonte, a restaurant with a sidewalk café on E. 21<sup>st</sup> St, by BASA's committee; NYPD will place heavy planters that cannot be moved, this way police cars will not be able to park by the corners. Regarding the cellar door, it should only be opened when they receive deliveries. Therefore, I would appreciate your letting me know if it continues to remain opened all day. **3)** DOT has informed the Board that two applications have been received from restaurants interested in operating a Pop up Café. DOT will first screen the applications to see if they are feasible before notifying the CB's of the locations. **4)** A meeting is being put together for the very near future the DCA, to review the violations depicted in our Sidewalk Café survey, completed by our former urban fellow. I hope everyone who will be invited will be able to participate.

### **Treasurer's Report – Bea Disman**

**Report:** Waived

**Borough President’s Report – Kristen Ellis**

Kristen reminded the board and public in attendance that the Borough President’s office has once again begun the application process for Community Board membership and renewal membership. If you have not received your renewal application yet, we are asking that you be patient it is on its way. For anyone interested in applying for the first time, the application can be found on our website at [www.mbpo.org](http://www.mbpo.org)

**Committee Resolutions and Reports**

**1. Health, Seniors & Disability Issues – Sandro Sherrod Chair**

a. **Report:** Waived

**2. Housing, Homeless & Human Rights – Claude L. Winfield, Chair**

a. **Report:** Waived

**3. Budget & Governmental Affairs – Richard Eggers, Chairs**

a. **Report:** Waived

**4. Youth & Education – Maxine McIntosh, Chair**

a. **Report**

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

a. **LPC application to update existing wooden street signs for 5 Tudor City Place**

**Whereas**, the Landmarks Preservation Commission in 1995 gave approval to the board at 5 Tudor City Place for the installing of a painted wooden sign for commercial storefront on Tudor City Place, and

**Whereas**, subsequent signs of the same design and fabrication were installed but approval due to oversight was not applied for, and

**Whereas**, the board of 5 Tudor City Place now seeks approval of these existing signs as well as creation of a “Master Plan” for all future signs at this building using the existing signs as the standard, and

**Whereas**, the existing design was reviewed by Community Board 6 and found to be appropriate to the building and the Tudor City Historic District, now

**Therefore Be It**

**Resolved**, Community Board 6 has no objection to the approval of the existing signage and the proposed “Master Plan” provided there is a maximum of one sign per store or storefront.

**VOTE: 30 in Favor 0 Opposed 0 Abstention 0 Not Entitled**

b. **Report:** Waived

**6. Land Use/Waterfront – Edward Rubin & Ellen Imbimbo, Chairs**

a. **BSA # 379-01-BZ, for the extension of a physical culture establishment at 4 Irving Pl. on E. 15th St**

**WHEREAS**, The Law Office of Fredrick A. Becker, on behalf of Consolidated Edison of New York, owner; TSI Irving Place Inc., dba New York Sports Club, lessee, located at 122 East 42nd Street, Manhattan, New York, presented to the Land Use Committee of CB6 on Wednesday, December 1, 2010 an application to apply for a Special Permit (Calendar #379-01-BZ) under Zoning Resolution §73-36, to permit a Physical Culture Establishment (New York Sports Club) located within portions of the basement level, first floor and second floor of an existing thirty three (33) story commercial building located at 4 Irving Place, New York, Manhattan; and

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

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

**WHEREAS**, New York Sports Club operator of the physical Culture establishment has been in operation since 1998 and does not adversely impact the neighborhood; and

**WHEREAS**, the special permit allows New York Sports Club to operate the facility which contain a total of 20,919 sq. ft. of floor area; 11,979 sq. ft. of area on the first floor, 5,903 sq ft on the second floor and 3,037 sq of area on the basement level located in an existing thirty three (33) story commercial building located at 4 Irving Place, New York; now

**THEREFORE**, be it

**RESOLVED**, that Community Board Six has no objection to the application for an a Special Permit (Calendar #379-01-BZ) under Zoning Resolution §73-36, to permit a Physical Culture Establishment (New York Sports Club) located within portions of the cellar, first floor and second floor of an existing thirty three (33) story commercial building located at 4 Irving Place, New York, Manhattan, for a period of five years.

**VOTE: 30 in Favor 0 Opposed 0 Abstention 0 Not Entitled**

**d. Previously adopted resolution with Parks, Landmarks & Cultural Affairs committee on Robert Moses replacement and mitigation and waterfront enhancements.**

**WHEREAS**, through a long and consistent series of resolutions, Community Board 6 has dedicated itself to working with all appropriate government agencies, to not only preserve but to expand its limited active open space, to enhance the accessibility of its waterfront and inland areas as part of its open space, and to development of the myriad opportunities for enjoyment by the community; and

**WHEREAS**, Community Board 6 worked with the NYC Department of City Planning, and was successful in persuading the City Council to adopt its 197-a Plan in March 2008, which incorporated CB6's vision for active open space and for a continuous esplanade along its waterfront and embodied the principles expressed in its earlier resolutions; and

**WHEREAS**, a continuous waterfront esplanade in CB6 would be outboard of the UN and extend between East 41st Street and East 51st Street, and would require the retention of the Outer Drive Roadway (ODR) in order to extend the esplanade to approximately East 59th Street, and would also

require connections to the waterfront at several streets including East 42nd and East 48th Streets; and

**WHEREAS**, the City has shown renewed interest in the taking (alienation) of Robert Moses Playground as the site for a new UN consolidation building, which would require legislation by the New York State legislature to alienate the parkland; and

**WHEREAS**, CB6 wishes to restate its requirements for support of the alienation of Robert Moses Playground, and these requirements have been consistently stated as: (1) that there must be mitigation for the impact of a building constructed at Robert Moses Playground which would be represented by the construction of the waterfront esplanade, and (2) that an active use replacement park of equal size to Robert Moses Playground must be built in the immediate neighborhood; now

**THEREFORE, be it**

**RESOLVED**, that Community Board 6 will not support any New York State legislation about the alienation of Robert Moses Playground unless it incorporates the requirements that the City will provide both mitigation to the community for the construction of the UN building, as well as replacement for the lost park space; and be it further

**FURTHER RESOLVED**, that CB6 urges EDC and other appropriate City agencies to locate and secure an equal active replacement park (about 30,000 contiguous square feet) for the loss of Robert Moses Playground, and that the replacement space be in the immediate neighborhood; and be it further

**FURTHER RESOLVED**, that the only mitigation Community Board 6 will support will be the building of a waterfront esplanade outboard from the United Nations from East 41st Street to East 59th Street, including multiple connections to the upland, and CB6 urges its elected officials to obtain NYS DEC approval for the saving of the ODR caissons which are a critical element in the building of the esplanade; now

**FURTHER RESOLVED**, that CB6 be given the opportunity to review, comment and vote on any legislative proposal by the New York State elected officials who cover the CB6 area – those for the 74th Assembly District, and the 26th Senate District - prior to its submission, which legislation will include not only the items referred to above, but also stipulate a timeline for implementation as well as dedicated funding streams, such that the replacement for the Robert Moses Playground and the mitigation for the new UN consolidation building be completed as soon as possible and not later than the occupancy of the new building.

**VOTE: 22 in Favor 8 Opposed 0 Abstention 0 Not Entitled**

**e. Report**

Ellen Imbimbo mentioned that NYC Department of City Planning will soon issue an updated Comprehensive Waterfront Plan ‘Vision 20/20’, available at:  
<http://nyc.gov/html/dcp/html/cwp/index.shtml>

**7. Public Safety, Environment & Transportation – Fred Arcaro, Chair**

**a. Report**

Fred Arcaro wished everyone a “Happy Holidays”.

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

**b. New, OP license for KC 53 LLC d/b/a TBD, 232 E. 53rd St at E. 53rd St**

**WHEREAS**, Mr. Scott Alling, Owner, and Nancy Moon, Marketing Director “Representatives”), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on November 18, 2010, CB6M having jurisdiction of the premises in the license application process; and

**WHEREAS**, the Representatives stated that this establishment was formerly a Korean barbeque restaurant and that the new venue would have an internationally renowned chef with Asian type comfort food; and

**WHEREAS**, the premises has a backyard that will be glass enclosed with a mechanical roof which workings were described in detail; and

**WHEREAS**, the representatives submitted that the hours of operation would be 11 a.m. to 2 a.m. Sunday, Monday and Tuesday, and 11 a.m. to 4 a.m. on Wednesday, Thursday, Friday, and Saturday; and

**WHEREAS**, a change agreement was signed and notarized changing the closing hour to 2 a.m. seven days a week; now

**THEREFORE**, be it

**RESOLVED**, that pursuant to the presentation made by the Representative at the meeting of the Business Affairs and Street Activities committee held on November 18, 2010 and pursuant to all other considerations, CB6M has no objection to the application; and

**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: 30 in Favor 0 Opposed 0 Abstention 0 Not Entitled**

**c. New, OP license for Corp To Be Formed d/b/a TBD, 379 3rd Ave btw E. 27th & E. 28th Sts.**

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

**THEREFORE**, be it

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



**VOTE: 30 in Favor 0 Opposed 0 Abstention 0 Not Entitled**

**d. Alteration, OP license for Murray Hills Enterprises d/b/a Cask Restaurant & Wine Bar, 167 E. 33rd St btw 2nd & 3rd Aves**

**WHEREAS**, Mr. Mark Fox, owner (“Representative”), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on November 18, 2010, CB6M having jurisdiction of the premises in the license application process; and

**WHEREAS**, the Representative stated that this wine bar has been open for a year with no complaints and a board member underlined the fact that this was a lovely venue; and

**WHEREAS**, the alteration application is for a an additional bar for the basement party area with no outside promoters nor DJs, in fact using this bar for additional dinner guests as needed; now

**THEREFORE**, be it

**RESOLVED**, that pursuant to the presentation made by the Representative at the meeting of the Business Affairs and Street Activities committee held on November 18, 2010 and pursuant to all other considerations, CB6M has no objection to the application; and

**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: 30 in Favor 0 Opposed 0 Abstention 0 Not Entitled**

**f. Transfer, OP license for Midtown Karaoke Inc d/b/a TBD, 303-305 E. 53rd St at 2<sup>nd</sup> Ave, 2nd Floor.**

**WHEREAS**, Mr. Hiroyuki Hayashi, Owner and Frank Buscemi, Attorney (“Representatives”), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on November 18, 2010, CB6M having jurisdiction of the premises in the license application process; and

**WHEREAS**, the Representatives stated that this application was a transfer of an existing license as Mr. Hayashi was buying the business; and

**WHEREAS**, Attorney Buscemi represented that 305 East 53<sup>rd</sup>. St. as listed as the 1<sup>st</sup> Floor is actually the second floor; and 303 East 53<sup>rd</sup>. St. as listed as the 1<sup>st</sup> Floor is actually the second floor and the Certificate of Occupancy designation is to be changed from “Offices” to “Eating and Drinking”; and

**WHEREAS**, the subject venue is located in an area that is saturated with late night bars and lounges; and

**WHEREAS**, the venue is subject to the 500’ Rule which places the burden on the applicant to show why it is in the community’s interest to have another OP licensed premises when there are three or more such premises within 500’ of the applicant; and

**WHEREAS**, a neighborhood coalition appeared by letter to oppose any new OP license in the area unless it was a restaurant; and

**WHEREAS**, the applicant was informed that the venue is located in a problematic block with many noise issues; and

**WHEREAS**, in an attempt to meet objections raised and to comply with the public interest requirements of the 500' Rule, the applicant **promised** to close no later than 2 a.m. nightly; and

**WHEREAS**, the Committee vote was premised upon this **promise** to close no later than 2 a.m.; now

**THEREFORE**, be it

**RESOLVED**, that pursuant to the presentation made by the Representative at the meeting of the Business Affairs and Street Activities committee held on November 18, 2010, particularly with regard to the closing times and pursuant to all other considerations, CB6M has no objection to the application; and

**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: 30 in Favor 0 Opposed 0 Abstention 0 Not Entitled**

**g. Report: Waived**

**New Business:**

Further discussion on Land Use/ Waterfront's and Parks, Landmarks & Cultural Affairs committees draft resolution on Robert Moses replacement and mitigation and waterfront enhancements.

**Old Business**

**Second Roll Call – Aaron Humphrey**

**Meeting Adjourned at 9:30pm**