

MANHATTAN COMMUNITY BOARD 6
FULL BOARD MEETING MINUTES
Wednesday, May 9, 2012
HOSPITAL for JOINT DISEASES
301 East 17th Street

Hon. Mark Thompson, Chair

ATTENDANCE

Members answering first roll call:

Acaro, Badi, Buchwald, Collins, Curtis, Dankberg, Dubnoff, Eggers, Figueroa, Frank, Friedman, Garland, Hollister, Humphrey, Imbimbo, Judge, Keane, Marton, McIntosh, McKee, Moses, Nayar, Nariani, O'Neal, Paikoff, Papush, Parise, Parrish, Powers, Reiss, Scala, Schaeffer, Scheyer, Sepersky, Sherrod, Simon, Steinberg, Thompson, Vigh-Lebowitz, Weder, West, Winfield

Members answering second roll call:

Acaro, Badi, Buchwald, Collins, Curtis, Dankberg, Dubnoff, Eggers, Figueroa, Frank, Friedman, Garland, Hollister, Humphrey, Imbimbo, Judge, Keane, Marton, McIntosh, McKee, Moses, Nayar, Nariani, O'Neal, Paikoff, Papush, Parise, Parrish, Powers, Reiss, Scala, Schaeffer, Scheyer, Sepersky, Sherrod, Simon, Steinberg, Thompson, Vigh-Lebowitz, Weder, West, Winfield

Excused: Barrett, Disman, Negrete, Schachter, Seligman,

Absent: Gonzalez, Landesman,

Guests signed in: A/M Dan Quart; Shelby Garner – Cg/M Carolyn Maloney; Leslie Pena-A/M Brian Kavanagh; Elena Arons-C/M Dan Garodnick; Cullen Barrie-C/M Jessica Lappin; Vanessa Diaz-C/M Rosie Mendez; Zach Gamza-Sen. Liz Krueger; Enrique Lopez-Sen. Tom Duane; Jeffrey Lefrancois-A/M Richard Gottfried; Mary Alkan, Jack Collins, F.Foo, Lloyd Grauman, Cynthia Harris, Jerry Johnson, Karen Lee, Annette Petrusa, Beth Torun, Nicholas Smolney

Meeting Called to Order

Mark Thompson, Chair, called the meeting to order at 7:05PM.

Adoption of the Agenda

Agenda was adopted

Roll Call – Aaron Humphrey

PUBLIC SESSION:

Assembly Member Dan Quart: Spoke on budget & legislative items: **1)** The budget includes \$770 million for the MTA's 5-year capital plan, ensuring the continuation of the construction of the Second Avenue Subway, a critical piece of transportation for the East Side. The sad truth is that at this time, there's simply not enough money in the State Budget, so what was done through the transportation budget process was to bond money to find the funding for years 3, 4, & 5. Borrowing is never a good idea, but the alternative of not funding the MTA capital construction budget would have been worse. Additionally, legislation passed as part of the budget established the NY Works Task Force, which will coordinate capital plans and spending across multiple state agencies and authorities that have shared responsibility for large-scale projects. **2)** One of the legislative issues I've been working on in the last 6-weeks is air quality. As some of you may know the East Side has the worst air quality of any area in Manhattan. We have the highest rate in the treatment of asthma in children ages 0-14. A predominate cause is the burning of #6 heating fuel in so many of our residential buildings. I'm working on several bills to help eliminate this problem: a tax credit bill to help property owners retrofit their boilers to cleaner newer natural gas models. I'm also working on another bill with Sen. Krueger that would mandate that the Dept. of Environmental Conservation have inspectors take air sample testing's of 2nd Ave. construction sites today, tomorrow and going forward. As you know recently CB8 had to implore the MTA to do testing that they did after months of pressuring from the community. The bill that Sen. Krueger and I have written will make sure that the air is tested on some sort of regular basis.

For information on this and other reports, go to <http://danquart.com>

Shelby Garner representing **Cg/M Carolyn Maloney:** 1) encouraged all in attendance to read Cg/M Maloney's new legislation to curb some of the policies concerning bank overdraft fees. 2) The Cg/M, as well as many on her staff is incredibly proud of the President, whom today unequivocally stood up for marriage equality for all persons.

For the full report, go to www.maloney.house.gov

Zach Gamza representing **Sen. Liz Krueger:** **1)** A couple of weeks ago representatives from the Senator's office as well as representatives from other east side elected officials and members of CB6 attended a scoping meeting at Asser Levy Recreation Ctr. As many of you know, the plan there is de-map the current street and turn it into park. This is to replace Robert Moses Playground which will be alienated for the UN to build on. Those whom attended the meeting expressed concerns over the small amount of funds allocated to develop this site as well how the site could be used. Additional meetings are necessary to properly plan this replacement site. Sen. Krueger's and all of the East Side elected officials will ensure that going forward CB6 will be involved in every step of this process. **2)** Sadly, I have to inform you that this will be my last Board meeting, I will be moving to Arizona. I'm surely going to miss this aspect of the job and it has truly been a great experience working with CB6.

For information on these and other reports, see the Senator's Community Report or go to <http://www.lizkrueger.com>

Jeffrey Lefrancois representing **A/M Dick Gottfried reported:** 1) I had the pleasure of being in Albany yesterday for LGBT Lobby Day. On the floor of the Assembly I got to watch the introduction of legislation that calls for all hospitals across NYS to have a Community Advisory Board, something of which I know CB6 has championed. It passed the Assembly and now will head to the Senate.

For information on this and other reports, go to <http://www.dickgottfried.org>

Leslie Pena representing **A/M Kavanagh reported:** 1) Introduced Nicole Lester Arrendell the new Chief of Staff. 2) A/M Kavanagh's bill "Restricting Styrofoam Use" passed. 3) On Monday, April 9th, A/M Kavanagh spoke at the public East River Blueway meeting co-sponsored by CB6 and the Man. Borough President. During the meeting, community members participated in group discussions and gave their input on the plan, a vital step in the planning process. 4) Announced the Annual Health Fair, Sunday, May 20th. 11am-3pm at Health Professionals & Human Services High School

For information on these and other reports, go to <http://www.briankavanagh.org/default.html>

Elena Arons representing **C/M Dan Garodnick:** 1) C/M Garodnick and his staff look forward to working with CB6 as it pertains to Asser Levy Place as well as other projects that come up pertaining to East Side open space. 2) C/M Garodnick is pleased to announce that he is co-sponsoring the Carnegie Hall Concert & Health Fair at Bellevue Hospital in May.

For information on these and other reports, go to <http://www.garodnick.com>

Cullen Barrie representing **C/M Jessica Lappin** reported: 1) the Upper East Side was shaken by two fatal crane collapses on 2008. Last month, James Lomm, the owner of the crane at the E. 51st St. site was acquitted of manslaughter. C/M Lappin fears this verdict sends the wrong message. The Council Member will continue working to make sure construction and crane companies are doing everything in their power to keep workers and the public safe. 2) C/M Lappin has joined with Project Renewal to offer women the opportunity to receive free mammogram and breast cancer screening. This program is for women 40 and older who have not had a mammogram in the last year.

For information on these and other reports, go to <http://www.jessicalappin.com>

Vanessa Diaz-Lopez representing **C/M Rosie Mendez reported:** 1) C/M Mendez gave testimony at the Dept. Of Education (DOE) public hearing on Manhattan Success Academy's three charter schools applications for somewhere in school district 2. She states: "During my years in City Council, I've seen the Mayor and DOE close hundreds of public schools, create and co-locate hundreds of charter schools in public school buildings and allow charter schools to expand while denying our district schools the ability to do so." The DOE uses incorrect methodology or formula to calculate space utilization while consistently cutting school budgets. Many schools have had to eliminate their gifted and talented classes or eliminate their cluster room because of the overcrowding situation. C/M Mendez fully supports Community Education Council 2 in their petition to institute a moratorium on charter school applications in School District 2.

For information on these and other reports, go to <http://www.rosiemendez.com>

Beth Torun resident with a special needs child spoke in support of the Board Youth & Education Committee resolution on improving the bussing situation for Special Ed students.

Kips Bay Tower residents **Karen Lee, Lloyd Gramman, Arnette Petrusa, Mary Alkan** and **Ms. Foo** spoke in opposition to the pilot Kips Bay Public Plaza on 2nd Ave. between 33rd and 30th Streets.

Nicholas Smolney area resident spoke in favor of the Kips Bay Public Plaza.

Tudor City resident **Cynthia Harris** spoke in opposition to the proposed Public Plaza in the E. 43rd St. cul-de-sac in Tudor City.

Jerry Johnson representing the Kips Bay Shopping Center store owners spoke in favor of the Kip Bay Plaza.

BUSINESS SESSION:

Chair's Report – Mark Thompson

1. Cervantes Institute is holding "El Dia" Block Party on Saturday June 23rd on E. 49th St. btw 2nd & 3rd Aves. It is a celebration of Spanish language and part of a worldwide series of events; CB6 is co-sponsoring. This is a great example of cultural events in our community and I want to make sure as many people come and have fun, bring your kids and loved ones. There will be dozens of different groups there with all kinds of activities; I want to thank Public Member Bob Baublitz for working on this.
2. On Monday, May 14th, Baruch College is hosting a Community Update on the renovation of the Field Building, which is the older building on the SE corner of E. 23rd St. & Lexington Ave. The renovation is complex and interesting and will be a great help to Baruch. The presentation will be held at 55 Lexington Ave, at E. 24th St, in room 14-220. The presentation will run from 6-7 pm and include a Q&A session. Doors open at 5:30 pm and I understand there may be refreshments.
3. As mentioned, we are co-sponsoring the Annual Brian Kavanagh Health Fair at the old Stuyvesant High School on E. 15th St. btw 1st & 2nd Aves on Sunday, May 20th from noon to 3:30. It is fun, lots of cool things to see and do.
4. We need volunteers for our street fairs, so please reach out to the Board Office. The fairs will be held June 15th on E. 41st St. btw 3rd & Lexington Avenues and June 22nd on E. 43rd St. also btw 3rd & Lexington Avenues.

District Manager's Report – Toni Carlina

1. On April 17th reviewed Bike Share locations throughout the district with various board members & DOT, we made recommendations.
2. On April 26th attended an on-site meeting at Asser Levy, and on April 27th the long awaited on site for the now public space behind 1 Sutton Place took place, I'm sure Gary would like to give you the details on these meetings.
3. To clarify conflicting scheduling information I have been receiving and due to inquiries by several Board members, phone calls were made to the involved agencies and it was discovered that the contract for shaft site 32b on 35th & 2nd Ave. had been split. DOT is providing funding to fast tract the 34th St segment of this contract to accommodate the 34th St. SB S project. The Board should have, but was never informed of this, so I called a Task Force meeting which took place on May 1st to obtain a complete up-date; thank you Fred for attending. Construction on this segment, 34th St., 3rd Ave. to the FDR service road is anticipated to start in the summer of 2013. DDC and DEP were surprised to learn of the NYU construction that is occurring and will still be in effect at the time this project starts. They will look into the DOT stipulations for the shaft and NYU project to ensure that the projects don't interfere with each other. Due to the fact that this is a cross-town corridor we insisted on traffic agents, they agreed. In 3 or 4 months, we will receive DDC's first mailing on the 34th St. project then additional follow-up will be needed.
4. I am pleased to report that the FY2013 Budget for Community Boards has been fully restored; the proposed 6% cut for Community Boards will not happen. Of more importance is that this restoration has been baselined into the out years (FY14, FY15, FY16, this means we won't have to continue to do battle every year.

Treasurer's Report - Bea Disman

Report: Waived.

Committee Resolutions & Reports

1. Budget & Governmental Affairs– Richard Eggers, Chair

Report: Waived

Health, Seniors & Disability Issues – Wilbur Weder, Chair

a. Intro 0802-2012 - A Local Law to amend the administrative code of the city of New York, in relation to requiring the Department of Health and Mental Hygiene to notify community boards and Council Members regarding applications to operate methadone clinics.

WHEREAS: Community Boards provide the opportunity for the local community to be informed of the possible opening of a new methadone clinic within the Community Board District as well as the relocation of an existing methadone clinic within the Community Board District; and

WHEREAS: Community Boards also usually work with each methadone clinic to find a suitable site for a new methadone clinic or one that desires to relocate within the Community Board district; and

WHEREAS: Community Boards have not been notified in a timely manner of the proposed location for a new methadone clinic or the relocation of an existing methadone clinic which has exacerbated the difficulties in finding suitable locations for methadone clinics; and

WHEREAS: the community reaction upon learning of the opening of a new methadone clinic or the relocation of an existing methadone clinic has generally been negative and requires extensive community involvement to obtain acceptance of a new methadone clinic or the relocation of an existing methadone clinic; and

WHEREAS: Intro 0802-2012 provides that within seven days of receiving notification of an application for certification of a methadone clinic from the New York office of alcoholism and substance abuse services, the department of health and mental hygiene shall notify in writing the speaker of the council and the community board and council member in whose district the proposed clinic will be located and that such notice shall include the address of the proposed methadone clinic and the name and address of the applicant; now

THEREFORE BE IT

RESOLVED, that Community Board 6, Manhattan respectfully requests the New York City Council to amend Intro 0802-2012 to clarify that it applies to both the opening of new methadone clinics and the relocation of existing methadone clinics within a Community Board District, and

BE IT FURTHER

RESOLVED, that Community Board 6, Manhattan strongly supports the approval of Intro 0802-2012, and urges the New York City Council to pass this proposed legislation and the Mayor to sign it immediately upon passage.

VOTE 41 in Favor 0 Opposed 0 Abstention 0 Not Entitled

2. Youth & Education – Maxine McIntosh, Chair

a. High School Phase outs and Closures

WHEREAS, the Department of Education (DOE) under Mayor Bloomberg has privileged school closure as its primary school improvement policy; and

WHEREAS, when a school is phased out teachers and support staff often take other jobs, afterschool programs and other enrichment programs are frequently eliminated, funded supports diminish, and many students drop out; and

WHEREAS, a 2011 study by the Urban Youth Collaborative¹ of students in 21 high schools closed since 2000 found that those students, almost all of whom are Black and Latino, had significantly higher needs than the students across the City’s high school system; and

WHEREAS, the aforementioned study found that, in those 21 schools, 74% of students were eligible for free lunch compared to 55% citywide, 21% were English Language Learners (ELL) compared to 13% citywide, 46% were overage for grade compared to 29% citywide, and 89% were below grade level in ELA and 91% below grade level in math compared to 67% and 70% respectively, citywide; and

WHEREAS, of the 33,000 students who attended those 21 schools in their final years, 5,612 students dropped out, 8,089 students were still enrolled in high school, 9,668 students were discharged; and only 9,592 students actually graduated, and

WHEREAS, only about 15% of graduates in the closing schools received a Regents diploma compared to 41% citywide; and

THEREFORE BE IT RESOLVED, that Community Board Six urges the DOE to create a central High School Improvement Zone which would bring together struggling and closing schools to help assess and meet the needs of students,

BE IT FURTHER RESOLVED, that Community Board Six urges the DOE to ensure that such schools have the resources and capacity to meet the needs of ELLs, students with special needs, and continued funded supports for academic and enrichment programs; and

BE IT FURTHER RESOLVED, that Community Board Six urges the DOE to create monitoring committees in closing schools that include administration, parents, students and community organizations and meet regularly during a school’s phase-out to track the process and support students and are updated on the closing process regularly by the DOE; and

BE IT FURTHER RESOLVED, that Community Board Six urges the DOE to require the new schools replacing those closed to serve comparable percentages of ELL and special education students as well as offer comparable specialized programs.

VOTE 41 in Favor 0 Opposed 0 Abstention 0 Not Entitled

c. School Busing Improvements for Special Education Students

WHEREAS, parents in Community Board Six have raised serious concerns regarding the transportation of special needs students to and from their schools, and

WHEREAS, parents have expressed that the bus routes taking their special needs children to school are often longer than 120 minutes in each direction, and weave circuitously through as many as three boroughs, and

WHEREAS, these transportation times exceed the maximum time limit of 115 minute as mandated by the Office of Pupil Transportation and

WHEREAS, these lengthy bus rides, are particularly unnerving for young, special needs students, and

WHEREAS, DOE’s contracting with a large number of individual busing companies makes it difficult for the Office of Pupil Transportation to address and remedy the multitude of service issues, and

¹ “No Closer to College: NYC High School Students Call for Real School Transformation, Not School Closings”.

A report by the Urban Youth Collaborative, April 2011.

<http://www.urbanyouthcollaborative.org/wp-content/uploads/2011/05/No-Closer-to-College-Report.pdf>

WHEREAS, parents have provided examples of wheelchairs being improperly secured on special education buses and other serious safety issues, and

WHEREAS, bus drivers and the accompanying staff responsible for the supervision of special needs students, including the boarding and de-boarding process, have little to no formal training on the issues specific to special needs students, and

WHEREAS, parent advocates do not believe that significant additional funding will be necessary to reduce the current length of busing routes, and

WHEREAS, parent concerns have been validated by a comprehensive study of this issue by the Office of Public Advocate.

THEREFORE, be it

Resolved, that Community Board Six strongly urges the DOE to comply with the 115 minute time limit mandated by the Office of Pupil Transportation;

BE IT FURTHER RESOLVED, that Community Board Six strongly urges the DOE consider parent feedback in establishing the most efficient and convenient routes before the start of the school year, and notify parents of potential changes in a timely fashion;

BE IT FURTHER RESOLVED that Community Board Six strongly urges the DOE to establish a protocol for DOE bus contracting to ensure that bus companies are constantly striving to improve their services;

BE IT FURTHER RESOLVED that Community Board Six strongly urges the DOE to provide basic training for all responsible bus personnel regarding the issues of special needs students;

BE IT FURTHER RESOLVED that Community Board Six strongly urges the DOE to re-assess its bus safety measures with regard to special needs students.

VOTE 41 in Favor 0 Opposed 0 Abstention 0 Not Entitled

e. Against Co-Location of Success Academy Charter Schools with District 2 Schools

WHEREAS, Success Charter Network, Inc. has submitted two applications for K – 5 Success Charter Academy Schools in Community School District 2; and

WHEREAS, the Notice of Applications indicates the intent of the Success Charter Network, Inc. to seek District space for these schools; and

WHEREAS, according to the Notice of Applications, the schools – Success Charter Academy Manhattan 1 and Manhattan 2 – will each serve between 600 to 675 students when all grades are enrolled; and

WHEREAS, overcrowding of elementary and middle schools in District 2, particularly in Midtown East has led to the loss of pre-K programs, Gifted & Talented programs, cluster rooms, intervention rooms, resource rooms, and other spaces critical for providing a sound education to our students; and

WHEREAS, 88% percent of District 2 students are in classes that exceed Contract for Excellence targets and 78% are in classes that exceed the Department of Education’s class size targets; and

WHEREAS, all of the elementary schools in CB6 currently have large Kindergarten waitlists; and

WHEREAS, demand for public school seats within CB6 has been steadily increasing as more residential developments are built; and

WHEREAS, multiple schools sharing a building makes necessary coordinating and scheduling of shared spaces and starting and ending time of school days and is highly challenging and time consuming for the administrators, teachers and students; and

WHEREAS, co-location of schools has often pitted parents against parents, worsened overcrowding, and had negative impact on the student life in the co-located schools; and

WHEREAS, the challenges of sharing a building are often exacerbated when a district school is co-located with a charter school, which tends to have more resources and lower class sizes; and

WHEREAS, charter schools have resources and the means to find their own facilities outside of the Department of Education’s building inventory;

THEREFORE BE IT

RESOLVED, that Community Board Six opposes the authorization of Success Academy Charter Schools Manhattan 1 and Manhattan 2 and any future charter school that does not intend to obtain its own building outside our existing overcrowded public school infrastructure.

VOTE 39 in Favor 1 Opposed 1 Abstention 0 Not Entitled

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

a. Left-turn lane on E. 20th Street and First Avenue.

Whereas, E.20th Street is the first westbound street off Exit 7 of the southbound FDR Drive, at E. 18th Street; and

Whereas, E. 20th Street is one way eastbound to the west of First Avenue but is bidirectional for the one block between the FDR Drive and First Avenue, on the west side of First Avenue on 20th Street, there is a “Do Not Enter” sign, so all traffic traveling west on 20th Street must turn right onto First Avenue, much of that traffic then crosses First Avenue to turn left onto E. 21st Street; and

Whereas, eastbound vehicular traffic along 20th Street between First and Second Avenues is routinely blocked by cars waiting to turn left on First Avenue, causing reduced traffic flow and at times spillback on to Second Avenue; and

Whereas, the 13th Precinct, has revised its request to the CB6 Public Safety, Environment & Transportation Committee, that 80 feet of street spaces on the north side of 20th Street between Second and First Avenues (i.e. approaching First Avenue) be dedicated for a left hand turn lane; and

Whereas, the DOT has reviewed the request from the 13th Precinct and indicated that it was feasible, but will re-evaluate the request once DOT receives CB Six’s resolution in support of 13th Precinct request before it gives its final approval, now

Therefore, be it

Resolved, that Community Board 6 supports the implementation of 80 feet of street spaces on the north side of 20th Street between Second and First Avenues (i.e. approaching First Avenue) be dedicated for a left hand turn lane.

VOTE 40 in Favor 0 Opposed 1 Abstention 0 Not Entitled

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

a. Certificate of Appropriateness for 150 East 42nd St.

Whereas, Wells Fargo is leasing several floors at 150 East 42nd Street, an individual designated landmark, and

Whereas, they have filed for a Certificate of Appropriateness for approval of signage on the building of their corporate name and logo, and

Whereas, the presentation made to Community Board 6 showed their application is to affix in granite 2 Wells Fargo signs on the 42nd Street side 4 feet high and 2 on the Lexington Avenue side 3 feet high and a larger corporate logo 16 feet wide x 10 feet high on the 42nd Street side and 15 feet x 8 1/2 feet on the Lexington Avenue side with all signage being reversible, now

Therefore be it

Resolved, based on the presentation and diagrams shown to us, Community Board 6 has no objection to the approval of the application of Wells Fargo.

VOTE 39 in Favor 2 Opposed 0 Abstention 0 Not Entitled

Report: Gary reported: 1) they had the meeting at **1 Sutton Place South** and were pleased with what he saw. There is 2 million dollars budgeted for the work there so now we know the work will get done. 2) **Asser Levy Rec-**We were very disheartened with this meeting. After being informed during the negotiations over the MOU that this would be a replacement for Robert Moses Playground including an active sports area. What we were told at the on-site meeting is that phase one has only \$350 thousand available which will pay for the bollards to close off the street from traffic. It is not known if funding for phase 2 which would allow the creation of the asphalt play area will be available. They have admitted to us that they don't have any commitment for phase 2. We sent a letter last week to our local Electeds asking them for their support in obtaining the funding. A copy of the letter will be sent to all Board members.

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

b. Renewal and Change in Method of Operation OP license for Dion Corp. d/b/a Rafina, 630 First Ave. btw. E. 36 and E. 37 Sts.

WHEREAS owner Dennis Spiliris appeared before the Business Affairs and Street Activities Committee of Community Board 6 Manhattan (CB6M) on April 26, 2012, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, this venue requested a change in its method of operation to serve alcoholic beverages until 4 a.m. so as to encourage the use of the premises for parties; and

WHEREAS, the establishment is located in a neighborhood consisting of four very large luxury residential buildings, a new school under construction, NYU Medical Center facilities, and The Chinese Mission to the United Nations and a public park; and

WHEREAS, this area has been very quiet at nighttime; and

WHEREAS, a change in the method of operation from a white tablecloth restaurant to a party venue would do serious damage to the character of the area and quality of life for residents; 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 26, 2012 and pursuant to all other considerations, CB6M objects to the application and renders this negative resolution.

VOTE 39 in Favor 1 Opposed 1 Abstention 0 Not Entitled

c. New OP license for Gramercy Park Bar and Grill LLC d/b/a Gramercy Park Bar & Grill, 322 Second Ave. btw E. 18th & E. 19th Sts

WHEREAS attorney Elke Hoffman, Project Manager Tom Martin, Manager Ryan Reynolds, and owner Jared Lock appeared before the Business Affairs and Street Activities Committee of Community Board 6 Manhattan (CB6M) on April 26, 2012, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, this venue presented a petition of approximately 400 names of area residents in support of the applicant; and

WHEREAS, the premises are not subject to the 500 foot rule; and

WHEREAS, concern was expressed about smoking and outside lines, the community being represented by about 45 attendees who pointed out that the premises had been open since March of this year creating noise; and

WHEREAS, the applicants enacted an Agreement, signed and notarized, to close at 2:00 a.m. seven days a week, turning the music down at 10:00 p.m. and closing their windows at 10:00 p.m., said Agreement containing the usual stipulations; 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 26, 2012 and pursuant to all other considerations, CB6M does not object 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 and the signed and notarized Agreement, **including** "Hours of Operation," that differ in **any way** from those described above, then CB6M **opposes** the application and **urges** the SLA to deny the application based on such misrepresentation to Community Board 6 Manhattan.

VOTE 41 in Favor 0 Opposed 0 Abstention 0 Not Entitled

d. Renewal DCA Application for an unenclosed sidewalk café, 15 tables and 33 seats for 301 E. 47th St. Restaurant Corp. d/b/a Nino's Positano, 888-890 Second Ave. btw E. 47 & E. 48th Sts.

WHEREAS, there was no one present for the applicant at the April 26 committee meeting of Community Board 6 Manhattan (CB6M), CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, the committee therefore could not determine the applicant's bona fides; and

WHEREAS, there are concerns about the venue's exceeding outdoor space and the possible illegal sale of gelato at the sidewalk; and

WHEREAS, there was no one from the community to support or oppose the venue; now

THEREFORE, be it

RESOLVED, that CB6M **objects** to this application by this negative resolution..

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

- e. **New DCA Application for an unenclosed sidewalk café, 8 tables and 16 seats for Kazo, Inc., d/b/a Pierre Loti, 300 ½ E. 52nd St. btw 1st & 2nd Aves**

WHEREAS, owner Kazim Gebetaf and Manager Orhan Caku appeared at the April 26 committee meeting of Community Board 6 Manhattan (CB6M), CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, the committee noted there were less than eight feet from the tables to the curb and informed the applicants of the DCA requirements; and

WHEREAS, the applicants agreed to redesign the plan and reduce the number of tables to 8 and the number of seats to 16 and submit these plans at our full board meeting on May 9; and

WHEREAS, there was no one from the community to support or oppose the venue; now

THEREFORE, be it

RESOLVED, that CB6M **does not object** to this application provided the revised plans for the eight foot clearance and reduction of furniture are submitted as agreed.

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

6. Land Use/Waterfront – Terrence O’Neal, Chair

- a. **BSA Application Cal. No. 107-12-BZ, 600 3rd Ave. - Permit a physical culture establishment in portion of existing building, Blink Fitness.**

WHEREAS, Adam Rothkrug, Esq. of Rothkrug Rothkrug & Spector, LLP, on behalf of Blink Fitness, presented to the Land Use Committee of CB6 on Wednesday, May 2nd, 2012 an application, Calendar No. 107-12-BZ; under Zoning Resolution §73-36 for a new special permit for the operation of a Physical Culture Establishment; and

WHEREAS, the new special permit for the Physical Culture Establishment will operate as Blink Fitness facility at 600 3rd Ave. (a/k/a 159/65 E. 39th St., a/k/a 150/2 E. 40th St) Manhattan, New York, in premises containing approximately 15,981 square feet and will utilize portions of the sub-cellar, cellar and first floors (entry only); and

WHEREAS, applicant has represented that it complies with all requirements to operate a Physical Culture Establishment at these premises; and

WHEREAS, the facility will have a separate entrance from the street with a stair leading directly to the cellar to the space; and

WHEREAS, applicant’s operation of a Physical Culture Establishment does not adversely affect the neighborhood; and

WHEREAS, applicant has represented that it has filed with the Board of Standards and Appeals all papers necessary to obtain a new special permit to operate a Physical Culture Establishment; now

THEREFORE, be it

RESOLVED, that Community Board Six has no objection to the application to the Board of Standards and Appeals (Calendar No. 107-12-BZ) under Zoning Resolution §73-36 to grant a special permit for the operation of a Physical Culture Establishment located at 600 Third Avenue Manhattan, for a period of five years.

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

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

a. 421a Partial Real Estate Tax Exemption for 325 Lexington Avenue

Whereas, 325 Associates L.P. has applied for a partial real estate Tax Exemption under Section 421A of the Real Estate Tax Law for 325 Lexington Avenue, and

Whereas, the 32 story building contains 24 studio, 82 one bedroom, 17 two bedroom, and 2 three bedroom condominium apartments, and

Whereas, the applicant did appear for the originally scheduled public hearing, and

Whereas, the applicant did address all pertinent questions by the committee, and

Whereas, “negotiable certificates of eligibility” indicating the building of affordable units were provided to the committee for review, now

Therefore be it

Resolved, that Community Board Six, Manhattan does not oppose the granting of a tax exemption for this application.

VOTE 41 in Favor 0 Opposed 0 Abstention 0 Not Entitled

Old/New Business

Second Roll Call – Aaron Humphrey

Meeting Adjourned 9:30 pm

	NAME	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan'12	Feb	Mar	Apr	May
1	Fred Arcaro	P			P	P	P	P	P	P	P	P	P
2	Ahsia Badi	P			P	P	P	P	P	P	P	P	P
3	Martin Barrett	P			A	P	P	A	P	P	P	P	E
4	Charles Buchwald	E			P	P	P	P	P	P	P	P	P
5	Jim Collins	P			E	P	P	E	P	P	P	P	P
6	Colleen Curtis	P			E	P	P	P	P	P	P	P	P
7	Louise Dankberg	P			P	P	P	P	E	A	P	A	P
8	Beatrice Disman	P			P	P	A	P	P	P	P	P	E
9	Steve Dubnoff	P			P	P	P	P	E	P	P	A	P
10	Richard Eggers	P			P	P	P	P	P	P	P	P	P
11	Yuvie Figueroa	P			P	P	P	E	P	P	A	P	E
12	Lyle Frank	P			E	P	P	E	E	P	P	P	E
13	Florence Friedman	P			P	E	E	P	P	P	A	P	P
14	Joy Garland	P			P	P	P	P	P	P	P	P	P
15	Jose Gonzalez	P			P	E	A	P	A	P	E	P	A
16	Molly Hollister	P			P	P	P	P	P	P	P	E	P
17	Aaron Humphrey	P			P	P	P	E	P	P	P	P	P
18	Ellen Imbimbo	P			P	P	P	P	P	P	P	P	P
19	Paige Judge	E			P	P	P	P	E	P	P	P	P
20	Jennifer Keane	P			P	P	P	A	P	P	P	A	P
21	Dodge Landesman	P			P	P	P	P	P	P	P	P	A
22	Janos Marton	P			P	P	P	P	P	P	P	P	P
23	Maxine McIntosh	P			P	P	P	P	E	E	P	P	P
24	Sandra McKee	A			P	P	P	P	P	P	P	P	P
25	Richard Moses	P			A	P	P	A	A	P	P	P	P
26	Rajesh Nayar										P	P	P
27	Monisha Nariani	P			P	P	E	P	P	P	P	E	P
28	Alejandra Negrete	P			P	E	P	P	P	P	P	P	E
29	Terrence O'Neal	P			P	P	E	P	P	P	P	P	P
30	Nicole Paikoff	E			P	P	P	P	P	P	P	P	P
31	Gary Papush	P			P	P	P	P	P	P	P	P	P
32	Beth Parise	A			P	P	P	E	A	A	P	P	P
33	Rev. Joseph Parrish	P			P	P	P	P	P	P	P	P	P
34	Keith Powers										P	P	P
35	Clara Reiss	P			E	P	P	P	P	E	E	P	P
36	Frank Scala	P			P	P	P	P	A	P	P	P	P
37	Carol A. Schachter	A			P	E	P	P	E	P	P	P	E
38	Paula Schaeffer	P			P	P	P	P	P	P	P	P	P
39	Lawrence Scheyer	P			P	P	P	P	P	P	P	P	P
40	Ann Seligman	P			P	P	P	P	P	P	P	P	E
41	Lou Sepersky	P			P	P	P	P	P	P	P	P	P
42	Sandro Sherrod	P			P	P	P	P	P	P	P	P	P
43	Letty Simon	P			P	P	E	P	P	P	P	P	P
44	Susan Steinberg	E			E	P	P	P	P	P	P	P	P
45	Kathy Thompson										P	P	P
46	Mark Thompson	P			P	P	P	P	P	P	P	P	P
47	Jules Vigh-Lebowitz	P			P	P	E	P	P	P	E	P	P
48	Wilbur Weder	P			P	P	P	P	P	P	E	E	P
49	John Pettit West	E			P	P	A	P	P	P	E	P	P
50	Claude L. Winfield	P			P	P	P	P	P	P	P	A	P

NAME	2a	3a	3c	3e	4a	5a	6b	6c	6d	6e	7a	8d
Fred Arcaro	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y
Ahsia Badi	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Martin Barrett												
Charles Buchwald	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Jim Collins	Y	Y	Y	A	Y	Y	Y	Y	Y	Y	Y	Y
Colleen Curtis	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Louise Dankberg	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Beatrice Disman												
Stephen Dubnoff	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Richard Eggers	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Yuvie Figueroa												
Lyle Frank												
Florence Friedman	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Joy Garland	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Jose A. Gonzalez												
Molly Hollister	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Aaron Humphrey	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y
Ellen Imbimbo	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Paige Judge	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Jennifer Keane	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Dodge Landesman												
Janos Marton	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y
Maxine McIntosh	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Sandra McKee	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Richard Moses	Y	Y	Y	Y	A	Y	A	Y	Y	Y	Y	Y
Monisha Nariani	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Rajesh Nayar	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Alejandra Negrete												
Terrence O'Neal	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Nicole Paikoff	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Gary Papush	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y
Beth Parise	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Rev. Joseph Parrish	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Keith Powers	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Clara Reiss	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Frank Scala	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Carol Ann Schachter												
Paula Schaeffer	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Lawrence Scheyer	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Ann Seligman												
Lou Sepersky	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Sandro Sherrod	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Letty Simon	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Susan Steinberg	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Kathy Thompson	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Mark Thompson	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

Jules Vigh-Lebowitz	Y											
Wilbur Weder	Y											
John Pettit West	Y											
Claude L. Winfield	Y											

Totals	2a	3a	3c	3e	4a	5a	6b	6c	6d	6e	7a	8d
Yes	41	41	41	39	40	39	39	41	41	41	41	41
No	0	0	0	1	0	2	1	0	0	0	0	0
Abstain	0	0	0	1	1	0	1	0	0	0	0	0
Not Entitled	0											