

**MANHATTAN COMMUNITY BOARD 6
FULL BOARD MEETING MINUTES
Wednesday, June 9, 2010
NYU MEDICAL CENTER
550 FIRST AVENUE**

Hon. Mark Thompson, Chair

ATTENDANCE

Members answering first roll call:

Arcaro, Barrett, Bergman, Buchwald, Dankberg, Disman, Eggers, Frank, Friedman, Garland, Goldman, Hollister, Humphrey Imbimbo, LaBarbera, McGuire, Papush, Parise, Pellezzi, Reiss, Rubin, Scala Schachter, Schaeffer, Scheyer, Seligman, Sepersky, Sherrod, Simon, Steinberg, Thompson, Weder, Winfield

Members answering second roll call:

Arcaro, Barrett, Bergman, Buchwald, Collins, Curtis, Dankberg, Disman, Eggers, Figueroa, Frank, Friedman, Garland, Goldman, Gonzalez, Haile, Hollister, Humphrey Imbimbo, Judge, LaBarbera, Landesman, Lee, McGuire, McIntosh, Moses, Negrete, Oddo, O'Neal, Papush, Parise, Pellezzi, Reiss, Rubin, Scala Schachter, Schaeffer, Scheyer, Seligman, Sepersky, Sherrod, Simon, Steinberg, Thompson, Weder, Winfield

Excused: Dubnoff, Schwadron

Absent: Parrish, West,

Guests signed in: Kristen Ellis - BP's Ofc.; Cameron Peterson – A/M Kavanagh; Brice Peyre - Cg/M Carolyn Maloney; Sara Hale-Stern-Sen. Liz Krueger; Keith Powers-A/M Jonathan Bing; Danielle Bennett-A/M Gottfried; Tim Laughlin-C/M Garodnick; Barbara Sherman - C/M Rosie Mendez; Taina Prado - C/M Jessica Lappin; Detta Ahl, Marisa Bulzone, Donald E. Long, Rajesh, Najjar, Carol Rinzler, Jules Vigh,

INDEX

| | |
|--------------------------------------------------------|-----------|
| Meeting Called to Order | 3 |
| Adoption of the Agenda | 3 |
| Roll Call | 3 |
| Public Session | 3 |
| Business Session | 4 |
| Report from the Chair | 4 |
| District Manager's Report | 5 |
| Treasurer's Report | 5 |
| Borough President's Report | 6 |
| Committee Reports | 6 |
| Budget & Governmental Affairs | 6 |
| Youth & Education | 6 |
| Health, Senior & Disability Issues | 6 |
| Parks, Landmarks & Cultural Affairs | 6 |
| Housing, Homeless Services & Human Rights | 6 |
| Land Use & Waterfront | 7 |
| Business Affairs & Street Activities | 9 |
| Public Safety, Environment & Transportation | 15 |
| Old/New Business | 19 |
| Second Roll Call | 19 |
| Appendix A: FULL BOARD ATTENDANCE RECORD | 20 |
| Appendix B: ROLL CALL VOTES ON RESOLUTIONS | 21 |

Meeting Called to Order

Mark Thompson, Chair, called the meeting to order.

Adoption of Agenda

Roll Call – Tom LaBarbera

PUBLIC SESSION

Keith Powers representing A/M Jonathan Bing reported: that A/M Bing recently applauded the MTA for instituting a Select Bus Service (SBS) stop at E. 49th and E. 50th Streets. In recent weeks he has advocated against the proposed removal of these stops. Currently the MTA plans to eliminate cross-town service along the M50 and M27 lines as well as the M104. He has called upon the MTA to restore at least some, if not all, of these cross-town bus stops. A/M Bing has joined his East Side colleagues in requesting a meeting with the MTA to discuss the r service restoration and will continue to work to maintain necessary neighborhood services.

For further community news and updates see the Assembly Member's Community Bulletin or go to www.jonathanbing.com.

Brice Peyre representing Congress Member Carolyn Maloney reported: at a June 4th press conference with Borough President Scott Stringer, Sen. Krueger, A/M Bing, C/M's Garodnick and Lappin, Fred Arcaro, CB6, the Turtle Bay Association and neighborhood residents, announced a new SBS stop in Turtle Bay and urged the MTA not to go forward with plans to cut the neighborhood's cross-town service on nights and weekends. In response to these series of cutbacks the Cg./M and her fellow East Side leaders sent a series of letters to MTA Chair Jay Walder and NYC Dept. of Transportation Commissioner Janette Sadik-Khan, urging them to include an SBS bus stop in Turtle Bay and to reconsider the cumulative effects on their plans to curtail cross-town service. 2) At a May 22nd news conference, Cg/M Maloney joined with elected officials, community leaders and affordable housing advocates announced the introduction of legislation in Congress, H.R. 5361, that will curtail the ability of Fannie Mac and other government-sponsored enterprises (GSE's) to invest in future transactions that reduce the availability of affordable housing, both in NY and nationwide.

For further community news and updates see the Congress Members Newsletter or go to www.house.gov/maloney/press/html

Sara Hale-Stern representing Sen. Liz Krueger reported: on May 28th the Senator voted for a package of legislation which will improve New York State's public education system by using the student improvement factor in teacher evaluation, increase the states chances of receiving Federal "Race to the Top" education funds and increase the cap on the number of Charter Schools and their accountability. This new bill recognizes the value of Charter Schools when they are correctly run, as well as the need to ensure they are subject to appropriate oversight. 2) Sara announced that Sen. Krueger would present an East Side NYS Division of Housing and Community Renewal (DHCR) Day, Tuesday, June 29th at Lenox Hill Neighborhood House, 331 E.70th St., from 3:00 pm – 7:00 pm. This is an opportunity to speak to representatives from DHCR to find out your rights as a rent regulated tenant and to get answers to various housing questions.

For further community news and updates see the Senator's newsletter or go to www.lizkrueger.com

Cameron Peterson representing A/M Kavanagh reported: A/M Kavanagh and numerous other elected officials and advocates came together to call upon the Governor to sign the Hayley Ng and Diego Martinez Law (A7917D/S5292C), which recently passed the Assembly and Senate. This legislation was named after 4-year old Hayley Ng and 3-year old Diego Martinez, two children tragically killed last year in Chinatown when a delivery van climbed the curb. They were killed when the driver got out of the van with the motor still running and in gear, resulting in the van rolling and killing the children. The A/M stated that this legislation will make drivers throughout the state more conscious of their obligation to drive safely. **2)** Cameron announced that she would be leaving the A/M's office at the end of July to pursue other endeavors. It has been a pleasure to work with the members of CB6.

For further community news and updates see the Assembly Member's Newsletter or go to <http://assembly.state.ny.us/mem/?ad=074>

Tim Laughlin representing C/M Dan Garodnick announced that he would be leaving the C/M Garodnick's office at the end of the month; Anika Kolarik will replace him as CB6 liaison. He stated that it was a great experience and a pleasure working with this Board and its members.

For further community news and updates see the Council Member's East Side Bulletin or go to www.garodnick.com.

Marisa Bulzone representing the Murray Hill Association spoke in opposition of the proposed 34th St. Transitway.

BUSINESS SESSION:

Adoption of the May 12th Full Board minutes

Minutes were adopted by a voice vote.

Chair's Report – Mark Thompson

Mark made a few announcements and acknowledgements: Welcome to Kristen Ellis our new community Board Liaison from out of Borough President's Office. **2)** Happy to announce that Anika Kolarik is our new liaison from C/M Garodnick's office. She will be at the next Full Board meeting in September. **3)** Larry Scheyer who was appointed gracefully postponed his oath taking for the greater good last month and will now be sworn in as a Full Board member. A has been our tradition as CB6 all other Full Board members are invited to take the oath again along with Larry. **4)** I am happy to announce that Dodge Landesman has joined the Youth & Education and Health, Senior & Disability Issues committees. Eddie Bergman will be moving from Budget & Governmental Affairs committee to Youth & Education effective July 1st. Linda Goldman is now officially on the Land Use/Waterfront committee. I would also like to introduce some new public members; Alan Rosenbloom, Judith Ludwig, Josselyne Herman, and Angela Sung. **5)** David Garodnick has come back to us and is now a Public Member of Health, Seniors & Disability Issues. **6)** Several other people are attending meetings this month and I hope to appoint them as Public Members by the fall. **7)** Many of you were at the Waterfront Town Hall on Sunday afternoon; it was well attended and it was interesting to see what was presented and what the members of the public said. I invited everyone to come to our committee meetings, so that they could continue to participate in our work and help move things forward. It was exciting to see the interest in what CB6 has been doing for decades and I would like to convey to all of you the praise that CB6 received from people during and especially after the Town Hall. It was really gratifying to have people I don't know say how much they appreciate what all of you do. So I want to give you all a hand and a huge thank you. **8)** I want to make sure that everyone gets their money in to Bea for the dinner tonight. Please don't put it off and even if you don't have a check or money with you, let

Bea know if you are attending. Paige, Yuvie, Aaron and Ann have put together a great event and I would really like everyone to attend. It's fun and it's a great chance to finally get to know each other and the food is going to be great. **9)** Give a big shout out to two members for going above and beyond the Call of Duty; Aaron Humphrey for his resolutions in BASA; Larry Scheyer for his minutes in Land Use/Waterfront. **10)** Members of the community went to the SLA hearing on Tonic East to actually have the owners sign an agreement to close the roof top bar earlier and reduce the noise, as well as other concerns. The Board has worked get this establishment under control for a very long time; this is a big victory for us and the community. We would like to thank Carol & BASA for their work on this. Carol Schachter thanked DM Toni Carlina for all her work on this issue as well. **11)** It's that time of year again... time for the Board's Executive member elections. The By-Laws call for the Chair to put together a nominating committee and announce it this month. Anyone interested in running for office must notify the nominating committee, in writing, this can be sent by e-mail, remember to cc your nomination to the Board office. I am very pleased to announce that the following Board members are on the Nominating committee: Lyle Frank will serve as Chair, he is joined by Louise Dankberg, Maxine McIntosh, Frank Scala and Carol Schachter. And I guess it goes without saying that the members or the Nominating committee have now taken themselves out of the running for an elected office. **12)** Last but not least, I know this will disappoint some of you, but we are not planning to hold a Full Board meeting in July and August, unless there is some urgent matter (such as a ULURP application). The Executive Committee, as well as a few standing committees will meet. So I wish you all a wonderful summer vacation and I expect a "what I did on my summer vacation" report to be submitted at the September meeting. Thank you everyone!

District Manager's Report — Toni Carlina

Toni briefly reported on: **1)** at the request of area residents we held an ESA meeting on June 1st to obtain an update of the MTA's time table and to answer several community concerns. The major point of concern was the arrival of a red truck with the words EXPLOSIVES written on it. It was explained that this unit does not pose any threat to the community, you could shoot at the explosives and nothing would happen, you need to combine components, which does not occur until they are underground and ready to be used. Residents were still very uncomfortable, so I arranged to have James Lauer, the FDNY Chief Inspector of the Explosives Unit conduct an on-site with the residents; residents informed me that the meeting went very well. **2)** Another point of concern is the lack of a promised and paid for by the MTA traffic agent for Park Ave. and E.37th St. I contacted Chief Tuller and Director Velez of Traffic Enforcement, Mr. Velez informed me that the MTA had requested the relocation of the officer to Park and E. 56th St. I am now waiting to hear back from the MTA. **3)** At the request of Ellen Imbimbo, I again looked into the outages of lights at Stuy Cove. I spoke with Chris Collins, the Executive Director, who informed me that they had hired a contractor who replaced all the lamps, however only the lights along the FDR were working and the contractor was investigating why the park area is still out. He discovered that the light sensor blew, he replaced the part and all lights are now working. **4)** Mike Jones, the Deputy Chief Executive Officer of the SLA called to review community issues with the Comedy Club, I informed him that not only is the noise and crowds an issue, but they have, in the past tried to create new space by sectioning off the premises and their patrons are still exiting through the lobby of an apartment house. Mr. Jones spoke to the owners, whom have committed to improving conditions. **5)** The City is preparing for the 2012 Budget Consultations that take place in early Fall, reservations and our agency budget related questions are due in early July, so please give some thought to the questions you would like answered and return them to me and Rick Eggers as soon as you can.

Treasurer's Report - Bea Disman

Bea reported: **1)** First of all I would like to congratulate Karen for the ability to get into the cities new system and actually paid our expenditures. I have to tell you this has been an experience and all community boards are behind in paying their debit. **2)** I just want to say a few words about the

dinner. You know who we are honoring, and as of right now I only have money for 37 people to attend, if you plan on attending, I really recommend that you give me a check tonight, or I will take cash. It's important that we are able to tell the restaurant how many people will be attending.

Borough President's Report: Kristen Ellis introduced herself as the Board's new liaison. She stated that if anyone wanted to obtain her contact information she would be in the rear.

For community news and updates from the BP's Office go to www.mbpo.org.

Committee Resolutions and Reports

1. Budget & Governmental Affairs – Richard Eggers, Chairs

a. Report:

Rick reminded all chairs to hand in their committee budget priorities by Monday for the committee meeting. The committee will be meeting over the summer to go over all the budget priorities.

2. Youth & Education – Maxine McIntosh, Chair

- a. **Report:** Maxine reported that the Clinton School of Artist will no longer be combined with the School for the Deaf (JHS47) at 225 E. 23rd St. They have found a new location for the students on W. 33rd St.

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

- a. **Report:** Sandro reported on the Budget Extender Bill. It contains 54 million in funds specifically for long term home care, the tobacco campaign and stem cell research. There were numerous cuts included in this bill as well, such as the Doctors Across NY program was cut 355 million dollars; the personal care package of the bill had major cuts made to it which includes cuts to home care service; nurses have been eliminated in city schools; 6.1 million dollars have been cut for child care and health clinics.

4. Parks, Landmarks & Cultural Affairs – Gary Papush, Chair

- a. **Report:** Gary reported that the Bellevue South Park meeting was productive. Discussed were numerous ideas on how to solve some of the problems in that park and some issues with the new corridor E. 27th St. that we have attained. He stated that in an earlier CB6 resolution the Board did vote to support placing a curfew at the park, closing it at dusk. With the curfew the Parks Department has decided that they would station, on a temporary basis, 2 PEP Officer's at the park until conditions in that area improve.

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

a. Intro 0963-2009 Homeless Housing Occupancy Standards

Whereas, the administrative code of the city of New York that Currently allows referrals of homeless persons to dwellings failing to meet occupancy standards, and

Whereas, the Department of Homeless Services, DHS, is responsible for assisting homeless adults finding permanent housing after they exit the City Shelter System, and

Whereas, DHS often refers single adults to small residential properties that are overcrowded and unsafe, and

Whereas, contract providers often use their properties as boarding houses condemned or ordered vacant by the New York City Department of Buildings, the New York City Fire Department, or the Department of Housing Preservation and Development as a result of fire safety hazards or illegal occupancy, and

Whereas, Intro 0963-2009 would amend Chapter 3 of title 21 of the Administrative Code of the city of New York by adding a new section 21-309 titled Referrals to non-compliant dwellings prohibited, and

Whereas, the Commissioner shall not refer homeless single adults to permanent housing that has an unresolved violation related to certificate of occupancy or any dwelling for which three or more violations have been issued within a two year period immediately preceding the date a homeless single adult is referred to that dwelling, now

Therefore be it

Resolved that Community Board Six supports Intro 0963-2009 and urges the City Council to reintroduce and pass this local law to amend the administrative code of the city of New York, in relation to prohibiting referrals of homeless persons to dwellings that fail to meet occupancy standards.

VOTE: 42 in Favor 0 Opposed 0 Abstention 1 Not Entitled

b. **Report:** Claude announced that this Thursday the City Council will hold a meeting on DHS. They are considering changing the guidelines as they pertain to DHS reporting on room and board placement at transitional housing.

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

b. **BSA (221-97BZ) to apply for an extension of the term and amendment for the change of ownership for Crunch Kips Bay LLC, located at 550 Second Avenue, Manhattan.**

WHEREAS, Wachtel & Masyr, LLP on behalf of Crunch Kips Bay LLC located at 22 West 15th Street, Manhattan, New York, presented to the Land Use Committee of CB6 on Wednesday, June 2, 2010 an application to apply for a Special Order Calendar (Calendar #221-97-BZ) application under Zoning Resolution §73-11 and 73-36, to permit the extension of term, waiver of the rules of procedure, and amendment for change of ownership for a Physical Culture Establishment (Crunch Kips Bay LLC) located at 550 Second Avenue, New York; and

WHEREAS, the above applications is pursuant to Sections 73-11 and 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 Order Calendar to permit a the extension of term, waiver of the rules of procedure, and amendment for change of ownership for a Physical Culture Establishment; and

WHEREAS, Bally Total Fitness, the former operator of the physical culture establishment, has been in operation since 1998 and does not adversely impact the neighborhood; and

WHEREAS, the original special permit allows Crunch Kips Bay LLC to operate the facility which contained a total of 21,775 sq. ft. of floor area on the first and cellar floors of the premises located at 550 Second Avenue, now

THEREFORE, be it

RESOLVED, that Community Board Six has no objection to the application to apply for a Special Order Calendar (Calendar #221-97-BZ) application under Zoning Resolution §73-11 and 73-36, to permit the extension of term, waiver of the rules of procedure, and amendment for change of ownership for a Physical Culture Establishment (Crunch Kips Bay LLC) located at 550 Second Avenue, New York for a period of five years.

VOTE: 43 in Favor 0 Opposed 0 Abstention 0 Not Entitled

c. **BSA (200-98-BZ) to apply for an extension of term of a previously granted special permit to allowing the operation of a Physical Culture Establishment located within portions of the cellar, first floor mezzanine, first floor and second floor of an existing thirty six (36) story mixed use commercial and residential building located at 633 Third Avenue, New York, Manhattan.**

WHEREAS, The Law Office of Fredrick A. Becker, on behalf of 633 Realty LLC located at 1400 Broadway, Manhattan, New York, presented to the Land Use Committee of CB6 on Wednesday, June 2, 2010 an application to apply for a Special Permit (Calendar #200-98-BZ) under Zoning Resolution §73-36, to permit a Physical Culture Establishment (New York Sports Club) located within portions of the cellar, first floor mezzanine, first floor and second floor of an existing thirty six (36) story mixed use commercial and residential building located at 633 Third Avenue, New York, Manhattan; and

WHEREAS, the above applications is pursuant to Section 73-11 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 22,833 sq. ft. of floor area; 240 sq. ft. of area on the first floor, 22,833 sq of area on the cellar level located in an existing thirty six (36) story mixed use commercial and residential building located at 633 Third Avenue, New York; now

THEREFORE, be it

RESOLVED, that Community Board Six has no objection to the application for an a Special Permit (Calendar #200-98-BZ) under Zoning Resolution §73-36, to permit a Physical Culture Establishment (New York Sports Club) located within portions of the cellar, first floor mezzanine, first floor and second floor of an existing thirty six (36) story mixed use commercial and residential building located at 633 Third Avenue, New York, Manhattan, for a period of five years.

VOTE: 43 in Favor 0 Opposed 0 Abstention 0 Not Entitled

e **Report:** Ed gave an update on the mitigation and placement of Robert Moses Park and esplanade.

7. Business Affairs & Street Activities – Carol Schachter, Chair

a. New DCA application #1353195 for a small unenclosed sidewalk café, 2 tables and 8 seats for Marolles LLC d/b/a BXL Bistro, 210 E. 51 Street between 2nd and 3rd Avenues

WHEREAS, Michael Kelly, representative for the applicant, appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on June 3, 2010, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, the representative showed us an architectural design for the café; and

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

WHEREAS, the representative informed us that partitions could not be provided for this type of venue; now

THEREFORE, be it

RESOLVED, that pursuant to the presentation by the Representative at this meeting and all other considerations, CB6M **does not object to this application.**

VOTE: 43 in Favor 0 Opposed 0 Abstention 0 Not Entitled

b. New, OP license for La Pasta Presto Grill Inc d/b/a La Pasta Presto Grill, 959 Second Avenue at E. 51st St.

WHEREAS, the owner, Nazmul Chowdhury, was present and represented by Michael Kelly, and appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M), CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, the Representative stated that they would be a restaurant which would have no live music and which would operate 11a.m – 12a.m, Sunday – Thursday and 11a.m – 1a.m., Friday and Saturday; and

WHEREAS, the Representative stated that Mr. Chowdhury also owns a downtown restaurant, Pasta Bistro Grill; and

WHEREAS, hearing no objections from the committee or the community; now

THEREFORE, be it

RESOLVED, that pursuant to the presentation by the Representative at this meeting and all other considerations, CB6M opposes the application by the applicant before the SLA if it is not the same as to that presented to CB6; however, if the application is the same as that which was presented to CB6, CB6 has no objection; and

BE IT FURTHER RESOLVED, if the SLA application is different than the application presented to CB6M, then CB6M calls upon the SLA to deny the application.

VOTE: 43 in Favor 0 Opposed 0 Abstention 0 Not Entitled

d. **Transfer, OP license for Amina 50 Inc. d/b/a Pescatore, 955 Second Ave. btw E. 50th & E. 51st Sts.**

WHEREAS, the previous general manager, Charles DeVigne, is now the new owner and appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M), CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, the owner stated that there would be two different store fronts and the restaurant would only need half the space as before and would operate 7 days a week from 12pm – 11:30pm; and

WHEREAS, the owner promised to remove half the sidewalk café from the section no longer owned; now

THEREFORE, be it

RESOLVED, that pursuant to the presentation by the Representative at this meeting and all other considerations, CB6M opposes the application by the applicant before the SLA if it is not the same as to that presented to CB6; however, if the application is the same as that which was presented to CB6, CB6 has no objection; and

BE IT FURTHER RESOLVED, if the SLA application is different than the application presented to CB6M, then CB6M calls upon the SLA to deny the application.

VOTE: 43 in Favor 0 Opposed 0 Abstention 0 Not Entitled

e. **New, OP license for Jesa 31 Inc. d/b/a Taksim, 1030 Second Ave. btw E. 54th & E. 55th Sts.**

WHEREAS, two existing partners are taking on a third one, and one of the existing partners was present, Charles DeVigne, who appeared before the Business Affairs & Street Activities of Community Board 6 Manhattan (CB6M), CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, the partner stated that the restaurant operating hours would be the same as before, 12p.m – 11:30p.m, 7 days a week; and

WHEREAS, there were no objections from the community nor anyone else present at the meeting; now

THEREFORE, be it

RESOLVED, that pursuant to the presentation by the Representative at this meeting and all other considerations, CB6M opposes the application by the applicant before the SLA if it is not the same as to that presented to CB6; however, if the application is the same as that which was presented to CB6, CB6 has no objection; and

BE IT FURTHER RESOLVED, if the SLA application is different than the application presented to CB6M, then CB6M calls upon the SLA to deny the application.

VOTE: 43 in Favor 0 Opposed 0 Abstention 0 Not Entitled

f. Transfer, RW license for 391-393 Third Ave. LTD d/b/a L'Annam, 391-393 Third Ave. a/k/a 200 E. 28th St.

WHEREAS, a new partner was joining an existing owner, the Existing Partner, Paul Zhao, appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M), CB6M having jurisdiction of the premises in the application process; and

WHEREAS, the Existing Partner stated that the restaurant hours of operation would remain the same, Sunday – Thursday 11:30a.m-11:30p.m. and Friday – Saturday, 11:30a.m to Midnight; and

WHEREAS, the Existing Partner agreed to park his delivery bikes when not in use in a way as to not impede pedestrian use of the sidewalk; and

WHEREAS, there were no other issues raised by the committee and no objections from the community; now

THEREFORE, be it

RESOLVED, that pursuant to the presentation by the Representative at this meeting and all other considerations, CB6M opposes the application by the applicant before the SLA if it is not the same as to that presented to CB6; however, if the application is the same as that which was presented to CB6, CB6 has no objection; and

BE IT FURTHER RESOLVED, if the SLA application is different than the application presented to CB6M, then CB6M calls upon the SLA to deny the application.

VOTE: 43 in Favor 0 Opposed 0 Abstention 0 Not Entitled

h New, OP license for Corner Table Restaurant LLC d/b/a The Smith, 956 Second Ave. btw E. 50th & E. 51st Sts.

WHEREAS, Jeffrey Lefcourt, the Owner of The Smith, on 3rd and 13th Street, and Jane Restaurant on West Houston Street, appeared with blueprints before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M), CB6M having jurisdiction of the premises in the license application; and

WHEREAS, Jeffrey Lefcourt stated that he would like to open up a new branch on Second Ave. and 51st Street, with hours of operation from 6:00a.m-midnight, Monday – Thursday, and 10a.m-2a.m. on Friday and Saturday; and

WHEREAS, Jeffrey Lefcourt indicated The Smith would be filed under a new LLC; and

WHEREAS, there were no objections from the committee or the community; now

THEREFORE, be it

RESOLVED, that pursuant to the presentation by the Representative at this meeting and all other considerations, CB6M opposes the application by the applicant before the SLA if it is not the same as to that presented to CB6; however, if the application is the same as that which was presented to CB6, CB6 has no objection; and

BE IT FURTHER RESOLVED, if the SLA application is different than the application presented to CB6M, then CB6M calls upon the SLA to deny the application.

VOTE: 43 in Favor 0 Opposed 0 Abstention 0 Not Entitled

i New, RW license for Prime New York Realty 11 LLC d/b/a Green Olive, 844 Second Avenue at E. 45th Street

WHEREAS, the applicants did not appear before CB6M committee to answer any concerns regarding this license or make a public interest statement; 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.

VOTE: 43 in Favor 0 Opposed 0 Abstention 0 Not Entitled

j. New, OP license for Revd Up Pie Loc d/b/a tbd, 451 Third Avenue at E. 31st Street
WHEREAS, the applicants did not appear before CB6M committee to answer any concerns regarding this license or make a public interest statement; 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

WHEREAS, the 500 foot rule would apply for this applicant; now

THEREFORE, be it

RESOLVED, that Community Board Six objects to the application.

VOTE: 43 in Favor 0 Opposed 0 Abstention 0 Not Entitled

k. New, OP license for New Hani Sushi d/b/a tbd, 581B Third Avenue at E. 38th Street

WHEREAS, the applicants did not appear before CB6M committee to answer any concerns regarding this license or make a public interest statement; 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

WHEREAS, the 500 foot rule would apply for this applicant; now

THEREFORE, be it

RESOLVED, that Community Board Six objects to the application.

VOTE: 43 in Favor 0 Opposed 0 Abstention 0 Not Entitled

l. Transfer & Alteration, OP License for Shelly Clark, Claude Solliard or Entity To Be Formed d/b/a Claude, 237 E. 53rd Street btw. Second and Third Aves.

WHEREAS, Shelly Clark and Claude Solliard, were present as was their lawyer, David Korngut, and previous owners; and

WHEREAS, Claude Solliard previously was chef and owner of Seppi's in Le Parker Meridien as well as chef at Raoul's; and

WHEREAS, the hours of operation are to be 11a.m-2a.m seven days a week; and

WHEREAS, alterations consist of relocating the 16' bar counter from the rear of the dining room to the right side; and

WHEREAS, the applicant submitted a drawing as well as a 500ft statement of the other venues in the neighborhood; and

WHEREAS, there were no objections from the committee or the community; now

THEREFORE, it be

RESOLVED, that pursuant to the presentation by the Representative at this meeting and all other considerations, CB6M opposes the application by the applicant before the SLA if it is not the same as to that presented to CB6; however, if the application is the same as that which was presented to CB6, CB6 has no objection; and

BE IT FURTHER RESOLVED, if the SLA application is different than the application presented to CB6M, then CB6M calls upon the SLA to deny the application.

VOTE: 43 in Favor 0 Opposed 0 Abstention 0 Not Entitled

m. New, OP license for Nordly's Group LLC d/b/a Smorgas Chef at Scandinavia House, 58 Park Avenue at E. 38th Street

WHEREAS, the applicants did not appear before CB6M committee to answer any concerns regarding this license or make a public interest statement; 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

WHEREAS, the 500 foot rule would apply for this applicant; now

THEREFORE, be it

RESOLVED, that Community Board Six objects to the application.

VOTE: 43 in Favor 0 Opposed 0 Abstention 0 Not Entitled

n. New, OP license for JKG POS 247 E. 50 LLC d/b/a tbd, 247 E. 50 Street between Second and Third Avenues

WHEREAS, the applicants did not appear before CB6M committee to answer any concerns regarding this license or make a public interest statement*; 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

WHEREAS, the 500 foot rule would apply for this applicant; now

THEREFORE, be it

RESOLVED, that Community Board Six objects to the application.

VOTE: 43 in Favor 0 Opposed 0 Abstention 0 Not Entitled

p New, OP license for SSB Caterers Inc. d/b/a Lunchbox, 844 Second Avenue at E. 45th Street

WHEREAS, the applicants did not appear before CB6M committee to answer any concerns regarding this license or make a public interest statement; 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

WHEREAS, the 500 foot rule would apply for this applicant; now

THEREFORE, be it

RESOLVED, that Community Board Six objects to the application.

VOTE: 43 in Favor 0 Opposed 0 Abstention 0 Not Entitled

q. New, OP license for H.O.C Wine Inc. d/b/a Pierre Loti Wine Bar and Café, 53 Irving Place btw. E. 17th & 18th Sts.

WHEREAS, applicant was represented by the owner, Mr. Orhan Cakir, who appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M), CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, the location has been a wine bar for three years and the owner is asking for an OP license covering service inside and outside on the existing patio; and

WHEREAS, the hours of operation would be 4pm-1am Sunday-Thursday, and 11am-1am Friday-Saturday; and

WHEREAS, there were no objections from the committee or from the community; now

THEREFORE, be it

RESOLVED, that pursuant to the presentation by the representative at this meeting and all other considerations, CB6M opposes the application by the applicant before the SLA if it is not the same as to that presented to us in which case, CB6 has **NO OBJECTIONS**; and

BE IT FURTHER RESOLVED, if the SLA application is different than the application presented to CB6M, then CB6M ask the SLA to deny the application.

VOTE: 43 in Favor 0 Opposed 0 Abstention 0 Not Entitled

r. New, OP license for Blue Room Inc. d/b/a The Hook and Ladder, 611 Second Avenue between E. 33 and E. 34th Streets

WHEREAS, the applicants did not appear before CB6M committee to answer any concerns regarding this license or make a public interest statement; 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

WHEREAS, the 500 foot rule would apply for this applicant; now

THEREFORE, be it

RESOLVED, that Community Board Six objects to the application.

VOTE: 42 in Favor 1 Opposed 0 Abstention 0 Not Entitled

s. New, OP license for tbd d/b/a Underground Wings, 613 2nd Ave. bet. E. 33 & 34 Sts

WHEREAS, the applicants did not appear before CB6M committee to answer any concerns regarding this license or make a public interest statement; 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

WHEREAS, the 500 foot rule would apply in this case; now

THEREFORE, be it

RESOLVED, that Community Board Six objects to the application.

VOTE: 43 in Favor 0 Opposed 0 Abstention 0 Not Entitled

u. Report: Waived

8. Public Safety, Environment & Transportation – Fred Arcaro, Chair

a. Proposed 34th Street Transitway

Whereas, New York City Department of Transportation (NYCDOT) and MTA/New York City Transit (NYCT) presented to Public Safety, Environment and Transportation (PSE&T) committee at its May 3 meeting their preferred “Proposed Project plans for 34th Street Transitway along the 34th Street corridor, and

Whereas, the preferred “Proposed Project,” is to enhanced transit service along 34th Street from the Hudson River to the East River, and

Whereas, the 34th Street Transitway preferred project will be constructed with a two lane, bi-directional bus lane aligned with one curb of the street and include physically separate passenger boarding islands, and

Whereas, the remainder of the street would be used for one-way traffic, running outbound from midtown: westbound from Sixth Avenue to Eleventh Avenue, and eastbound from Fifth Avenue to First Avenue, and

Whereas, between Fifth and Sixth Avenue, the street will be closed entirely to non-transit vehicles and a pedestrian plaza, and

Whereas, there are about 30 bus lines, which includes commuter bus service, that use the 34th Street corridor, carrying about 17,000 local bus passengers and 14,000 express bus passengers daily, and

Whereas, the 34th Street Transitway could attract more commuter service buses, and

Whereas, the existing bus service along 34th Street operates at slow speeds with substantial delays en route, resulting in long travel times for cross-town local, express and commuter bus riders, increased operating costs, wasted fuel, noise pollution, and adverse effects on air quality, and

Whereas, the two basic goals of the proposed project are to improve cross-town mobility for bus riders, and to minimize capital and operating costs, and

Whereas, NYCDOT (the “Project Sponsor”) is likely to apply for funds from the Federal Transit Administration (FTA), which requires in addition to the “No Build Alternative” an examination of Transportation System Management (TSM) Alternative, and Build Alternative 1-Bus Rapid Transit as well and Alternatives, and

Whereas, NYCDOT and NYCT considered four “Build Alternatives” high-capacity modes such as Bus Rapid Transit (BRT), Streetcar or Light Rail Transit (LRT), Automated Guideway Transit (AGT), and Heavy Rail. All but BRT were rejected as not meeting their two basic goals, which are, to improve cross-town mobility and to minimize capital operating costs, and

Whereas, the Project Sponsor selected the BRT Alternative to undergo an environmental review which will comply with the requirements of the City Environmental Quality Review (CEQR) process and the National Environmental Policy Act (NEPA), and

Whereas, the Project Sponsor has selected the “Single Side Running” alignment as the preferred “Proposed Project”, which is one of three alignments, for the BRT mode option to be considered in its forthcoming Environmental Impact Statement (EIS), and

Whereas, the Project Sponsor has committed to consulting with the public with regards to providing input into the EIS scoping for the BRT Alternative CEQR analysis, and

Whereas, CEQR requires that the scope of work of the EIS addresses the following elements:

- Proposed method of study
- Possible alternatives to the proposed action
- Mitigation measures
- Technical areas and issues to be considered include as appropriate, but are not limited to, the following:

- Land use, zoning and public policy
- Socioeconomic conditions
- Open space
- Historic resources
- Infrastructure
- Traffic and parking
- Transit, bicyclists and pedestrians
- Air quality
- Noise
- Construction impacts
- Public health, and

Whereas, most people present at the PSE&T Committee meeting of May 3 meeting expressed serious concerns with the proposed project as presented, now

Therefore, be it

Resolved, Manhattan Community Board Six has serious reservations about the profound and radical changes that would be caused by the NYCDOT and MTA/NYCT proposed project for its 34th Street Transitway as presented at the May 3, 2010 PSE&T Committee meeting and recommends that they do additional studies considering the deficiencies listed in the following resolve; and

Be it further

Resolved, Manhattan Community Board Six urges the following to be included in the EIS scope:

- Transportation System Management Alternative. The TSM Alternative for the 34th Street transit corridor would maintain the existing curbside bus lanes and would have limited signal priority. Existing buses would be replaced with three-door, articulate vehicles, as is proposed for First and Second Avenues. Fare collection would be off-board with ticket machines located at bus stops.
- Different scenarios for Build Alternative 1-Bus Rapid Transit.
 - Single side alignment of transit lanes with a bi-directional bus-way oriented along the north curbside with the remainder of the street to have bi-directional lanes for general traffic from the Hudson River to the East River without having a Transitway Plaza between Fifth and Sixth Avenues.
 - Curb alignment of transit lanes, with a one-way west-direction bus lane on the north curb and a one-way east-direction bus lane on the south curb and two-way general traffic for the rest of the street along the 34th Street corridor. Both bus and general traffic lanes will run from the Hudson River to The East River without a Transitway Plaza between Fifth and Sixth Avenues.
 - Median alignment of a two-way Transitway with two-way traffic for the rest of the street for the entire corridor. Both bus and general traffic lanes will run from the Hudson River to The East River without a Transitway Plaza between Fifth and Sixth Avenues.
- The EIS should include an analysis of specific issues raised by the community as follows:
 - The traffic study area in the EIS should be from 14th to 60th Street and from East River to the Hudson River.
 - The traffic study should include an analysis of both peak and off-peak times and for all four seasons of the year.
 - The traffic study should be done if bike lanes are implemented by DOT on 30th, 31st, 39th or 40th Streets.

- The safety impact on students departing from local schools in the study area due to potential traffic diversion from 34th Street as a result of DOT's proposed project.
- The economic impact on local business due to delivery difficulties as a result of the proposed project.
- The economic impact of the loss of curbside parking for loading and unloading on the community.
- The traffic flow impact on to and from the Lincoln and Queens Midtown Tunnels as a result of the proposed project.
- The economic impact for businesses on 34th Street. Said study should not be solely based on results in different area of the city and should include recent studies of traffic and bus service impacts resulting from the recently constructed pedestrian plazas in Manhattan.
- The impacts on existing and future commuter buses being parked on local streets.
- Signage impact on the Murray Hill Historical District.
- The block-by-block Access impacts on residential, commercial buildings, and medical facilities on 34th Street, including access by pedestrians, taxis, bicycles, delivery vans and other existing modes of transportation.

VOTE: 43 in Favor 0 Opposed 0 Abstention 0 Not Entitled

b. Distinctive Sidewalk application for 205 3rd Ave

Whereas, Lawless & Mangione Architects and Engineers LLP on behalf of Halstead Management and 205 Third Avenue Owners Corp. has presented to PSE&T Committee of Community Board 6, on Monday June 7, 2010, their plans of replacing the sidewalk in front of the building located at 205 3rd Avenue; and

Whereas, the building material and plans have been approved by the Department of Transportation & Department of Buildings; and

Whereas, the design and type of material to be used does not pose a negative impact to the surrounding buildings in the area; now

Therefore, be it

Resolved, Manhattan Community Board Six does not oppose the installation of the distinctive sidewalk at 205 3rd Avenue

VOTE: 43 in Favor 0 Opposed 0 Abstention 0 Not Entitled

e. Additional community loss of Bus service

Whereas, parts of Community Board 6, comprising the neighborhoods of Turtle Bay, Tudor City, Sutton Area Community, Manhattan East, Murray Hill and Kips Bay, has no subway line and no direct access to Penn Station, Port Authority Bus Terminal, and the Broadway Theatre District other than the M104, M27, and the M50 buses; and

Whereas, the MTA has decided to terminate the M27 bus in its entirety, the M104 bus from Broadway to its terminus at 41st Street & First Avenue at all times, and the M50 bus in its entirety on nights and weekends; and

Whereas, these terminations will deprive these East side communities from access to vital West side destinations without using costly & polluting private cars or taxis; and

Whereas, the MTA plan to discontinue the M1 bus line on Park Avenue from 25th to 40th Streets that would adversely impact the elderly and/or infirm that live in the area that depend on this bus service for their daily transit needs; and

Whereas, the loss of M21 and M9 existing routes would seriously adversely impact the elderly and/or infirm of the residents in the Stuyvesant area; and

Whereas, the MTA plans to discontinue night and weekend service on the M16 bus line, isolating residents of Waterside Plaza located on the far side of the FDR Drive; now

Therefore, be it

Resolved, that Community Board Six demands the M104, M50, M27, M1, M21, M16 and M9 bus routes and services be retained for the benefit of our Community.

VOTE: 43 in Favor 0 Opposed 0 Abstention 0 Not Entitled

f. **Report** – Waived.

Old/New Business

Second Roll Call – Tom LaBarbara

Meeting Adjourned at 9:30pm