MANHATTAN COMMUNITY BOARD 6
FULL BOARD MEETING MINUTES
Wednesday, May 11, 2011
NYU MEDICAL CENTER
550 FIRST AVENUE

Hon. Mark Thompson, Chair

ATTENDANCE

Members answering first roll call:
Arcaro, Badi, Buchwald, Curtis, Dankberg, Disman, Dubnoff, Eggers, Figueroa, Friedman, Garland, Gonzalez, Hollister, Humphrey, Imbimbo, Judge, Keane, Marton, McIntosh, McKee, Moses, Negrete, Paikoff, Papush, Parrish, Pellezzi, Rubin, Scala, Schachter, Schaeffer, Scheyer, Seligman, Sepersky, Sherrod, Simon, Steinberg, Thompson, Vigh-Lebowitz, Weder, Winfield

Members answering second roll call:
Arcaro, Badi, Buchwald, Curtis, Dankberg, Disman, Dubnoff, Eggers, Figueroa, Friedman, Garland, Gonzalez, Hollister, Humphrey, Imbimbo, Judge, Keane, Marton, McIntosh, McKee, Moses, Negrete, Paikoff, Papush, Parrish, Pellezzi, Rubin, Scala, Schachter, Schaeffer, Scheyer, Seligman, Sepersky, Sherrod, Simon, Steinberg, Thompson, Vigh-Lebowitz, Weder, Winfield

Excused: Barrett, Collins, Frank, Nariani, O'Neal, Reiss, West

Absent: Haile, Landesman, Parise,

Guests signed in: David Duchasses-Cg/M Maloney; Enrique Lopez-Sen. Duane; Zach Gamza-Sen Krueger; Elena Arons-C/M Garodnick; Brunie Sanchez-U.S Census Bureau; Stephen Hargman, Carol Rinzler-TBA

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Meeting Called to Order

Mark Thompson, Chair, called the meeting to order.

Roll Call – Aaron Humphrey

Presentation: Brunie Sanchez, Partnership Specialist for the U.S. Census Bureau, NY Regional Office gave an update on the 2010 Census Data. The Census Bureau serves as the leading source of quality data about the nation's people and economy. Current surveys help measure present & emerging trends at the national and state levels. The 2010 Redistricting Census Data is now available for New York & New Jersey. Go to http://www.census.gov/regions/new_york/

PUBLIC SESSION

David Duchasses representing Cg/M Carolyn Maloney was introduced to the Board Members by Chair Mark Thompson.

For reports, see the Congress Member's Community Report or go to www.maloney.house.gov

Enrique Lopez representing Senator Thomas Duane reported: **1)** Sen. Duane is opposing Sen. S4117 - J-51 legislation. S4117-A, would completely gut the landmark pro-tenant decision of Roberts- v -Tishman Speyer Properties. The court determined in the Roberts decision that Stuyvesant Town/Peter Cooper Village's landlord had illegally deregulated thousands of apartments even though it was receiving generous tax benefits through the NYC J-51 tax abatement program. This was a crucial decision for the tenants and prevented the elimination of much needed affordable housing stock. If this bill becomes law, property owners that received J-51 benefits would be given the option to repay the City the amount received plus 9% and waive the receipt of further tax benefits in exchange for being exempted from re-regulation of housing units that have been deregulated. **2)** Due to a series of meeting, City agencies, Community Boards and residents will soon be able to resume stewardship over stretches of green spaces (tree pits) bordering protected bike lanes. Prospective gardeners must make a formal request to their local Community Board office for the tree pit they wish to adopt. If approved, they will receive a comprehensive list of Do's & don'ts, safety guidelines and a link to the Chelsea Garden Club website, which offers plants and flower suggestions.

For information on these and other reports, see the Senator's Community Report or go to www.tomduane.org

Zach Gamza representing Senator Liz Krueger reported: **1)** Sen. Krueger in conjunction with the NY Archdiocese & the NY Blood Center is hosting a Blood Drive on Wednesday, June 1st. **2)** It has become nearly impossible for low-income and moderate-income people to find decent housing that they can afford. But while there is a desperate need to build new affordable housing units the current fiscal predicaments of our State make this nearly impossible in the immediate future. While not perfect NYS Rent Regulation's is by far our largest & most important affordable housing program. Last month legislation passed the Assembly (A2674/S2783) which offers a roadmap for improving our rent regulations. The fight now turns to the Senate, the Governor's support will be critical in building pressure to bring the bill to the floor and pass it. Sen. Krueger has been working closely with advocates for passage.

For more information on this and other reports see the Senator's Community Bulletin or go to www.lizkrueger.com

Elena Arons representing C/M Dan Garodnick reported**: 1)** C/M Garodnick is also opposed to proposed Senate Bill S4117A that would bail out Landlords and gut the court ruling of the Roberts v Tishman Speyer ruling on Stuyvesant Town rents. He states that the new law would allow the landlords to pay the taxes that they had avoided, while the apartments that were improperly deregulated into market rate units would stay that way. **2)** The CM is fighting the Good Fight against Phony Parking Permits. He's introduced the Authentic Permit Act to the City Council, calling for a barcode to be added to all legitimate permits so that parking enforcement agents can scan each permit to see if it is both real and being used by the registered car. The bill, to date, has 21 co-sponsors; supporters are hopeful a hearing date will be set within the next few months.

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

BUSINESS SESSION:

Adoption of March 2011 Full Board minutes: Minutes were adopted by a voice vote.

Chair's Report – Mark Thompson

1. Mark announced there would be a celebration of Katherine Hepburns Birthday at Dag Hammarskjold Plaza Saturday.
2. Saturday, June 11th is Kips Bay Community Day. This is be held the 2nd Saturday of each month during the summer. The event will take place in the service road on 2nd Ave. btn. E. 30 – E. 33rd Sts. Thank you to Molly Hollister & Dick Briglia for all their hard work.
3. The RFP's for DOT Bike Share Programs have been received; they expect to select a vendor by the end of summer. DOT will launch the program by the middle of next year. Once they have picked the vendor they will be coming back to the Community Boards to explain the program to us & the community.
4. The Emergency Coalition to Save Child Care are asking the public to sign on to a citywide letter going to the Mayor & Spkr. Quinn. You can go to www.savechildcare.com to sign on.
5. A rally on Living wages is scheduled for Thursday, May 12th at City Hall.

District Manager's Report — Toni Carlina
Due to dark street conditions, a letter has been sent to the Street Lighting Division of DOT requesting a lighting study be conducted between E. 25th to 23rd Sts. from 1st Ave. to the river, as well as under the FDR going both north and south.

Treasurer's Report - Bea Disman
Bea reported that we still have some funds left in Other Then Personnel Services (OTPS) as we come to the end of the fiscal year. The funds will be used to order supplies keeping the office in good shape throughout the upcoming fiscal year.

Borough President's Report – Kirstin Ellis
On Wednesday, May 25th the Borough President will Co-host a Town Hall Meeting on the proposed cuts to Early Child Care and Education. **2)** On Friday, May 13th, he will be hosting a Disability Task Force Spring Forum: Pedestrian Safety in the Changing NYC Streetscape at Lighthouse International.

For more information on this and other reports see the Borough President's Report at www.mbpo.org or call 212-669-7877.

Committee Resolutions & Reports

1. **Budget & Governmental Affairs**– Richard Eggers, Chair
a. **Report:** At the next committee meeting they will be discussing the 2010 Census as it pertain to CB6 and how their numbers could affect some of the projects & programs in our district.

2. **Health, Seniors & Disability Issues** – Wilbur Weder, Chair
a. **Report:** At the last meeting they had a very interesting presentation given by representatives from Gramercy Park Medical Services pertaining to possible new locations.

3. **Youth & Education** – Maxine McIntosh, Chair
a. **Report:** The committee is continuing work on their plans for a Legislative Breakfast. She announced that at the upcoming committee meeting discussions would be on Teacher Tenure-1st in 1st out.

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

a. **Restoration of Kips Bay Library**

Whereas, the Kips Bay Branch of the New York City Public Library located on 3rd Avenue & 30th Street in Community Board 6 was constructed in 1973 and in the opinion of the NYPL currently requires a major façade restoration, and

Whereas, the proposed work will consist of a complete façade restoration including re-pointing of brick work, replacement of all windows and new entry doors, and

Whereas, $500,000 has been appropriated for this work, and

Whereas, a complete presentation of the proposed work was made to Community Board 6 and must be approved by the New York City Design Commission, now

Therefore, Be It

Resolved, Community Board 6 supports approval of the design for the façade restoration of the Kips Bay Library Branch as it was presented to us.

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

b. **Report:** The resurfacing of Robert Moses Park is about to be done. **2)** The contract for the Stuyvesant Square Park fence has been let, design should be presented to CB6 around Autumn. **3)** The E. 54th St. Recreation Center has been designated as an historical landmark.

5. **Land Use/Waterfront** – Edward Rubin, Chair

a. **Reso. Joint with Public Safety Environment & Transportation – (see 6. d).**

b. **Report:** The committee will continue its discussions on planning, zoning and development issues. Lou Sepersky gave a brief presentation on the joint resolution and the use & necessity of Hybrid electric charging stations in city garages; they should be a requirement.

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

a. **Pedestrian Safety and Safer Streets**

Whereas, the East Side makes up 8% of the NYC population, but accounts for 11% of motor vehicle crashes, and

Whereas, in the Community Board 6 district a high percentage of residents, workers, and visitors walk, bike, and ride public transit, and

Whereas, clear and understandable bicyclist infrastructure and signage will lead to long term understanding of safe bicycling by pedestrians and bicyclists alike, and

Whereas, Manhattan Community Board 6 believes its residents, workers, and visitors have the right to safer streets, now

Therefore,

Be it Resolved, Community Board 6 calls on New York City Department of Transportation to design city streets to provide maximum pedestrian safety to achieve "zero" preventable deaths and injuries by implementing the following:

- Improving road design where needed;
- To lower the legal speed limits of 30MPH in high density areas with high percentage of children and seniors and particularly near schools;
- Better signage to draw attention to any dangerous conditions;
- Better signage for bike lanes;

Be it further Resolved, that CB6 calls on NYPD to increase, improve and more effectively focus its enforcement of all violations of traffic regulations, including speeding, failure to stop at red traffic signal or stop sign, failure to yield right of way, failure to travel in the direction of traffic, failure to have a vehicle properly equipped for safety, driving while distracted (including talking on cell phones and texting), cycling on sidewalks and jaywalking—all of which make the streets dangerous; and

Be it further Resolved, that CB6 calls on the New York State legislature to authorize installation of additional automated traffic enforcement cameras and their deployment where they will be most effective; and

Be it further Resolved, that CB6 calls on the New York City Department of Transportation to accord pedestrians their proper priority at intersections by:

- Having pedestrian-crossing light signals timed to give adequate time for seniors to safely cross the street;

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

c. **Restoring M50 Bus Route**

Whereas, parts of Community Board 6, comprising the neighborhoods of Turtle Bay, Tudor City, Sutton Area Community, Manhattan East, Murray Hill and Kips Bay, has no subway line and no direct access to Penn Station, Port Authority Bus Terminal, and the Broadway Theatre District other than the M104. M27, and the M50 buses; and

Whereas, the MTA has decided to terminate the M27 bus in its entirety, the M104 bus from Broadway to its terminus at 41st Street & First Avenue at all times, and the M50 bus in its entirety on nights and weekends in June of last year; and

Whereas, these terminations will deprive these East side communities from access to vital West side destinations without using costly & polluting private cars or taxis; and

Whereas, a petition with 4,000 signatures to bring back weekend service to the M50 Bus Route was presented to Metropolitan Transportation Authority (MTA); and

Whereas, MTA also found that approximately 2,200 people ride the bus every weekend; and

Whereas, MTA proposed to restore a revised M50 route, for weekend service, without additional cost to taxpayers; and

Whereas, the revised route will now run east bound on 50th Street, turn south on Second Avenue, then turn and head east on 48th Street, turn north on First Avenue and then head west on 49th Street, with its terminus near the existing bus stop on 49th Street just west of First Avenue; thus eliminating the leg starting at 1st Avenue and 41st Street, now

Therefore, be it

Resolved, that Community Board Six supports MTA's revised M50 Bus route and schedule, but urges MTA to maintain the current route to 1st Avenue & 41st Street.

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

<u>Joint Resolution with Land Use/Waterfront</u>

d. **Calling for the amendment of the New York City Zoning Resolution to require that garages include suitable capability for recharging the batteries of electric or hybrid cars.**

Whereas, there is a clear movement toward the use of wholly-electric powered (plug-in) or hybrid-electric (vehicles with gas-powered engine and electric DC motor) cars, trucks and buses, and

Whereas, there is minimal opportunity for recharging capacity in high density areas of the city, and

Whereas, there are many benefits for using electric or hybrid vehicle including:
- a significant reduction in air pollution
- a reduction in the nation's dependence on oil
- a reduction in noise, and

Whereas, the wide spread availability of standardized recharging stations at appropriate locations could address the issue of limited range between charging and encourage the use of electrical vehicles in New York City, and

Whereas, various foreign countries, U. S. states and cities are already in the process of establishing networks of electric charging stations and utilities, auto-makers and charging station companies are developing standards for billing, and

Whereas, San Francisco has begun work on revising its building code to require new structures be wired for car chargers, and already has to on-street chargers in demonstration operation, and

Whereas, currently, there are three types of recharging equipment operating with different AC or DC voltages, and

Whereas, the Society of Automotive Engineers (SAE), in association with other concerned parties, is developing universal charging couplers and on-board computer based universal charging governors based on the existing J1772 SAE standard and expected to be made final by the end of 2012, and

Whereas, the Zoning Resolution was recently amended to require bicycle storage facilities in garages in order to encourage bicycle use, now

Therefore be it

Resolved that Community Board Six urges that the New York City Planning Commission explore the possibility of requiring new and existing residential and commercial multi-vehicle garages and parking lots to provide a proportionate number of spaces and associated facilities with standardized recharging stations for electric or hybrid-electric vehicles and develop proposals for funding and amortizing such a requirement.

VOTE: 31 in Favor 9 Opposed 0 Abstention 0 Not Entitled

e. **Report**: Fred reported that at the next committee meeting there will be a presentation by the MTA on the 34th St. Transitway.

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

Rajesh Najar presented the resolution for the committee.

a **NYS Assembly Bill A02674A : Omnibus Bill**

WHEREAS, Rent regulations have been present in New York State for much of the last century and were enacted to establish protections of tenants' rights; and

WHEREAS, the purpose of this bill is to expand tenant protections by limiting a landlord's ability to take possession of units for their own personal use; reduce the percentage by which rent may be increased upon vacancy; extend rent and eviction protections to tenants living in former federal Section 8 projects; allow cities with a population of one million or more to strengthen rent regulation laws or to provide more comprehensive coverage than provided by state laws; and extend the various provisions of the rent stabilization and rent control laws ; and

WHEREAS, the bill further seeks to assist tenants in the recovery of certain housing accommodations by a landlord; declaration of emergencies for certain rental housing accommodations; the adjustment of maximum allowable rent; vacancy decontrol; and extending the length of time over which major capital improvement expenses may be recovered; and

WHEREAS, on April 11, 2011, the New York State Assembly passed A02674; and

WHEREAS, Governor Cuomo has indicated his support of the bill passed by the New York State Assembly; now

THEREFORE BE IT

RESOLVED, that Community Board Six urges the New York State Senate to pass and the Governor to sign into law this bill, A02674, in relation to extending and expanding tenant protections under rent stabilization.

VOTE: 39 in Favor 1 Opposed 0 Abstention 0 Not Entitled

b. **Report:** Claude urged Board members that are on the Governor's email list, that if they receive the email pertaining to this bill to click on it & reply to approve rent stabilization & property taxes.

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

a. **New OP license for Everyday Gourmet Deli Inc. d/b/a TBD, 373 Lexington Ave at E.41st Street**

WHEREAS, Jae Yu and Pak Seongyu, Manager, 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 is an upscale deli with a 24-hour operation, currently serving beer and wine and would like to serve cocktails on its second floor; 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, Jae Yu entered into a Change Agreement on behalf of the applicant stating they would stop serving alcoholic beverages at 2:00 a.m. 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 April 28, 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; and

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: 4 in Favor 0 Opposed 0 Abstention 0 Not Entitled

d. **New OP license for Midtown Foods, LLC, d/b/a TBD, 945 Second Avenue at E. 50 St.**

WHEREAS, Brian Owens (owner), Todd Mitgang (owner/chef) and Chris Bianchi (owner) 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 applicants were former owners of Crave on East 50th Street before the crane collapse and they wanted to have a similar establishment; 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, Brian Owens entered into a Change Agreement on behalf of the applicant stating they would stop serving alcoholic beverages at 2:00 a.m. seven days a week and also agreed to close their French doors and outdoor terrace nightly at 11:00 p.m.; and

WHEREAS, the Change Agreement also stipulated they would come back six months after their opening date to revisit the hours of operation; 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 April 28, 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; and

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: 40 in Favor 0 Opposed 0 Abstention 0 Not Entitled

e. **New OP license for Alfama, LLC d/b/a Alfama, 214 E. 52 St. bet. 2nd and 3rd Aves**

WHEREAS, Miguel Jeronimo and Tarciso Costa, owners, 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 will be an upscale Portuguese restaurant; 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, Miguel Jeronimo entered into a Change Agreement on behalf of the applicant stating they would stop serving alcoholic beverages at 1:00 a.m. 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 April 28, 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; and

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: 40 in Favor 0 Opposed 0 Abstention 0 Not Entitled

f. **New, OP license for Everest Foods d/b/a Bukhara Grill, 217 E. 49th St. between 2nd & 3rd Aves**

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 new on premises license for this establishment.

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

g. **New, OP license for Chiyo & Atsu, Inc., d/b/a TBD, 212 East 52 St. at Third Avenue**

WHEREAS, Attorney Frank Buscemi and Owner Atsuko Kinoshita 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 is to be a lounge with a Japanese menu catering mainly to businessmen; and

WHEREAS, this establishment is in a commercial building on the second floor with a total capacity of 70 persons; 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, Frank Buscemi entered into a Change Agreement on behalf of the applicant stating they would stop serving alcoholic beverages at 2:00 a.m. 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 April 28, 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: 40 in Favor 0 Opposed 0 Abstention 0 Not Entitled

h. **New, OP license for Life Restaurant Group, LLC d/b/a Tommy Lasagna, 119 E. 18 St. between Irving Place and Park Avenue South**

WHEREAS, Attorney Frank Palillo and Owner Thomas Mosera 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 is to be a restaurant with affordable pricing with removal of the existing French doors upon renovation work; 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, Thomas Mosera entered into a Change Agreement on behalf of the applicant stating they would stop serving alcoholic beverages at 2:00 a.m. 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 April 28, 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; and

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: 40 in Favor 0 Opposed 0 Abstention 0 Not Entitled

i. **New, OP license for Dubcork Inc. d/b/a TBD, 380 Third Avenue between E. 27th and E. 28th Streets**

WHEREAS, Attorney Frank Palillo and Owners Gavin Whitson, Kieran Slattery and Joann O'Mahoney 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 is the former Choice Kitchen to be a gastro pub with a 4:00 a.m. closing time; and

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

WHEREAS, members of the committee and the community expressed concerns because of the saturation of bars in this neighborhood and the applicants would not agree to close earlier; 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 April 28, 2011 and pursuant to all other considerations, CB6M objects to the application via this **negative resolution.**

VOTE: 37 in Favor 2 Opposed 1 Abstention 0 Not Entitled

k. **New OP license for Farm Fresh Restaurant d/b/a TBD, 115 Lexington Avenue at East 28 Street**

WHEREAS, Consultant Elliott Pollack 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 is to be a diner type restaurant with a closing time of 1:00 a.m.; and

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

WHEREAS, the owners have two other venues on this block and five other liquor licenses in the City with no reported problems; 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 April 28, 2011 and pursuant to all other considerations, CB6M has **no objection** this application; and

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: 40 in Favor 0 Opposed 0 Abstention 0 Not Entitled

l. **New, OP license for Midtown 1015 LLC d/b/a Sutton Place, 1015 Second Avenue between E. 53 and E. 54 Streets**

WHEREAS Attorney Manny Gold and Owner Andrew Staudt 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 is actually a **transfer** of new owners (incorrectly listed on the agenda as a new OP license) and this establishment's method of operation would basically be the same; and

WHEREAS, members of the committee as well as community members, including the East Midtown Coalition, expressed serious concerns about noise, saturation of bars, and this establishment's infamous past record; 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, Andrew Staudt entered into a Change Agreement stating they would empty the rooftop of customers at 2:00 a.m. on Friday and Saturday and at 1:00 a.m. Sunday through Thursday; 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 April 28, 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; and

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: 40 in Favor 0 Opposed 0 Abstention 0 Not Entitled

m. **New, OP license for Silo East, Inc. d/b/a TBD, 953 Second Avenue at E. 51 Street**

WHEREAS, Elke Hofmann, Jesus Angel Manso, owner, and Tom Markin, business manager, 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, there were committee and community concerns about this area due to oversaturation of similar establishments in this area; 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, Jesus Angel Manso entered into a Change Agreement on behalf of the applicant stating they would stop serving alcoholic beverages at 2:00 a.m. seven days a week; and

WHEREAS, the Change Agreement also stipulated they would come back six months after their opening date to revisit the hours of operation; 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 April 28, 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; and

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: 39 in Favor 1 Opposed 0 Abstention 0 Not Entitled

n. **New, OP license for 336 Pub, Inc. d/b/a Fitzgerald's Pub, 336 Third Avenue at East 25th Street**

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 new on premises license for this establishment.

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

p. **New, OP license for Necon Restaurant Corp. d/b/a Max Restaurant, 236-238 E. 53 St. bet. Second and Third Avenues (with change agreement)**

WHEREAS, Attorney Arthur Levine 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 is a renewal for the Japanese restaurant on the second floor of the premises, closing at 1:00 a.m seven days per week; 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, Arthur Levine entered into a Change Agreement on behalf of the applicant stating they would indeed stop serving alcoholic beverages at 1:00 a.m. 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 April 28, 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; and

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: 40 in Favor 0 Opposed 0 Abstention 0 Not Entitled

q. **New, OP license for LGB Foods Corp. d/b/a Mangia Fuoco, 428 Third Ave. at E. 30 St.**

WHEREAS, Attorney Bruno V. Gioffre, Jr. and Thomas Luca, owner, 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 is to be an affordable, home-style Neapolitan restaurant with a brick pizza oven; 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, Thomas Luca entered into a Change Agreement on behalf of the applicant stating they would stop serving alcoholic beverages at 2:00 a.m. 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 April 28, 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; and

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: 40 in Favor 0 Opposed 0 Abstention 0 Not Entitled

r. **Report:** The committee will meet on May 19th instead of the last Thursday so it does not interfere with the Memorial Day weekend.

Old/New Business:

Second Roll Call – Aaron Humphrey

Meeting Adjourned at 9:20 pm