

**MANHATTAN COMMUNITY BOARD 6**  
**FULL BOARD MEETING MINUTES**  
**Wednesday, June 8, 2011**  
**Baruch College**  
**55 Lexington Ave., E. 25<sup>th</sup> St.**

**Hon. Mark Thompson, Chair**

**ATTENDANCE**

**Members answering first roll call:**

Arcaro, Badi, Barrett, Collins, Curtis, Dankberg, Disman, Dubnoff, Eggers, Figueroa, Frank, Friedman, Garland, Gonzalez, Haile, Hollister, Humphrey, Imbimbo, Keane, Landesman, Marton, McIntosh, Nariani, Negrete, O'Neal, Papush, Parrish, Pellezzi, Reiss, Rubin, Scala, Schaeffer, Scheyer, Seligman, Sepersky, Sherrod, Simon, Thompson, Vigh-Lebowitz, Winfield

**Members answering second roll call:**

Arcaro, Badi, Barrett, Collins, Curtis, Dankberg, Disman, Dubnoff, Eggers, Figueroa, Frank, Friedman, Garland, Gonzalez, Haile, Hollister, Humphrey, Imbimbo, Keane, Landesman, Marton, McIntosh, Moses, Nariani, Negrete, O'Neal, Papush, Parrish, Pellezzi, Reiss, Rubin, Scala, Schaeffer, Scheyer, Seligman, Sepersky, Sherrod, Simon, Thompson, Vigh-Lebowitz, Weder, Winfield

**Excused:** Buchwald, Judge, Paikoff, Steinberg, West

**Absent:** McKee, Parise, Schachter

**Guests signed in:** Holly Hudson; Janet Liff; Elissa Kling; Arlene Normyle; James Williams; James Capozzi, FBI Special Agent; A/M Kavanagh; Enrique Lopez - Sen. Thomas Duane; Zach Gamza - Senator Liz Krueger; Hunter Johansson - A/M Gottfried; Elena Arons - C/M Dan Garodnick; Dara Adams - Cg/M Carolyn Maloney; Jake Dilemani - A/M Jonathan Bing; C/M Rosie Mendez; Rachel Tenny; Steve Scofield; Steve Vaccaro - Transportation Alternatives; James Wilson and Matthew Shapiro of Street Vendor Project

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## Meeting Called to Order

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

**Roll Call** – Aaron Humphrey

**Presentation: James Capozzi, FBI Special Agent, and Infragard Coordinator to discuss participation in the Infragard Program: Collaboration for National infrastructure protection.**

InfraGard is an information sharing and analysis effort serving the interests and combining the knowledge base of a wide range of members. InfraGard is a partnership between the FBI and the private sector. InfraGard is an association of businesses, academic institutions, state and local law enforcement agencies, and other participants dedicated to sharing information and intelligence to prevent hostile acts against the United States. The goal of InfraGard is to promote ongoing dialogue and timely communication between members and the FBI. InfraGard members gain access to information that enables them to protect their assets and in turn give information to government that facilitates its responsibilities to prevent and address terrorism and other crimes.

## PUBLIC SESSION

**A/M Kavanagh** reported: **1)** A/M Kavanagh and PS 34 Principal Joyce Stallings Harts announced a drive for book donations from community residents to encourage summer reading. **2)** At a point in the legislative session, it is difficult to report what is happening in Albany. As a current status report the legislative session is scheduled to end on June 20, there are a number of items on the table that would be presumably resolved by the next Full Board meeting, such as: Rent Regulation Laws expire at midnight on June 15 and affect 2,500,000 million New York City residents, we are currently in a multi agency discussion and reviewing multiple proposals; and pending legislation on ethics reform, specifically provisions requiring elected officials to report outside income.

For more information on this and other reports see the Assembly Member's Community Bulletin or go to <http://assembly.state.ny.us/mem/Brian-Kavanagh/>

**Enrique Lopez** representing Senator Thomas Duane reported: **1)** On Sunday, June 5 Senator Duane joined hundreds to tenants, clergy, elected officials and other advocates from across the City in rallying for stronger rent laws. **2)** On June 7, New York State Assembly Health Committee Chair Dick Gottfried and Senator Duane introduced a single-payer health care bill (A.7860/S.5425) that would ensure comprehensive health care coverage for all New Yorkers regardless of income. **3)** May 12, Senator Duane joined the Stuyvesant Town-Peter Cooper Village Tenants Associate, residents, CB6 members, tenant advocates and elected officials at a rally and press conference opposing Senator Cathy Young's bill, S. 4117-A, that would gut the New York State Court of Appeals' landmark pro-tenant decision in *Roberts v. Tishman Speyer Properties, L.P.*

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

**Zach Gamza** representing Senator Liz Krueger reported: **1)** Earlier this month, a deal was announced that will go a long way towards addressing critical issues of ethics reform, among the key provisions of the proposed legislation are: strong disclosure requirements for elected officials outside income.; creation of a new database comprised of any individual or firm that appears in a representative capacity before any state governmental entity; creation of The Joint Commission on Public Ethics, which will have jurisdiction over all elected state officials and their employees; a ban on pension benefits for any public official convicted of a crime associated with his duties.; and increased penalties for violations of Campaign Finance and Ethics Laws.

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

**Hunter Johansson** representing A/M Gottfried reported: **1)** An update to Illegal Hotel Enforcement, A/M Gottfried would like the public to contact his office if there is an illegal hotel problem in their building. **2)** A/M Gottfried and Senator Tom Duane introduced a Single Payer Health Bill. Under the plan, publicly-sponsored coverage would replace insurance company coverage and premiums would be replaced by broad-based public financing based on ability to pay. **3)** A/M Gottfried strongly supports measures by the New York City administration in seeking state legislation to increase the number of “red-light cameras” in the City from 150 to 225, and to create a demonstration program allowing the installation of up to 40 cameras that would keep track of speeding motorists and allow the City to issue a summons to violators.

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

**Elena Arons** representing C/M Dan Garodnick reported: **1)** Along with over 50 tenants from Stuyvesant Town and Peter Cooper Village, Council Member Garodnick and STPCV Tenants Association leaders traveled to Albany to press State lawmakers on the need to preserve the Roberts v. Tishman Speyer decision that re-regulated every apartment in the complex. **2)** Council Member Garodnick joined elected officials and parents, students, alumni and staff from PS 6 to officially open the school’s new green roof and eco-center. **3)** Responding to the proliferation of illegal electric bicycles on the East Side, Council Member Garodnick introduced a bill to double the fines for traffic violations committed by those vehicles.

For a complete report on these and other issues, see the Council Member’s Community Bulletin or call the district office at (212) 818-0580 to obtain a copy.

**Dara Adams** representing Cg/M Carolyn Maloney reported: **1)** On May 19, Cg/M Maloney joined Senator Michael Gianaris, C/M Jimmy Van Bramer, General Contractors Association Managing Director and Michael Murphy of Transportation Alternatives at the Sunnyside Rail Yards in Queens to issue a report outlining the thousands of jobs and other economic benefits that will be created through the new, \$295 million federal high-speed rail grant to improve “Harold Interlocking”, a junction point in Sunnyside Yards through which trains from three major transit systems must pass on their way into and out of the New York. **2)** Cg/M Maloney along with US Representative Jerrold Nadler announced plans to reintroduce the Equal Rights amendment in the coming days to make clear the Constitution guarantees equal rights for women. **3)** Restoration of M-50 bus weekend service starting on July 3. **4)** During a recent Bellevue Community Advisory Board meeting regarding New York City Health and Hospitals Corporation (HHC) budget cuts to rape units, designated teams that respond within an hour to anyone that has been a victim of a sexual assault, Cg/M Maloney sent a letter asking Bellevue to reconsider cutting this program.

For information on these and other reports, see the Congress Member’s Community Report or go to [www.maloney.house.gov](http://www.maloney.house.gov)

**Jake Dilemani** representing A/M Jonathan Bing announced: **1)** Governor Andrew Cuomo, Assembly Speaker Sheldon Silver and A/M Bing announced that the legislature and the Governor have reached a deal on a groundbreaking ethics reform package. The ethics package creates unprecedented transparency, strict disclosure requirements and an enforcement unit with oversight of the Executive and Legislative branches of New York State government. **2)** This summer A/M Bing will again host his annual Summer Reading Challenge in conjunction with the New York State Library. The Summer Reading Challenge is available in pre-K through middle school and covers a wide variety of genres including picture books, mystery, humor, history and sports.

For information on these and other reports, see the Assembly Member’s Community Report or go to [www.assembly.state.ny.us/mem/?ad=73](http://www.assembly.state.ny.us/mem/?ad=73)

**C/M Rosie Mendez reported: 1)** At a press conference on May 27<sup>th</sup>, C/M Mendez leads City Council's Women Caucus along with the National Organization for Women of NYC and the New York City Alliance Against Sexual Assault in condemning acquittal of NYC Police Officers accused of rape. **2)** On May 20, the Committee on Public Housing, chaired by C/M Mendez held an oversight hearing on the appointment of a tenant representative to the New York City Housing Authority (NYCHA) Board. **3)** On May 19, C/M Mendez was honored at the first annual Stuart Gruskin Family Foundation for legislation she sponsored that became law in February of this year and which provides for the collection and dissemination of data on accidents involving bikes, and both pedestrians and cars citywide.

For a complete report on these and other issues, see the Council Member's Community Bulletin or call the district office at (212) 788-7366 to obtain a copy.

**In support of Select Bus Service resolution:** Rachel Tenny, resident, Janet Liff, resident, Steve Scofield, resident, **Steve Vaccaro**, representing Transportation Alternatives.

**James Wilson** and **Matthew Shapiro** of Street Vendor Project in favor of City Council bills Intro 434 and 435, the bills would lower the \$1,000 maximum fine street vendors could be charged for violations and amend the law so unrelated violations would count as separate offenses, instead of being tacked onto previous violations.

## **BUSINESS SESSION:**

**Adoption of April 13, 2011 Full Board minutes: Minutes were adopted by a voice vote.**

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

Mark provided updates and made a few requests:

**1)** Organized by the Kips Bay Neighborhood Alliance, this Saturday, June 11 is Kips Bay Community Day on Second Avenue between 30<sup>th</sup> & 33<sup>rd</sup> Streets and the Service Road between the hours of 11am to 4pm. **2)** Announced Community Board Six is hosting a forum on the "Impact of Medicaid Redesign", on June 30 at NYU Medical Center, 550 First Ave, Alumni Hall A, at 7pm. As well as, thanked Committee Chair Will Weder for facilitating it. **3)** Announced Senator Liz Krueger forum on "Medical Options for Chronic illness & End of Life Care" which is to be held Tuesday, June 28th, 6:30-8:30 pm at Lighthouse International, located at 111 East 59th Street (b/t Lexington and Park).

Mr. Thompson invited all Board and Public Members to a "Dutch Treat Brunch" on Saturday, 11am at Gemini Diner located at 642 Second Avenue at the southwest corner of 35<sup>th</sup> Street.

### **Appointment of Nominating Committee**

Appointees are: Fred Arcaro, Chair; Louise Dankberg; Rebecca Haile; Maxine McIntosh and Carol Schachter.

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

**1)** We now have two interns, Alexandra Targowski from Hunter College will work 35-hours a week for the next 8-weeks and Alina Durkovic from Pace University will work 3-days a week until she can longer do so. They have already been of great assistance in alleviating a great deal of paper backlog. Though the City's Summer Youth Employment Program, we expect a third worker from July 5th through August 19<sup>th</sup>. **2)** After receiving several complaints of vagrants going through the recycling at 201 E. 17<sup>th</sup> St. and, leaving a trail of debris behind, I am pleased to report that we were able to work out with our DOS Dist. Superintendent & the building manager, a new recycling schedule that seems to be working. **3)** At the request of Sherrill Kazan, President of the Friends Dag Hammarskjold a meeting was arranged for June 6<sup>th</sup> with DPR Concessions reps and the Manager of the park concession to review DPR's objections to the manner in which they operate.

At the present time they are in danger of losing the concession; additional meetings may be necessary before the issue can, if it can be resolved. Anyone interested in the details, just contact me.

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

As we come to the end of the Fiscal Year the OTPS balance is \$3,923. The two summer interns necessitate the purchase of an additional laptop in addition to another keyboard which is to be purchased shortly.

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

The Borough President just released a new report titled “Tenants and Toxins” regarding the use of No. 4 & 6 heating oil in rent regulated buildings in NYC.

- Came out of a concern that building owners may pass along the cost of replacing inefficient boilers to rent regulated tenants through MCIs (major capital improvements).

The Environmental Defense Fund has estimated that there are roughly 8,900 buildings in NYC burning #4 and #6 heating oil.

- Although these “dirty boilers” represent just 1% of the city’s building stock, they account for 86% of the city’s soot pollution.
- To put this in context, the EDF estimates that burning #4 and #6 heating oil produces fifty percent more air pollution than all of the cars and trucks in NYC

Combining EDF data with info from Rent Guidelines Board, our office found that: Roughly two-thirds of all dirty boilers in the city are located in rent regulated buildings (the precise number is 5,614 of the 8,912 dirty boilers, or 63 percent). Manhattan and the Bronx are the boroughs with the highest number of dirty boilers in rent regulated buildings: Manhattan (2,204) and The Bronx (1,928). Many of these boilers are in areas that also have high percentages of young children and seniors – populations that are most susceptible to the environmental impacts of boiler pollution.

Last month, Mayor Bloomberg announced plans for the New York City Energy Efficiency Corporation (EEC), a small, \$37 million loan fund that will be partially dedicated to boiler conversions.

- Our contention is that loans alone will not solve this problem, and that more attention must be paid to the unique financial constraints faced by rent regulated buildings.

We also believe that the City’s current timeline for replacing these boilers – 2015 for #6 boilers, and 2030 for #4 boilers – is too slow and has many loopholes that will allow these boilers to continue polluting for years.

### *[Tax Receipt]*

A couple weeks ago, the Borough President launched the “NYC Taxpayer Receipt,” an online tool that gives users an itemized breakdown of how their property, income and other taxes are divided by the City to support governmental agencies and other big-ticket costs.

The receipt can be found at [www.NYtaxreceipt.com](http://www.NYtaxreceipt.com)

### *[LGBT Pride Month Celebration]*

The Borough President will be hosting a LGBT Pride Month Celebration and Awards Ceremony, Thursday, June 23<sup>rd</sup> from 6:00-8:00pm The Lesbian, Gay, Bisexual Transgender Community Center on 208 West 13<sup>th</sup> Street (between 7<sup>th</sup> and 8<sup>th</sup> Avenues)

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. Land Use & Waterfront – Ed Rubin, Chair**

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

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

a. **Report:** Richard Eggers announced upcoming committee meeting dates and reminded board chairs to send District Needs Statements before the deadline.

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

a. **Report:** Claude L. Winfield, informed the board that we are in the final week before rent stabilization comes up at this point the board has passed a resolution in support, if you haven't called or emailed the governor in support or rent stabilization laws please do so.

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

a. **Report:** Maxine McIntosh announced the citywide effort to collect backpacks for New York City Shelters "Operation Backpack" and asked anyone that was interested in donating a backpack filled with school supplies to leave it at the board office for pick up.

### **5. Health, Seniors & Disability Issues – Will Weder, Chair**

#### **a. The Reproductive Health Act (Assembly Bill A 6112)**

**WHEREAS:** a woman's right to control her own reproductive health has been increasingly under attack on both federal and state levels, this bill would clarify and reaffirm these rights in New York State; and

**WHEREAS:** these bills would affirm a woman's right to an abortion prior to the viability of the fetus and at any time to protect the woman's life or health; and

**WHEREAS:** these bills would prohibit state discrimination against the exercise of reproductive rights in the provision of benefits, facilities, services or information; and

**WHEREAS:** these bills would legally treat abortion comparably to other medical procedures by removing the current abortion provisions from the Penal Law and enacting the above abortion provisions in the Public Health Law; and

**WHEREAS:** these bills would codify the right to contraception and repeal the statute that prohibits providing non-prescription contraceptives to minors; now

#### **THEREFORE BE IT**

**RESOLVED,** that Community Board 6 strongly supports the approval of the Reproductive Health Act, A. 6112- 2011 and S 2844-2011, and urges the State legislature to pass this bill and the Governor to sign the bill immediately upon passage.

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

**Report:** Announced the board has invited all our local elected officials to co-sponsor the "Impact of Medicaid Redesign" forum on June 30 at NYU Medical Center, 550 First Ave, Alumni Hall A at 7pm. Will also commended Nicole Paikoff for giving a report on NYS Health Insurance Exchange forum held on Wednesday, May 18.

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

**a Reso: LPC Certificate of Appropriateness for 2 Rutherford Pl. – Window replacements & restoration work.**

**Whereas**, the owner of 2 Rutherford Place in the Stuyvesant Square Historic District is seeking a Certificate of Appropriateness to replace existing child guards on the front façade on the top 2 story's with a more elaborate design; and

**Whereas**, this is a row house originally built in 1855 with a 1907 extension which is being converted to single family use; and

**Whereas**, the design was reviewed by Community Board 6 which considers the proposed replacement child guards as too elaborate for the existing historic district; now

**Therefore, Be It**

**Resolved**, Community Board 6 is not opposed to child guards at this location provided that the design is simple and not call undue attention to itself on the building façade.

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

**Report:** Gary stated that the Robert Moses Playground resurfacing has begun. It should take at least six weeks to put new asphalt down. He also announced that the onsite meeting for the area behind 1 Sutton Place to be returned to public use was cancelled at the last minute. Based on the Mayor's May Executive Budget no New York City Library branch would be open more than four days a week; that is the branches that will not be closed.

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

**a. Reso: Implementation of SBS, north on 1<sup>st</sup> & 2<sup>nd</sup> Aves., E. 34<sup>th</sup> to E.59<sup>th</sup> Sts.**

**Whereas**, Department of Transportation (DOT), at the May 2, 2011 Public Safety, Environment and Transportation committee meeting, has announced it will be resuming construction this summer and autumn of the segment of bike lanes between E. 34<sup>th</sup> St. and E. 59<sup>th</sup> St.; and

**Whereas**, since the completion of the first phase construction of the First Avenue and Second Avenues Select Bus Service and Bicycle lane design, we have seen many improvements:

A 30% increase in Avg. Daily Ridership from Limited Bus Service to Select Bus Service.

A 15% (about 12 minutes) faster running time than the previous Limited Bus Service.

SBS spend 36% less time at stops than Limited Bus Service.

SBS bus moves about 11% faster than Limited Bus Service.

Taxi speed has increased on Second Avenue but First Avenue Taxi speed is about the same.

There have been decrease in crashes and injuries during the 6 month period of October 1, 2010 to March 31, 2011 compared to the average for the 6 month period of 2007-8, 2008-9 and 2009-10 on streets from Houston Street to 34<sup>th</sup> Street on First and Second Avenues:

- o Crashes: a decrease of 3.4%

- o Crashes with injuries: a decrease of 7.3%
- o Total injuries: a decrease of 8.3%

A big increase in Bicycle Volumes along First Avenue with a small decrease on Second Avenue during the winter months but increases during warmer months

**Whereas**, SBS along with First and Second Avenues design treatments was intended not only to provide faster bus service but also to encourage increased bicycle usage to create a public good in the form of reducing congestion on city streets and not polluting the air with burning fossil fuels. For individuals who choose this means of transportation, their personal health benefits from regular physical exercise, and their personal finances benefit, too, saving on the costs associated with automotive usage or taking public transportation; and

**Whereas**, it is common knowledge that First and Second Avenues in the East 40s and East 50s are a major commuting route for both motorists (mostly motorist) and bicyclists who use the 59<sup>th</sup> St. Bridge to travel to and from Queens, using the Queensboro Ed Koch Bridge, as well as from upper and lower Manhattan resulting in extremely high volume of motor vehicle traffic; and

**Whereas**, DOT did consider the Community Board Six request for SBS design “D” along Second Avenue, but responded that to implement such a design would negatively impact traffic operations and surrounding communities as follows:

Design “D” requires the elimination of one traffic lane for an already under high volume of traffic condition resulting in:

- o Increase in traffic congestion which would result in more air and noise pollution in the community.
- o An estimated and additional 71 parking spaces would need to be removed which would adversely impact businesses along First and Second Avenues.

**Whereas**, it is also recognized that the mixing of bicyclists in with high volumes of motor vehicle traffic, which is called for in design “C”, has a potential to create safety issues for both bicyclists and motorists; and

**Whereas**, it is imperative, in the interest of bicyclist safety, that DOT’s proposed design for the shared bicycle path have a robust treatment that would better protect bicyclists; now

**Therefore be it,**

**Resolved**, that Community Board Six supports DOT’s plan and calls upon DOT to provide a robust treatment that would promote bicyclist safety through steps such as:

Painting the shared bicycle lane a distinctive color that clearly alerts motorists that they are in a shared bicycle lane and to watch out for bicyclists.

Frequent bicycle logos to be painted on the shared lane.

Installing overhead signage alerting that it’s a shared bicycle lane.

Painting a solid white line to distinguish the shared lane from other traffic lanes.

Considering the shared lane to be a reduced speed lane compared to general traffic lanes.

**Be it further resolved**, that Community Board Six calls upon DOT to conduct future studies to investigate the possibility of extending Design “D” north of 49<sup>th</sup> Street on First Avenue and south of 57<sup>th</sup> Street on Second Avenue.

**VOTE: 34 in Favor 5 Opposed 2 Abstention 1 Not Entitled**

**b. Reso: Queensboro Bridge Bus Priority Study.**

**WHEREAS**, the Ed Koch Queensboro Bridge (QBB) is a major bus corridor with 1600 bus trips a day (110 buses during PM rush hour); and

**WHEREAS**, QBB experiencing extreme congestion with significant bus delay during rush hour and over 75% of QBB bus riders reporting regular delays; and

**WHEREAS**. The Department of Transportation (DOT) study focused on the following areas

1. 60<sup>th</sup> Street and 2<sup>nd</sup> Avenue for bus safety
2. 57<sup>th</sup> Street and 3<sup>rd</sup> Avenue for opportunity for bus priority
3. Crescent Street and Queens Plaza North for pedestrian and bike safety
4. Thomson Avenue and Van Dam Street for traffic congestion and pedestrian safety
5. Thomson Avenue for traffic congestion; and

**WHEREAS**, DOT as result of its study made the following recommendations:

For area number one, there are two recommendations, one is to have dedicated bus phase left turn on to Second Avenue from 60<sup>th</sup> Street to reduce the risk of Q60 bus collisions with traffic exiting the QBB. The second recommendation calls for, in addition the action in the first recommendation, to reconfigure 60<sup>th</sup> Street to two dedicated bus lanes for Q60 and Q101 buses. This second recommendation promotes pedestrian safety resulting fewer Q101 bus turns

For area number 2, DOT recommends that a east bound bus signal priority be installed on the south west corner of 57<sup>th</sup> Street and Third Ave., which would result in less bus delay benefiting 45 express and 10 local buses in PM peak hour and would reduce sideswipe crashes attempting to merge left east of Third Ave.

For area number 3, DOT proposes to construct a Bikeway/Pedestrian Crossing at the location and to provide a 10-Second leading Pedestrian interval for pedestrian/bikeway crossing to improve pedestrian and bike safety.

For area number four, DOT recommends new signal timing improvements:

- o More green time for buses turning right
- o Seven-second leading pedestrian interval for south side on Van Dam Street
- o Repave rutted paver crosswalk on the south side on Van Dam Street

The benefits from this DOT proposal are:

Reduce right-turn delays for buses and cars

Benefit 100 express buses in PM peak period

Reduce pedestrian with vehicle conflicts (about 1,400 pedestrians use south crosswalk in PM peak hour)

For area number five, DOT would need to do further study to come up with recommendation to address congestion in this area; now

**THEREFORE BE IT**

**RESOLVED**, that Community Board Six supports DOT proposed recommendations as stated above for areas that are within the CB6 district.

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

**c. Reso: the phasing out use of #4 & #6 Heating Oil in NYC Schools.**

**WHEREAS**, New York City air fails to meet federal standards for particulate matter (soot) and ozone; and

**WHEREAS**, the two major sources of air pollution generated in NYC are vehicle traffic and buildings burning high-sulfur heating oil, according to the New York City Community Air Survey (NYCCAS), a comprehensive survey of street-level air quality (April 13, 2011); and

**WHEREAS**, these emissions aggravate asthma and other respiratory problems, increase the risk of cancer and cardiovascular disease. The continued use of dirty heating oil in the public schools is exposing the most vulnerable population, children – in addition to teachers and parents in the school community and the surrounding neighborhood; and

**WHEREAS**, the city will phase out the use of unrefined oil sludge and the most-polluting grades of heating oil as part of the updated PlaNYC, a comprehensive citywide plan for a healthier environment (April 21, 2011). Under the new rule, all residential, commercial and institutional buildings will be denied new No. 6 oil permits between 2012 and 2015 (depending on when the current permit expires); and, No. 4 oil permits will be denied upon boiler or burner replacement. The sunset date is 2030. However, the rule allows the DEP to enter into “Compliance Agreements” with building owners to renew existing boilers or receive an extension that will allow them to go past the 2015 and the 2030 sunset date, dependent upon the number of buildings owned; and

**WHEREAS**, there are 56 public elementary middle, and high schools that burn the dirtiest types of heating oil (No. 4 or No. 6 oil) in the Borough of Manhattan, including 2 schools in Community Board Six,. These schools emit large amounts of soot and heavy metals; and

**WHEREAS**, given that the Department of Education owns more than 50 buildings and could be granted extensions to go past the 2015 date for No. 6 oil buildings and past 2030 for No. 4 oil buildings, the public is concerned that schools will not be converted in a timely manner and could drag out for decades; and

**WHEREAS**, the regulations governing the maintenance and capital improvements in the public schools must be modified and streamlined by the Department of Environmental Protection (DEP), Department of Education (DOE) and School Construction Authority (SCA) to convert the No. 4 and No. 6 oil schools’ boiler systems to allow for the switch to natural gas or No. 2 heating oil and other clean sources of energy by 2022; and

**WHEREAS**, energy policy analysts have estimated that the costs associated with the conversion of the heating systems will be offset by savings in fuel costs and operating expenses, as well as savings in health care costs, thereby justifying the capital expenditure to the City; and

**WHEREAS**, improving the infrastructure of the public schools by converting the boilers that are burning dirty heating oil to using less polluting fuel would provide green jobs now; and

**WHEREAS**, it is safest and reduces costs for school construction projects to take place while the students are on recess and the heating units are not being used during the summer. This might require relocating summer school students to public schools nearby; and

**WHEREAS**, while Community Board Six supports the City's upgrading the infrastructure of its public schools by converting the boilers to burn less sooty fuels, CB6 also believes New York City should try alternative means of building climate control that can lessen the need for fossil fuels, and save money too, for example, using on-site geothermal well heat exchangers (which also create truly "green" jobs); now

**THEREFORE BE IT**

**RESOLVED**, that Community Board Six calls on the City to release a timetable for when the boilers of the 56 public schools that burn No. 4 or No. 6 oil will be phased out; and

**BE IT FURTHER**

**RESOLVED**, that those prioritizing of the 39 schools that burn the No. 6 heating oil, like the recent rules that were passed requiring their conversion by 2015 instead of 2022. To facilitate this, Community Board Six calls on the DEP, DOE and SCA to streamline the regulations governing the maintenance, renovation and capital improvements in the public schools as well as allocate the funds necessary to convert the schools' heating systems to allow for the conversion or replacement of the boilers burning dirty oil to natural gas or No. 2 heating oil and other clean sources of energy.

**BE IT FURTHER**

**RESOLVED**, that CB6 encourages New York City also to investigate alternative means of building climate control that can reduce its overall reliance on fossil fuels and reduce its cost.

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

f. **Report:** Fred Arcaro notified the board of PSET July 11 Committee meeting, specifically Baruch College presentation on restricting 25<sup>th</sup> St for their Open Campus project.

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

a. **Reso:** New, OP license for Eun James d/b/a Bonchon Chicken, 347 Lexington Ave at E. 40<sup>th</sup> St.

**WHEREAS**, the applicants did not appear before us at our May 19 meeting 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 therefore there is no way to determine whether another on-premise venue is in the public interest; now

**THEREFORE**, be it

**RESOLVED**, that Community Board Six objects to the application for an on-premise license.

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

- b. **Reso: New, OP license for Corp To Be Formed (TBF)d/b/a TBD, 1055 1<sup>st</sup> Ave btw E. 57<sup>th</sup> & 58<sup>th</sup> Sts**

**WHEREAS**, Owner Gene Dubrovin and spouse Karen Carastina appeared before the Business Affairs and Street Activities Committee of Community Board 6 Manhattan (CB6M) on May 19 having jurisdiction of the premises in the license application process; and

**WHEREAS**, this high-end restaurant is in effect a **transfer** as opposed to a new on-premise application; and

**WHEREAS**, this venue is subject to the 500 foot rule and in order to show that another on premises license was in the public interest, Gene Dubrovin entered into a Change Agreement stating their hours of operation would be 11:00 a.m. to midnight seven days a week; and

**WHEREAS**, there was no one in attendance to speak for or against the venue; 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 May 19, 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: 42 in Favor 0 Opposed 0 Abstention 0 Not Entitled**

- c. **Reso: New, OP license for 45 Tudor, LLC d/b/a Convivio, 45 Tudor City Pl at E. 43<sup>rd</sup> St.**

**WHEREAS**, the applicants did not appear before us at our May 19 meeting 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 therefore there is no way to determine whether another on-premise venue is in the public interest; now

**THEREFORE**, be it

**RESOLVED**, that Community Board Six objects to the application for an on-premise license.

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

d. **Reso:** New, OP license for 53 Foods, LLC. d/b/a TBD, 224 E. 53<sup>rd</sup> St btw 2<sup>nd</sup> & 3<sup>rd</sup> Aves. **WHEREAS**, the applicants did not appear before us at our May 19 meeting 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 therefore there is no way to determine whether another on-premise venue is in the public interest; now

**THEREFORE**, be it

**RESOLVED**, that Community Board Six objects to the application for an on-premise license.

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

e. **Reso:** New, OP license for Corp TBF d/b/a Adriatic Italian Restaurant & Pizzeria, 321 1<sup>st</sup> Ave at E. 19<sup>th</sup> St.

**WHEREAS**, Owner Halil Djonbalij appeared before the Business Affairs and Street Activities Committee of Community Board 6 Manhattan (CB6M) on May 19 having jurisdiction of the premises in the license application process; and

**WHEREAS**, we could not give unrestricted approval of the application having not received their Certificate of Occupancy; and

**WHEREAS**, this venue is subject to the 500 foot rule and in order to show that another on premises license was in the public interest, Halil Djonbalij entered into a Change Agreement stating their hours of operation would be 11:00 a.m. to midnight seven days a week; and

**WHEREAS**, there was no one in attendance to speak for or against the venue; 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 May 19, 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, contingent upon receipt of the Certificate of Occupancy by the Community Board.

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

f. **Reso:** New, OP license for Corp TBF d/b/a TBD, 694 3<sup>rd</sup> Ave at E. 44<sup>th</sup> St.  
**WHEREAS**, Representative James Wang appeared before the Business Affairs and Street Activities Committee of Community Board 6 Manhattan (CB6M) on May 19 having jurisdiction of the premises in the license application process; and

**WHEREAS**, we were advised this venue would be a Chinese restaurant called Cottage; and

**WHEREAS**, this venue is subject to the 500 foot rule and in order to show that another on premises license was in the public interest, James Wang entered into a Change Agreement on behalf of the applicant stating their hours of operation would be 11:00 a.m. to midnight seven days a week; and

**WHEREAS**, there was no one in attendance to speak for or against the venue; 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 May 19, 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: 42 in Favor 0 Opposed 0 Abstention 0 Not Entitled**

g. **Reso:** New, OP license for Culinart, Inc. d/b/a TBD, 2 Waterside Pl, Blg 25.  
**WHEREAS**, President of Culinart, Inc. Thomas R. Eich appeared before the Business Affairs and Street Activities Committee of Community Board 6 Manhattan (CB6M) on May 19 having jurisdiction of the premises in the license application process; and

**WHEREAS**, we were advised this venue would be a catering kitchen only and not an operation catering to parties, Mr. Eich entering into a Change Agreement to this effect; and

**WHEREAS**, there was no one in attendance to speak for or against the venue; 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 May 19, 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: 42 in Favor 0 Opposed 0 Abstention 0 Not Entitled**

- h. **Reso:** Renewal, DCA application (#1320327) unenclosed sidewalk café, 11 tables & 23 seats for Defonte's of New York, Inc. d/b/a Defonte's of Brooklyn, 261 3<sup>rd</sup> Ave at E. 21<sup>st</sup> St.

**WHEREAS**, Owner Nick Defonte and Architect/Designer Steve Wygoda appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on May 19, CB6M having jurisdiction of the premises in the license application process; and

**WHEREAS**, issues concerning the cellar doors, diagonal parking by police vehicles and pedestrian space were all addressed and discussed; and

**WHEREAS**, the applicant promised to move the existing planters closer to the street and to reduce the street furniture to 7 tables and 14 seats and further agreed to investigate options for alleviating the cellar door problem, accomplishing said renovations in no later than three months; and

**WHEREAS**, Steve Wygoda signed a Change Agreement adhering to the furniture and cellar door solution; now

**THEREFORE**, be it

**RESOLVED**, that CB6M has no objection to this renewal application, subject to the enforcement of the signed Change Agreement.

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

- i. **Reso:** SAPO: Community Board 6 Street Fair Application, June 17, 2011, 11am to 4pm at E. 41<sup>st</sup> St btw Lexington & 3<sup>rd</sup> Aves.

**WHEREAS**, this application was specifically placed on our committee agenda for the community to come and address any concerns they might have, and there were none; and

**WHEREAS**, this is one of two minor street fairs the Board is applying for as is done by several other community boards in Manhattan, being also run by a promoter in the same location as CB6 had its previous street fair; now

**THEREFORE**, be it

**RESOLVED**, that Community Board Six has no objection to the application for a street fair for this date and time.

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

- j. **Reso:** SAPO: Community Board 6 Street Fair Application, September 30, 2011, 11am to 4pm at E. 41<sup>st</sup> St btw Lexington & 3<sup>rd</sup> Aves.

**WHEREAS**, this application was specifically placed on our committee agenda for the community to come and address any concerns they might have, and there were none; and

**WHEREAS**, this is one of two minor street fairs the Board is applying for as is done by several other community boards in Manhattan, being also run by a promoter in the same location as CB6 had its previous street fair; now

**THEREFORE**, be it

**RESOLVED**, that Community Board Six has no objection to the application for a street fair for this date and time.

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

- k. **Report: Vice Chair, Steve Dubnoff notified the board of BASA's July Committee date and location. As well as provided an update on the new change agreements.**

**Old/New Business**

**Second Roll Call – Aaron Humphrey**

**Meeting Adjourned at 10pm**