

**FULL BOARD MEETING MINUTES**  
**Wednesday, April 15, 2009**  
**NYU MEDICAL CENTER**  
**FIRST AVENUE**

**Hon. Lyle Frank, Chair**

**ATTENDANCE**

**Members answering first roll call:**

Fred Arcaro, Edward Bergman, Charles Buchwald, Jim Collins, Colleen Curtis, Louise Dankberg, Beatrice Disman, Richard Eggers, Lyle Frank, Florence Friedman, Joy Garland, David Garodnick, Linda Goldman, Rebecca Haile, Molly Hollister, Aaron Humphrey, Ellen Imbimbo, Paige Judge, Tom LaBarbera, Mike McGuire, Maxine McIntosh, Terrence O'Neal, Gary Papush, Rev. Joseph Parrish, Andrea Pellezzi, Edward Rubin, Frank Scala, Carol Ann Schachter, Paula Schaeffer, Joshua Schwadron, Lou Sepersky, Sandro Sherrod, Letty Simon, Susan Steinberg, Mark Thompson, Harry E. Ursillo, Wilbur Weder, John Pettit West

**Members answering second roll call:**

Fred Arcaro, Edward Bergman, Charles Buchwald, Jim Collins, Colleen Curtis, Louise Dankberg, Beatrice Disman, Richard Eggers, Lyle Frank, Florence Friedman, Joy Garland, David Garodnick, Linda Goldman, Rebecca Haile, Molly Hollister, Aaron Humphrey, Ellen Imbimbo, Paige Judge, Tom LaBarbera, Mike McGuire, Maxine McIntosh, Terrence O'Neal, Gary Papush, Rev. Joseph Parrish, Andrea Pellezzi, Edward Rubin, Frank Scala, Paula Schaeffer, Joshua Schwadron, Lou Sepersky, Sandro Sherrod, Susan Steinberg, Mark Thompson, Harry E. Ursillo, Wilbur Weder, John Pettit West

**Excused:**

Martin Barrett, Rachel Gomez, Ray Knowles, Melissa Lee, Noelle Lilien, Richard Moses, William Oddo, Clara Reiss, (Carol Ann Schachter, Letty Simon, *present first roll call then excused*) Daniel Williams, Susan Wilson, Claude L. Winfield

**Note:** Resolution votes may vary due to members present for first roll call then excused.

**Absent (Members not present or not answering one or both roll calls):**

**Member attendance:**      Present: **37**      Absent: **0**      Excused: **11**

**Guests signed in:** Kieth Powers representing A/M Bing, Dan Pasquini representing C/M Garodnick, Romeo Ymalay representing Sen. Daune, Dara Adams representing Congresswoman Maloney, Corey Green representing A/M Gottfried, Chistina Bottego representing C/M Lappin, Buck Moorehead, Ann Arlen, Alicia Mehl, Dan Harris, Jay L. Berger, Lois Rakoff, Gulay Cibik, Lawrence Scheyer, Sandra Stevens, Joan Boyle, Anthony Corallo, Carol Rinzler, Nicole Paikoff

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## **Meeting Called to Order**

Chair Lyle Frank called the meeting to order at 7:09PM

## **Adoption of the April 15<sup>th</sup>, 2009 Agenda**

Agenda adopted by a voice vote.

## **PUBLIC SESSION**

**State Senator Liz Krueger** reported: **1)** The State budget has been passed and difficult choices needed to be made the final budget included significant restorations to healthcare and maintained state support for education. SSI benefits for the elderly and disabled poor, unemployment benefits for New Yorkers who have lost their jobs have been protected. Federal stimulus funds were used to increase Food Stamp and public assistance benefits. **2)** An expansion of the Bottle Bill was passed. **3)** Reformed the Rockefeller drug laws. **4)** MTA deal is still a priority. **5)** I have co-sponsored Sen. Tom Duane's bill on Marriage equality (Gay Marriage) and will push to gain State Senate support. **6)** Affordable housing is next on the agenda.

For the complete report on this and other issues see the State Senator's Community Bulletin or call 212-490-9535. [www.lizkrueger.com](http://www.lizkrueger.com)

**A/M Kavanagh:** **1)** Nily Rozic will replace Patrick as Chief of Staff and Cameron Peterson is the new CB 6 liaison. **2)** Budget addressed various issues – the Rockefeller Drug Law reforms and the closures of prisons with declining prison populations. **3)** Legislation is in progress to resolve MTA funding. **4)** School governance hearings are occurring now and throughout the next nine-weeks. **5)** Marriage equality bill is moving forward. **6)** Gun safety bills are set to be discussed in the Assembly, particularly rules for the purchase and sale of guns.

For the complete report on this and other issues see the Assemblyman's Report or call 212-979-9696. <http://www.assembly.state.ny.us>

**C/M Rosie Mendez** attended the meeting to specifically address and voice her grave concerns as it pertains the SLA application for Lucy's Wine Bar at 241 East 24<sup>th</sup> Street that the Board was voting on at this meeting. The Council Member stated that Lucy's Wine would utilize a

portion of the Comedy Club space; this poses a public safety hazard. The Council Member stated that for more than two years serious building code and occupancy violations have not been corrected and urged CB 6 not to support the State Liquor Authority application for Lucy's Wine Bar until all these serious occupancy violations are corrected. **2)** The City Council sends a Home Rule message calling on NYS to strengthen rent regulations in NYC. **3)** Announced that the new liaison to CB 6 is Barbara Sherman.

For information on these and other reports see the Council Member's Community Bulletin or call 212-677-1077. [www.rosiemendez.com](http://www.rosiemendez.com)

**Dara Adams, representing Cg/M Carolyn Maloney:** **1)** Rep. Maloney spoke at a 9/11 health hearing in support of H.R. 847, The James Zadroga 9/11 Health and Compensation Act of 2009. **2)** Announced Federal funding for NYC's visually impaired. **3)** The Subcommittee on Financial Institutions and Consumer Credit of the House Financial Services Committee hailed passage of the "Credit Cardholders" Bill of Rights.

For information on this and other reports see the Congress Member's Community Report or call 212-860-0606. [www.house.gov/maloney/press.html](http://www.house.gov/maloney/press.html)

**Romeo Ymalay, representing Sen. Tom Duane:** **1)** Highlights of the healthcare budget can be found in the Senator's Newsletter. **2)** Senator Duane is demanding that DHCR protect rent stabilized tenants in J-51 buildings from deregulation proceedings.

For further reports, see the Senator's Newsletter or call 212-633-8052 to obtain one. [www.tomduane.com](http://www.tomduane.com)

**Dan Pasquini, representing C/M Dan Garodnick:** **1)** C/M Garodnick will be hosting a free housing clinic on 'Handling a Building's Failure to Make Necessary Repairs' April 30<sup>th</sup> **2)** The Council Member and a group of 14 elected officials called on the State Division of Housing and Community Renewal to take immediate steps to protect the rights of tenants in the wake of the March 5 court ruling in Robert v. Tishman Speyer. Landlords who take J-51 tax breaks for buildings with rent stabilized apartments cannot take those apartments out of

rent stabilization. **3) C/M Garodnick** joined other elected officials and environmental groups in opposition of gas drilling near the watershed in Upstate New York.

**Keith Powers, representing A/M Jonathan Bing:** 1) A/M Bing authored a letter to the Occupation Safety and Health Administration in opposition to its proposal to take over administration of crane operations in New York City.

For reports see the Assembly Member's Community Bulletin or call 212-605-0937 to obtain one. <http://www.jonathanbing.com>

**Corey Green representing A/M Dick Gottfried:** 1) The A/M offered his congratulations to Lyle and his wife on the birth of twins. 2) He was very sorry to hear of the passing of Perry Luntz whom he worked with on many issues. 3) The A/M is very concerned about the large MTA deficit and strongly opposes proposals to increase fares and reduce services.

For reports see the Assembly Member's Community Report or call 212-680-7900 to obtain one. <http://www.dickgottfried.org>

**Christina Bottego, representing C/M Jessica Lappin:** 1) On April 28, the C/M and BP Scott Stringer will host a Town Hall meeting. 2) Food banks across the city are facing dire shortages of food at the same time they're experiencing record demand, therefore, C/M Lappin is sponsoring an online food drive at:  
<http://help.foodbanknyc.org/councilmemberlappinfooddrive>

For information on this and other reports see the Council Member's Community Bulletin or call 212-535-5554.  
<http://www.knowledgemessenger.com/b/ViewNewsletter.asp?id=1282&App=jessicalappin>

**Carol Rinzler** spoke in support of the sub-acute facility for Bellevue and thanked the Board for letting her contribute to the resolution.

**Nicole Paikoff** spoke against the SLA application for Lucy's Wine Bar, 241 E. 24<sup>th</sup> St.

**Lawrence Scheyer** spoke in support of the Ravitch plan to rescue the MTA and urged legislators to come to an agreement on a plan to save the MTA.

**Buck Moorhead (NY H2O), Wendy Byrne, Ann Arlen (NY H2O, CB 2 (Manh) Environmental Committee Chair), Mav Moorhead (NY H2O), Alicia Mehl** spoke against natural gas drilling and urged Governor Paterson and DEC to not allow the drilling.

**Anthony Corallo, VP of Impulsive Hotels Group**, presented his proposal to change the use of 225 E. 53<sup>rd</sup> St. from a drug rehab facility to an upscale hotel. This would require the zoning to be changed from residential to commercial use.

**Dan Harris and Jay L. Berger** spoke against the sidewalk cafe application for Ali Baba's Terrace, 862 2<sup>nd</sup> Ave.

**Matt Shotkin** spoke about the need for MTA funding.

**Roll Call – Carol A. Schachter**

## **BUSINESS SESSION**

**Adoption of March 11 and February 11 Full Board Minutes;**  
Minutes were unanimously adopted by voice vote.

**Report from the Chair – Lyle Frank**

1) Thank you to everyone for the good wishes on the birth of the twins. Board Member Seena Parker has passed away, as well former Board Members, Perry Luntz and Jose Narvaez. 2) Welcome to all the new Board Members: Edward Bergman, Rachel Gomez, Aaron Humphrey, Melissa Lee and Terrence O'Neal. Thank you to the Borough President's office for the increased diversity on the Board. Congratulations to everyone who was reappointed. Mirtha Monterossa was not reappointed, but we thank her for her long-time service on the board. 3) The Tonic East revocation hearing ended with one vote for revocation and the other two judges voted for a \$75,000 fine and a five-day suspension. 4) Thank you to Ellen for her work on the meeting concerning the lease of the Con Edison 38 St. Pier.

**District Manager's Report – Toni Carlina**

1) Stated that Ellen and the Waterfront committee are off to an incredible start. 2) Met with the new Dept. of Buildings (DOB) Borough Commissioner Magdi Mossad to discuss DOB policies, if any, as they pertain to stalled construction sites and shared with him a copy of the Board's resolution on the subject and informed him that C/M Garodnick is very interested in drafting legislation on the issue. The Borough Commissioner agreed that this is an area of concern and was very open to possible legislation. Following that meeting the C/M submitted draft legislation to the Council's Legal Department. 3) March 27, a follow-up meeting on the

East Side Access project was held to address recent community complaints, particularly noise and sidewalk conditions in front of the site. They are now done with the noisy and evening hours work. **4)** On April 4, the Department of Design and Construction (DDC), representatives of CB 8, Fred Arcaro Lou Sepersky and me met in our office to discuss the Madison Avenue Trunk Water Main Project to reconstruct existing water mains along Madison Ave. between E. 37 and E. 78 Streets. We have only three blocks and are not expecting any problems; however we are concerned that they expect, due to the large number of under-ground utilities, to work at 37 St. longer than the other sections. of the CB6 district are included in this project which runs between E. 37 and E. 78 Streets. **5)** On April 23, at the request of Vice Chair Mark Thompson there will be a development taskforce meeting on the issue of the issue of weekend variances and problems with the development sites. **6)** Bill Curtis, the President of Turtle Bay Association, informed the Board of a residential building at 235 E. 35<sup>th</sup> St was being used for commercial purposes. Melissa informed Department of Buildings, an inspection was then performed and the case was referred to the padlock unit where a judge will decide whether the location will be padlocked.

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

Bea reported that there were no expenditures this month, but the board office was informed by Budget Director Mark Page that the office budget will be taking a cut starting the next fiscal year. All together current fiscal year cuts total approximately \$30,000.

#### **Borough President's Report – Dan Benjoya**

Due to meeting conflicts Dan was not present, at the time, to give his report.

For the BP's Report, see the Borough President's Manhattan Monthly Newsletter or go to [www.mbpo.org](http://www.mbpo.org).

### **COMMITTEE REPORTS**

#### **1) Waterfront Committee – Ellen Imbimbo, Chair**

a. **Report:** Ellen announced the arrival of her new grand nephew, Thomas Eugene Imbimbo. A Water Club representative is expected to attend the April 27 Committee meeting to discuss the upgrading of the promenade area. We will also continue our dialogue regarding Solar 2. At the May meeting we hope to have a representative from DCAS present to discuss what the Board would like to accomplish at the E. 38 Street Pier.

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

a. **Report:** Last week the Borough President shared his proposal to develop the Community Education Councils. He proposed 1) To shift the responsibility of the Education Council to the Borough Presidents office in terms of training and staffing 2) To design them similar to how Community Boards are set up by giving Education Councils an opportunity to review new schools, relocations and education policy before the central Board. 3) Set up a hierarchy similar to the Borough Board system that meets regularly. The committee anticipates that the proposal will be set forth as legislation. The Youth & Education Committee is still discussing their position on the proposal.

The Department of Education announced they will be closing daycare centers. Approximately 3,000 five-year-olds will be affected and means they will have to be absorbed

into kindergarten. Council Member Robert Jackson, Chair of the City Council's Education Committee will hold a press conference on the issue tomorrow at City Hall.

**3.) Health Senior, & Disability Issues – Sandro Sherrod, Chair**

**a. Report:** Tomorrow (April 16) is National Health Care Decisions Day and SAGE will hold life planning clinics at Riverside Church bet. 120 and 122 St. (6-8PM) and The LGBT Community Center at 208 West 13<sup>th</sup> St. (7-9PM)

**4.) Transportation – Lou Sepersky, Chair**

**a. RE: DCAS renewal application for NYU parking lot.**

**Whereas,** the Department of Citywide Administrative Services' (DCA) Division of Real Estate Services has asked to enter into the extension of a sole source occupancy permit with the New York University Medical Center (NYUMC) for two parcels of land:

One to utilize 11,055 square feet of waterfront property located on Marginal Street, south of the pedestrian walkway for the 34<sup>th</sup> Street ferry landing and north of the Heliport on the East River (Block 966, Lot 999), in Community Board 6 (CB6)

The other to utilize 25,098 square feet located on Marginal Street, under the Franklin D. Roosevelt (FDR) Drive, about 365 south of the southwest corner of East 34<sup>th</sup> and Marginal Street (Block 962, Lot 999) also in CB6, and

**Whereas,** both are requests for use as parking lots exclusively for the use of NYUMC for a term of one year with two (2) one year renewal options, either or both of which are exercisable at the City's sole discretion, and

**Whereas,** CB6 is filed and had approved by the City Planning Commission and the New York City Council a 197a, plan which includes the use of both of these locations a park space, and as part of the around Manhattan Greenway, and

**Whereas,** it is has been, is, and will continue to be the position of CB6 that East River parking is in an unsuitable and inappropriate use of waterfront space, now

**Therefore, be it**

**Resolved,** that Community Board 6 (CB6) opposes the granting of the concession for the use of Blocks 962 and 966, Lots (in each Block) 999 as described above, for parking lots, and

**Be it further**

**Resolved,** that CB6 open green space, an interim or temporary park, installation of a farmers market, or similar use consistent with, and compatible with, the permanent use of both of these locations as a permanent park and inclusion in the around Manhattan Greenway.

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

**b. RE: Department of Transportation's proposed designated bicycle rack locations.**

**WHEREAS**, the New York City Department of Transportation (DOT) has designated locations in Community Board 6 for *CityRacks* small (a reverse "U") or large (a double reverse "U") bicycle racks, and

**WHEREAS**, DOT has made these recommendations (listed as A through Y on the appended chart) without prior consultation, and

**WHEREAS**, representatives of Community Board 6 have done on site inspections of the proposed sites (excluding line L), now

**THEREFORE, be it**

**RESOLVED**, that Community Board 6 offers the following reactions to the bicycle rack (*CityRacks*) proposed by DOT and enumerated on the appended chart:

CB6	ADDRESS	STREET	FROM	TO	SIDE	SMALL	LARGE	COMMENT
A	149	3 <sup>rd</sup> Ave	E.15 St	E.16 St	E	1		Installed
B	155	3 <sup>rd</sup> Ave	E.15 St	E.16 St	E	1		Installed
C	161	3 <sup>rd</sup> Ave	E.15 St	E.16 St	E	1		Installed
D	167	3 <sup>rd</sup> Ave	E.16 St	E.17 St	E	1		Installed
E	260	3 <sup>rd</sup> Ave	E.22 St	E.21 St	W	1		Installed
F	323	3 <sup>rd</sup> Ave	E.24 St	E.25 St	E	1		No Objection
G	330	3 <sup>rd</sup> Ave	E.24 St	E.25 St	W	2		No Objection
H	333	3 <sup>rd</sup> Ave	E.24 St	E.25 St	E	1		No Objection
I	349	3 <sup>rd</sup> Ave	E.25 St	E.26 St	N	1		No Objection
J	382	3 <sup>rd</sup> Ave	E.27 St	E.28 St	W	1		No Objection
K	386	3 <sup>rd</sup> Ave	E.27 St	E.28 St	W	1		No Objection
L	92-96	6 <sup>th</sup> Ave	E.15 St	E.14 St	W	1		Comm. Bd 5
M	137	E.14 St	Irving Pl.	3 <sup>rd</sup> Ave	S	2		No Objection
N	351	E.14 St	1 <sup>st</sup> Ave	2 <sup>nd</sup> Ave	N		1	No Objection
O	134	E.17 St	Irving Pl	3 <sup>rd</sup> Ave	S	2		Not Needed
P	141	E.17 St	Irving Pl	3 <sup>rd</sup> Ave	N	2		Bike Store – Not Needed
Q	168	E.24 St	Lexington Ave	3 <sup>rd</sup> Ave	S	1		No Objection
R	162	E.25 St	3 <sup>rd</sup> Ave	Lexington Ave	S	2		No Objection
S	200	E.25 St	2 <sup>nd</sup> Ave	3 <sup>rd</sup> Ave	S	1		No Objection
T	162	E.27 St	3 <sup>rd</sup> Ave	Lexington Ave	N	1		No Objection
U	141	E.33 <sup>rd</sup> St	3 <sup>rd</sup> Ave	Lexington Ave	E	1		Not suitable – Obstructed Sidewalk
V	155	E.34 St	3 <sup>rd</sup> Ave		W		1	No Objection
W	235	Lexington Ave	E.33 St	E.34 St	E	1		No Objection
X	677	Lexington Ave	E.56 St	E.57 St	E	1		No Objection
Y	681	Lexington Ave	E.56 St	E.57 St	E	1		No Objection
						28	2	

**Be it further**

**RESOLVED**, that DOT in cooperation with CB6, and any other Boards who may wish to join, establish a stable process for the approval of citing bicycle racks, including;

- notification and a period of no less than 60 to respond,
- definition of what constitutes a suitable location (including sidewalk clearance, proximity to sidewalk obstructions and conformance with Department of City Planning guidelines).

**VOTE: 37 in Favor 0 Opposed 0 Abstention 0 Not Entitled**

c. **Report:** Lou waived his report.

**5.) Land Use – Ed Rubin, Chair**

a. *Joint with Health Senior Disability Committee*; Sandro Sherrod, Chair

**Re: Redevelopment of the former Bellevue Psychiatric Hospital building  
(Psych Building)**

**WHEREAS:** in 2001 the City Council rezoned the northern portion of the Bellevue campus from E.28<sup>th</sup> to E.30<sup>th</sup> Streets with restrictions pursuant to a special permit restricting building uses to scientific research and development, and

**WHEREAS:** the 197-a Plan approved by the City Council specifies that development in the First Avenue medical corridor defined in the plan must be related to medical, scientific or institutional uses, and

**WHEREAS:** the Request for Proposals (RFP) for the redevelopment of the Psych Building specifically stated that “NYCEDC and HHC seek proposals to redevelop the building as a hotel and conference center catering to the surrounding medical and life science-related communities” but did not include requests for any other possible medical-related uses (e.g. housing for professional medical staff, medical professional offices, skilled nursing facilities); and

**WHEREAS:** residents of the surrounding community have expressed opposition to a hotel and conference center as opposed to a more directly related medical use(s) such as those described above; and

**WHEREAS:** there is a lack of high quality skilled nursing facilities in Manhattan and especially within the Community Board Six, Manhattan(CB6) district; and

**WHEREAS:** according to the Visiting Nurses Association of New York City there are only 53 permanent inpatient Hospice beds in Manhattan; and

**WHEREAS:** the NYC Department of City Planning projects that Manhattan’s elderly population aged 65 and over will grow by 57.9% between 2002 and 2030 adding 108,000 elderly persons; and

**WHEREAS:** the U.S. Census Bureau, American Community Survey estimates (2005- 2007 data set) that in the CB6 district there were 21,083 persons age 65 and over(a growth of 5% over the 2000 census) and of these 10,400 or almost 50 percent were 75 and older; and

**Therefore be it**

**Resolved,** that Community Board Six, Manhattan strongly urges the HHC and the NYCEDC develop the Psych Building consistent with the 197-a Plan approved for this area and request proposals for medically related uses such as a sub-acute facility (e.g. a skilled nursing facility with sub-acute rehabilitation services to complement the acute services available at Rusk Institute); and

**Therefore be it further**

**Resolved,** that Community Board Six, Manhattan urges the HHC and the NYCEDC to consider multiple uses of the building that would allow for a continuum of care for seniors and others in need of such care (e.g. assisted living housing, a skilled nursing facility with sub-acute rehabilitation services to complement the acute services available at Rusk Institute, and hospice care).

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

**b. RE: BSA variance (727-86-BZ) to extend the term of a previously granted variance to allow the use of a portion of an existing building located on 240 East 58<sup>th</sup> Street, Manhattan, for a Use Group 6 eating and drinking establishment.**

**WHEREAS,** Fredrick A. Becker Esq., on behalf of Suco Selimaj owner and operator of Club A Steakhouse presented to the Land Use Committee of CB6 on Wednesday, April 1, 2009 an application for a variance to extend the term of a previously granted variance to allow the use of a portion of an existing building located on 240 East 58<sup>th</sup> Street, Manhattan, for a Use Group 6 eating and drinking establishment; and

**WHEREAS,** The above application is in pursuant to authorizing Section 72-01 and 72-22 of the Zoning Resolution; and

**WHEREAS,** the establishment is known as Club A Steakhouse and was formerly known as Bruno's Restaurant for the past 23 years; and

**WHEREAS,** the owner and operator of the premises does not propose any changes in the use or manner of operation at the site; and

**WHEREAS,** the variance will allow Club A Steakhouse to operate 2,010 sq. ft. of area on the first floor area and 2,010 sq of area on the basement level; and

**THEREFORE, be it**

**RESOLVED,** that Community Board Six has no objection to the application for an extension to a Variance (Calendar #727-86-BZ) under Zoning Resolutions §72-01 and 72-22, to allow the extension of an eating and drinking establishment on the subject premises located at 240 East 58<sup>th</sup> Street, Manhattan for a period of five years.

**VOTE: 37 in Favor 0 Opposed 0 Abstention 0 Not Entitled**

- c. **RE: BSA (7-99-BZ) to apply for a Special Permit to permit a Physical Culture Establishment located within portions of the existing thirty six (36) stories plus cellar mixed use commercial and residential building located at 300 East 34<sup>th</sup> Street, Manhattan.**

**WHEREAS**, Fredrick A. Becker, Esq. on behalf of HKAL 34<sup>th</sup> Street Limited Partnership located at 300 East 34<sup>th</sup> Street, Manhattan, New York, presented to the Land Use Committee of CB6 on Wednesday, April 1, 2009 an application to apply for a Special Permit (Calendar #7-99-BZ) under Zoning Resolution §73-11, to permit a Physical Culture Establishment (New York Sports Club) located within portions of the existing thirty six (36) story plus cellar mixed use commercial and residential building in a C1-9 (TA) district.

**WHEREAS**, the above applications is pursuant to Section 73-11 New York City Zoning Resolution; and

**WHEREAS**, applicant has filed all papers necessary with the Board of Standards and Appeals to apply for a Special Permit to permit a Physical Culture Establishment; and

**Whereas**, New York Sports Club is a well established entity that has several other facilities within the area and throughout New York City; and

**WHEREAS**, New York Sports Club operator of the physical culture establishment has been in existence since 1999 at the location of 300 East 34<sup>th</sup> Street with no adverse impact to the neighborhood; and

**WHEREAS**, the special permit will permit New York Sports Club to operate the existing facility which contains a total of 12,075 sq. ft. of floor area in portions of the cellar level, first floor mezzanine, first floor and second floor of an existing building, now

**THEREFORE, be it**

**RESOLVED**, that Community Board Six has no objection to the application for an a Special Permit (Calendar #7-08-BZ) under Zoning Resolution §73-36, to permit a Physical Culture Establishment within portions of the existing building located at 300 East 34<sup>th</sup> Street, Manhattan, Manhattan for a period of five year

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

- d. **Re: Department of City Planning Proposed Public Plaza Follow-Up Text Amendment (N 090317 ZRY)**

**WHEREAS**, on October 17, 2007 the City Council adopted an amendment to Article III, Chapter 7 of the Zoning Resolution related to the design and operational standards for privately owned public plazas;

**WHEREAS**, the Department of City Planning is now proposing an amendment to the Zoning Regulation that would make minor changes to the regulations for privately owned public plazas that were approved in October 2007;

**WHEREAS**, the proposed amendment was referred to Manhattan Community Board Six for comment because our board area contains zoning districts where privately owned public

plazas are permitted;

**WHEREAS**, the stated goal of the proposed text amendment is to enhance the 2007 text to enable the creation of high quality public plazas on privately owned sites that are inviting, accessible, visible and well maintained;

**WHEREAS**, the proposed changes include new requirements for seating, planting and the filing of compliance reports; clarifications with respect to location restrictions, sidewalk frontage, accessory signage, public space signage and the approval process for kiosks/open space; and the elimination of the requirement that owners post performance bonds;

**WHEREAS**, the proposal is limited to design and operational standards and makes no changes that relate to the amount of floor area generated through the provision of bonus plazas, to locations where the plaza bonus is available or to the approval processes for public plazas and nighttime closings of plazas;

**WHEREAS**, a representative of the Department of City Planning appeared before the land use committee and gave a high quality, detailed presentation on the proposed amendment and answered all of the committee's follow up questions;

**THEREFORE, BE IT RESOLVED** that Manhattan Community Board Six supports the Proposed Public Plaza Follow-Up Text Amendment (N 090317 ZRY).

**VOTE: 37 in Favor 0 Opposed 0 Abstention 0 Not Entitled**

e. **Report:** Ed waived his report.

**6.) Housing & Homeless Services – Claude Winfield, Chair**

In the absence of Claude Winfield, Committee Vice chair Tom LaBarbera presented the resolution.

**a. Re: A00860 - Establishes deregulation income thresholds and deregulation rent thresholds for certain housing purposes**

**Whereas**, On February 2, 2009, the Assembly passed this bill which was sponsored by Assembly Member Bing and cosponsored by Assembly Members V. Lopez, Kavanagh, Rosenthal, Gottfried, et.al; and

**Whereas**, this is an act to amend the emergency tenant protection act of nineteen seventy-four, the emergency housing rent control law , the administrative code of the city of New York and the tax law, in relation to deregulation thresholds; and

**Whereas**, this bill amends New York State's rent regulation laws to adjust the "luxury decontrol" thresholds to account for the impact of inflation; and

**Whereas**, this bill would also provide for periodic annual adjustments of thresholds according to the same price index and would make technical conforming changes to the rent regulation laws and the tax law; and

**Whereas**, Section 10 of this bill provides for an immediate effective date and for the expiration of these amendments upon the expiration of the underlying rent law; now

**Therefore be it**

**Resolved** that Community Board Six commends the Assembly for passing this bill and urge the Senate to promptly pass a companion bill for the Governor's signature into law.

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

**b. RE: A01688 – Removes provisions that prohibit cities of one million or more from strengthening rent regulation laws to provide more comprehensive coverage than state law**

**Whereas**, On February 2, 2009, the Assembly passed this bill which was sponsored by Assembly member V. Lopez and cosponsored by Assembly members Kavanagh, Rosenthal, Bing, Gottfried, et.al.; and

**Whereas**, This bill would amend the local emergency housing rent control act by removing the provision that prohibits cities of one million or more from strengthening rent regulation laws to provide more comprehensive coverage than provided by state laws; and

**Whereas**, this bill would take effect immediately; now

**Therefore be it**

**Resolved**, that Community Board Six commends the Assembly for passing this bill and urge the Senate to promptly pass S749, a companion bill introduced by Senator Krueger and cosponsored by Senator Duane, et.al., for the Governor's signature into law.

**VOTE: 37 in Favor 0 Opposed 0 Abstention 0 Not Entitled**

**c. Report:** Tom waived his report.

**7) Parks, Landmarks, & Cultural Affairs – Gary Papush, Chair**

**b. RE: Certificate of Appropriateness for 34 Gramercy Park E.**

**WHEREAS**, 34 Gramercy Park E. is a Queen Anne style apartment house constructed in 1882 and is in the Gramercy Park Historic District; and

**WHEREAS**, they have applied to the Landmarks Preservation Commission for a Certificate of Appropriateness to install pigeon netting; and

**WHEREAS**, their design presented to Community Board 6 is made of nylon and will be minimally visible from the public way and is similar to netting on other buildings including other designated buildings; now

**Therefore, be it**

**RESOLVED**, Community Board 6 offers no objection to approval of the application by 34 Gramercy Park E. as presented to us

**VOTE: 37 in Favor 0 Opposed 0 Abstention 0 Not Entitled**

**c. RE: Stuyvesant Square Park Dog Run Gates**

**WHEREAS**, the gates of the dog run in the east park of Stuyvesant Square Park are considered historically inappropriate, seriously decayed and not secure, and

**WHEREAS**, the Department of Parks & Recreation has proposed replacement gates that are similar to that in other parks and are considered an appropriate match to the existing low rise fencing inside Stuyvesant Square Park, and

**WHEREAS**, Stuyvesant Square Park is part of the Stuyvesant Square Historic District, and

**WHEREAS**, the proposed design is supported by the Stuyvesant Park Neighborhood Association as well as the dog owners who use the dog run,

**Therefore, be it**

**RESOLVED**, Community Board 6 has no objection to the proposed design as submitted to us.

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

**d. Report:** On May 7<sup>th</sup> Board 8 is having a forum on Parks privatization and commercialization issues. Gary will be representing Board 6 on the panel. NY4Parks is having a city-wide park advocacy day on May 19<sup>th</sup>. The committee is currently working on issues of park privatization and concessions. Concession boundaries in parks are of particular concern.

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

**a. Re: New, DCA application #1310960 for a small unenclosed sidewalk café, 2 tables and 8 seats for Belcantata Rest. Inc. d/b/a Pig ‘N’ Whistle, 922 Third Avenue, btw. E. 55<sup>th</sup> and E. 56th Streets**

**WHEREAS**, the applicant appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on April 2, 2009; and

**WHEREAS**, the committee was familiar with the applicant who runs high-scale venues on both Second and Third Avenues; and

**WHEREAS**, there was no one from the community to object to this venue; now

**THEREFORE, be it**

**RESOLVED**, that CB6M supports this application.

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

**b. Re: New, DCA application #1310868 for an unenclosed sidewalk café, 12 tables and 24 seats for Ali Baba’s Terrace Inc. d/b/a the same, 862 Second Avenue, at E. 46<sup>th</sup> Street**

**WHEREAS**, the applicant appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on April 2, 2009; and

**WHEREAS**, the committee was familiar with the applicant who runs high-scale venues on both Second Avenue and East 34<sup>th</sup> Street; and

**WHEREAS**, there was some community opposition but not specific to this venue such as pedestrian traffic and general noise; and

**WHEREAS**, there was also community support since this venue has provided nighttime safety in a previously deserted and unlit area; and

**WHEREAS**, the applicant has previously changed his operation to appease community concerns, such as dimming his lights on the rooftop; and

**WHEREAS**, the applicant signed a Change Agreement reducing the four top tables to two tops, thereby removing two tables, and agreeing to close all windows by 11 p.m. nightly, said suggestions expressed at the request of the applicant himself; now

**THEREFORE**, be it

**RESOLVED**, that CB6M does not object to this application.

**VOTE: 17 in Favor 17 Opposed 3 Abstention 0 Not Entitled**

The above resolution was defeated and replaced with b1 below:

**b1. Re: New, DCA application #1310868 for an unenclosed sidewalk café, 12 tables and 24 seats for Ali Baba's Terrace Inc. d/b/a the same, 862 Second Avenue, at E. 46<sup>th</sup> Street**

**WHEREAS**, the applicant appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on April 2, 2009; and

**WHEREAS**, the committee was familiar with the applicant who runs high-scale venues on both Second Avenue and East 34<sup>th</sup> Street, and such applicant had been in front of Community Board Six in regard to the liquor license for this establishment; and

**WHEREAS**, there was community opposition due to the establishment in general, and also to the lack of appropriate pedestrian safety and noise that would emanate from the café into neighboring residential buildings; and

**WHEREAS**, there was also some community support since this venue has provided nighttime safety in a previously deserted and unlit area; and

**WHEREAS**, the applicant has previously changed his operation to appease community concerns, such as dimming his lights on the rooftop, though there remains community complaint that this establishment has deleteriously impacted the surrounding residences; and

**WHEREAS**, the applicant signed a Change Agreement agreeing to reduce the four top tables to two tops, thereby removing two tables, and agreeing to close all windows by 11 p.m. nightly; now

**THEREFORE**, be it

**RESOLVED**, that CB6M objects to this application due to the concerns that this establishment will cause hardship to the surrounding residential community.

**VOTE: 27 in Favor 6 Opposed 3 Abstention 0 Not Entitled**

c. **Re: New, DCA application #1311307 for an unenclosed sidewalk café, 4 tables and 8 seats for Anagap Restaurant Inc. d/b/a Irish Whiskey Bar, 531 Second Avenue, btw. E. 29<sup>th</sup> and E. 30<sup>th</sup> Streets**

**WHEREAS**, the applicant appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on April 2, 2009; and

**WHEREAS**, there was no one from the community to object to this application; now

**THEREFORE**, be it

**RESOLVED**, that CB6M does not object to this application.

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

d. **Re: New, DCA application #1312039 for a small unenclosed sidewalk café, 7 tables and 14 seats for Curry Mahal Inc. d/b/a Curry in a Hurry, 119 Lexington Avenue, btw. E. 28<sup>th</sup> and E. 29<sup>th</sup> Streets**

**WHEREAS**, the applicant appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on April 2, 2009; and

**WHEREAS**, the cafe is to be limited to the side street and will be a single row of tables and will not to be anywhere on Lexington Avenue; and

**WHEREAS**, there was no one from the community to object to this venue; now

**THEREFORE**, be it

**RESOLVED**, that CB6M does not object to this application.

**VOTE: 27 in Favor 7 Opposed 2 Abstention 0 Not Entitled**

e. **Re: New, DCA application #1299204 for an unenclosed sidewalk café, 4 tables and 8 seats for Cavatappo Wine Bar LLC d/b/a the same, 347 Third Avenue, btw. E. 25<sup>th</sup> and E. 26<sup>th</sup> Streets**

**WHEREAS**, the applicant appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on April 2, 2009; and

**WHEREAS**, the committee was concerned that pedestrian traffic might be impeded as part of this cafe would be adjacent to a parking meter on the sidewalk; and

**WHEREAS**, the committee was advised that the distance from the edge of the cafe to the meter is at least 8 feet, whereby we informed the applicant we would strictly hold to this representation in order to render our decision; now

**THEREFORE**, be it

**RESOLVED**, that CB6M does not object to this application provided that the parking meter figure as provided by the applicant is validated.

**VOTE: 6 in Favor 26 Opposed 5 Abstention 0 Not Entitled**

The above resolution was defeated and replaced with e1 below:

**e1. Re: New, DCA Application (#1299204). Unenclosed sidewalk café 5 tables and 10 seats for Cavatappo Wine Bar, LLC, d/b/a TBD, 347 3<sup>rd</sup> Avenue, b/w E. 25<sup>th</sup> and E. 26<sup>th</sup> Streets.**

**WHEREAS**, Representative, appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on April 2, 2009 CB6M having jurisdiction of the premises in the DCA license application process; and

**WHEREAS**, the establishment is a wine bar that is open daily from noon to 1 AM; and

**WHEREAS**, there were concerns that the layout of the outdoor cafe would impede pedestrian flow; and

**WHEREAS**, to help alleviate these concerns, applicant reduced the number of tables and chairs thereby providing more space for pedestrians to walk, including 8 feet from the café barrier to a sidewalk parking meter; and

**WHEREAS**, despite the good faith effort applicant made, the board still has concerns about the high traffic area and the plausibility of tables in the narrow confines of the space; now

**THEREFORE**, be it

**RESOLVED**, that pursuant to the presentation by the representative at this meeting and all other considerations, CB6M **opposes** the New, DCA Application (#1299204). Unenclosed sidewalk café 5 tables and 10 seats for Cavatappo Wine Bar, LLC, d/b/a TBD, 347 3<sup>rd</sup> Avenue, b/w E. 25<sup>th</sup> and E. 26<sup>th</sup> Streets.

**VOTE: 29 in Favor 6 Opposed 1 Abstention 0 Not Entitled**

**g. Re: Alteration & Renewal, (OP) On-premises license for Bruno and Sons Inc. d/b/a Club A Steakhouse, 240 East 58<sup>th</sup> Street btw 2<sup>nd</sup> and 3<sup>rd</sup> Avenues.**

**WHEREAS**, Bruno Selmaj, Owner and Richard Bass, Attorney (together “Representative”), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on April 2, 2009, CB6M having jurisdiction of the premises in the license application process; and

**WHEREAS**, the Representative stated they wanted to convert a service bar to one with stools; and

**WHEREAS**, there were no other changes to the application; and

**WHEREAS**, Club A Steakhouse, formerly Bruno's Restaurant, are well known restaurants in the area; and

**WHEREAS**, there were no members of the community present to speak for or against the Application; now

**THEREFORE**, be it

**RESOLVED**, that pursuant to the presentation by the Representative at this meeting and all other considerations, CB6M recommends a Favorable resolution for the Alteration & Renewal, (OP) On-premises license for Bruno and Sons Inc. d/b/a Club A Steakhouse, 240 East 58<sup>th</sup> Street btw 2<sup>nd</sup> and 3<sup>rd</sup> Avenues; 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: 37 in Favor 0 Opposed 0 Abstention 0 Not Entitled**

**h. Re: New, Restaurant Wine (RW) license for 24 Gourmet Vineyards Inc. d/b/a Lucy's Wine Bar, 241 East 24<sup>th</sup> Street, between 2<sup>nd</sup> and 3<sup>rd</sup> avenues.**

**WHEREAS**, John Gecewicz, Proposed Operator and Terry Flynn, Attorney and Garth Hayden, Architect (together "Representative"), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on April 2, 2009, CB6M having jurisdiction of the premises in the license application process; and

**WHEREAS**, Representative stated they wanted to open a wine bar, serving no other form of liquor; and

**WHEREAS**, establishments in New York who apply for a RW license are not subject to a public interest analysis under the SLA's 500 foot rule, therefore CB6M requests a review by the Sla Full Board; and

**WHEREAS**, Proposed Operator owns another restaurant in the CB6M district; and

**WHEREAS**, Lucy's Wine Bar would occupy the retail space on the West side of the building ("Space") at 241 East 24<sup>th</sup> Street ("Building"); and

**WHEREAS**, Space is in the same Building and directly adjacent to the New York Comedy Club, whose occupancy has caused noise complaints for years; and

**WHEREAS**, Building currently has 4 open violations from the ECB (Environmental Control Board), which indicates the property does not comply with provisions of the NYC Building Code and/or NYC Zoning Resolution; and

**WHEREAS**, Building currently has 13 open violations from the Department of Buildings, indicating the property is not in compliance with some provision of the NYC Building code; and

**WHEREAS**, CB6M feels strongly that these 17 ECB and DOB violations are a great danger not only to the patrons and residential tenants of the Building, but to the community at large; and

**WHEREAS**, CB6M has worked tirelessly for years to try and reach out to the owner of the Building to cure the outstanding violations; and

**WHEREAS**, the owner of the Building in question has repeatedly resisted CB6M's attempts to make his Building compliant and safe; and

**WHEREAS**, CB6M has continually been in contact with the Department of Buildings and the Mayor's Office of Special Enforcement to ensure the violations are cured and the building is safe for use; and

**WHEREAS**, even if all 17 Building violations were cured, the Space that Lucy's Wine Bar would occupy in the building does not have a proper Certificate of Occupancy ("CofO") to operate a Wine Bar or any other business for that matter; and

**WHEREAS**, Representatives are new to this building and have clean hands, not having been involved with or responsible for any of the Building's violations; and

**WHEREAS**, Representative acknowledged to CB6 that they are aware of all the violations and are aware that the space in question does not have a proper CofO; and

**WHEREAS**, Although representative emphatically stated that they would cure all violations related to the retail space in question and get a proper CofO before opening their wine bar; and

**WHEREAS**, Although representatives hired an architect, who appeared before CB6M and he stated it was possible to rehabilitate the Space and get a proper CofO; and

**WHEREAS**, Although the hours of operation would only be from 1 pm to 3 am, 7-days a week; and

**WHEREAS**, Although representative have stated that they will not be playing loud music; and

**WHEREAS**, a member of the community was present to speak against the applicant at the Community Board Six full Board meeting; and

**NOW THEREFORE**, be it

**RESOLVED**, that the bases of numerous outstanding violations, an improper Certificate of Occupancy and all other considerations, CB6M **opposes** the New, Restaurant Wine (RW) license for 24 Gourmet Vineyards Inc. d/b/a Lucy's Wine Bar, 241 East 24<sup>th</sup> Street, between 2<sup>nd</sup> and 3<sup>rd</sup> Avenues.

**VOTE: 32 in Favor 2 Opposed 3 Abstention 0 Not Entitled**

**i. Re: New, (OP) On-premises license for The Local Store LLC d/b/a tbd, 316 East 49<sup>th</sup> Street btw 1<sup>st</sup> and 2<sup>nd</sup> Avenue**

**WHEREAS**, Richele Benway, Owner (“Representative”), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on April 2, 2009, CB6M having jurisdiction of the premises in the license application process; and

**WHEREAS**, the Representative stated they were going to create a restaurant in the space; and

**WHEREAS**, the Representative stated they will be open from approximately 7:30 am to 1:00 am 7 days a week; and

**WHEREAS**, this application is subject to the 500 foot rule’s public interest analysis; and

**WHEREAS**, CB6M supports a restaurant-type business in this space instead of a bar and thinks it is in the public interest; and

**WHEREAS**, there were no members of the community present to speak for or against the Application; and

**THEREFORE**, be it

**RESOLVED**, that pursuant to the presentation by the Representative at this meeting and all other considerations, CB6M recommends a Favorable resolution for the New, (OP) On-premises license for The Local Store LLC d/b/a tbd, 316 East 49<sup>th</sup> Street btw 1<sup>st</sup> and 2<sup>nd</sup> Avenue; and

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

**j. Re: Transfer, (OP) On-premises license for Waterside Catering & Events LLC d/b/a tbd, 15 Waterside Plaza.**

**WHEREAS**, Elizabeth Lean and Adam Waldman, Owners and Stacy Weiss, Attorney (together “Representative”), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on April 2, 2009, CB6M having jurisdiction of the premises in the license application process; and

**WHEREAS**, the Representative is taking over a catering establishment which will host catered events only; and

**WHEREAS**, there were no members of the community present to speak for or against the Application; and

**THEREFORE**, be it

**RESOLVED**, that pursuant to the presentation by the Representative at this meeting and all other considerations, CB6M has no objection to the Transfer, (OP) On-premises license for Waterside Catering & Events LLC d/b/a tbd, 15 Waterside Plaza, so long as such liquor license is **restricted solely to the indoor** portion of such establishment and not to any outdoor section of such establishment, 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: 35 in Favor 0 Opposed 2 Abstention 0 Not Entitled**

**k. Re: New (RW) Restaurant Wine for Fresh Start Café LLC d/b/a Adam’s Fresh Café, 25 Waterside Plaza**

**WHEREAS**, Elizabeth Lean and Adam Waldman, Owners and Stacy Weiss, Attorney (together “Representative”), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on April 2, 2009, CB6M having jurisdiction of the premises in the license application process; and

**WHEREAS**, the Representative has informed Community Board Six of its intention to open an outdoor café in a defined space at Waterside Park; and

**WHEREAS**, there were no members of the community present to speak for or against the Application; and

**THEREFORE**, be it

**RESOLVED**, that pursuant to the presentation by the Representative at this meeting and all other considerations, CB6M has no objection to the New (RW) Restaurant Wine for Fresh Start Café LLC d/b/a Adam’s Fresh Café, 25 Waterside Plaza so long as such liquor license is **restricted solely to the indoor** portion of such establishment and not to any outdoor section of such establishment, 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: 19 in Favor 8 Opposed 10 Abstention 0 Not Entitled**

**m. Re: New, Eating Place Beer (EB) for C & P Food Corp. d/b/a Anita’s Café & Deli 514 East 3<sup>rd</sup> Avenue btw East 34<sup>th</sup> and East 35<sup>th</sup> Streets**

**WHEREAS**, Azahru Chowdherry, Owner and Terry Flynn, Attorney (together “Representative”), appeared before the Business Affairs & Street Activities Committee of

Community Board 6 Manhattan (CB6M) on April 2, 2009, CB6M having jurisdiction of the premises in the license application process; and

**WHEREAS**, the Representative stated they were going to open a deli that serves beer and sandwiches; and

**WHEREAS**, the Representative stated they will be open from approximately 7:30 am to 1:00 am 7 days a week; and

**WHEREAS**, this license would allow patrons who buy beer to sit at tables in the deli and consume it; and

**WHEREAS**, there were no members of the community present to speak for or against the Application; and

**THEREFORE**, be it

**RESOLVED**, that pursuant to the presentation by the Representative at this meeting and all other considerations, CB6M recommends a Favorable resolution for the New, Eating Place Beer (EB) for C & P Food Corp. d/b/a Anita's Café & Deli 514 East 3<sup>rd</sup> Avenue btw East 34<sup>th</sup> and East 35<sup>th</sup> Streets.

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

**o. Re: Renewal, (OP) On-premises license for TJ's NYC Inc. d/b/a Stone Creek, 140 East 27<sup>th</sup> Street, between Lexington and 3<sup>rd</sup> Avenues.**

**WHEREAS**, Ridvan Luka, Manager ("Representative"), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on April 2, 2009, CB6M having jurisdiction of the premises in the license application process; and

**WHEREAS**, the Applicant is requesting his liquor license be renewed; and

**WHEREAS**, members of CB6M expressed concern over years of problems relating to the Applicant, including windows being open past the hours allowed and people sitting on the establishment's windowsills smoking; and

**WHEREAS**, this establishment has been a before the 13<sup>th</sup> precinct community council many times in the past to address numerous complaint against it; and

**WHEREAS**, a member of the community appeared before the committee to complain of rowdiness and loud noise emanating from the establishment; and

**WHEREAS**, there were no members of the community present to speak for the Application; and

**THEREFORE**, be it

**RESOLVED**, that pursuant to the presentation by the Representative at this meeting and all other considerations, CB6M opposes the Renewal, (OP) On-premises license for TJ's NYC Inc. d/b/a Stone Creek, 140 East 27<sup>th</sup> Street, between Lexington and 3<sup>rd</sup> Avenues.

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

**p. Re: Renewal, (OP) On-premises license for Monju Inc. d/b/a Restaurant Hiyoko, 305 East 53<sup>rd</sup> Street, between 1<sup>st</sup> and 2<sup>nd</sup> Avenue.**

**WHEREAS**, Hisashi Ibata and Yui Orya, Owners and Martin Mehler, Attorney (together "Representative"), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on April 2, 2009, CB6M having jurisdiction of the premises in the license application process; and

**WHEREAS**, the Applicant is requesting his liquor license be renewed; and

**WHEREAS**, earlier this year, on charges of bait and switch, the SLA cancelled their liquor license earlier this year; and

**WHEREAS**, Applicant, in response to their liquor license cancellation filed a stay in court and had the SLA decision overruled and their license restored; and

**WHEREAS**, Applicant expressed regret about misleading CB6 in their original application and blamed it on their lack of English and their former attorney giving them bad information and advice; and

**WHEREAS**, despite the SLA revocation this facility has been operating continuously; and

**WHEREAS**, a member of the committee indicated that no rowdy behavior or noise has emanated from this establishment to his knowledge and they are good neighbors; and

**WHEREAS**, there were no members of the community present to speak for or against the Application; and

**THEREFORE**, be it

**RESOLVED**, that pursuant to the presentation by the Representative at this meeting and all other considerations, CB6M has no objection to the Renewal, (OP) On-premises license for Monju Inc. d/b/a Restaurant Hiyoko, 305 East 53<sup>rd</sup> Street, between 1<sup>st</sup> and 2<sup>nd</sup> Avenue.

**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: 31 in Favor 4 Opposed 2 Abstention 0 Not Entitled**

**q. Re: Renewal, (OP) New York Milkshake Co. Inc., d/b/a New York Milkshake Co. Dag Hammerskjold Plaza, 342 East 47<sup>th</sup> Street, between 1<sup>st</sup> and 2<sup>nd</sup> Avenues.**

**WHEREAS**, Scott B. Marcus, Manager and Frank Palillo, Attorney (together “Representative”), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on April 2, 2009, CB6M having jurisdiction of the premises in the license application process; and

**WHEREAS**, the applicant is requesting his liquor license be renewed; and

**WHEREAS**, the applicant runs an outdoor café in the park; and

**WHEREAS**, some members of the committee pointed out contradictions between what Applicant requested to do in his original application and what he ultimately did, like his increased number of seats and tables; and

**WHEREAS**, members of the committee pointed out that he has illegally placed liquor bottles outside the seating area; and

**WHEREAS**, applicant assured committee that there will no longer be liquor bottles within view; and

**WHEREAS**, the President of Dag Hammerskjold Plaza appeared in support of the applicant; and

**WHEREAS**, there were no members of the community present to speak against the applicant; and

**THEREFORE**, be it

**RESOLVED**, that pursuant to the presentation by the Representative at this meeting and all other considerations, CB6M has no objection to the Renewal, (OP) New York Milkshake Co. Inc., d/b/a New York Milkshake Co. Dag Hammerskjold Plaza, 342 East 47<sup>th</sup> Street, between 1<sup>st</sup> and 2<sup>nd</sup> Avenues.

**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: 16 in Favor 14 Opposed 7 Abstention 0 Not Entitled**

The above resolution was defeated and replaced with q1 below:

**q1. Re: Renewal, (OP) New York Milkshake Co. Inc., d/b/a New York Milkshake Co. Dag Hammarskjöld Plaza, 342 East 47<sup>th</sup> Street, between 1<sup>st</sup> and 2<sup>nd</sup> Avenues.**

**WHEREAS**, Scott B. Marcus, Manager and Frank Palillo, Attorney (together “Representative”), appeared before the Business Affairs & Street Activities Committee of

Community Board 6 Manhattan (CB6M) on April 2, 2009, CB6M having jurisdiction of the premises in the license application process; and

**WHEREAS**, the applicant is requesting his liquor license be renewed; and

**WHEREAS**, the applicant runs an outdoor café in the park; and

**WHEREAS**, some members of the committee pointed out contradictions between what Applicant stated method of operation is in his original SLA application, which is 8 tables inside the one story greenhouse and 30 tables outside with a total number of 80 seats; with hours of operation 7am to dusk, seven-days per week; and

**WHEREAS**, the renewal application states the hours of operation are 7am to 12am seven-days per week and there are between twelve and fifteen additional tables outside, the number of seats are a variable, and

**WHEREAS**, members of the committee pointed out that he has illegally placed liquor bottles outside the one-story greenhouse and has been observed serving alcohol from a large stand-up cooler without filing for an alteration application with the SLA for an additional bar; and

**WHEREAS**, the applicant has assured the committee that there will no longer be liquor bottles within view; and

**WHEREAS**, the President of the Friends of Dag Hammarskjöld Plaza appeared in support of the applicant; and

**WHEREAS**, there were no members of the community present to speak against the applicant; now

**THEREFORE**, be it

**RESOLVED**, that pursuant to the presentation by the Representative at this meeting and if the applicant operates his establishment according to the method of operation depicted in his original application, NOT HIS RENEWAL APPLICATION, CB6M has no objection to the Renewal, (OP) New York Milkshake Co. Inc., d/b/a New York Milkshake Co. Dag Hammarskjöld Plaza, 342 East 47<sup>th</sup> Street, between 1<sup>st</sup> and 2<sup>nd</sup> Avenues.

**VOTE:** 30 in Favor 3 Opposed 3 Abstention 0 Not Entitled

r. **Report:** Joshua waived his report.

9). **Public Safety** – Fred Arcaro, Chair

a. **RE: Prohibit natural gas drilling within the boundaries of the watershed of the New York City drinking water supply.**

**Whereas**, The New York City (NYC) drinking water supply is one of our most vital resources; and

**Whereas,** the high quality of the water supplied to NYC from the Catskill and Delaware watersheds, with actions being taken by the City of New York to preserve and improve the quality of that water, has earned a Filtration Avoidance Determination from the United States Environmental Protection Agency (EPA), making it one of five unfiltered drinking water supplies to serve a major United States city; and

**Whereas,** the entire Catskill and Delaware watersheds, which provide approximately 90% of the City's daily water supply, sit atop the Marcellus Shale geological formation, containing large deposits of natural gas; and

**Whereas,** rising natural gas prices and new developments in gas recovery technology have recently made drilling for natural gas in the Marcellus Shale formation economically viable; and

**Whereas,** New York State laws (A10526/S08169) has streamlined the permitting process for horizontal wells that use hydraulic fracturing, allowing the development of natural gas drilling sites within Marcellus Shale in New York to proceed more quickly; and

**Whereas,** natural gas exploration and production companies, and mineral rights owners, are interested in developing a potentially significant gas resource in the Marcellus Shale through the use of horizontal drilling and a hydraulic fracturing technique known as "slick water fracturing" which requires millions of gallons of water, combined with multiple chemical additives, many of which are known to be toxic, which has been linked to a variety of public health risks, including developmental delays and cancers; and

**Whereas,** hydraulic fracturing has resulted in documented incidences of leaks, spills, explosions and contaminating water supplies in nine different states, including Wyoming and New Mexico; and

**Whereas,** No amount of careful planning and operation can guarantee that there will be no chemical spills that could flow into reservoirs, underground migration of fracturing fluids toward the water supply, or other accidents resulting from drilling operations; and

**Whereas,** If the water supply should be contaminated, the City of New York would be required by the Environmental Protection Agency to build and operate a water filtration plant, the cost of which has been estimated to be approximately \$10 billion, which would be borne by New York City taxpayers; and

**Whereas,** absolutely no evidence has been shown by any organization that fluids used during Hydraulic Fracturing can be completely filtered out of drinking water; and

**Whereas,** in granting NYC the ten-year Filtration Avoidance Determination (FAD) for the Catskill and Delaware Watersheds, the EPA recognized the robustness of DEP Water Protection Program, a major part is land acquisition. Should gas exploration proceed, land owners near our watershed may be less likely to sell if they can sell natural gas leases with the potential for future royalties; potential for natural gas could drive up appraisals and cost of obtaining land from owners who are willing to sell; and

**Whereas,** another risk of unintended consequences of gas exploration would be future gas pipelines in close proximity to our watershed and/or water tunnels, including the Millennium Pipeline currently under construction, and the high quality of the extracted gas, which allows it to be piped without refinement, could pose a threat to our water supply should any part of the gas pipeline rupture; and

**Whereas,** the State Environmental Quality Review Act requires the New York State Department of Environmental Conservation (DEC) to review the methods used while accessing this natural gas that's located deep within the Earth; and

**Whereas,** the 2005 Energy Policy Act exempts companies who employ Hydraulic Fracturing methods from having to comply with many public health laws which were specifically written to protect our natural resources and well being (e.g. Safe Drinking Water Act, Clean Water Act, Emergency Planning & Community Right-to-know Act); and

**Whereas,** serious deficiencies in a review of the effects of hydraulic fracturing on drinking water supplies conducted by the EPA have been raised, including the alleged removal of key passage in that document by officials from the Office of Vice President Dick Cheney, as reported on October 14, 2004 by the Los Angeles Times, and the characterization of the report as “scientifically unsound” by an internal EPA whistleblower; and

**Whereas,** a Freedom of Information Law request submitted by the Washington D.C. based non-profit organization Environmental Working Group indicates that the New York State DEC has conducted no independent testing to determine whether there are significant risks to drinking water supplies from hydraulic fracturing and has by default relied on the aforementioned EPA report to a at least two occasions to publicly state that hydraulic fracturing poses no threat to drinking water supplies; and

**Whereas,** the New York State Department of Environmental Conservation Division of Mineral Resources, Bureau of Oil & Gas Regulation held scoping hearings upstate for a Draft Supplemental Generic Environmental Impact Statement, but failed to hold any hearings within New York City despite the fact 90% of our water supply comes from the Catskill and Delaware watersheds; and

**Whereas,** Council Member Gennaro has introduced Resolution No. 1850 in the New York City Council that calls for a ban for drilling within our Watershed Area; now

**Therefore, be it**

**Resolved,** Manhattan Community Board Six calls on the New York State Legislature, the New York State Department of Environmental Conservation, and New York State Governor David Paterson to prohibit Hydraulic Fracturing drilling for natural gas within New York State;

**Be it further resolved,** that the list of chemical ingredients used in hydraulic fracturing sites in the United States should be disseminated among all environmental regulatory agencies, water treatment facilities and first responders in the vicinity of the drilling site in order to mitigate potential damages that may arise should accidents occur;

**VOTE: 34 in Favor 1 Opposed 2 Abstention 0 Not Entitled**

**b. RE: Department of Buildings (DOB) Rules 105-03 and 105-04 relating to Public Challenge of Department Decisions dated March 6, 2009**

**Whereas,** it is laudable that DOB seeks to improve compliance with the Zoning Resolution though transparency and improvement to the public process, it fails however to adequately incorporate many of the changes that it seeks to address in the areas of meaningful reform that stems from accountability and public involvement; and

**Whereas,** the proposed rules fail to properly implement public challenges as follows:

- Imposes a time-limit on the public's ability to raise concerns about zoning compliance
- It establishes a 30 day review period which does not allow interested parties time to analyze complex zoning and building proposals or to enlist technical expertise to better enable challenges
- It provides inadequate notification for the community boards and other interested parties
- While the applicant is required to provide a site plan and axonometric diagram showing the maximum building envelope, building street wall height and the sky exposure plane, it does not require a detailed zoning analysis; and

**Whereas,** there is a risk that absent mechanisms that guaranty improved notice by the DOB approvals and immediate posting of the approval, the new rules can encourage noncompliance. Developers will understand that if their plans can pass the threshold of thirty days without public detection of the DOB approval, they will be able to proceed with construction without the intended benefit of the proposed rules; now

**Therefore, be it**

**Resolved,** that Community Board Six urges the Department of Buildings make the following changes to its proposed Rules 105-03 and 105-04 relating to Public Challenge of Department Decisions dated March 6, 2009:

- Public challenge period must be extended to at a minimum of 60 days and that there should be no time restriction on the public's right to raise red flags about major zoning or other building illegalities
- As part of DOB public notification process, it should send e-mail alerts to community boards, offices of the Borough Presidents and council members, and other interested stakeholders
- Approvals to development plans should accompany with a detailed zoning analysis citing relevant sections of the Zoning Resolution and construction codes
- The site plan should include the applicable zoning district, lot dimensions, and open space
- The axonometric diagram should illustrate the maximum building envelope, the building street-wall height, and the sky exposure plan
- The requirement that the failure of the public to cite relevant zoning and construction codes as a cause for dismissal of the challenge should be modified so as to make it easier for the challenge to be seriously reviewed by the DOB
- The DOB should make staff available to assist the public in making challenges to DOB reviews

**VOTE: 37 in Favor 0 Opposed 0 Abstention 0 Not Entitled**

**c. RE: Occupation Safety and Health Administration's (OSHA) proposal to take over administration of crane operations from NYC Department of Buildings (DOB).**

**Whereas,** on average, New York City operates 35 tower cranes and 250 crawler and mobile cranes each day; and

**Whereas,** many of the provisions of the Cranes and Derricks Negotiated Rulemaking Advisory Committee (C-DAC) being proposed are a welcome modernization of OSHA's 40

year old crane rules, they will seriously undermine DOB's efforts to improve crane operations safety within New York City; and

**Whereas**, the proposed OSHA rules on crane operation are less stringent than those recently enacted by DOB in the follows ways:

- It imposes the primary substantive responsibility on the crane and derrick industry to comply with its regulations, in other words, the industry will police itself to comply with OSHA regulations
- It does not provide authority of over safety violation that threaten public safety
- It does not provide legal authority to issue Stop Work Orders
- It does not require professional engineers to submit any detailed rigging and assembly plans to any regulatory agency prior to tower crane erection or jumps and making sure that crane operation plan meets with all safety procedures
- It does not require any inspection by any regulatory agency of cranes making sure that it meet safety requirements before cane assembly or jumping
- It does not require riggers and assembly crew to meet and review approved plan on site before the jump to discuss roles and inspect equipment
- It does not require crane assemble crew to take a 30 hour safety course in crane assembly and disassembly
- It does not contain any guidelines for dealing with cranes as they age
- It does not provide control of critical crane components by not having a uniform labeling system for critical parts that should travel with the cranes as they move from state to state; and

**Whereas**, OSHA has no full time staff dedicated to construction inspections in New York City; and

**Whereas**, DOB as two licensed professional engineers and a dedicated staff of 6 plan examiners in addition to over 11 full-time highly trained inspectors; and

**Whereas**, with recent serious crane accidents that New York City has experienced, it can only adds to the argument that more oversight is needed not less; now

**Therefore, be it**

**Resolved**, that Community Board Six urges the C-DAC proposal must be amended to provide for a continued local role in regulating crane and derrick operation in New York City.

**VOTE: 37 in Favor 0 Opposed 0 Abstention 0 Not Entitled**

d. **Report**

**10.) Budget & Governmental Affairs – Dan Williams, Chair**

In the absence of Dan Williams, Committee member Paula Schaeffer presented the resolution.

a. **Re: Agency representatives attending Community Board meetings.**

**Whereas**, the New York City Charter §2800.d. authorizes community boards to:

- (2) Cooperate with, consult, assist and advise any public officer, agency, local administrators of agencies, legislative body, or the borough president with respect to any matter relating to the welfare of the district and its residents;
- (8) Request the attendance of agency representatives at its meetings;
- (11) Consult with agencies on the capital needs of the district, review departmental estimates, hold public hearings on such needs and estimates and prepare and submit to the mayor capital budget priorities for the next fiscal year and the three succeeding fiscal years;
- (13) Consult with agencies on the program needs of the community district to be funded from the expense budget, review departmental estimates, hold public hearings on such needs and estimates, and prepare and submit to the mayor expense budget priorities for the next fiscal year;
- (14) Assist in the planning of individual capital projects funded in the capital budget to be located in the community district and review scopes of projects and designs for each capital project provided, however, that such review shall be completed within thirty days after receipt of such scopes or designs;
- (15) Evaluate the progress of capital projects within the community district based on status reports to be furnished to the board; and

**Whereas,** the New York City Charter §2800.e. requires that each agency shall furnish promptly to each community board on request any information or assistance necessary for the board's work and to report periodically to each board on its service activities programs and operations within the community district; and

**Whereas,** it is manifestly infeasible for community boards to perform the authorized activities under the New York City Charter §2800.d.(2), (11), (13), (14), (15), (18) and (19) without the cooperation and assistance called for under §2800.e., including providing the appearance of agency representatives as community boards are specifically authorized to request §2800.d.(8); and

**Whereas,** Community Board Six endeavors to limit special requests for agency cooperation to those matters that cannot be adequately addressed by existing lines of communication; and

**Whereas,** there is a persistent and growing failure of numerous New York City agencies to send representatives to appear at community board meetings as requested, and

**Whereas,** there is a persistent failure of some city agencies to respond appropriately to communication from community boards, and

**Whereas,** there is a persistent failure of some city agencies to provide appropriate prior notice of intent to take actions that affect communities,

**Therefore, be it resolved**

Manhattan Community Board Six requests the Mayor, the Borough President and Members of the New York City Council take action to require agencies to cooperate fully with community boards including appearing at community board meetings, respond appropriately to community board communication and provide community boards adequate prior notice of planned community actions as called for in §2800.e. and §2800.d.(8) of the New York City Charter;

**And be it further resolved**

Manhattan Community Board Six calls on the Public Advocate to examine whether there is a pattern of failure of New York City agencies to comply with §2800.e. of the New York City Charter;

**And be it further resolved**

Manhattan Community Board Six calls on the Independent Budget Office to examine the budgetary impact with respect to limiting public participation and thereby narrowing the participatory opportunities as a consequence of New York City agency failure to comply with §2800.e. of the New York City Charter;

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

**b. Report**

Paula Shaeffer waived her report.

**Old/New Business**

The three defeated resolutions were revisited and item J: **1)** Item 8b Ali Baba's Terrace No objection resolution changed to Negative resolution 8b1. **2)** Item 8e Cavatappo Wine Bar No objection resolution changed to Negative resolution 8e1. **3)** Item 8q New York Milkshake Company wording to explicitly state No objection on the application if and only if it follows the original application and not the renewal application. **4)** Item 8j wording changed to limit license to indoor portion of the café.

**Second Roll Call – Carol A Schachter**

**Meeting Adjourned at 11:15 pm**