

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

**Hon. Mark Thompson, Chair**

**ATTENDANCE**

**Members answering first roll call:**

Barrett, Curtis, Dankberg, Dubnoff, Eggers, Figueroa, Frank, Friedman, Garland, Goldman, Gonzalez, Haile, Hollister, Humphrey, Imbimbo, Judge, McIntosh, McKee, Negrete, Oddo, O'Neal, Papush, Parrish, Reiss, Rubin, Scala, Schachter, Scheyer, Sepersky, Sherrod, Simon, Steinberg, Thompson, Weder, Winfield

**Members answering second roll call:**

Barrett, Curtis, Dankberg, Dubnoff, Eggers, Figueroa, Frank, Friedman, Garland, Goldman, Gonzalez, Haile, Hollister, Humphrey, Imbimbo, Judge, McIntosh, McKee, Negrete, Oddo, O'Neal, Papush, Parrish, Reiss, Rubin, Scala, Schachter, Scheyer, Sepersky, Sherrod, Simon, Steinberg, Thompson, Weder, Winfield

**Excused:** Arcaro, Buchwald, Collins, Disman, Lee, McGuire, Moses, Pellezzi, Schaeffer, Seligman,

**Absent:** Bergman, Landesman, Parise, Schwadron, West

**Guests signed in:** Enrique Lopez – Sen Tom Duane; Anicka Kolarik - C/M Dan Garodnick; Christina Bottego - C/M Jessica Lappin; Kristen Ellis – BP Stringer; Dara Adams - Cg/M Carolyn Maloney; Zach Gamza-Sen. Liz Krueger; Barbara Sherman - C/M Rosie Mendez; Keith Powers & Jake Dilemani – A/M Jonathan Bing; Jeffrey LeFrancios – A/M Dick Gottfried; Jenna Adams - A/M Brian Kavanagh; Carol Rinzler, Wendy Byrne – NYH20; Rajesh Nayar, Pearlie Wong

## INDEX

<b>Meeting Called to Order</b>	<b>3</b>
<b>Adoption of the Agenda</b>	<b>3</b>
<b>Roll Call</b>	<b>3</b>
<b>Public Session</b>	<b>3</b>
<b>Business Session</b>	<b>5</b>
<b>Adoption of the December Full Board minutes</b>	<b>5</b>
<b>Report from the Chair</b>	<b>5</b>
<b>District Manager's Report</b>	<b>6</b>
<b>Treasurer's Report</b>	<b>6</b>
<b>Borough President's Report</b>	<b>6</b>
<b>Committee Reports</b>	<b>7</b>
<b>Budget &amp; Governmental Affairs</b>	<b>7</b>
<b>Youth &amp; Education</b>	<b>7</b>
<b>Health, Senior &amp; Disability Issue</b>	<b>7</b>
<b>Parks, Landmarks &amp; Cultural Affairs</b>	<b>8</b>
<b>Land Use/ Waterfront</b>	<b>8</b>
<b>Public Safety, Environment &amp; Transportation</b>	<b>11</b>
<b>Housing, Homeless Services &amp; Human Rights</b>	<b>12</b>
<b>Business Affairs &amp; Street Activities</b>	<b>13</b>
<b>Old/New Business</b>	<b>15</b>
<b>Second Roll Call</b>	<b>15</b>
<b>Appendix A: FULL BOARD ATTENDANCE RECORD</b>	<b>16</b>
<b>Appendix B: ROLL CALL VOTES ON RESOLUTIONS</b>	<b>17</b>

## **Meeting Called to Order**

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

### **Adoption of Agenda**

Agenda was adopted with an amendment.

**Roll Call** – Aaron Humphrey

## **PUBLIC SESSION**

**Dara Adams** representing Cg/M Carolyn Maloney reported: **1)** Cg/M Maloney, Hinchey and Nadler wrote to Lisa Jackson, Administrator of the Environmental Protection Agency (EPA) asking her to review an internal EPA decision to not call for a moratorium on Hydraulic Fracturing in the NYC Watershed. As reported last Thursday by the NY Times, the internal versions of the EPA’s comments on New York’s SGEIS included a ban on so-called “hydrofracking” in the area that supplies drinking water to NYC but that prohibition was removed in the final public version. Cg/M Maloney & her colleagues were very disturbed by the article and issued the following statement: We hope that both committees will hold hearings to determine whether the drinking water is safe. If Federal & State regulations have not kept pace with this growing industry, we need to know before it creates a public health concern. As representatives of NYS we are especially concerned given that some of the wastewater from hydrofracking is being transported to public sewage plants in our state. By holding hearings, Congress, the industry and the public would have a better understanding of wastewater treatment and what further Congressional action is needed.

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

**Enrique Lopez** representing Sen. Tom Duane reported: **1)** The Senator is strongly opposed to the State Executive Budget proposal that would reduce \$25.2 million in funding for NYC Senior Centers, which would effectively force the closure of 105 of them including the Stein Senior Center in CB6. He stated that this would be devastating to elderly New Yorkers who rely upon these centers for meal programs, activities and companionship, which are critical for their well being and help prevent their premature institutionalization. He appreciates all the constituents that reached out to him on this important issue and will continue working with advocacy organizations and legislative colleagues to overturn the devastating cuts. **2)** Sen. Duane was named Senate Minority Leader to the Medicaid Redesign Team (MRT). While he looked forward to the opportunity of being a member of the team, he was concerned that there was only one Medicaid consumer advocate appointed to the MRT, while a disproportionately large number of the healthcare, insurance and business industry groups were represented. Going forward the Senator believes that members of the MRT can put forward proposals that not only provide cost efficient measures for the State, but also provide high quality health care for those who need the Medicaid system the most. He will continue to make consumer voices and views an important part of his mandate on the MRT. If you would like more information about the Medicaid Redesign Team or would like to share your suggestions, please visit <http://governor.ny.gov/medicaidredesign>

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

**Zach Gamza** representing Sen. Liz Krueger announced: **1)** Real Rent Reform East Side Tenants' Town Hall, Thursday March 17<sup>th</sup>, 6:30 to 8:30 pm at the NY Blood Center **2)** Sen. Liz Krueger's Senior Roundtable the fifth in the series "End of Life Decision and Senior Advocacy", Thursday, March 24<sup>th</sup>, 8:00-10:00 AM at Lenox Hill Neighborhood House. These events are always well attended, so we ask that you RSVP in advance.

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

**Jeffrey LeFrancois** representing A/M Gottfried reported: **1)** For the fourth consecutive year the bill A5039, which protects transgender people under the State Human Rights law, was reported by the Assembly Committee on Government Operations. A/M Gottfried the sponsor of bill A5039-Gender Expression Non-Discrimination Act (GENDA) states this is an important and overdue protection of human rights. He expects to go to the Assembly floor for a vote soon and for the bill to pass. **2)** As the Chair of the Assembly Health Committee, A/M Gottfried represents the Assembly Democrats on the MRT. During the vote for the final report the Assembly Member abstained because he was only given less than 24-hours to review the report. However, the adopted February 24<sup>th</sup> report contains many important plans for controlling Medicaid costs while protecting quality and accessibility of care, but many of those ideas will require clarifications and changes to make sure they help and not hurt. Some of the proposals unfortunately would do more harm to safety-net providers and patients. The package also authorizes the Health Commissioner to make further cuts in payments to health care providers and limit benefits as he deems necessary.

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

**Jenna Adams** representing A/M Brian Kavanagh reported: A/M Kavanagh signed onto a letter sent to the Governor expressing his disapproval regarding the proposed change to the Title XX budget proposal that would close 105 Senior Centers throughout NYC.

For more information on this and other reports see the Assembly Member's Community Bulletin or go to [www.briankavanagh.org/news/?m=201103](http://www.briankavanagh.org/news/?m=201103)

**Anicka Kolarik** representing C/M Dan Garodnick reported **1)** the Council Member's office has been receiving calls in reference to Dept. of Environmental Protection (DEP) vehicles being parked and sometimes double parked outside of the DEP garage located on E. 37<sup>th</sup> St near the FDR Drive service road, while personal cars were being parked inside the garage and that occasionally DEP vehicles would enter the street going the wrong way, which residents felt posed a dangerous situation to pedestrians, cyclist & motorist. C/M Garodnick wrote a letter to the DEP Commissioner expressing the community & his concerns regarding this issue and requested that steps be taken to ensure that all traffic and parking rules were adhered and that only Official vehicles are parked in the garage. **2)** C/M Garodnick also wrote a letter to developer Sheldon Solow drawing his attention to the ongoing issue of the unsightly parking lot at 685 First Ave urging him to bring the site into compliance according to the Dept. of buildings codes. **3)** Anicka stated she will be leaving the Council Member's office, so this would be her last meeting. She expressed her pleasure in working with the various members of our board.

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)

**Christina Bottego** representing C/M Jessica Lappin reported on two pieces of important legislation authored by the Council Member and passed by City Council.: **1)** Pedestrian Safety Bill which will require the NYPD to post information on traffic accidents, injuries and fatalities on the web for public viewing. **2).** Pregnancy Services Centers bill; right now there are nearly 2-dozen so-called “crisis pregnancy centers” operating in NYC. Many of these centers pose as medical facilities, they are not. They are anti-choice facilities designed to confuse women and prevent them from exercising their right to choose. This bill will require 1) truth in advertising outside and in their offices if there is or is not medical staff present; 2) require disclosure if they do or do not offer abortions, emergency contraception, or pre-natal services – or referrals for such services; 3) inform woman that they should consult with a licensed medical provider if they are or believe they may be pregnant; and 4) require that any information a woman gives to these centers be treated as strictly confidential. The Council Member thanks CB6 for their resolution of support.

For a complete report on these and other issues, see the Council Member’s Community Bulletin or go to [lappin@council.nyc.gov](mailto:lappin@council.nyc.gov)

**Carol Rinzler**, resident spoke about making changes to the Bellevue 30<sup>th</sup> Street Men’s Shelter. She along with the Bellevue CAB and DHS are working tirelessly to come up with a solution. Carol thanked Mark Thompson for all of his work & help he has contributed to the CAB.

**Wendy Byrne** representative for NYH2O spoke against Hydraulic Fracturing near the Delaware Water Basin.

## **BUSINESS SESSION:**

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

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

Mark provided updates and announcements:

1. We are working closely with residents in the East 50’s on the potential relocation of the back-up water main, which is being proposed for East 58<sup>th</sup> St. We will keep you informed of the situation as it progresses. Thanks to Fred Arcaro and the Sutton Area Community Association for being so active.
2. As you may have heard, discussions are underway to restore the cuts to the cross-town M50 bus service on weekends. A few of us will be doing a site visit with the MTA to explore options. We are optimistic about the outcome; thanks to the Turtle Bay Association and Cg/M Maloney’s office for their help.
3. One exciting piece of news is that Commissioner Castro of the Parks Department has asked me to let everyone know that Robert Moses Playground will be resurfaced by the end of the summer, this is great news. The contract for the work is in process now. Congratulations to you, Gary Papush & the Parks, Landmarks & Cultural Affairs Committee and everyone else the Board has been working with on getting this done. It was not easy. This shows that community involvement and vigilance works.
4. On Friday, March 11<sup>th</sup>, 1:00 pm, at City Hall, we need to attend the rally C/M Jessica Lappin is holding to save the Senior centers.
5. Would like to thank Josh Schwadron, who is stepping down. He has been a great friend and has really done a stella job while on BASA. As of April 1<sup>st</sup>, Steve Dubnoff will be appointed Vice Chair of BASA.

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

1. I'd just like to mention the reformatting of the Ballot and Full Board Agenda, from now on all resolution lettering will match the committee agendas; e.g. if item A is a discussion or hearing, it will be reflected with a # instead of a letter; only resolutions will have letters. This will assist in ensuring that we are receiving all resolutions listed on agendas.

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

Due to the absence of Bea, there was no report.

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

1. As many of you know, the Borough President is a co-convenor of the 34<sup>th</sup> Street Transitway Community Advisory Committee (CAC). The next meeting is Monday, March 14<sup>th</sup> at the New Yorker Hotel; at this meeting DOT will present a preliminary design for comment from the CAC. The CAC will have the opportunity to discuss the overall operation of 34<sup>th</sup> Street, Transitway as well as the proposed design of individual blocks. While the CAC meeting is not open to the public, the DOT and NYCT are also planning to present the design at two public meetings towards the end of March. The East Side open house will be held Wednesday, March 30<sup>th</sup>, 6-8pm at Norman Thomas High School; the West Side open house will be at the New Yorker Hotel, March 31<sup>st</sup>. I encourage anyone who is interested in this project to attend one of the public meetings and provide input directly to the DOT and NYCT.
2. The Borough President is hosting a conference on infrastructure financing called "BANKING ON THE FUTURE: A New Paradigm for Rebuilding Our Nation's Infrastructure." The conference will bring together a broad range of experts to examine national, regional and state infrastructure bank concepts, and to create an action plan for implementing legislation. The day will include focused break-out sessions on clean energy; transportation and high speed rail; private and pension investments for public projects; the labor force and jobs creation. Participants will include: former Pennsylvania Governor Ed Rendell, Representative Steve Israel, Representative Jerrold Nadler, Port Authority Executive Director Christopher Ward and New York State Public Service Commission Chair Garry A. Brown. The conference will take place on Monday, March 14<sup>th</sup>, Baruch College.
3. The Borough President is looking for interested community-oriented individuals who have an interest and background in education to serve on the Community Education Councils (CECs). The Borough President makes two appointments for each CEC. CECs are instrumental in acting as the community's voice in the decision-making process for public elementary, intermediate and junior high schools, approving school zoning lines, holding hearings on the school capital plan and providing hands-on leadership and support for the community's public schools. If you or someone you know are interested in applying for an appointment, please let me know
4. Finally, I'd just like to recognize Ed Bergman, Josh Schwadron and Melissa Lee for their service to the Community Board. Though they have decided not to re-apply for a new term, the Borough President is very grateful for their service and contributions in making this a strong and vibrant board, we look forward to continuing to work with you and hope to see you at future meetings. That said, new appointments will be announced over the next few weeks, so you can expect to see a few new friendly faces at the next full board meeting in April.

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

## Committee Resolutions & Reports

### 1. Budget & Governmental Affairs – Rick Eggers, Chair

- a. **Report:** Rick reported that the committee, at this time, has been discussing the Mayor’s Preliminary Budget and its process as well as what it could mean to community boards as well as the community.

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

- a. **Report:** Maxine reported that Jamie Smarr from the School Construction Authority attended last months meeting and gave an update on the Art & Design H.S project. He stated that the project should be completed by 2012.

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

#### a. In support of Intro 371A: Regulating Pregnancy Service Centers

**Whereas**, pregnancy services centers or “crisis pregnancy centers” operate quasi-medical facilities, often in close proximity to licensed medical facilities or are modeled to resemble a medical facility; and

**Whereas**, such facilities operate unregulated and are not required to comply with federal, state or local laws that govern the operation of medical facilities; and

**Whereas**, as non-medical facilities they are not required to comply with The Health Insurance Portability and Accountability Act of 1996 (HIPAA); and

**Whereas**, Intro 371A-2010 would require such centers to disclose in advertising and in their offices if there is or is not medical staff present at the facility; and

**Whereas**, said Intro would require such centers to disclose if they or do not offer abortions, emergency contraception, or pre-natal services or referrals for such services; and

**Whereas**, said Intro would require such centers to inform women that they should consult with a licensed medical provider if they believe themselves to be pregnant; and

**Whereas**, said intro would require that any information provided by clients at such centers be treated as strictly confidential; and

**Whereas**, on March 2, 2011 The City Council voted 39 to 9 with one abstention in support of this legislation; now

**Therefore be it resolved**, Community Board 6 urges the Mayor to sign this legislation into law in order to protect the rights of the women of the City of New York.

**VOTE: 34 in Favor 0 Opposed 0 Abstention 1 Not Entitled**

- b. **Report:** Sandro reiterated the importance of the community supporting C/M Lappin at the upcoming rally on Friday.

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

**a. LPC Certificate of Appropriateness for 132 East 19<sup>th</sup> Street**

**WHEREAS**, the Co-op board at 132 East 19<sup>th</sup> Street in the Gramercy Park Historic District is applying to the Landmarks Preservation Commission for approval of a “Master Plan” for window replacements on the building’s front façade, and

**WHEREAS**, they propose to replace the existing double hung windows with casement windows which would be in keeping with what was originally installed in the building, and

**WHEREAS**, the proposed design conforms to the LPC’s window regulations, and

**WHEREAS**, they also propose to install a fixed non-operable panel on the eastern most windows to accommodate the installation of an a/c unit, and

**WHEREAS**, Community Board 6 has in the past supported such designs in other historic districts, now

**THEREFORE, BE IT**

**RESOLVED**, based on the specific design presented to us, Community Board 6 does not object to the approval of this application

**VOTE: 34 in Favor 1 Opposed 0 Abstention 0 Not Entitled**

b. **Report:** Gary briefly reported on the letter the Board sent to Commissioner Castro in regards to the resurfacing of Robert Moses Playground. He then reported that the committee is still looking into issues that have been raised pertaining to the National Arts Club building in Gramercy Park. The committee is still concerned about maintaining the Landmark status.

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

**a. BSA 196-10BZ) to apply for a variance to allow for commercial use of the basement of an existing 4-story building (3floors plus basement) located in a R8B zoning district on eastside of Manhattan.**

**WHEREAS**, James Chin & Assoc., LLP on behalf of Turtle Bay Inn LLC (Owner of Record) located at 234 East 53<sup>rd</sup> Street, Manhattan, New York, presented to the Land Use Committee of CB6 on Wednesday, December 1, 2010 an application to apply for a variance (Calendar #196-10BZ) to allow for commercial use of the basement of an existing 4-story building (3floors plus basement) located at 234 East 53<sup>rd</sup> Street, Manhattan, New York 10022; and

**WHEREAS**, the above applications is pursuant to Sections 72-21 New York City Zoning Resolution; and

**WHEREAS**, applicant has filed all papers necessary with the Board of Standards and Appeals to apply for a variance (Calendar #196-10BZ) to allow for commercial use of the basement of an existing 4-story building (3floors plus basement) Located in a R8A zoning district; and

**WHEREAS**, the building in question was formally a single room occupancy (SRO) building and has been vacant for a number of years with no current Certificate of Occupancy; and



**WHEREAS**, the existing basement is approximately 60 feet deep, measuring approximately 1,000 square feet, and the applicant proposes to extend the basement to the rear lot line, adding approximately 800 square feet; and

**WHEREAS**, the as of right use drawings show handicap access by ramps while the proposed use drawings do not and are unequal comparisons; and

**WHEREAS**, the as of right use indicates uses within the existing basement footprint while the proposed use drawing built out the basement to the rear property line as well as proposing to use cellar space and therefore is an unequal comparison of potential uses and marketability; and

**WHEREAS**, granting this variance would not be consistent with the present R8B zoning which was rezoned in 1987; now

**THEREFORE, be it**

**RESOLVED**, that the Board of Standards and appeals review the as of right and proposed uses in a more equal comparative analysis including ADA compliance for the proposed use; and

**BE IT FURTHER**

**RESOLVED**, that the rezoned existing R8b district be recognized as the planning policy of the City Planning Commission as well as CB6; now

**BE IT FURTHER**

**RESOLVED**, that Community Board Six opposes the application to apply for a variance (Calendar #196-10BZ) to allow for commercial use of the basement of an existing 4-story building (3 floors plus basement) located at 234 East 53<sup>rd</sup> Street, Manhattan, New York 10022.

**VOTE: 32 in Favor 3 Opposed 0 Abstention 0 Not Entitled**

Ellen Imbimbo, Water Front Vice Chair presented the Skyport Garage resolution.

**b. Skyports Garage and Associated Properties—Lease Expiration—April 2012**

**WHEREAS**, a lease has been in place between New York City and Skyports garage located at the East River and East 23<sup>rd</sup> Street since 1959, (with the last amendment signed about 10 years ago), which is set to expire in April 2012; and

**WHEREAS**, the lease also covers the adjacent marina, just north of the garage, a seaplane base at the eastern end of the garage, a gas station slightly west of the garage, and two parcels of public parking under the FDR Drive; and

**WHEREAS**, Solar One obtains some of its funding from EDC through payments made to the City by Skyports; and

**WHEREAS**, in February 2009, then-Comptroller Thompson issued an audit of the garage, stating, among other things, that Skyports had failed to perform required structural maintenance, and that the garage represented a public safety hazard; and

**WHEREAS**, CB6 is also very concerned about the upkeep of the exterior of the garage and the gas station, both of which are shabby in appearance, have flaking and peeling paint, faded signage, and is also concerned that interior maintenance of the garage may be similarly lacking; and

**WHEREAS**, in addition to the two parcels leased to Skyports by EDC for parking between 18<sup>th</sup> Street and Peter Cooper Road, there is another parking area under the FDR Drive just north of East 23<sup>rd</sup> Street used for several years by the Office of the Chief Medical Examiner in which EDC indicates it has no role, and about which the Community Board has neither been consulted nor provided any information; and

**WHEREAS**, Community Board 6 understands that the City has not yet determined plans for the future of these sites when the lease expires in 2012, and may issue a new RFP or extend current arrangements, and Community Board 6, whatever the City's action, would very much like to participate in any planning discussions in the interval between now and the expiration of the lease; and

**WHEREAS**, Community Board 6 through its 197-a Plan has expressed its view that all parking should be removed from the waterfront, and looks forward to the day when the garage, the parking, and the gas station will be moved to other locations; and

**WHEREAS**, neither the Waterside Tenants Association nor the Stuyvesant Town Tenants Association had any major negative comments about the marina or the seaplane base; and

**WHEREAS**, CB6 would like to determine whether public access to the waterfront can be incorporated into the garage structure, by cantilevering a walkway along the sides of the garage, and out to the eastern end of the garage; now

**THEREFORE, be it**

**RESOLVED**, that Community Board 6 requests assurance from EDC that structural repairs reported to have been made on the garage subsequent to the Comptroller's audit in 2009, were sufficient to correct and eliminate any danger to the public safety for the foreseeable future, and that necessary maintenance and upkeep of the exterior and interior of the garage will be part of any future agreement; and be it

**FURTHER RESOLVED**, that CB6 requests information regarding the current status and future disposition of the "third" parking lot, located under the FDR Drive just north of East 23<sup>rd</sup> Street, which is surrounded by a chain link fence, either from EDC or other agency acting on the City's behalf which is allowing parking to remain there; and be it

**FURTHER RESOLVED**, that CB6 would like assurances that Solar One, an organization that has both the approval and respect of the surrounding community will continue to receive funding – preferably at an increased level - in any new arrangements made for the property so that it may continue its environmental and educational efforts; now

**RESOLVED**, that CB6 strongly and urgently requests an opportunity to discuss with EDC the planning for the future of the sites and the specifics of its recommendations regarding the properties referred to in this resolution and respectfully requests a meeting with EDC at its earliest convenience to discuss them in greater detail, as well as other objectives contained in CB6's 197-a plan.

**VOTE: 35 in Favor 0 Opposed 0 Abstention 0 Not Entitled**

c. **Report:** Ellen reported that the Waterfront 2020 plan has been issued. She also reported that the Water Club was the subject of an audit by the NYC Comptroller and the owners have reached out to the Board and requested a walk-through of the promenade; that has not yet come together. We would like to have representatives from EDC there when we do.

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

a. **Department of Transportation (DOT) on “daylighting” left turns project on Lexington Avenue from E. 59<sup>th</sup> Street to E. 21<sup>st</sup> Street.**

Molly Hollister Transportation Vice Chair presented the resolutions.

**Whereas,** DOT has presented a “daylighting” project on Lexington Avenue from East 59<sup>th</sup> Street to East 21<sup>st</sup> Street to the Public Safety, Environment and Transportation Committee on Monday 7, 2011; and

**Whereas,** the intent of the project is to promote pedestrian safety while crossing the city street particularly along Lexington Avenue; and

**Whereas,** for the period between 2004 and 2008 there were a total of 205 pedestrian injuries on Lexington Avenue, 2/3 of them were due to pedestrians being struck, while crossing, by left-turning vehicles; and

**Whereas,** drivers making left hand turns has limited visibility of pedestrians crossing due to “A-pillar” between windshield and driver window and parked vehicles near crosswalk; and

**Whereas,** the DOT project would create a 30’ “No Standing Zone” from each intersection at which a left turn is permitted in order to create better visibility for both crossing pedestrians and drivers making left hand turns; and

**Whereas,** the DOT project would remove a total of 15 parking spaces over 1.9 miles (38 blocks) as follow:

One space at East 57<sup>th</sup>, 56<sup>th</sup>, 54<sup>th</sup>, 52<sup>nd</sup>, 50<sup>th</sup>, 48<sup>th</sup>, 46<sup>th</sup>, 44<sup>th</sup>, 40<sup>th</sup>, 36<sup>th</sup>, and 34<sup>th</sup> Streets.  
Two spaces at East 32<sup>nd</sup> and 2<sup>rd</sup> Streets, now

**Therefore, be it**

**Resolved,** Manhattan Community Board Six supports the Department of Transportation’s “daylighting” left turn project on Lexington Avenue from E. 59<sup>th</sup> Street to E. 21<sup>st</sup> Street.

**VOTE: 34 in Favor 0 Opposed 0 Abstention 1 Not Entitled**

b. **Application for a Pop-Up Café at 44<sup>th</sup> Street and Third Avenue**

**Whereas,** The New York City (NYC) Department of Transportation (DOT) has introduced a Pop-Up Café Program to provide warm weather additional public open space within the city utilizing curb side space in locations where sidewalk cafés, licensed by the New York City Department of Consumer Affairs (DCA), are not permitted; and

**Whereas,** the Pop-Up Café will provide much needed public open space, relieve sidewalk crowding, and improve the existing streetscape with planting and seating as follows

- The Pop-Up Café would cover an area of 60’ 2” by 6’ on pre manufactured 2’ by 2’ modular wood deck tiles on adjustable pedestals

- It will have eight “Bistro” wood table
- It will have 32 “Bistro” wood chairs
- It will have nine 4’ 1 by 1’ w by 2’ 8” h planter separating patrons and general traffic, and

**Whereas**, the Pop-Up Café will be treated as a public plaza, where seating is open to the public, is not reserved for customers of any restaurant and will be subject to all rules regarding public plazas including no consumption of alcoholic beverages or smoking; and

**Whereas**, the applicant Le Pain Quotidien, a bakery style café with take-out service has completed all of the requirements of the DOT program and presented plans showing the proposed configuration; and

**Whereas**, the representative clarified that the proposed location is not on a through street and the proposed space is currently used as a taxi stand that the DOT may relocate; and

**Whereas**, per their application, the hours of operation are 7:30 am-8:30 pm Mon-Fri; 8:00 am-8:30 pm Sat & Sun for the restaurant and will be the same for the pop-up café; and

**Whereas**, the applicant is responsible for cleaning and maintaining the space, securing furniture and has experience with this type of outdoor seating in Central Park; now

**Therefore**, be it

**Resolved**, Manhattan Community Board Six supports the application for Pop-Up Cafe by Le Pain Quotidien at 708 Third Avenue to use the roadbed location designated on 44<sup>th</sup> St. between 3<sup>rd</sup> Ave. & Lexington.

**VOTE: 30 in Favor 4 Opposed 1 Abstention 0 Not Entitled**

f. **Report:** Waived

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

b. **In support of NYC Council Intro. 0326 – in relation to the human rights law. RE: Residential Cooperative reasons for withholding consent to sale of an apartment.**

**WHEREAS** cooperative housing is a form of ownership available to New Yorkers of moderate incomes; and

**WHEREAS** cooperative corporations have steadily resisted providing reasons for withholding consent to the sale of an apartment; and

**WHEREAS** such arbitrary and capricious refusals often mask unlawful discriminatory practices; and

**WHEREAS** failure to provide reasons for withholding consent has impeded the efficiency of the housing market and reinforced economic, racial and other forms of segregation; and

**WHEREAS** Intro 0326 would put in place cooperative disclosure laws, to wit:

- Require a written statement of each and all reasons for withholding consent to purchaser within five days of decision
- Require specificity with respect to purchaser’s application deficiencies

- Allow purchaser to remedy deficiencies
- Disclose to purchaser history of applications in three years prior to specific purchase application and include number of applications rejected or for which no decision was made
- Certification of statement by an officer of the cooperative corporation; and

**WHEREAS** Intro 0326 would provide for liability for failure to provide disclosure statement in the amount of no less than \$1,000 and no more than \$15,000 for the first instance of non-compliance and increasing amounts for subsequent instances of non-compliance; as well as provide legal procedures for a purchaser to commence an action for violations; now

**THEREFORE be it**

**RESOLVED**, That Community Board 6 urges the City Council to adopt Intro 0326-2010 and the Mayor sign it into law.

**VOTE: 26 in Favor 8 Opposed 0 Abstention 1 Not Entitled**

- c. **Report:** Claude reported that at next month’s committee meeting Phipps Plaza North will be discussed as it pertains to their dissolution from Mitchell Lama Program. The Owners of Phipps were invited to attend our committee meeting to answer some questions, but they never responded or showed. We would like to see the application that they have filed with HPD which would let the public know what their purposes are for Phipps Plaza North.

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

- a. **New, OP license for Jukai NY, LLC d/b/a TBD, 237 E. 53 Street, bet. First and Second Avenues**

**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 an on-premise license for this venue at this time.

**VOTE: 35 in Favor 0 Opposed 0 Abstention 0 Not Entitled**

**b. New, OP license for Three Roses Enterprises, Inc. d/b/a La Bella Restaurant, 254 E. 32<sup>nd</sup> Street between Second and Third Avenues**

**WHEREAS** Philip Mancuso, attorney for 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**, this venue will be a pizza/Italian restaurant as it has been in the past; and

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

**WHEREAS**, the attorney entered into a Change Agreement on behalf of the applicant stating he would close their windows at 11 p.m. nightly and close the establishment at 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 February 24, 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: 35 in Favor 0 Opposed 0 Abstention 0 Not Entitled**

**c. New DCA application #1382170 for an unenclosed small sidewalk café, 6 tables and 12 seats for Anima 50 Inc. d/b/a Pescatore, 955 Second Ave. at E. 51<sup>st</sup> Street**

**WHEREAS**, Michael Kelly appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on February 24, 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 for street traffic in front of the proposed cafe; and

**WHEREAS**, the plans indicate that the windows will be closed at 11 p.m. 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 by the Representative at this meeting and all other considerations, CB6M **does not object to this application**.

**VOTE: 35 in Favor 0 Opposed 0 Abstention 0 Not Entitled**

- d. **New DCA application #1382017 for an unenclosed small sidewalk café, 4 tables and 10 seats for Hummus Kitchen Murray Hill Inc. d/b/a Hummus Kitchen, 444 Third Ave. at E. 31<sup>st</sup> Street**

**WHEREAS**, Michael Kelly appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on February 24, 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 for street traffic in front of the proposed cafe; and

**WHEREAS**, the window and door will be closed at 11 p.m. 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 by the Representative at this meeting and all other considerations, CB6M **does not object to this application.**

**VOTE: 35 in Favor 0 Opposed 0 Abstention 0 Not Entitled**

- e. **Report:** Carol announced that the next BASA meeting would be held on March 31<sup>st</sup>.

**Old/new Business**

**Second Roll Call** – Aaron Humphrey

**Meeting Adjourned at:** 9: 25 pm