

**MANHATTAN COMMUNITY BOARD 6  
FULL BOARD MEETING MINUTES  
Wednesday, September 15, 2010  
NYU MEDICAL CENTER  
550 FIRST AVENUE**

**Hon. Mark Thompson, Chair**

**ATTENDANCE**

**Members answering first roll call:**

Arcaro, Barrett, Bergman, Buchwald, Collins, Dankberg, Eggers, Friedman, Garland, Gonzalez, Haile, Hollister, Humphrey Imbimbo, Judge, Landesman, Lee, McIntosh, Moses, Negrete, Oddo, O'Neal, Papush, Parise, Parrish, Pellezzi, Rubin, Scala Schachter, Schaeffer, Scheyer, Schwadron, Seligman, Sepersky, Sherrod, Simon, Steinberg, Thompson, Winfield

**Members answering second roll call:**

Arcaro, Barrett, Bergman, Buchwald, Collins, Dankberg, Eggers, Friedman, Garland, Gonzalez, Haile, Hollister, Humphrey Imbimbo, Judge, Landesman, Lee, McIntosh, Moses, Negrete, Oddo, O'Neal, Papush, Parise, Parrish, Pellezzi, Rubin, Scala Schachter, Schaeffer, Scheyer, Schwadron, Seligman, Sepersky, Sherrod, Simon, Steinberg, Thompson, Winfield

**Excused:** Curtis, Disman, Dubnoff, Figueroa, Frank, Goldman, McGuire, Reiss, Weder, West

**Guests signed in:** A/M Jonathan Bing; C/M Dan Garodnick; Kristen Ellis - BP's Ofc.; Nily Rozic – A/M Kavanagh; Dara Adams - Cg/M Carolyn Maloney; Sara Hale-Stern-Sen. Liz Krueger; Barbara Sherman - C/M Rosie Mendez; Christina Bottego - C/M Jessica Lappin; Francis Buscemi, S. Catapano, Dan Harris, Sandy Hecker, Jennifer Knode-NYPL; Janos Marton, Ashley Morrissey-NYU; Rajesh, Najjar, Eileen Stein, Alice Tahapary, Elizabeth Weston

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## Meeting Called to Order

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

## Adoption of Agenda

**Roll Call** – Ellen Imbimbo

**Presentation:** The Board members were given a Power Point presentation on the NYU Langone Medical Center/Kimmel Pavilion program by Elise Wagner & her team. The site plans that were presented to the Full Board provided great insight to NYU's mission and plans for the site. Some of what was shown involved creating a dual vehicular access point to the Kimmel Pavilion, separate Pediatric & Adult care facilities, a new pedestrian environment with increased green space and a new energy building. A full color copy of the detailed presentation can be found at this link: <http://www.nyc.gov/html/mancb6/downloads/misc/NYULMC%20September%20Presentation0001.pdf>

## PUBLIC SESSION

**A/M Jonathan Bing:** Brought his daughter Charlotte to be introduced to the Board. He announced: **1)** his Annual Senior Health Fair on Wednesday October 13<sup>th</sup> in the community room at Knickerbocker Plaza, 1751 Second Ave. **2)** He will sponsor the American-Italian Cancer Foundation Mobile Mammography Van on Monday October 25<sup>th</sup> at the Stanley Issacs Center, 415 East 93<sup>rd</sup> St. Both events are free. He also announced that on August 16<sup>th</sup> the Governor signed into Law his legislation (Ch384) that would allow couples to file for “No Fault” divorces in NYS.

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

**C/M Dan Garodnick** announced: **1)** He kicked off the new school year by allocating funds for the arts enrichment program at five of our local public schools through the City's Cultural After-School Adventure (CASA) program. He stated that CASA funds will provide students at P.S 40 & P.S. 116 with art education in the visual arts, drama and dance provided by some of New York's top cultural institutions. **2)** With groundbreaking set to begin this fall for the new public school at the former Con Ed site, he is closely monitoring the site's progress and is working to ensure that the school has direct access to the public open space which the developer is required to design on an adjacent lot. **3)** C/M Garodnick proposes a framework of new laws and additional enforcement for addressing the spiraling number of complaints about Pedicabs. A recent enforcement blitz which the Council Memeber requested has yielded 115 violations in a single day and proof that the industry is in need of further reform. **4)** C/M Garodnick continues to fight for affordability at Stuyvesant Town. He has stated that affordability must be central in any plan to restructure the finances at Stuyvesant Town and Peter Cooper Village.

For further community news on these or other issues and updates see the Council Member's East Side Bulletin or go to [www.garodnick.com](http://www.garodnick.com).

**Dara Adams** representing Cg/M Carolyn Maloney reported: The Congress Member is continuing to work tirelessly on getting the 9/11 Health Bill (HR 847) passed in Congress.

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

**Nily Rozić** representing A/M Kavanagh reported: the Grant-Funded Blueway Project Kicked off on June and the offices of A/M Kavanagh and Man. Borough President Scott Stringer, along with Community Boards 6 and 3 and the Lower East Side Ecology Center, held an inaugural meeting for community and waterfront stakeholders to discuss an overview of a \$650,000 grant awarded by the New York State Department of State for projects along the East River. Staff members from Kavanagh and Stringer's offices described the structure, components, and scope of the project, and the opportunities presented by the Blueway grant.

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

**Christina Bottego** representing C/M Jessica Lappin brought greeting from the Council Member.

**Barbara Sherman** representing C/M Rosie Mendez brought greeting from the Council Member.

**Jennifer Knode** representing the NY Public Library reported on the recent cuts to our local library. She stated that the hours to most of the local branches have been cut. She thanked the community for all of their support.

**Francis Buscemi** attorney for SHP Enterprise dba Envy New York, 220 E. 53<sup>rd</sup> St. spoke in favor of the State Liquor Authority application and requested approval of the Board resolution.

**Dan Harris** spoke for several residents who are in opposition of a positive Board resolution for Ali Baba's Terrace. 862 2<sup>nd</sup> Ave.

## **BUSINESS SESSION:**

### **Adoption of the June 15<sup>th</sup> Full Board minutes**

Minutes were adopted by a voice vote as amended.

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

Mark made a few announcements and acknowledgements: Welcome back from the summer hiatus. **1)** I Had a very busy summer even though the Full Board did not meet and many committees didn't meet; many members of the board dedicated themselves to a variety of issues and projects. This is a clear indication of CB6's dedication to our community. I would like to thank everyone for continuing to go above and beyond in your dedication. **2)** Among the many things that we worked on this Summer are: ConEd/Solow project, new school at 616 First Avenue; Bellevue 30<sup>th</sup> Street Men's Shelter, and our favorite water main project, so that it will not destroy 56<sup>th</sup> Street and the new schools project, as well as many issues that impact our quality of life. **3)** I would like to ask for everyone's cooperation in keeping all of our Full Board meetings to two hours, so that we are done by 9 pm. This means keeping reports succinct and brief, for both Committee chairs and our elected officials' representatives. The Chairs of Committees have done an amazing job of delving deeply into issues at their committees. I am proud of what they are doing and encourage everyone to attend multiple committees, so that you can understand the issues and hold in-depth discussions in committee rather than at Full Board. **4)** I would also like to remind everyone that if they are unable to attend their committee to please ask me to be reassigned to a committee that you can attend. It's no big deal, and will give you a fresh perspective on another area. Absence makes it hard to have a quorum. If you are absent for more than three meetings in a row, you are liable to be removed from the committee.

### **Nomination Committee Report-Lyle Frank, Chair**

Due to the absence of Lyle, Louise Dankberg read the report. Louise read the roll of officers, then, Chair Mark Thompson conducted a vote to fill the now vacant position of Secretary. Aaron Humphrey was nominated to fill the position of Secretary. Members were asked to place their votes on the bottom of their ballot sheets since there was only one candidate.

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

Toni briefly reported: **1)** The Mayor's office of Special Enforcement called to let me know; and I'm very pleased to report that the Adult video store on E. 23<sup>rd</sup> St. is closed. I was told that the landlord just got fed up with the complaints and the violations. **2)** We obtained over the summer 1 intern and one hourly worker named Melo-D Harris whom is still with us. For some time we've been trying to find the time to input various e-mail groups, to date Melody has completed the following groups that consist of community residents, Shaft 33b, the 34<sup>th</sup> St. Transit-Way and SBS. These groups have added hundreds of names to our e-mail list. **3)** Regarding our Public Plaza Study the DCP has so far sent 14 letters to property owners requesting that they correct violations of the NYC Zoning Resolution's Public Plaza regulations. They range from opening locked gates, removing dumpers, downsizing commercial use, etc. There will be additional letters going out as DCP goes through our PP study. **4)** the Board of Elections will conduct demonstrations of the new voting machines at our Friday, Oct. 1<sup>st</sup> St. Fair..

### **Borough President's Report – Kristen Ellis**

**1)** Kristen announced that the Borough President wrote to the Dept. of Transportation and got them to hold a 34<sup>th</sup> St. Transitway hearing for Tuesday Sept. 21<sup>st</sup> at the Pennsylvania Hotel, 401 7<sup>th</sup> Ave @ W. 33<sup>rd</sup> St. at 6:30 pm. **2)** She then announced that Borough President Stringer had recently gotten married.

### **Committee Resolutions and Reports**

#### **1. Budget & Governmental Affairs – Richard Eggers, Chairs**

a. **Report:** Rick reported the committee had a very busy summer & thanked all the committee chairs & members for their time and help. The District Needs Statement will eventually be available on our website for all to review. The committee will be presenting our Budget Request at the October Full Board.

#### **2. Youth & Education – Maxine McIntosh, Chair**

a. **Report:** Maxine announced that for those committee members that have not submitted their budget information from the schools they were contacted, to please do so.

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

a. **Report:** - Land Use - Waived

Ellen announced that Transportation Alternatives would be sponsoring a Bike Ride along the Waterfront on September 6<sup>th</sup> beginning on E. 6<sup>th</sup> St. to E. 60<sup>th</sup> St. If you would like to participate please contact Transportation Alternatives to register. **2)** There will be a Public Hearing on October 12<sup>th</sup>, sponsored by the Dept. of City Planning about the Mayor's 20/20 Plan for the East River Waterfront.

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

- b. Petition for a DOT new Revocable Consent to rebuild stoop and provide adequate ADA access to the building by the Kingdom of Swaziland located at 408 E. 50<sup>th</sup> Street, Manhattan.**

**WHEREAS**, Rosenberg Kolb Architects LLP on behalf of The Kingdom of Swaziland located at 408 East 50<sup>th</sup> Street, Manhattan has presented to PSE&T Committee of Community Board 6, on Monday September, 13 2010, their plans of rebuilding stoop, fenced-in area, together with ADA accessible ramp and planted area in front of its building; and

**WHEREAS**, the plans have been approved by the Department of Transportation & Department of Buildings; and

**WHEREAS**, the construction design does not pose a negative impact to the surrounding buildings in the area; now

**THEREFORE BE IT,**

**RESOLVED**, that Community Board 6 has no objection to The Kingdom of Swaziland’s petition for a DOT new Revocable Consent to rebuild stoop and provide adequate ADA access to the building by the Kingdom of Swaziland located at 408 E. 50<sup>th</sup> Street, Manhattan.

**VOTE: 39 in Favor 0 Opposed 0 Abstention 0 Not Entitled**

**c. Report:**

Fred announced the new SBS Bus program would begin on October 10<sup>th</sup> and there will be an update on this issue at next months meeting.

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

**a. Bellevue South Park Upgrade**

**WHEREAS**, the Department of Parks & Recreation has received capitol funding to do the reconstruction of the landscaping and miscellaneous site work in Bellevue South Park, and

**WHEREAS**, the purpose of the contract is to:

- 1.** Reinvigorate the plantings
- 2.** Lower a portion of an existing wall and fence it
- 3.** Correct a portion of sunken pavement
- 4.** Provide an additional accessible drinking fountain, and

**WHEREAS**, the entire proposal was presented for review by Community Board 6, now

**THEREFORE, BE IT**

**RESOLVED**, Community Board 6 supports the design as was presented to us.

**VOTE: 39 in Favor 0 Opposed 0 Abstention 0 Not Entitled**

**b. Report**

Gary reported the Dept. of Parks & Recreation (DPR) informed him that they will do some rehab on the Robert Moses Park playing field, but they can't use Capital Funds because these funds require a certain number of years of usability and due to the ongoing discussions between CB6, DPR and others about the future of the park the funds will not be allotted for the rehab. They have however promised to do the rehab and he has arranged with DPR to have an on-site meeting at Robert Moses.

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

**a. Report:**

Sandro reported that the Sloan Kettering presentation has been scheduled for next months meeting.

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

**a. In support of amendment S04401 & A07732 to allow marriages of same-sex couples to be treated equally in all respects under the law as different-sex couples.**

**WHEREAS**, the Due Process Clause (U.S. Const. Amend 14, §1) provides that no state shall deprive any person of life, liberty or property, without due process of law; and

**WHEREAS**, Due process protects individuals against arbitrary governmental intrusion into life, liberty or property. When legislation burdens the exercise of a right deemed to be fundamental, the government must show that the intrusion withstands strict scrutiny; and

**WHEREAS**, Loving v. Virginia (388 US 1, 12 87 S. Ct. 1817, 18 L. Ed 2d 1010 (1967)) recognized that freedom of personal choice in matters of marriage and family life is one of the liberties protected by the Due Process Clause of the Fourteenth Amendment; and

**WHEREAS**, The freedom to marry is recognized as a fundamental right protected by the Due Process Clause;

**WHEREAS**, the Equal Protection Clause (U.S. Const. Amend 14 §1) provides that no state shall deny to any person within its jurisdiction the equal protection of the laws; and

**WHEREAS**, The decision in Perry v. Schwarzenegger, 2010 U.S. Dist. Lexis 78817 (N.D. Cal. Aug. 4, 2010) that Proposition 8 (Cal. Const. Art. I, §7.5) is unconstitutional because it prevents California from fulfilling its constitutional obligation to provide marriages on an equal basis;

**NOW THEREFORE BE IT**

**RESOLVED** that Community Board Six supports the decision in Perry v. Schwarzenegger and urges the Governor and the New York State Legislature to amend the domestic relations law, in relation to the ability to marry, to read as follows: **A MARRIAGE THAT IS OTHERWISE VALID SHALL BE VALID REGARDLESS OF WHETHER THE PARTIES TO THE MARRIAGE ARE OF THE SAME OR DIFFERENT SEX** and assign it into law.

**VOTE: 36 in Favor 0 Opposed 3 Abstention 0 Not Entitled**

**b. Community Board 6 resolution supporting Manhattan Borough Board resolution denouncing Arizona's new immigration law Senate Bill 1070 ("SB1070")**

**WHEREAS**, the United States of America is a nation created by immigrants; and

**WHEREAS**, New York City is the largest population of immigrants of any city in the United States, with nearly 40 % of New York City's total population being foreign-born residents; and

**WHEREAS**, immigrants compose over 40% of New York City's workforce and are essential to our economic output and stability; and

**WHEREAS**, immigration reform is a national issue that transcends party affiliation and requires input from all elected officials and should not divide families nor create a climate of fear in immigrant neighborhoods; and

**WHEREAS**, on April 23, 2010, the Governor of Arizona signed into law SB 1070, which requires Arizona law enforcement to question and arrest individuals if there is a "reasonable suspicion" that they are in the country undocumented; and

**WHEREAS**, the intent behind Arizona's SB 1070 is to eliminate undocumented immigrants using state and local law enforcement, creating new state immigration criminal laws and expands police powers;

**WHEREAS**, Arizona's law gives individual citizens unprecedented powers as any individual to sue the government if he/she perceives a law enforcement officer is not enforcing state/federal immigration law; and

**WHEREAS**, Arizona's new law promotes a policy of profiling and infringes on individual civil rights; and

**WHEREAS**, several lawsuits have been enacted challenging the constitutionality of SB 1070; including but not limited to League of United Latin American Citizens v. State of Arizona (filed July 9, 2010) and United States v. State of Arizona (filed July 6, 2010); and

**WHEREAS**, in League of United Latin American Citizens, two civil rights organizations and several noncitizens have filed a class action challenging SB 1070 alleging that SB 1070 is preempted by federal immigration law and violates the Supremacy, Interstate Commerce and Due Process clauses of the United States Constitution; and

**WHEREAS**, in United States, the United States Department of Justice brought suit against the State of Arizona arguing SB 1070 legislates in an area constitutionally reserved for the federal government, conflicts with federal immigration laws, policy and foreign policy and impedes the execution of the objectives of Congress; and

**WHEREAS**, SB 1070 or any such law similar to SB 1070 in the State of New York would violate our basic notions of fairness, decency and justice; and

**WHEREAS**, the New York State Senate adopted a resolution denouncing any policy of profiling in New York State and urging the federal government to denounce similar state sanctioned immigration policy; and

**WHEREAS**, the New York Assembly adopted a resolution denouncing Arizona’s immigration law;

**THEREFORE BE IT**

**RESOLVED**, that Community Board Six supports Manhattan Borough Board denouncement of Arizona’s Immigration Law Senate Bill 1070 and encourages the adoption of federal comprehensive immigration reform that strengthens the family immigration system, protects human and civil rights and provides a meaningful path to citizenship.

**VOTE: 27 in Favor 8 Opposed 4 Abstention 0 Not Entitled**

c. **Report - Waived**

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

a. **New, On Premise (OP) license for Katherine Petrones, d/b/a 1 Republic Lounge, 613 2<sup>nd</sup> Avenue between East 33<sup>rd</sup> and East 34<sup>th</sup> Streets**

**WHEREAS**, Katherine Petrones, Owner and Warren Pesetsky, Attorney (together “Representative”), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on August 26<sup>th</sup>, 2010, CB6M having jurisdiction of the premises in the license application process; and

**WHEREAS**, the Representative stated that that they are opening a bar and lounge; and

**WHEREAS**, the Representative stated it will closed nightly at 3 am, as reflected in a change agreement signed by the Representative a copy of which is attached; and

**WHEREAS**, the Representative agreed to close the backyard at midnight Sunday through Thursday and 1 am on Friday and Saturday night, as reflected in a change agreement signed by the Representative a copy of which is attached; and

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

**THEREFORE**, be it

**RESOLVED**, that pursuant to the presentation made by the Representative at the meeting of the Business Affairs and Street Activities committee held on August 26, 2010 and pursuant to all other considerations and the change agreement signed by the Representative, CB6M objects to the application unless the Applicant adheres to all the Representations made by the Representative to the Committee in which case the board has **no objection** to the application.

**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 0 Abstention 0 Not Entitled**

**b. Transfer, On Premise (OP) license for Fusha Inc. d/b/a Fusha Japanese Restaurant, 1065 1<sup>st</sup> Avenue between East 58<sup>th</sup> and 59<sup>th</sup>**

**WHEREAS**, James Wang, Attorney (“Representative”), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on August 26<sup>th</sup>, 2010, CB6M having jurisdiction of the premises in the license application process; and

**WHEREAS**, the Representative stated that they have bought the Japanese restaurant and will continue operating it identically; and

**WHEREAS**, the Representative stated they would not change the closing times which are midnight on Sunday through Thursday and 1 am on Friday and Saturday nights; and

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

**THEREFORE**, be it

**RESOLVED**, that pursuant to the presentation made by the Representative at the meeting of the Business Affairs and Street Activities committee held on August 26, 2010 and pursuant to all other considerations, CB6M objects to the application unless the Applicant adheres to all the Representations made by the Representative to the Committee in which case the board has **no objection** to the application.

**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 0 Abstention 0 Not Entitled**

**c. New, Restaurant Wine (RW) license for Akcafe of New York LLC d/b/a Akcafe, 208 East 34<sup>th</sup> Street at 3<sup>rd</sup> Avenue**

**WHEREAS**, Ali Dhogan, Owner, (“Representative”), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on August 26<sup>th</sup>, 2010, CB6M having jurisdiction of the premises in the license application process; and

**WHEREAS**, the Representative stated that that they are opening café service: coffee, cakes, other food, wine and beer; and

**WHEREAS**, the establishment is owned by the current owners of Ali Baba restaurants; and

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

**THEREFORE**, be it

**RESOLVED**, that pursuant to the presentation made by the Representative at the meeting of the Business Affairs and Street Activities committee held on August 26, 2010 and pursuant to all other considerations, CB6M objects to the application unless the Applicant adheres to all the Representations made by the Representative to the Committee in which case the board has **no objection** to the application; and

**FURTHER RESOLVED**, if the SLA application, **however**, contains a different method of operation than has been presented to CB6M as stated in this Resolution, **including** “Hours of Operation” that differ in **any way** from those described above, then CB6M **opposes** the application and **urges** the SLA to deny the application based on such misrepresentation to Community Board 6 Manhattan.

**VOTE: 38 in Favor 1 Opposed 0 Abstention 0 Not Entitled**

**d. New, On Premises (OP) License for La Cava, 939 2<sup>nd</sup> Avenue at 50<sup>th</sup> Street**

**WHEREAS**, Frank Palillo, Esq. and Amy Babic, Owner (together “Representative”), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on August 26<sup>th</sup>, 2010, CB6M having jurisdiction of the premises in the license application process; and

**WHEREAS**, the Representative stated that that they are opening a restaurant and wine bar; and

**WHEREAS**, the Representative stated that the establishment will close by 2 am Sunday through Thursday and 3:30 am on Friday and Saturday; and

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

**THEREFORE**, be it

**RESOLVED**, that pursuant to the presentation made by the Representative at the meeting of the Business Affairs and Street Activities committee held on August 26, 2010 and pursuant to all other considerations, CB6M objects to the application unless the Applicant adheres to all the Representations made by the Representative to the Committee in which case the board has **no objection** to the application.

**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 0 Abstention 0 Not Entitled**

**e. New, Restaurant Wine (RW) license for K.B. Dumpling 207 East 26<sup>th</sup> Street, between 2<sup>nd</sup> and 3<sup>rd</sup> Ave.**

**WHEREAS**, Xian Feng Zou, Esq. Attorney (together “Representative”), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on August 26<sup>th</sup>, 2010, CB6M having jurisdiction of the premises in the license application process; and

**WHEREAS**, the Representative stated that that they are opening a restaurant and wine bar; and

**WHEREAS**, the Representative stated that the establishment will close by 10 pm Sunday through Thursday and 11:30 am on Friday and Saturday; and

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

**THEREFORE**, be it

**RESOLVED**, that pursuant to the presentation made by the Representative at the meeting of the Business Affairs and Street Activities committee held on August 26, 2010 and pursuant to all other considerations, CB6M objects to the application unless the Applicant adheres to all the Representations made by the Representative to the Committee in which case the board has **no objection** to the application.

**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 0 Abstention 0 Not Entitled**

g. **Renewal, On Premise (OP) license for Ali Baba’s Terrace Inc. d/b/a Ali Baba’s Terrace, 862 2<sup>nd</sup> Ave at East 46<sup>th</sup> Street.**

**WHEREAS**, Ali Dhogan, Owner (“Representative”), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on August 26<sup>th</sup>, 2010, CB6M having jurisdiction of the premises in the license application process; and

**WHEREAS**, the Representative operates a Turkish restaurant and is renewing the license for his existing business; and

**WHEREAS**, the Representative agreed that no music would be played on the roof at any time; and

**WHEREAS**, two members of the community complained of noise and other problems from the rooftop seating; and

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

**THEREFORE**, be it

**RESOLVED**, that pursuant to the presentation made by the Representative at the meeting of the Business Affairs and Street Activities committee held on August 26, 2010 and pursuant to all other considerations, CB6M objects to the application unless the Applicant adheres to all the Representations made by the Representative to the Committee in which case the board has **no objection** to the application.

**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: 36 in Favor 2 Opposed 1 Abstention 0 Not Entitled**

**h. New, On Premise (OP) license for Hype Lounge LLC d/b/a Hype, 243 East 14<sup>th</sup> Street between 2<sup>nd</sup> and 3<sup>rd</sup> Aves.**

**WHEREAS**, David Jadot, Owner and Warren Pesetsky, (together “Representative”), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on August 26<sup>th</sup>, 2010, CB6M having jurisdiction of the premises in the license application process; and

**WHEREAS**, the Representative stated that that they are opening a restaurant and lounge; and

**WHEREAS**, the Representative stated it will close nightly at 2 am; and

**WHEREAS**, the Representative stated the applicant owns and operates 5 establishments including Petite Abeille around NYC; and

**WHEREAS**, the Representative agreed to close all windows by 11 pm nightly; and

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

**THEREFORE**, be it

**RESOLVED**, that pursuant to the presentation made by the Representative at the meeting of the Business Affairs and Street Activities committee held on August 26, 2010 and pursuant to all other considerations, CB6M objects to the application unless the Applicant adheres to all the Representations made by the Representative to the Committee in which case the board has **no objection** to the application.

**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 0 Abstention 0 Not Entitled**

**l. New On Premise (OP) license for Lexington Project Managers, LLC d/b/a TBD, 517 Lexington Avenue at East 48<sup>th</sup> Street.**

**WHEREAS**, Mark Birnbaum Partner, and Eugene Remm, Partner and Warren Pesetsky, (together “Representative”), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on August 26<sup>th</sup>, 2010, CB6M having jurisdiction of the premises in the license application process; and

**WHEREAS**, the Representative stated that are opening a restaurant and room service for the new hotel that is being erected on the site; and

**WHEREAS**, the Representative stated the closing time for the restaurant would be 2 am nightly; and

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

**THEREFORE**, be it

**RESOLVED**, that pursuant to the presentation made by the Representative at the meeting of the Business Affairs and Street Activities committee held on August 26, 2010 and pursuant to all other considerations, CB6M objects to the application unless the Applicant adheres to all the Representations made by the Representative to the Committee in which case the board has **no objection** to the application.

**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 0 Abstention 0 Not Entitled**

m. **New On Premise (OP) license for 44 Lexington Avenue Associates, LLC d/b/a 48 Lex, 517 Lexington Ave at East 48<sup>th</sup> Street.**

**WHEREAS**, Mark Birnbaum Partner, and Eugene Remm, Partner and Warren Pesetsky, (together “Representatives”), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on August 26<sup>th</sup>, 2010, CB6M having jurisdiction of the premises in the license application process; and

**WHEREAS**, the Representative stated they are opening a restaurant and room service for the new hotel that is being erected on the site; and

**WHEREAS**, the Representative stated the closing time for the restaurant would be 2 am nightly; and

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

**THEREFORE**, be it

**RESOLVED**, that pursuant to the presentation made by the Representative at the meeting of the Business Affairs and Street Activities committee held on August 26, 2010 and pursuant to all other considerations, CB6M objects to the application unless the Applicant adheres to all the Representations made by the Representative to the Committee in which case the board has **no objection** to the application.

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

**nn. Transfer, On Premise (OP) license for SHP Enterprises Inc d/b/a Envy New York, 220 East 53<sup>rd</sup> Street between 2<sup>nd</sup> and 3<sup>rd</sup> Ave.**

**WHEREAS**, Francis Buscemi, Attorney (“Representative”), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on August 26<sup>th</sup>, 2010, CB6M having jurisdiction of the premises in the license application process; and

**WHEREAS**, the Representative stated that they are applying for a license for a bar/lounge; and

**WHEREAS**, the Representative stated that the premise had previously been licensed but that license had been revoked when the expeditor who obtained the license for the applicant got indicted for criminal acts associated with obtaining liquor licenses; and

**WHEREAS**, the premises is an area with 3 or more licensed establishments and therefore they must prove a public interest under the 500 foot rule; and

**WHEREAS**, the proposed establishment is in an area that has dozens of licenses nearby and has been a nuisance to the residents; and

**WHEREAS**, the Turtle Bay Association, East Midtown Neighborhood Coalition and a member of the community opposed the application; and

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

**THEREFORE**, be it

**RESOLVED**, that pursuant to the presentation made by the Representative at the meeting of the Business Affairs and Street Activities committee held on August 26, 2010 and pursuant to all other considerations, CB6M objects to the application unless the Applicant adheres to all the Representations made by the Representative to the Committee in which case the board has **no objection** to the application.

**VOTE: 31 in Favor 5 Opposed 3 Abstention 0 Not Entitled**

**o. Transfer, Restaurant Wine (RW) for 246 Mieko Inc d/b/a TBD, 246 East 51<sup>st</sup> Street, #4 between 2<sup>nd</sup> and 3<sup>rd</sup> Avenues**

**WHEREAS**, Miku Suzuki, Owner (“Representative”), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on August 26<sup>th</sup>, 2010, CB6M having jurisdiction of the premises in the license application process; and

**WHEREAS**, the Representative stated that that they are opening a restaurant establishment serving Japanese food and sushi; and

**WHEREAS**, the Representative stated that the establishment will close by 11 pm nightly; and

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

**THEREFORE**, be it

**RESOLVED**, that pursuant to the presentation made by the Representative at the meeting of the Business Affairs and Street Activities committee held on August 26, 2010 and pursuant to all other

considerations, CB6M objects to the application unless the Applicant adheres to all the Representations made by the Representative to the Committee in which case the board has **no objection** to the application.

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

**p. Renewal OP for The Grey Lake Inc., dba Metro 53 307 East 53<sup>rd</sup> Street**

**WHEREAS**, Tony Spillane, general manager (“representative”), appeared before the Business Affairs and Street Activities Committee of Community Board 6 Manhattan (CB6M) on August 26, 2010, CB6M having jurisdiction of the premises in the license application process; and

**WHEREAS**, the applicant is applying for a renewal of an OP for the premises located at 307 East 53<sup>rd</sup> Street where it does business as Metro 53; and

**WHEREAS**, the applicant does business primarily as a bar/lounge, serving lunch only on Friday and Saturday; and

**WHEREAS**, the hours of operation extend to 4 a.m. especially on Thursday, Friday, and Saturday; and

**WHEREAS**, 16 individually drafted letters from members of the community in opposition to the renewal request of the applicant were submitted to the Chair; and

**WHEREAS**, 14 additional members of the community appeared to voice their opposition to the applicant; and

**WHEREAS**, the basis of the opposition was the unruly and loud behavior of the patrons of the venue when they stand in front and later when they leave and walk through the surrounding residential neighborhood; and

**WHEREAS**, Mr. Spillane stated that the cause of the problem was the garage across the street which had reduced price parking on weekends; and

**WHEREAS**, no one appeared to support the applicant; now

**THEREFORE**, be it

**RESOLVED**, that pursuant to the presentation of the representative of the applicant at this meeting and all the community opposition expressed therein, CB6M **OBJECTS TO THE RENEWAL of the OP LICENSE for The Grey Lake Inc. dba Metro 53, 307 East 53<sup>rd</sup> Street.**

**VOTE: 39 in Favor 0 Opposed 0 Abstention 0 Not Entitled**

- s. **New, On Premise (OP) license for Jalisco LLC d/b/a Enzo, 443-447 3<sup>rd</sup> Ave between 30<sup>th</sup> and 31<sup>st</sup> Street.**

**WHEREAS**, Derek Axelrod, Owner and Lesly Zamor Designer, and Warren Pesetsky, (together “Representatives”), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on August 26<sup>th</sup>, 2010, CB6M having jurisdiction of the premises in the license application process; and

**WHEREAS**, the Representative stated that they are opening a Mexican restaurant; and

**WHEREAS**, the Representative stated it will close nightly at 3 am; and

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

**THEREFORE**, be it

**RESOLVED**, that pursuant to the presentation made by the Representative at the meeting of the Business Affairs and Street Activities committee held on August 26, 2010 and pursuant to all other considerations, CB6M objects to the application unless the Applicant adheres to all the Representations made by the Representative to the Committee in which case the board has **no objection** to the application.

**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 0 Abstention 0 Not Entitled**

- u. **Report** – The committee will be discussing item T-Proposed legislation limiting hour of operation for rooftop and backyard bars & restaurants at next month’s meeting.

**Old/New Business**

**Second Roll Call – Ellen Imbimbo**

**Meeting Adjourned at 9:30pm**