

**MANHATTAN COMMUNITY BOARD 6**  
**FULL BOARD MEETING MINUTES**  
**Wednesday, March 10, 2010**  
**NYU MEDICAL CENTER**  
**550 FIRST AVENUE**

**Hon. Mark Thompson, Chair**

**ATTENDANCE**

**Members answering first roll call:**

Arcaro, Barrett, Buchwald, Curtis, Dankberg, Disman, Dubnoff, Eggers, Figueroa, Frank, Friedman, Goldman, Haile, Hollister, Humphrey Imbimbo, Judge, LaBarbera, Lee, McGuire, McIntosh, O'Neal, Papush, Parrish, Pellezzi, Reiss, Rubin, Scala Schachter, Schaeffer, Schwadron, Seligman, Sepersky, Sherrod, Simon, Stienberg, Thompson, Weder, West, Winfield

**Members answering second roll call:**

Arcaro, Barrett, Buchwald, Curtis, Dankberg, Disman, Dubnoff, Eggers, Figueroa, Frank, Friedman, Goldman, Haile, Hollister, Humphrey Imbimbo, Judge, LaBarbera, Lee, McGuire, McIntosh, O'Neal, Papush, Parrish, Pellezzi, Reiss, Rubin, Scala Schachter, Schaeffer, Schwadron, Seligman, Sepersky, Sherrod, Simon, Stienberg, Thompson, Weder, West, Winfield

**Excused:** Garodnick

**Absent:** Bergman, Collins, Garland, Lilien, Moses, Oddo, Wilson, Williams

**Guests signed in:** Keith Powers-A/M Jonathan Bing; Christina Bottego-C/M Jessica Lappin; Dara Adams-Cg/M Carolyn Maloney; Tim Laughlin-C/M Garodnick; Belinda Cape-Sen. Duane; Sara Hale-Stern-Sen. Liz Krueger; Danielle Bennett-A/M Gottfried; Carol Rinzler; Susan Sutherland; Deputy Inspector Tim Beaudette-13<sup>th</sup> Pct; Arthur Barnes; Nordal McWethy; Yuri Schmidt-NYC Business Solutions; Judith Ludwig; Edith Charlton; David Diamond; Paul Nagle; Arthur Barnes; Nordal McWethy; Yuri Schmidt-NYC Business Solutions; Judith Ludwig; Edith Charlton; David Diamond; Paul Nagle; Flora Garcia; Mark Stumer; Cole Miller; JP Miller; Jack Collins; Alexandra Ontra; Kristen Berger; Lance Evans; Sean Brady; Lawrence Scheyer; Bryant & Rebecca Young; Simon Kinsella; David Fink; James Clark; Chana Ben-Dov; Robert Cohn; Beth Parise; Ellen Catini; Kathleen Scipp; Nancy Bynum; Carol Suommers; Alan Kleingerg; Audrey Manners; Kelly Warren; Lynne Lerner; Thomas Stolarski; Ella Strauss; Anja Watt; Ellis Darby; Will Engel; Elizabeth Paluch; Max Brown; Sarah Baker; Phyllis Herman; Robin Suttentberg; Paul Vercesi; Trevor Malloy; Carol Zucherman; Jannina Londono; Annie Allaire; Dalton Hand; Sydnie Jacobi; Tiffany Lugo; Wendy Ettinger; Paul Lombardi; Jeff Brosi; Mary Paily Braddon; Jill Dash; James Terrill; Gail Perlberg; Mr. & Mrs. Rudy Bertuzzi; Paula Diamond; Mary Fong; David Leo; Sara Gilley; Joane Rosario; Pat Snyderman; Jules Vigh-Lebowitz

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## Meeting Called to Order

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

**Roll Call** – Ellen Imbimbo

**Presentation:** Vision 2020 New York City Comprehensive Waterfront Plan – presented by Dominic Aswini, Department of City Planning

For the first time in 18 years City planning will be reviewing the almost 578 mile city waterfront. The first comprehensive review was done in 1992 and it identified and planned for four major functions:

- 1) The redeveloping waterfront
- 2) The natural waterfront
- 3) The working waterfront
- 4) The public waterfront.

In 2008 the City Council passed a resolution requiring the Department of City Planning to update the comprehensive plan by December 31<sup>st</sup> 2010 and every ten years thereafter.

The current plan seeks to:

1. Set out a vision for the city's waterfront, with special attention to the next 10 years (2010-2020)
2. Provide an assessment of waterfront resources to include the current opportunities and challenges.
3. Develop planning policy alternatives for discussion with the public, and in consultation with other governmental agencies and elected officials.
4. Provide a statement of the planning policy of the Department of City Planning and proposals for implementing the planning policy.

Based on water planning issues identified by the Department of City Planning's 5 borough offices the department has distilled seven major themes to be addressed in the updated comprehensive plan:

1. Expanding public access along the waterfront
2. Enlivening the waterfront with attractive uses, high-quality public spaces, and publicly oriented water dependent uses, integrated with upland communities.
3. Supporting economic development on the working waterfront.
4. Restoring degraded natural waterfronts and protecting wetlands and shorefront habitats.
5. Enhancing the public experience of the "blue network" by expanding waterborne transportation, in water recreation.
6. Maintaining and improving the environmental quality of our water bodies.
7. Pursuing strategies to improve the sustainability of the city's waterfront, including resilience to climate change and projected sea-level rise.

The first phase of the NYC Comprehensive Waterfront Plan is to identify goals and issues. During this phase the Department of City Planning will hold one citywide public meeting on April 8<sup>th</sup> at the Murray Bergtraum High School on Pearl Street at 6PM-8:30PM.

The next phase of the project is to identify opportunities and priorities. Six public workshops are planned for the second phase, one in each borough and a fifth workshop that will discuss the water itself not just the waterfront. The workshops will feature break-up sessions, short presentations and roundtables to hear site-specific concerns.

The final phase will include another citywide public meeting to present the draft resolution and receive feedback.

## **PUBLIC SESSION**

**Dara Adams** representing Cg/M Carolyn Maloney ceded her time. For community news and updates from your representative go to [www.tomduane.com](http://www.tomduane.com) or call 212-860-0606.

**Belinda Cape** representing Senator Tom Duane ceded her time. For community news and updates from your representative go to [www.house.gov/maloney/press](http://www.house.gov/maloney/press) or call 212-633-8052.

**Sara Hale-Stern** representing Senator Liz Kreuger ceded her time. For community news and updates from your representative see the Senator's newsletter or [www.lizkrueger.com](http://www.lizkrueger.com).

**Christina Bottego** representing C/M Lappin ceded her time. For community news and updates from your representative see the Council Member's Community Bulletin or go to [www.jessicalappin.com](http://www.jessicalappin.com).

**Keith Powers** representing A/M Bing ceded his time. For community news and updates from your representative see the Assembly Member's Community Bulletin or go to [www.jonathanbing.com](http://www.jonathanbing.com).

**Tim Laughlin** representing C/M Dan Garodnick reported: **1)** This Saturday from 1-5PM Stuyvesant Town /Peter Cooper Village tenants association will be holding a meeting to update the public on the status of the property and the sale.

For community news and updates from your representative see the see the Council Member's East Side Bulletin or go to [www.garodnick.com](http://www.garodnick.com).

**Cammy Peterson** representing A/M Kavanagh ceded her time. For community news and updates from your representative see the Assembly Member's Newsletter or go to <http://assembly.state.ny.us/mem/?ad=074>.

**Danielle Bennett** representing A/M Gottfried ceded her time. For community news and updates from your representative see the Assembly Member's Newsletter or go to <http://assembly.state.ny.us/mem/?ad=074>

**Carol Rinzler** came to present her views on last month's Dept. of Transportation (DOT) Select Bus Service (SBS) presentation. She expressed concern that there will not be a stop on 50<sup>th</sup> Street and questioned the soundness of cars turning into the bicycle lane. Board 8 will be holding a similar SBS meeting tomorrow night at the New York Blood Center, 310 East 67<sup>th</sup> Street between 1<sup>st</sup> and 2<sup>nd</sup> Avenues at 6:30PM and all interested parties are welcome to attend.

**Sean Brady** a representative of the Gramercy Park Resident's group spoke in opposition to a proposed bar/restaurant at 38 Gramercy Park North. His group's main reasons for opposing 38 Gramercy are #1 congestion (traffic congestion and high congestion of bars) and #2 misrepresentation ( he contends the applicant is in fact planning a bar not a restaurant as discussed at the Business Affairs committee meeting. Additionally, the applicants failed to acknowledge that they are subject to the 500 foot rule). At this time the Gramercy Park Resident's group would also be opposed to a restaurant wine license at 38 Gramercy Park.

**Deputy Inspector Tim Beaudette** of the 13<sup>th</sup> Precinct came to speak in opposition to a proposed bar/restaurant at 38 Gramercy Park North. Reasons for concern:

- 21<sup>st</sup> Street is a single lane and very narrow with parking on both sides.
- Crossing over to 3<sup>rd</sup> Avenue is a bike lane on the same side as the proposed restaurant.
- Four lanes of traffic condensing into one. 21<sup>st</sup> Street is by far the most congested street in the precinct.
- Emergency service units need to be able to get their trucks out to respond to emergencies in the city.
- Noise from the proposed bar/restaurant.

**Arthur Barnes** a 30+ year resident of Gramercy Park spoke in opposition of 38 Gramercy. He recommended that the Full Board ratify the resolution passed by the Business Affairs committee in opposition to 38 Gramercy.

**Nordal McWethy** spoke in opposition to 239 3<sup>rd</sup> Avenue (formerly Proof Bar and Lounge). At the BASA meeting the applicants presented themselves as a restaurant but on a recent visit two full bars had been installed.

**Judith Ludwig** representing 32 Gramercy Park south would support the application for 239 3<sup>rd</sup> Avenue assuming it is not a bar.

**David Diamond** representing Community Board 5 Manhattan, **David Pinkus** of Community Board 4 and **Paul Nagle** spoke in support of the resolution for proposed tax credits for theaters. The proposal to give a tax credit to commercial landlords who rent spaces to performance arts organizations would help to lower the rent of the 40 or 50 theatre groups who have commercial spaces and host the hundreds of arts groups scattered around the city.

**Mark Stumer** representing 38 Gramercy announced that the applicant would be withdrawing their application and would re-file at a later date.

**Lance Evans** representing 39 Gramercy spoke in favor of 38 Gramercy. He felt that the applicants would be an asset to the community and hopes the community can work with businesses to resolve any concerns.

**Alexandra Ontra** a resident of Gramercy spoke in favor of 38 Gramercy. The applicants have another business in the neighborhood (The House) and they have proven themselves to be good neighbors. There was a misunderstanding and to a certain degree exaggeration of what kind of business would occupy 38 Gramercy at the BASA meeting. 38 Gramercy would be an asset to the community.

**Kristin Berger** representing the US Census reminded everyone to fill out there census form. Over 400 billion dollars in federal funding is distributed based on census data.

**Jack Collins** representing East End Hockey Association stressed the need to resurface Robert Moses playground and thanked Community Board 6 for their continued support. He also thanked Budget committee members Dan Williams and Rick Eggers for their advice and suggestions, especially on documenting the conditions of the playground with a web gallery. Thank you to the Parks committee Chair Gary Papush for his dedication to our parks.

## **BUSINESS SESSION:**

### **Adoption of the February 10<sup>th</sup> Full Board minutes**

Minutes were adopted by a voice vote.

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

Mark made a few announcements and acknowledgements:

- 1) We are planning a new Board member mixer in the next few months. Details are to follow shortly.
- 2) The Annual Board dinner is coming up soon; Paige Judge will chair the dinner committee with new members Aaron Humphrey, Anne Seligman, Eddie Bergman and Yuvie Figueroa.
- 3) Thank you to Yuvie Figueroa for joining the Human Rights and Housing committee.
- 4) Welcome back to Tom LaBarbara, and thank you to all the committees for all the work you do.

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

Toni reported:

- 1) Update on Shaft 33B – At the request of DEP, the Board held a follow-up meeting for the local elected officials, included were DEP, DDC and DOT to discuss the new preferred path of E. 56<sup>th</sup> St. to 3<sup>rd</sup> Ave. for the construction of the secondary water main connection to the Third Water Tunnel Shaft site 33B at E. 59<sup>th</sup> St. and 1<sup>st</sup> Ave. After much discussion, DOT felt conditions at 62<sup>nd</sup> and 63<sup>rd</sup> Streets were just as bad as 61<sup>st</sup> St. therefore, the Board reiterated its request that that the City look north to 64<sup>th</sup> St., it would seem that making the 3<sup>rd</sup> Ave. connection past the 59<sup>th</sup> St. Bridge made more sense. The Board again requested that a side-by-side analysis be done to determine which venue, 56<sup>th</sup> St. or 64 St. would impact the community less.
- 2) I recently met with the soon to be new owners of Eat & Go, which will serve Turkish cuisine and are taking over the New York Milkshake Company's concession in Dag Hammarskjold Plaza; they plan on serving only Beer and Wine.
- 3) This Monday, March 15<sup>th</sup>, there will be a follow up meeting with East Side Access project managers.
- 4) As suggested by Claude Winfield, we are arranging a development taskforce meeting on High School for Art and Design and PS 59.
- 5) The Borough Presidents Annual report is due this Friday; please submit your reports immediately.

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

Bea reported:

- 1) This year's proposed Budget cuts would reduce the Board budget by 22%. If the reduction takes place the Board would not be able to pay the complete salary of staff. This would lead to reduction of staff, supplies and equipment. We need your help to fight these cuts.

### **Committee Resolutions & Reports**

#### **1. Business Affairs & Street Activities – Carol Schachter, Chair**

- a. **Re: Transfer OP License for 3<sup>rd</sup> and 23<sup>rd</sup> Street Restaurant Corp. (Formerly Andreas Brick Oven Restaurant) d/b/a tbd, 307 3<sup>rd</sup> Avenue between East 23<sup>rd</sup> & East 24<sup>th</sup> Streets (“Applicant”)**

**WHEREAS**, Paul Delaney, Owner and David Korngut, Attorney (together “Representative”), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on March 4, 2010, CB6M having jurisdiction of the premises in the license application process; and

**WHEREAS**, the Representative stated that they are planning to open a continental restaurant; and

**WHEREAS**, the establishment would be open until 4 am nightly; and

**WHEREAS**, the current occupant of the proposed location, Andreas Brick Oven Restaurant is open until 11 pm; and

**WHEREAS**, there would be a 38' bar and 16 tables and 16 seats; and

**WHEREAS**, Representative stated there would be no live music; and

**WHEREAS**, the Owner currently owns a similar operation in Mamaroneck, NY; and

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

**WHEREAS**, some members of CB6M expressed concern of the late closing time with numerous other establishments close by; and

**WHEREAS**, some members of CB6M expressed concern that the establishment was across the street from an NYU dormitory; and

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

**WHEREAS**, the chairman of the White Plains B.I.D was present in the audience to say the applicant's similar business in Mamaroneck is an exemplary business; and

**WHEREAS**, based on the facts presented, the committee believes this application is not in the best interest of the community; and

**THEREFORE**, be it

**RESOLVED**, that pursuant to the presentation by the Representative at this meeting and all other considerations, CB6M **opposes** the **Transfer OP License for 3<sup>rd</sup> and 23<sup>rd</sup> Street Restaurant Corp. (Formerly Andreas Brick Oven Restaurant) d/b/a tbd, 307 3<sup>rd</sup> Avenue between East 23<sup>rd</sup> & East 24<sup>th</sup> Streets ("Applicant")**

**VOTE: 40 in Favor 0 Opposed 0 Abstention 1 Not Entitled**

**b. Re: New Op License for Cluster Amenities No. 1, LLC and 'Wichcraft Operating LLC, d/b/a Riverpark, 504 First Avenue, aka 450 East 29<sup>th</sup> Street**

**WHEREAS**, Donald Bernstein ("Representative"), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on March 4, 2010, CB6M having jurisdiction of the premises in the license application process; and

**WHEREAS**, the Representative stated that they are planning a restaurant with outdoor seating in a new Bioscience Center being built on property owned by NYC; and

**WHEREAS**, the hours of operation would be until 4 am nightly;

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

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

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

**THEREFORE**, be it

**RESOLVED**, that pursuant to the presentation by the Representative at this meeting and all other considerations, CB6M **supports** the **New Op License for Cluster Amenities No. 1, LLC and ‘Wichcraft Operating LLC, d/b/a Riverpark, 504 First Avenue, aka 450 East 29<sup>th</sup> 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: 41 in Favor 0 Opposed 0 Abstention 0 Not Entitled**

c. **Re: New Op License for Cluster Amenities No. 1, LLC and ‘Wichcraft Operating LLC, d/b/a Riverpark, 504 First Avenue, aka 450 East 29<sup>th</sup> Street**

**WHEREAS**, Donald Bernstein (“Representative”), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on March 4, 2010, CB6M having jurisdiction of the premises in the license application process; and

**WHEREAS**, the Representative stated that they are planning a restaurant with outdoor seating in a new Bioscience Center being built on property owned by NYC; and

**WHEREAS**, the hours of operation would be until 4 am nightly;

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

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

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

**THEREFORE**, be it

**RESOLVED**, that pursuant to the presentation by the Representative at this meeting and all other considerations, CB6M **supports** the **New Op License for Cluster Amenities No. 1, LLC and ‘Wichcraft Operating LLC, d/b/a Riverpark, 504 First Avenue, aka 450 East 29<sup>th</sup> 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: 41 in Favor 0 Opposed 0 Abstention 0 Not Entitled**

d. **Re: New Tavern Wine for Cluster Amenities No. 1, LLC and ‘Wichcraft Operating LLC, d/b/a ‘wichcraft, 502 First Avenue, aka 440 East 29<sup>th</sup> Street**



**WHEREAS**, Donald Bernstein (“Representative”), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on March 4, 2010, CB6M having jurisdiction of the premises in the license application process; and

**WHEREAS**, the Representative stated that they are planning café serving wine and beer in a new Bioscience Center being built on property owned by NYC; and

**WHEREAS**, the hours of operation would be until 12 am, nightly;

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

**THEREFORE**, be it

**RESOLVED**, that pursuant to the presentation by the Representative at this meeting and all other considerations, CB6M **supports** the **New Tavern Wine for Cluster Amenities No. 1, LLC and ‘wichcraft Operating LLC, d/b/a ‘wichcraft, 504 First Avenue, aka 440 East 29<sup>th</sup> 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: 41 in Favor 0 Opposed 0 Abstention 0 Not Entitled**

e. **Re: New OP License for 20<sup>th</sup> and Baow Group LLC (Formerly Proof Lounge & Bar) d/b/a 420, 239 3<sup>rd</sup> Avenue between East 19<sup>th</sup> and East 20<sup>th</sup> Streets**

**WHEREAS**, Paul Garey, Attorney and Michael Baro Huynh, Owner (together “Representative”), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on March 4, 2010, CB6M having jurisdiction of the premises in the license application process; and

**WHEREAS**, the Representative stated that they are planning to open an Asian gastro-pub, which would serve 20 small plates, dessert and alcohol; and

**WHEREAS**, Owner also owns a sandwich shop directly next door to this location at 231 3<sup>rd</sup> Avenue; and

**WHEREAS**, Owner also runs other establishments similar to the one proposed herein; and

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

**WHEREAS**, CB6M expressed concern that this location had a troubled history with Proof lounge causing noise and safety problems for years; and

**WHEREAS**, members of the community expressed concern over another loud bar; and

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

**WHEREAS**, applicant agreed to close at midnight, 7 days a week and signed a stipulation committing to that agreement; and

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

**THEREFORE**, be it

**RESOLVED**, that pursuant to the presentation by the Representative at this meeting and all other considerations, CB6M **opposes** the New OP License for 20<sup>th</sup> and Baow Group LLC (Formerly Proof Lounge & Bar) d/b/a 420, 239 3<sup>rd</sup> Avenue between East 19<sup>th</sup> and East 20<sup>th</sup> Streets **unless the signed stipulation by applicant agreeing to close at midnight, 7 days a week, is incorporated into the OP License**

**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: 40 in Favor 1 Opposed 0 Abstention 0 Not Entitled**

f. **Re: Re-review of New, OP license, 38 Gramercy North, Inc. d/b/a tbd, 38 Gramercy Park North (“Applicant”)**

**WHEREAS**, Paul Miller, Owner, HP Miller, Designer and Project Manager and Mark Stumer, Attorney (together “Representative”), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on March 4, 2010, CB6M having jurisdiction of the premises in the license application process; and

**WHEREAS**, the Applicant’s on-premise liquor license application had already been reviewed by CB6M in July of 2009; and

**WHEREAS**, as part of the July 2009 Application, Applicant stated that the 500 foot rule did not apply to their application; and

**WHEREAS**, the 500 foot rule is a term used colloquially to refer to Section 64-7(f) of the ABC Law which states in part: the “authority may issue a retail license for on-premises consumption for a premises which shall be within five hundred feet of three or more existing premises licensed and operating pursuant to the provisions of this section if, after consultation with the municipality or community board, it determines that granting such license would be in the public interest”; and

**WHEREAS**, based on Applicant’s presentation at the July 2009 meeting and without having conducted a public interest analysis, CB6M voted for a favorable resolution in support of their application; and

**WHEREAS**, Representatives stated that they no longer believe they are excluded by the 500 foot rule, and requested to be re-reviewed by CB6M; and

**WHEREAS**, Representatives stated that their July 2009 assertion that they were not bound by the 500 foot rule was based on mistake of law; and

**WHEREAS**, despite voting previously for a favorable resolution, CB6M believes its July 2009 decision holds little value, as it was based on an incorrect standard put forth by the Applicant at the time; and

**WHEREAS**, Representatives have stated that they relied on CB6M's position of support and in reliance on that support spent over \$500,000 furthering their establishment; and

**WHEREAS**, Representatives asked CB6M to take this spending into account when making its determination; and

**WHEREAS**, public policy dictates that CB6M not favorably consider any reliance spending when determining the current application, because to do so might mislead future applicants to employ similar standards; and

**WHEREAS**, CB6M takes no position on whether their original application's representation that they were not bound by the 500 foot rule was done intentionally or unintentionally; and

**WHEREAS**, CB6M does not factor either the Applicant's original July 2009 misstatement of the 500 foot rule nor Applicant's spending in its public interest analysis determination for or against this application; and

**WHEREAS**, because the 500 foot rule does apply, CB6M needs to determine whether the current application was in the public interest; and

**WHEREAS**, representatives stated that they plan to make the establishment a high-end restaurant and bar similar to The House, a restaurant/bar they currently own; and

**WHEREAS**, there will be food served until closing time; and

**WHEREAS**, representatives stated that the proposed establishment would close by 2 am, nightly; and

**WHEREAS**, representatives stated their desire to work with the community once the establishment is open to make sure it is a good member of the community; and

**WHEREAS**, applicant's landlord, members of the 38 Gramercy Park North Co-op board spoke favorably on behalf of the application; and

**WHEREAS**, other members of the community spoke favorably on behalf of the application; and

**WHEREAS**, over 60 members of the community were present to speak against the application; and

**WHEREAS**, Commanding Officer of the 13<sup>th</sup> Precinct of the NYPD, Timothy Beaudette, purporting to speak on behalf of the entire NYPD, opined that because 21<sup>st</sup> street (the street on which Applicant's establishment is located) is narrow and heavily trafficked, including by EMS, applicant's establishment would be dangerous to the community; and

**WHEREAS**, members of the community board expressed concern about the noise in such a densely residential neighborhood; and

**THEREFORE**, be it

**RESOLVED**, that pursuant to the presentation by the Representative at this meeting and all other considerations, CB6M **opposes the application as re-reviewed of a new, OP license for 38 Gramercy North, Inc. d/b/a tbd, 38 Gramercy Park North**

**VOTE: 40 in Favor 0 Opposed 1 Abstention 0 Not Entitled**

**g. Re: Renewal, OP License for Comical Corporation d/b/a New York Comedy Club, 241 East 24<sup>th</sup> Street between 2<sup>nd</sup> and 3<sup>rd</sup> avenues (“Applicant”)**

**WHEREAS**, Linda Corke, operations manager (“Representative”), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on March 4, 2010, CB6M having jurisdiction of the premises in the license application process; and

**WHEREAS**, the Representative stated that are applying to renew their liquor license; and

**WHEREAS**, the applicant has a long history of noise complaints; and

**WHEREAS**, CB6M cited many safety and building violations the establishment had in the past and inquired about proof of satisfaction of these violations; and

**WHEREAS**, Representative stated she was not aware of any steps taken to remedy the violations; and

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

**WHEREAS**, the community board expressed great concern for the establishment’s safety and could not approve a renewal for an establishment with a history of such violations; now

**THEREFORE**, be it

**RESOLVED**, that pursuant to the presentation by the Representative at this meeting and all other considerations, CB6M **opposes the Renewal, OP License for Comical Corporation d/b/a New York Comedy Club, 241 East 24<sup>th</sup> Street between 2<sup>nd</sup> and 3<sup>rd</sup> 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: 41 in Favor 0 Opposed 0 Abstention 0 Not Entitled**

**h. Re: New OP License for Ay Kitchen, Inc. d/b/a Ay Kitchen Turkish Cuisine, 115 Lexington Avenue at East 28<sup>th</sup> Street**

**WHEREAS**, Ramazan Ay, Owner and Panteles Skulikidis, Attorney (together “Representative”), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on March 4, 2010, CB6M having jurisdiction of the premises in the license application process; and

**WHEREAS**, the Representative stated that they are planning to open a Turkish restaurant; and

**WHEREAS**, the Representative stated the owner owns and operates a successful Kabob House establishment in Queens;

**WHEREAS**, the capacity would be 64; and

**WHEREAS**, the establishment would close at 11 pm nightly; and

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

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

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

**THEREFORE**, be it

**RESOLVED**, that pursuant to the presentation by the Representative at this meeting and all other considerations, CB6M **supports** the **New OP License for Ay Kitchen, Inc. d/b/a Ay Kitchen Turkish Cuisine, 115 Lexington Avenue at East 28<sup>th</sup> 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: 41 in Favor 0 Opposed 0 Abstention 0 Not Entitled**

i. **Re: New OP License for Miles Café Corporation, d/b/a Miles Café, 212 East 52<sup>nd</sup> Street, between Second and Third Avenues**

**WHEREAS**, Ramazan Mr. Kobiaski, Owner and Francis Buscemi, Attorney (together “Representative”), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on March 4, 2010, CB6M having jurisdiction of the premises in the license application process; and

**WHEREAS**, the Representative stated that they are planning to open a Jazz lounge; and

**WHEREAS**, the Representative stated their would be a food preparation area but no cooking; and

**WHEREAS**, the capacity would be 64; and

**WHEREAS**, the establishment would close at 4 am nightly; and

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

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

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

**THEREFORE**, be it

**RESOLVED**, that pursuant to the presentation by the Representative at this meeting and all other considerations, CB6M **does not object** to the **New OP License for Miles Café Corporation, d/b/a Miles Café, 212 East 52<sup>nd</sup> Street, between Second and Third 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: 39 in Favor 1 Opposed 1 Abstention 0 Not Entitled**

j. **Re: Transfer OP License for In good co. Park Avenue Inc. (Formerly Bogarts), d/b/a tbd, 99 Park Avenue at east 39<sup>th</sup> Street (“Applicant”)**

**WHEREAS**, Terence Tubridy, Principal (“Representative”), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on March 4, 2010, CB6M having jurisdiction of the premises in the license application process; and

**WHEREAS**, the Representative stated that they are planning to open an American bistro serving breakfast, lunch and dinner; and

**WHEREAS**, the establishment would be open until 4 am, nightly; and

**WHEREAS**, Representative stated they were aware of previous problems with the former occupant, Bogarts and have no affiliation with them; and

**WHEREAS**, Representatives stated they would be different from Bogarts, as they did not plan on using promoters, would implement a dress code and have a host and security at the door; and

**WHEREAS**, the Principal currently owns Libation and The Saloon, successful operations in NYC; and

**WHEREAS**, a committee member indicated she knew the applicant ran an establishment in the Rockaways which was very nice and good for the community; and

**WHEREAS**, this establishment borders on a residential and commercial district; and

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

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

**WHEREAS**, members of the committee expressed concern that we would be getting another Bogarts, but optimism that this applicant would be different based on its successful track record; and

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

**THEREFORE**, be it

**RESOLVED**, that pursuant to the presentation by the Representative at this meeting and all other considerations, CB6M **does not object to the Transfer OP License for In good co. Park Avenue Inc. (Formerly Bogarts), d/b/a tbd, 99 Park Avenue at east 39<sup>th</sup> 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: 39 in Favor 0 Opposed 2 Abstention 0 Not Entitled**

k. **Report:** Waived

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

a. **Report:** Thank you to Joe Parrish for doing the minutes. At the March 1<sup>st</sup> meeting Con Ed presented their investigation on hazardous risks to the community from the former Con Ed site. DDC did a presentation on the 59<sup>th</sup> Street route of the water main, at this time no other routes have been considered. There was continued discussion on the SBS and DOT is expected to comeback in April for an update. The 34<sup>th</sup> Street Tramway is a new DOT project the committee will be looking at. Molly will be working on Kips Bay Plaza for the next committee meeting.

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

a. **Report:** Waived

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

a. **RE: 421 –A Partial Real Estate Tax Exemption for 300 East 23<sup>rd</sup> Street**

**Whereas**, Mus 23 LLC has applied for a partial tax exemption under section 421-A for Real Estate Tax Law for 300 East 23<sup>rd</sup> Street, and

**Whereas**, the 19 story building contains 56 one bedrooms, 30 two bedrooms, and 12 three bedrooms, and

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

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

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

**Therefore be it**

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

**VOTE: 41 in Favor 0 Opposed 0 Abstention 0 Not Entitled**

**b. RE: Support of NYS Assembly Bill A00190-in relation to hardship rent increases & the Rent Guidelines Board**

**WHEREAS**, current law allows the NYS Division of Housing and Community renewal to grant a hardship increase above Rent Guidelines Board increases to landlords; and

**WHEREAS**, under current law, tenants are not made aware of such potential increase;

**WHEREAS**, tenants do not have an opportunity to participate in the decision-making process and are not allowed to present facts concerning the status of the landlord which might alter the final determination of the DHCR with regard to a hardship increase; and

**WHEREAS**, it is only fair that, since they are seriously impacted by a decision to grant a hardship increase, tenants have a right to be heard;

**WHEREAS**, Bill A00190 would amend the law to read that the Commissioner of the State DHCR shall not grant a hardship application where the tenant has not received notice of application nor given an opportunity to be heard on the matter;

**NOW THEREFORE Be It**

**RESOLVED**, that Community Board supports Bill A00190 and urges the Assembly to approve the bill and the Governor sign it into law.

c. **Report:** We had a great meeting attended by Hunter students taking a course in government and encourage more students to come out.

**VOTE: 41 in Favor 0 Opposed 0 Abstention 0 Not Entitled**

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

**a. RE: RFP’s for Concessions by DPR**

**WHEREAS**, Community Board 6 adopted a resolution in September 2006 endorsing the principle’s of transparency in the awarding of park concessions as enunciated by the 250+ Friends of NYC Parks, and

**WHEREAS**, in May 2009 we adopted a resolution supporting fixed boundaries for all legal concessions, and

**WHEREAS**, in October 2009 we adopted a resolution supporting passage of Intro 1084 which would mandate such fixed boundaries and impose penalties for violations, and

**WHEREAS**, the originators of the 250+ Friends (including CB6 representatives) met with Commissioner Benepe who subsequently announced a policy “to expand our process to where we regularly and formally present new or significantly modified concessions to the community before we issue the Request for Proposals,” and

**WHEREAS**, this policy initiative has been endorsed by Borough President Stringer and is being considered for support by other elected officials, and

**WHEREAS**, Community Board 6 commends Commissioner Benepe for this initiative, but



**WHEREAS**, this policy does not include situations where a change in conditions such as (but not limited to) a new vendor takes over an unexpired term of license or an existing vendor seeks permission to expand their presence in the park or the amount of time they have control of their portion of the park and the issuance of a new RFP is not required, now

**THEREFORE, Be It**

**RESOLVED**, Community Board 6 urges support for the Commissioner's policy initiative by all elected officials and Community Boards, and

**BE IT FURTHER**

**RESOLVED**,

1. we support expansion of this initiative to include language in the RFP and resulting license agreement to specifically spell out all conditions of operation including maximum area of concession, times of operation, allowed signage, operation of seating area.
2. We support community board review where such changes in operation are being made or requested and a new RFP is not required.

**VOTE: 40 in Favor 0 Opposed 0 Abstention 1 Not Entitled**

b. **Report:** Senior staff from the Landmarks Commission will be on hand at the next committee meeting to discuss Landmark procedure and to answer questions; they have asked us to submit questions in advance. On April 1<sup>st</sup> the Deputy Commissioner of the State Historic Preservation office will visit the Psych Building to see how CB 6 plans can be incorporated. Roberts Moses Park is in terrible shape, the Board must stand by their position as we continue discussions with the agencies.

**6. Budget & Governmental Affairs** – Richard Eggers, Chair

a. **Statement on the Preliminary Budget**

Dear Mayor Bloomberg:

Thank you for this opportunity, as mandated by section 238 of the City Charter, to comment on the Preliminary Budget. The following statement was adopted by Community Board Six at the March 10, 2010 meeting of the Full Board by unanimous consent.

**Overall Comments on the Preliminary Budget**

We recognize the serious financial challenges facing the City for the 2011 fiscal year. We also look with alarm at the additional cut-backs that may result from the State budget shortfalls. We believe, however, that the City must be careful not to cut necessary services aimed at the safety or well-being of its citizens or take actions that will adversely affect the most vulnerable.

The Preliminary Budget threatens to reduce subsidies to public libraries and to close recreation facilities. It reduces staffing of fire fighters and police officers and eliminates nurse coverage in certain elementary schools. All of these measures are in direct conflict with the stated District Needs of Manhattan Community Board 6. The Preliminary Budget materials lay out a series of additional cuts that may be necessitated after a State budget cut. The potential layoffs of police and fire personnel, reductions in refuse collection, recycling and street cleaning, severe cuts in headcount through the Parks Department, and the elimination of funding to 500 soup kitchens and food pantries Citywide, among other actions, are unacceptable.

When we reviewed the 2009 Comprehensive Annual Financial Report (CAFR) we found that the city's own-source revenue was in surplus by 5%. We recall that during FY 2009 the city experienced either two or three mandatory across the board budget reductions of two to three percent each. It would appear that at least one of these, and likely two, were unnecessary and served no purpose but to produce a revenue surplus at the end of the year. When essential capital projects and services are already being cut, we are concerned that the city should not underestimate its revenue.

Of extreme importance is the need for all our city and state elected officials to address the New York State budget impact on our City budget. We offer any assistance we can provide that would be useful in protecting the residents of Community District 6 and all of New York City.

For the remainder of our comments, we address the Agency responses to the Manhattan Community Board 6 portion of the Budget Register. As requested by OMB, we have organized our responses by agencies but we hope the initial prioritization in the Budget Register has also been taken into consideration. In our listing, a C indicates a capital budget request and E indicates an expense budget request. The number indicates its ranking in the budget priorities. For example, C-01 indicated the first priority among our capital budget requests and E-05 is the fifth ranked expense budget item. The additional number is the tracking code assigned to the request. A brief title for the item is also included.

### **Office of Management and Budget**

OMB responded to our request for the restoration of operating funds for the Community Board District Office by saying "The Community Board budget will be reduced in FY 2011." This response violates section 100.b of the City Charter that requires "a meaningful explanation of any disapprovals." We look forward to an explanation of the rationale for such a severe cut and how it can be reconciled with the Charter mandated responsibilities of the Community Boards.

We believe that the drastic cut proposed for Community Board operating expenses will make it impossible for Boards to fulfill their Charter mandated responsibilities. Community Board budgets did not benefit during more prosperous times and in fact have not had a noticeable increase in over 20 years. It is unacceptable to impose additional restrictions when, in light of increasing prices for goods and services and an essentially flat budget history, the Boards actually have dealt with a decrease in buying power equal to the amount of annual inflation alone. While agencies such as OMB have experienced savings through electronic publishing of documents, the costs are passed along to the Boards that must print out those documents so that the work of the Board can be accomplished. This has resulted in skyrocketing printing costs. The Boards' administrative costs already have been cut to a bare minimum to take this into account. A reduction in the number of professional staff, already trimmed from previous years, seems almost a certainty. If it had not been for the assistance from City Council members last year, the 2010 proposed executive budget would have severely hampered the activities of the Community Board. We are forced to believe that the Executive Branch does not value the participation of citizens in the democratic process, does not understand the full range of front-end services and problem resolution that would otherwise have to be addressed by other agencies at even higher costs, and does not recognize that each of the 50-member all volunteer Boards, supported by just a few paid staff, is already one of the best bargains in City government.

E-05: 306200904E - Funding for Community Boards

## **Economic Development Corporation**

The first capital budget priority for Community Board 6 is the construction of a continuous esplanade and bikeway – sometimes referred to as the Greenway – along the East River. The response from EDC was that the agency is currently investigating the possibility of a project at this site. This is the same response as last year and in previous years. The development of the Manhattan waterfront has been a priority for the City for many years. Much has already been done on the west side of Manhattan and some inroads have been made along the lower portions of the East River waterfront. It is time for the City to make an actual commitment to the section from 14<sup>th</sup> Street to 59<sup>th</sup> Street and meet the expectations outlined by both the City Planning Waterfront Plan and the Manhattan Borough President’s Waterfront plan.

The Community Board consultations with agencies, conducted each fall, provide valuable information in the formulation of Budget Register requests. Community Board 6 was disappointed that the Economic Development Corporation sent just one representative to the consultation and that person was not an agency decision maker. We look forward to greater participation from the agency in the Fall 2010 consultation.

C-01: 306199101C – Construct Continuous Esplanade/Greenway

C-07: 306200803C - Install Irrigation System at Stuyvesant Cove Park

## **Department for the Aging**

The responses from the Department of Aging were more helpful this year than in previous years and reflected the positive attitude the Agency presented in the Borough Consultations last fall. We support the Agency’s efforts to obtain greater federal and state funds to develop and support life-long learning senior centers. Community Board 6 has been requesting additional senior centers and adult daycare services for over a decade. We recognize that 2011 will not likely see additional centers, but we are alarmed by the threats to close existing centers. The elderly population in our District continues to grow. At our Community Board committee meetings, managers of senior centers report high participation rates and new categories of visitors who are in greater need as a result of the current economic situation. Any cuts to existing centers or related home and personal assistance and respite care would be an abandonment of some of our City’s most vulnerable citizens. We are particularly alarmed by recent reports of the consideration of closing a number of Senior Centers across the City.

We also ask DFTA to investigate whether certain programs advocated by other executive agencies are having an unintended negative impact on the viability of senior centers. For example, it has been reported to us that the mandated reduction in salt in foods and the use of fresh fruits and vegetables in meals supplied to seniors – while of good intention – have resulted in a reduction in the supply of donated and affordable meal sources. Thus, in order to support the healthy eating goal, more money not less needs to be found to support these senior programs.

We are eager to work with DFTA to find ways to strengthen existing centers and establish additional centers as financial circumstances permit.

C-02: 306199904C - New senior lifelong learning center

E-10: 306200102E - Home Assistance Programs

E-16: 306200703E - Shopping and escort service

E-21: 306200104E - Additional funding for respite care

## **Department of Education**

Community Board 6 is alarmed by the severe overcrowding in public schools in the District and asked that the City immediately build an adequate number of schools at the appropriate grade levels to meet the needs of the District. While there has been some movement in planning a pre-K to 8 school, at 616 First Avenue (the area referred to as the “Solow site”), this will only address the expected increase in the school age population that will result from residential property development in the immediate area. It is not just projections for additional students from development projects that are of concern – overcrowding exists now and not just in the pre-K to 8 population, but in all grade levels. The response to our budget request should include an update on projections of the number of students, how those projections are made and the number of classrooms required for pre-K to 12 students. We look forward to getting this additional information.

C-03: 306200901C - Build adequate number of schools programs

E-03: 306199804E - Funding for youth services and after school

E-11: 306200530E - Full day pre-K

## **Dept. of Housing Preservation & Development**

The Department’s responses to our capital and expense budget requests were uniformly: “The agency will try to accommodate this issue within existing resources.” While we do not interpret this response as a complete denial of our request, neither can it be considered full support. The response does not give us any indication or how the agency will actually proceed or how our request ranks among agency priorities. It is our understanding that in the near term the Department will be focusing on preservation of existing housing rather than developing new housing. If this is the case, we ask for additional information on preservation efforts and renew our request for additional preservation inspectors operating in our District.

C-04: 306200204C - Preserve and Develop additional low and moderate income housing

C-09: 306200102C - Additional housing for the homeless mentally ill

C-16: 306200305C - Additional permanent housing for homeless families

E- 22: 306200902E - Increase funding for inspectors CD6

## **Department of Parks and Recreation**

Among our top capital requests are two for maintenance of specific parks in our District. As the agency responded, the future status of Robert Moses Park is being discussed. The Community Board has taken the position that any alienation of the Park should not proceed without an adequate replacement identified and created. The discussions on this matter are likely to take some time. Meanwhile, the surface of the Park is in disrepair and poses a serious threat to recreational users and a potential liability for the City. The Park has not been resurfaced since 1993. Action is need now – it cannot wait for years of negotiation.

For several years now, we have requested restoration of the fence and Bluestone sidewalk at Stuyvesant Square Park. The agency recommends that we bring this to the attention of our elected officials. We are confused, however, by the status of work in this area. The Fiscal Year 2010 Adopted Budget Register stated that this capital project was included in the Adopted Budget as a line item for 2010. This year the response is that there are “insufficient funds.” Clearly, we need additional information about this project and will seek full participation from not just our elected officials but the Department of Parks and Recreation as well. It is unacceptable that the executive budget severely restricts allocations to parks and leaves it to City Council Members to use their

limited resources to support essential maintenance of City parks. In our request, we acknowledge that work may have to be over more than one fiscal year. We believe that a long-range plan for work and capital commitments can be found and that the Department of Parks and Recreation is the logical agency to provide such extended planning.

The agency failed to support an overpass between Murphy Park and Stuyvesant Cove Park and failed to meet the Charter requirement of providing a meaningful explanation for this denial of our request. In the 2010 Adopted Budget Register, the agency said there were insufficient resources for this project and referred us to our elected officials. We have no indication from the agency for why they denied our request for what we see as a necessary improvement to protect pedestrians from dangerous traffic.

The agency says that funds are insufficient for reconstruction of Ralph J. Bunche Park. While we will bring the condition of this park to the attention of our elected officials, we have raised the deterioration of the park with the agency in previous years and believe that it is time for the City to make it a priority. We must point out that the park includes Isaiah's Wall, with its inspirational message, and it is located across from the United Nations – a location seen by thousands of visitors to New York City.

We are pleased that work on the outdoor recreation space at the 54<sup>th</sup> Street Recreation Center and reconstruction at Trygve Lie Plaza is underway. We urge the agency to ensure that these projects are taken to completion and that any “expected future year commitments” are protected.

The Department of Transportation has informed us that our requested repair of stairs that lead up to the pedestrian pathway at Peter Detmold Park was not under its jurisdiction. If this is case, we would like to refer this matter to the attention of the Department of Parks and Recreation. We believe that these stairs have deteriorated to the point of being dangerous. We refer you to our capital request C-10, tracking code 306200905C

The remaining capital and expense requests directed to the Department of Parks and Recreation continue to be priorities with Community Board 6. Overall, the requests are geared to ensuring that, even in hard economic times, parks and recreation areas are maintained both to provide for the safe current enjoyment of our open spaces and to prevent a decline that could result in additional costs in the future.

C-05: 306200805C - Resurface Robert Moses Park

C-06: 306198801C - Restore Stuyvesant Square Park Fence and Bluestone

C-11: 306201101C - Create a park on the pier at 38<sup>th</sup> Street

C-13: 306200806C - Restore Fountains in East River Esplanade Park (Glick Park)

C-17: 306200603C - Ralph Bunche Park

C-19: 306200903C - Roof at 54<sup>th</sup> Street

C-20: 306200802C - Overpass between Murphy Park and Stuyvesant. Cove

C-21: 306200908C - ADA compliance for comfort stations

CS: 306200604C - Trygve Lie Plaza

E-04: 306198701E - Additional parks personnel and gardener

E-07: 306199807E - Parks enforcement personnel

E-24: 306201102E - 5 new computers for Asser Levy

C-10: 306200905C - Repair stairs to pathway at Peter Detmold Park (Previously referred to Department of Transportation)

## **Department of Environmental Protection**

We requested that funding be allocated for catch basins that need replacing. The response was that the agency needs more information before making a funding decision. While we are pleased with the statement that the agency will contact the Board, we have brought this issue to the agency's attention a number of times and no action has yet been taken.

We renew our request for more air and noise pollution inspectors operating in Community District 6.

C-08: 306200705C - Funding of Catch Basins

CS: 306200544C - Third Water Tunnel

E-18: 306200532E - More air and noise pollution inspectors

## **Department of Transportation**

We appreciate the agency's identification of items we referred to them that are not in their jurisdiction and will refer our concerns to the appropriate agency. We also appreciate the proactive cooperation promised by the agency on certain items by indicating that they will contact the Board to obtain the additional information necessary to address our issues. We look forward to hearing from the agency.

We must point out that our request for the rehabilitation of cement and asphalt medians along the FDR Service Road through the District is not a new request but rather appeared in last year's request and in previous years. We also note that our request for additional street paving inspectors was rejected without the required "meaningful explanation." In the 2010 Adopted Budget Register the response was that the agency would try to accommodate this issue within existing resources so we do not understand why this request now is rejected out of hand.

We asked for the installation of pedestrian ramps on corners as needed in Community District 6. We specifically identified the southwest corner of Second Avenue and 24<sup>th</sup> Street as a high priority. The agency responded that the project is included in the ten-year plan. If so, we would like to know where the overall project fits in the ten-year priorities and where this specific location is in the planning. Anything scheduled beyond the next two years must be seen as uncertain at best.

C-10: 306200905C - Repair stairs to pathway at Peter Detmold Park (will be referred to the Department of Parks and Recreation)

C-12: 306200807C - Evaluate All Intersections to Install Necessary Crosswalks, Ramps, Crossing Signals and Corner Curb Cuts

C-14: 306200906C - Rehabilitate medians along FDR service road

C-15 306201102C - Widen river front esplanade at 14<sup>th</sup> and 15<sup>th</sup>

C-18: 306200909C - Install audible crossing signals

C-22: 306200910C - Off-road layover facility

E-02: 306201001E - Expand TLC enforcement

E-14: 306200203E - Clean catch basins

E-15: 306201004E - Additional street paving inspectors

E-23: 306201101E - Install pedestrian ramps as needed

## **Dept. of Information Technology & Telecommunication**

Community Board 6 was disappointed with the response to our request for funding of a computer initiative so that all City agencies, FDNY and 311 can communicate in compatible formats. We

recognized, however, that the agency can only operate within its specific charge. Our intention is to support effective communication among agencies through state of the art computer hardware and compatible software. Where else can such coordination happen than through DoITT? Then, on March 1, 2010, the agency released its comprehensive plan to “modernize and consolidate the outdated and often incompatible data infrastructure at more than 40 City agencies.” We applaud the intention to address the concerns we have raised that all agencies, particularly those responding to emergency situations, will be able to communicate effectively. We look forward to additional information about this important initiative

C-23: 306200911C - Computer initiative so that agencies can communicate

## **Fire Department**

Community Board 6 fully supports FDNY recommended funding for the CPR initiative. We are alarmed that the City would consider reducing staffing at firehouses in the City.

It is our understanding that the modifications for the 28<sup>th</sup> Street access to Bellevue have been completed but there is some question about whether there is yet full access

C-24: 306201103C - Street modifications for 28<sup>th</sup> Street Access to Bellevue

E-25: 306201103E - Fully fund FDNY CPR initiative

## **NYPD**

We included two capital budget items to support NYPD requests for a new front desk for the 13<sup>th</sup> precinct and a surveillance system for the precinct. It was the precinct’s determination and not ours that such improvements were necessary and we did not hesitate to lend our support. In the expense requests, we also support an increase in staffing and look unfavorably on the proposed cuts to staffing at either the 13<sup>th</sup> or the 17<sup>th</sup> precinct.

Other expense budget requests relate to staffing that would improve enforcement against illegal bike riding, traffic and parking violations, and the use of bicycle equipped officers. In these times of tight budgets, we ask that the department review deployment of officers to address the needs of our pedestrian-centric District.

C-25: 306201104C - New front desk for the 13<sup>th</sup> precinct

C-26: 306201105C - Surveillance system for 13<sup>th</sup> precinct

E-06: 306201003E - Enforcement against illegal bike riding

E-09: 306198804E - Traffic/parking agents

E-12: 306200801E - Increase staffing at 13<sup>th</sup> and 17<sup>th</sup> precincts

E-19: 306200204E - Expand number of bicycle equipped officers

## **Transit Authority**

We understand that the Second Avenue Subway is not under the jurisdiction of the Transit Authority. However, we take this opportunity to keep the development of the full-build subway in the fore as an essential project for the east side of Manhattan. We call on all agencies and elected officials to keep pressure on MTA to bring this project to completion as expeditiously as possible.

CS: 306200302C – Second Avenue Subway

## **New York Public Library**

We join the NYPL in recognizing the efforts of the Community Boards, the Borough Presidents, the Mayor and the City Council to restore six-day library service. However, we are concerned that in early 2010 we are already seeing changes in hours of operation and there are threats of further cuts in the future. We have made library service our number one expense budget concern. In these economic times, our public libraries provide essential opportunities for people who cannot afford to buy books and for job-seekers using the computer and internet resources only available to them through the libraries. We urge the support of full library services provided through qualified trained librarians and the computer and print resources necessary to fulfill their mission.

E-01: 306201002E - Restore funds for 6-day service

E-08: 306200101E - Computers for libraries

## **Dept of Health and Mental Hygiene**

Community Board 6 reaffirms its request for additional inspectors for rat control and abatement as well as other inspections, such as those for mobile food carts.

E-13: 306200302E - Increase number of inspectors working in CD6

## **Landmarks Preservation**

Community Board 6 reaffirms its request for sufficient staffing to ensure appropriate enforcement in the six designated historic districts within Community District 6

E-17: 306200519E - Increase staff working in CD6

## **Human Resources Administration**

We reiterate our request for additional funding for home assistance programs for people with disabilities and debilitating condition. In this time of fiscal constraints, we urge that the agency retain adequate funding to ensure that all clients receive necessary services.

E-20: 306200103E - Home assistance programs for people with disabilities

In closing, we again want to thank you for this opportunity. We look forward to working with you and City agencies to ensure that the community's needs are met, and we look forward to further discussions with your office and City agencies on how to make this a reality.

**VOTE: 41 in Favor 0 Opposed 0 Abstention 0 Not Entitled**

### **b. Re: Research and Draft Legislation That May Implement a Real Estate Tax Credit To Benefit Small to Mid-Sized Non-Profit Theaters and Performing Arts Organizations**

**Whereas,** For years, small to mid-sized non-profit theaters and performing arts organizations have added value both culturally and economically to New York City's individual communities, and to the city as a whole; and

**Whereas,** The current economic climate, however, has made it extremely difficult for many of these small to mid-sized non-profit theaters and performing arts organizations to stay in business; and



**Whereas,** Some small to mid-sized non-profit theaters and performing arts organizations hold long-term leases and, in turn, rent their spaces to performing arts companies that are unable to commit to long-term leases. As these small to mid-sized non-profit theaters and performing arts organizations continue to disappear, so does the whole sector; and

**Whereas,** It is, therefore, imperative that we look at innovative solutions that will help rescue, preserve, and subsequently stimulate the seriously threatened small to mid-sized non-profit performing arts sector – the heart and soul of New York City’s cultural landscape.

**Whereas,** New York City is known as a global cultural capital, due in large part to its unique fabric of small to mid-sized non-profit theaters and performing arts organizations. In microeconomic terms, this sector boosts New York City by supporting neighborhood small businesses, and attracting both New Yorkers and tourists alike who flock to the City specifically for its vibrant performing arts scene; and

**Whereas,** Small to mid-sized non-profit theaters and performing arts organizations have long been the foundation of New York City’s arts and creative industries. These organizations are the primary incubators where new talent first emerges and is developed, and where real artistic risks can be taken; and

**Whereas:** The Arts also help the City retain talented graduates and attract investment from corporations that stay in or come to New York City in order to cull from an elite pool of creative workers, who, themselves, choose to locate in New York City for its thriving cultural scene.

**Whereas,** Local businesses such as restaurants and food markets, clothing stores, parking garages, and similar other retailers benefit from the influx of people brought into the community by small to mid-sized non-profit theaters and performing arts organizations; and

**Whereas,** The City would ultimately reclaim the revenue from a real estate tax credit through the ancillary spending generated by the influx of people who would come to these locations with the specific intention of patronizing arts-related events, and who would spend money at local businesses; and

**Whereas,** Small to mid-sized non-profit theaters and performing arts organizations throughout New York City’s neighborhoods encourage community-friendly evening foot traffic, safe streets for our community residents, and help protect small business diversity; and

**Whereas,** Small to mid-sized non-profit theaters and performing arts organizations improve the quality of life in local neighborhoods and are a source of pride for local residents and businesses; and

**Whereas,** Long-term donated and rent-affordable Community Facility Floor Area Ratio (FAR) and under market leased spaces would provide a safe haven for artists and small to mid-sized non-profit theaters and performing arts organizations to create their art, protected from unwieldy and insurmountable rent hikes;

**Whereas,** The unprecedented cross-community board collaboration that has surrounded the crafting and support of this resolution is a unique phenomenon, clearly manifesting how vital and meaningful this sector is to communities throughout the City, and, therefore, the City as a whole.

**THEREFORE be it**

**RESOLVED**, that, Manhattan Community Board 6 strongly urges that our elected City and State officials research and draft legislation that may implement a real estate tax credit to benefit small to mid-sized non-profit theaters and performing arts organizations, in order to consequently halt, and reverse, the alarming trend of theater closures, and the rapid demise of this sector. Manhattan Community Board 6 will work with all of New York City's Community Boards to support specific legislation in this context.

**VOTE: 40 in Favor 1 Opposed 0 Abstention 0 Not Entitled**

b. **Report:** Waived

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

a. **Report** (Wil Weder): the committee met with the St. Peters Senior center at the last meeting details are in the meetings. After doing more research on the resolution on nurse patient ratios the committee determined that the bill needs to be further explored and it this time does not have the committees support. There also needs to be more research done on the nursing home patient ratio resolution.

**8. Land Use/Waterfront.** – Ed Rubin & Ellen Imbimbo, Chairs

a. **Re: BSA # 331-09-BZ, Special Permit Application to allow a physical culture or health establishment on the second and third floors of 141 E. 45<sup>th</sup> St btw 3<sup>rd</sup> & Lexington Aves.**

**WHEREAS**, Slater & Beckerman, LLP on behalf of 141 East 45th Street LLC located at 141 East 45th Street, Manhattan, New York, presented to the Land Use Committee of CB6 on Wednesday, March 3, 2010 an application to apply for a Special Permit (Calendar #331-09-BZ) under Zoning Resolution §73-36, to permit a Physical Culture Establishment on the second and third floors of the three-story building located at 141 East 45th Street, Borough of Manhattan; and

**WHEREAS**, the above applications is pursuant to Section 73-36 New York City Zoning Resolution, which seeks to vary Zoning Resolution section 32-10; 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**, R. H. Massage Service, P. C. operator of the physical culture establishment (River View Spa) will not adversely impact the neighborhood; and

**WHEREAS**, River View Spa fits in well with the mixed-use character of the neighborhood; and

**WHEREAS**, the special permit will permit R. H. Massage Service, P. C. to operate the new facility which will contain a total of 1,288 sq. ft. of floor area on the second and third floors 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 #331-09-BZ) under Zoning Resolution §73-36, to permit a Physical Culture Establishment within portions of the existing building located at 141 East 45th Street, Manhattan, Manhattan for a period of five years.

**VOTE: 40 in Favor 0 Opposed 1 Abstention 0 Not Entitled**

**b. RE: Solar One Summer Events and Request for a Seasonal Beer & Wine License**

**WHEREAS**, Solar One is scheduling a series of events during May through October 2010 similar to those held in past years; and

**WHEREAS**, Solar One is planning to sell beer and wine at these events and has requested Community Board 6 support of such sales; and

**WHEREAS**, Community Board 6 in past has approved of beer and wine sales so long as the sale and consumption is limited to Solar One's leased blacktop area; and

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

**WHEREAS**, Community Board 6 has received no complaints regarding Solar One's previous events, now

**THEREFORE**, be it

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

**VOTE: 41 in Favor 0 Opposed 0 Abstention 0 Not Entitled**

**c. RE: Minor modification of the existing special term ULURP C010712ZSM pursuant to section 74-48ZR.**

**WHEREAS**, the East River Science Park was designed for the life sciences industry; and

**WHEREAS**, life science uses generally require industry related mechanical systems such as vacuum pumps, compressors, steam generators and water purification systems; and

**WHEREAS**, current and prospective life science users are not requiring tenant mechanical spaces as originally proposed and the space is not conducive to their program needs; and

**WHEREAS**, the proposed minor modification will increase the efficient use of buildings; and

**WHEREAS**, the proposed minor modifications will not increase the bulk or form of buildings; and

**WHEREAS**, the modification will result in a small 4.8% increase in zoning floor area, now

**THEREFORE**, be it

**RESOLVED**, that CB6 has no objection to the minor modification proposed which eliminates 41, 263 Sq. Ft of tenant mechanical space and increases the zoning floor area by 4.8%.

**VOTE: 41 in Favor 0 Opposed 1 Abstention 0 Not Entitled**

**d. Report:** The Heliport is closed on weekends and there are no plans to upgrade or modify. They are offering open air use for the community such as a green market or movies. The committee would like to address underutilized waterfront space in the district and is fielding ideas to maximize use.

**Old/New Business**

**Second Roll Call – Tom LaBarbara**

**Meeting Adjourned at 9:30pm**