

**MANHATTAN COMMUNITY BOARD 6  
FULL BOARD MEETING MINUTES  
Wednesday, February 9, 2011  
NYU MEDICAL CENTER  
550 FIRST AVENUE**

**Hon. Mark Thompson, Chair**

**ATTENDANCE**

**Members answering first roll call:**

Arcaro, Barrett, Buchwald, Collins, Curtis, Disman, Eggers, Figueroa, Frank, Friedman, Garland, , Gonzalez, Haile, Hollister, Humphrey, Imbimbo, Judge, Landesman, McIntosh, McKee, Moses, Negrete, Oddo, O'Neal, Papush, Parise, Parrish, Pellezzi, Reiss, Rubin, Schachter, Schaeffer, Scheyer, Seligman, Sepersky, Sherrod, Simon, Thompson, West, Winfield

**Members answering second roll call:**

Arcaro, Barrett, Buchwald, Collins, Curtis, Disman, Eggers, Figueroa, Frank, Friedman, Garland, Gonzalez, Haile, Hollister, Humphrey, Imbimbo, Judge, Landesman, McIntosh, McKee, Moses, Negrete, Oddo, O'Neal, Papush, Parise, Parrish, Pellezzi, Reiss, Rubin, Schachter, Schaeffer, Scheyer, Seligman, Sepersky, Sherrod, Simon, Thompson, West, Winfield

**Excused:** Dubnoff, Lee, Scala, Steinberg, Weder, West

**Absent:** Bergman, Dankberg, Goldman, Lee, McGuire, Schwadron

**Guests signed in:** Daniel Contreras

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## Meeting Called to Order

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

**Roll Call** – Aaron Humphrey

**Presentation:** Daniel Contreras, Manhattan Regional Representative for Thomas DiNapoli, NYS Comptroller introduction to the Office of Unclaimed Funds. Afterwards, he met with the members of the board and public to verify if they had unclaimed funds available.

## PUBLIC SESSION

**C/ M Mendez**

**A/M Brian Kavanagh:** **1)** On January 25th, A/M Brian Kavanagh and his colleagues on the Assembly Housing Committee, approved bill A02674, which would renew New York’s rent regulation laws and make them more protective of tenants. **2)** On February 3, 2011, A/M Brian Kavanagh spoke before a large crowd of tenants, community and tenant organizers, and fellow elected officials who gathered to discuss strategies for renewing and strengthening the State’s rent and tenant protection laws before they expire on June 15, 2011.

For information on these and other reports, see the Assembly Member’s Community Report or go to [www.briankavanagh.org](http://www.briankavanagh.org)

**Zach Gamza** representing Senator Liz Krueger reported: **1)** On Monday, January 31st, Sen. Krueger spoke on the Senate’s Chamber Floor and expressed her concern that a Rules Resolution proposed by Senate Republicans was in violation of the State’s Constitution. **2)** Sen. Krueger and A/M Brian Kavanagh recently reintroduced a bill in the State Senate that passed last session before faltering in the assembly that would require business owners and drivers to share responsibility for reckless bicycle riding.

For more information on this and other reports see the Senator’s Community Bulletin or go to [www.lizkrueger.com](http://www.lizkrueger.com)

**Enrique Lopez** representing Senator Thomas Duane reported: **1)** He is the Senator’s new liaison to the board.

For information on these and other reports, see the Senator’s Community Report or go to [www.tomduane.org](http://www.tomduane.org).

**Jeffrey LeFrancois** representing A/M Gottfried reported: **1)** As chair of the Assembly Health Committee, A/M Gottfried is part of the state’s Medicaid Redesign Team which is mandated to develop proposals to control costs in the State’s Medicaid program while improving the quality and accessibility of care. **2)** A/M Gottfried advocated extending the 2009 temporary increase in the state income tax on the highest-income taxpayers that expires this year. He states that the loss of revenue is a major part of this coming year’s deficit and would be a better choice than cutting needed programs.

For more information on this and other reports see the Assembly Member’s Community Bulletin or email her at [gottfr@nysa.us](mailto:gottfr@nysa.us)

**Anicka Kolarik** representing C/M Dan Garodnick reported: **1)** C/M Garodnick introduced two bills to provide greater information to the public about street fairs, requiring the City to publish street closures and street fairs no less than one week before the event, as well as, requiring the Department of Small Business Services to post information about street fairs on their website; and a third bill requiring the owners of apartment buildings to register a current email address with the City, giving tenants a means of communicating with their landlord. **2)** C/M Garodnick introduced a pair of new pedicab reform bills, Intro 466 and Intro 465, that seeks to prevent the use of fraudulent parking placards.

For a complete report on these and other issues, see the Council Member's East Side Bulletin or go to [garodnick@council.nyc.gov](mailto:garodnick@council.nyc.gov) to obtain a copy.

**Paula Lukats** representing Just Food, Inc. informed the public of this Community Supported Agriculture (CSA) program and gave a brief list of food shares and prices.

## **BUSINESS SESSION:**

**Adoption of the December 2010 Full Board minutes: Minutes were adopted by a voice vote.**

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

Mark provided updates and made a few requests:

1. Mark welcomed back board member Alejandra Negrete.
2. He introduced and welcomed new board member Sandra McKee.
3. Announced we will be doing a New Member Mixer after April's Executive Committee.
4. He discussed NYC Controller's audit of the Water Club. As well as, praised board member Ellen Imbimbo for her diligence, as well as, explained why Community Board's are important.

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

1. On Feb 3<sup>rd</sup> a Development Task Force meeting was held to discuss the proposed use of 206-210 E. 52nd St. for a Hyatt Hotel. After much discussion, DCP and DOB are researching how these lots can be used. If it is decided it is not "As of Right" development, this item may have to be reviewed by our LU Committee.
2. There was also an unexpected DCA meeting with Mr. Ricky Wong, the Deputy Director of Community Affairs regarding our Sidewalk Café study; the reason I say unexpected, is because attendance confirmation for Joe Martino, Director of Manhattan Enforcement and the Deputy General Counsel was never confirmed, therefore, I was expecting the tentative meeting to be rescheduled. After review of the Boards SW cafe survey, once the weather gets warmer Mr. Martino will conduct a district wide inspection. Mr. Wong provided me with a full application which includes a copy of the Administrative Code on SW cafes & a copy of the SW café rules. Under §2-55 the requirement of a 30" barrier disappeared, reviewed all received Rule Changes, and as far as I know, we never received it. I explained to Mr. Wong that is would be condoning public drinking; he is checking with DCA's legal dept. and is still looking for the Rule Change notification, we supposedly received.

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

No bills were paid in February.

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

Last night the Borough President delivered his annual State of the Borough Address at the CUNY Graduate Center. In the address, he laid out plans for a number of new initiatives, including:

- An infrastructure conference in March that will focus on the creation of a new regional infrastructure bank
- The creation of a new Construction Advisory Committee for the Second Avenue Subway
- Launch of the new Speak Up New York community engagement website
- Expansion of the Bank On Manhattan program

I would like to thank all of you who personally attended the event. It was great to see so many familiar East Siders in the room!

As co-convenor of the 34<sup>th</sup> Street Transitway Community Advisory Committee, I have been working with DOT, neighborhood residents, and business owners to better understand the 34<sup>th</sup> Street Transitway proposal and the concerns of local stakeholders

On January 25<sup>th</sup>, the Borough President wrote a letter to Commissioner Sadik-Khan outlining the concerns our office has heard over the last few months from community groups and businesses located along 34<sup>th</sup> Street, including:

- Reduction of curbside access
- Increased traffic congestion on cross-town streets
- Negative economic impact on local businesses
- Potential for declining property values for both residential and commercial buildings

Of particular concern is the issue of emergency vehicle access, both to buildings along 34<sup>th</sup> Street and to our medical institutions along the East Side hospital corridor

- This presents far more than a traffic concern – it is a true public safety issue

Given 34<sup>th</sup> Street's unique characteristics, I am urging DOT to apply heightened scrutiny to any potential environmental impacts as it moves forward with its environmental assessment process

For more information on this and other reports see the Borough President's Report at [www.mbpo.org](http://www.mbpo.org) or call 212-669-7877.

## **Committee Resolutions & Reports**

### **1. Housing, Homeless Services & Human Rights Committee – Claude L. Winfield, Chair**

a. **Report:** Chair waived report.

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

a. **Report:** Announced the upcoming closure of Norman Thomas High School at 111 East 33rd Street and Park Avenue.

### **3. Budget & Governmental Affairs– Richard Eggers, Chair**

a. **Report:** Chair invited the public to the next committee meeting

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

**a. Transit Rider Bill of Rights.**

**WHEREAS**, the vast majority of New Yorkers have built their lives around the city's transit system, and

**WHEREAS**, with every bus and subway cut and every canceled line, the everyday experience of millions of New Yorkers changes for the worse, and

**WHEREAS**, with the decision of Albany lawmakers to cut \$160 million from the MTA, riders have faced the loss of 2 subway lines, 38 bus routes, cuts to service citywide and another fare hike in 2011; now

**THEREFORE, be it**

**RESOLVED** Manhattan Community Board Six supports that New York City's Transit Riding Public has the right to:

- Reliable travel throughout the five boroughs in an affordable and efficient manner by bus or by train.
- Fare hikes that are only enacted as a last resort when all other funding options have been exhausted, as well as stable funding for the MTA from the State and City, in good times and bad, that does not increase the current proportion of the budget borne by riders.
- Accurate real-time information and clear announcements about when trains and buses will arrive before swiping a Metro Card, or upon arrival at a bus stop.
- Well-lit and safe subway and bus facilities with MTA employees on hand to provide information and respond in case of emergency
- Clean, regularly maintained MTA facilities including subway stations, subway cars, buses and bus stops.
- A more accessible transit system, with level boarding for buses and working elevators and escalators within all subway stations.
- Helpful, courteous service from station agents, bus drivers and other MTA employees to be matched by respect and courtesy from the riding public.
- The official prioritization of operating, maintaining and improving the existing train and bus network.
- Transparent and easily-used lines of communication between riders/MTA with mechanisms in place to address rider concerns and complaints.
- A minimum of one transit worker and one transit rider as voting members of the MTA Board of Directors.

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

**b. Report:**

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

**a. Taxi & Limousine Commission (TLC) – “designation of new Taxi of Tomorrow” including ADA (Joint with HSDI Cmte)**

**WHEREAS**, the New York City Taxi and Limousine Commission (TLC) has issued a Request for Proposals (RFP) asking manufacturers to submit their best ideas for a purpose-built vehicle to replace the Ford Crown Victoria which will cease being produced in 2011; and

**WHEREAS**, while the current fleet of TLC medallion taxicabs number over 13,000 only 240 of which are considered wheelchair accessible; and

**WHEREAS**, there have been significant reductions in bus service frequency and the elimination of routes by the Metropolitan Transportation Authority; and

**WHEREAS**, there has also been a reduction in Access-A-Ride service which is prone to being suspended altogether during harsh weather conditions when those of limited mobility need their service most; and

**WHEREAS**, the TLC requires taxi companies to provide adequate ADA compliant accommodations for passengers and not direct them to Access-A-Ride service; and

**WHEREAS**, the TLC has also issued a Request for Information (RFI) on providing a centralized dispatch service for the 240 wheelchair accessible medallion taxicabs that would utilize existing infrastructure; now

**Therefore be it**

**Resolved**, that Community Board 6 strongly recommends that any selection of RFP respondents be fully compliant with ADA guidelines and wheelchair accessible to provide both greater number of vehicles that may be utilized by the centralized dispatch service of the RFI and reduce the burden on taxicab owners by limiting the amount of types of vehicles that they would have to purchase and maintain stock of spare parts for.

**VOTE: 38 in Favor 0 Opposed 1 Abstention 2 Not Entitled**

**b. Report:**

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

**a. Civil War commemorations in NYC**

**Whereas** April 12, 2011 marks the 150<sup>th</sup> anniversary of the start of the Civil War, and

**Whereas** neither the City nor State of New York has seen fit to organize any commemorative program(s) to mark this event, or of the Civil War generally, and

**Whereas** New York City was the financial core of the Federal government's fight to preserve the Union, and

**Whereas** the factories and shops of New York City and state provided a disproportionately large share of the military stores and equipment needed to sustain the Union army, and

**Whereas** the Brooklyn Navy Yard supplied ships, in particular the iron clad Monitor which made it possible to preserve the naval blockade of southern ports, and

**Whereas** the impact of the war generated tensions and social stress in the civilian population of (then) New York City including, among other things, the Draft Riots of 1863, a substantial portion of which took place in what is now Community Board 6, Manhattan, and

**Whereas** the entirety of the Civil War is a defining event in the history of New York City and State, as is true of the entire nation, now

**Therefore, be it**

**Resolved** that Manhattan Community Board 6 calls on the City Council, the New York State Legislature, the Mayor and the Governor, individually and/or collectively to begin as quickly as possible such programs and events as will properly recognize the Civil War and its place as a central event in the history of the City, State and the entire nation, as part of the 150<sup>th</sup> anniversary of the commencement of this conflict, and

**be it further**

**Resolved** that should either, or both, the City or the State find they are fiscally incapable of organizing and sustaining suitable commemorative programs, that a systematic effort be made to obtain funding from non-governmental sources.

**VOTE: 28 in Favor 12 Opposed 0 Abstention 1 Not Entitled**

**b. Proposal by Parks Department to double membership fees at recreation centers.**

**WHEREAS**, the Department of Parks & Recreation has proposed increases in membership fees and user fees at recreation centers and active parks effective September 1, and

**WHEREAS**, child memberships will remain free, adult membership up to age 62 will be doubled at recreation centers in CB6 from \$75-150, senior citizen memberships to increase from \$10-25 with the minimum age of definition of seniors increasing from 55-62, and

**WHEREAS**, the Parks Department justifies the need for these increases as the budget cuts to the agency during the severe deficits, and

**WHEREAS**, the Parks Department is always the most heavily under-funded agency in city government even in good economic times, and

**WHEREAS**, while the fees at city installations would remain a bargain compared to such non-public owned facilities, we believe the doubling of Adult memberships is too large especially in these economic times, now

**THEREFORE, BE IT**

**RESOLVED**, Community Board 6 urges the Department of Parks & Recreation to lower their proposed increases to a more gradual level, and

**BE IT FURTHER**

**RESOLVED**, we once again call upon the City of New York to end their traditional under funding of this agency.

**VOTE: 31 in Favor 4 Opposed 6 Abstention 0 Not Entitled**

**c. Report:**

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

**a. Solar One, request for Seasonal Beer & Wine Licenses.**

**WHEREAS**, Solar One is scheduling a series of events from May through October 2011 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 for its license request for 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 at these events 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 supporting Solar One’s request for a beer and wine license and does not object to such sales at its Summer events.

**VOTE: 36 in Favor 4 Opposed 1 Abstention 0 Not Entitled**

c. **Report:** Ellen Imbimbo announced that the committee was still communicating with the Economic Development Corporation (EDC) with the intention of upgrading the facilities at the E. 34 Street Ferry Landing Station

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

**a. New, DCA application (#1379547) unenclosed sidewalk café, 9 tables & 36 seats for Hakubai Inc d/b/a Hakubai, 66 Park Ave at E. 38th St.**

**WHEREAS**, Kit Middleton, architect for the applicant, appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on January 27, CB6M having jurisdiction of the premises in the license application process; and

**WHEREAS**, the representative presented plans showing the configuration; and

**WHEREAS**, the site is the Kitano Hotel and the seats and tables will all be on E. 38<sup>th</sup> Street; and

**WHEREAS**, the Committee pointed out two tables both opposite tree pits for possible removal from the configuration, but the architect informed us that DCA had approved the plans as is; and

**WHEREAS**, the architect showed us photos of tree beds, highlighting the Hotel’s version which had narrow openings and was therefore safer for traffic; 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 by the Representative at this meeting and all other considerations, CB6M does **not object** to this application.

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

**b. New, DCA application (#1376636) unenclosed sidewalk café, 6 tables & 12 seats for Fusha 58 Inc d/b/a Fusha, 1065 First Ave at 58th St**

**WHEREAS**, James Wang appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on January 27, CB6M having jurisdiction of the premises in the license application process; and

**WHEREAS**, the representative presented plans showing the configuration; and

**WHEREAS**, there is ample room to allow for the tree pit and fire hydrant in that location; 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 by the Representative at this meeting and all other considerations, CB6M **does not object to this application**.

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

**c. New, OP license for 307 Third Avenue East Venture LLC d/b/a Smoke BBQ, 307 3rd Ave btw E. 23rd & E. 24th Sts.**

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

**WHEREAS**, failure to appear rendered the committee unable to make a determination to whether application was in the public interest or to determine the “bona fides” of the application; and

**WHEREAS**, the 500 foot rule applies and there is no way we can determine if another on-premise venue is in the public interest; now

**THEREFORE**, be it

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

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

**d. New, OP license for Mark Roth d/b/a TBD, 208 E. 58th St at 3rd Ave.**

**WHEREAS** Marc Roth, the applicant, appeared before the Business Affairs and Street Activities Committee of Community Board 6 Manhattan (CB6M) having jurisdiction of the premises in the license application process; and

**WHEREAS**, the applicant intends to open a restaurant and provided a full menu to the committee; and

**WHEREAS**, this venue is subject to the 500 foot rule; and

**WHEREAS**, the applicant entered into a Change Agreement stating he would close at midnight seven days a week with an exception for an occasional private party; and

**WHEREAS**, the applicant assured us there would be no promoters allowed to use this venue; and

**WHEREAS**, there was no one in attendance 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 January 27, 2011 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 including the signed Change Agreement (copy attached) in which case the board has **no objection** to the application.

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

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

**e. Report:** Chair waived report.

**Old/New Business:**

**Second Roll Call – Aaron Humphrey**

**Meeting Adjourned at 10pm**