

**MANHATTAN COMMUNITY BOARD 6
FULL BOARD MEETING MINUTES
Wednesday, April 14, 2010
NYU MEDICAL CENTER
550 FIRST AVENUE**

Hon. Mark Thompson, Chair

ATTENDANCE

Members answering first roll call:

Arcaro, Barrett, Buchwald, Curtis, Dankberg, Disman, Dubnoff, Eggers, Figueroa, Frank, Friedman, Garland, Goldman, Gonzalez, Haile, Hollister, Humphrey Imbimbo, Judge, LaBarbera, Landesman, McIntosh, Moses, Negrete, O'Neal, Papush, Parise, Parrish, Pellezzi, Rubin, Scala Schaeffer, Schwadron, Sepersky, Sherrod, Simon, Steinberg, Thompson, Weder, West, Winfield

Members answering second roll call:

Arcaro, Barrett, Buchwald, Curtis, Dankberg, Disman, Dubnoff, Eggers, Figueroa, Frank, Friedman, Garland, Goldman, Gonzalez, Haile, Hollister, Humphrey Imbimbo, Judge, LaBarbera, Landesman, McGuire, McIntosh, Moses, Negrete, Oddo, O'Neal, Papush, Parise, Parrish, Pellezzi, Rubin, Scala Schaeffer, Schwadron, Sepersky, Sherrod, Simon, Steinberg, Thompson, Weder, West, Winfield

Excused: Bergman, Collins, Lee, McIntosh, Reiss, Schachter, Seligman,

Absent: Williams

Guests signed in: Jessica Silva, BP's Ofc.; C/M Rosie Mendez; Cameron Peterson – A/M Kavanagh; Robert Atterbury - Cg/M Carolyn Maloney; Sara Hale-Stern-Sen. Liz Krueger; Belinda Cape-Sen. Duane; Keith Powers-A/M Jonathan Bing; Danielle Bennett-A/M Gottfried; Tim Laughlin-C/M Garodnick; Christina Bottego-C/M Jessica Lappin; David Benfield, Jessica Kovac, Claudia Gorun & Elise Wagner – NYU Langone Med. Ctr.; Ethel Bendove, Ryan Brumberg, Matthew Cullinen, Judy Gifford, John O'Hare, Mark Lippi, Donald E. Long, Rajesh, Najjar, Carol Rinzler, Lawrence Scheyer, Matt Shotkin, Sandra Stevens, Jules Vigh,

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Meeting Called to Order

Mark Thompson, Chair, called the meeting to order.

Roll Call – Ellen Imbimbo

PUBLIC SESSION

Borough President's Report: **Jessica Silver** congratulated and welcomed the four newly appointed Board Members, Alejandra Negrete, Dodge Ladesman, Jose Gonzalez and Beth Parise. This year the BP's office received 626 community board applications. New Board Member Orientation will be held on April 28th at the Borough President's Office. **2.** Thank you to all CB6 members for their participation in getting the word out about the 2010 Census. The Borough President's office was charged with organizing the complete count committee for the borough of Manhattan and is very happy to say that every community board got involved with getting the word out as well as help organize events in their communities about how important it is to participate in the 2010 Census. Thank you everyone for all the work you did. **3.** Borough President Scott Stringer has been talking with the other Borough Presidents on how we could all work together to come up with a plan to try and save the community board's budgets. At this time they are all brainstorming and talking with all the community board Chairs and District Managers to see what it is we need to do to save our budgets.

For more community news and updates from the BP's Office go to www.mbpo.org.

Cameron Peterson representing A/M Kavanagh announced the Assembly Member will host his 1st annual District Community Health Fair, Saturday April 24th from 12:00 pm – 4:00 pm. **2.** The Assembly Member spoke to Stuyvesant Town /Peter Cooper Village residents on March 13th to emphasize the importance of solidarity in the tenants' pursuit to gain a seat at the table regarding their apartment complex new ownership. The residents were invited to sign a non-binding "Unity Pledge" requesting the Tenant Association and its advisors to research options for purchasing the property and to negotiate in the restructuring of the complex.

For further community news and updates see the Assembly Member's Newsletter or go to <http://assembly.state.ny.us/mem/?ad=074>.

Robert Atterbury representing Cg/M Carolyn Maloney stated the Congress Member hails the approval of the Health Care Reform bill. She states that this approval after decades of trying is an historic event. It will make a huge difference in the lives of Americans including the 2.5 million uninsured New Yorkers. **2.** Legislation co-sponsored by Cg/M Maloney which aims to prohibit non-governmental mailings that mimic the look and feel of the official Census forms was just signed by the President. She stated that rarely in Washington is there such uniform bipartisan agreement accompanied by fast action. She commends the U.S Senate for acting so quickly to combat the practice of sending deceptive Census mailings that try to confuse seniors, minorities, new immigrants and other hard to count groups. This legislation comes at a critical moment as we encourage everyone to do their civic duty by filling out and mailing back their questionnaire.

For further community news and updates see the Congress Members Newsletter or go to www.house.gov/maloney/press/html

Sara Hale-Stern representing Sen. Liz Kreuger announced Part II of the Senator's Roundtable Series which presents seminars on Financial Issues for Older Adults, will be held on Thursday April 15th.

For further community news and updates see the Senator's newsletter or go to www.lizkrueger.com

Belinda Cape representing Sen. Tom Duane ceded her time. For community news and updates see the Senator's newsletter or go to www.tomduane.com.

Keith Powers representing A/M Jonathan Bing reported that A/M Bing congratulates CB6 on the Water Main hearing held on April 6th. **2.** A/M Bing is very happy the Assembly passed bills A859 and A6137, the bills he sponsored. Assembly Bill A859 will provide safeguards for Mitchell-Lama buildings and A6137 would create a Second Ave. Subway Grant Program for businesses suffering the ongoing construction. He is also proud that the Dept. of Education and Panel for Education Policy implemented his legislation A9134, which establishes an arts advisory committee for NYC public schools.

For further community news and updates see the Assembly Member's Community Bulletin or go to www.jonathanbing.com.

Danielle Bennett representing A/M Gottfried announced that by now everyone should have received their 2010 Census form and asks that they be sent back as soon as possible. **2.** The National Kidney Foundation is working to raise awareness about Kidney transplantation. On Thursday, April 29th, the Foundation will hold a workshop for people awaiting a kidney transplant. **3.** Several of A/M Gottfried's bills passed the Assembly in March; one in particular is A2007-b-Prescription Drug Discount Program, which improves access to prescription drugs for millions of patients who do not have drug coverage. **4.** The Assembly Member is very happy that the Governor signed the Family Health Care Decision Act bill which he sponsored.

For further community news and updates see the Assembly Member's Newsletter or go to <http://assembly.state.ny.us/mem/?ad=075>

C/M Rosie Mendez reported on the Parks Departments Rules & Regulations regarding vendors as it pertains to the restrictions in the parks. At this time she is waiting and has been waiting for DPR to give her information on their rationale on how they came up with the number of only 18 vendors in the city parks. She has concerns about 1st Amendment Rights and plenty of concerns about her constituents. Therefore, until DPR can explain to her how they came to settle on that number, she cannot support these changes. **2.** She joined many people from both the East and West sides of lower Manhattan who desperately fear the consequences of the closure of St. Vincent's Hospital. St. Vincent's managed over 62,000 emergency visits, 1,800 births, almost 22,000 hospital admissions and 263,000 outpatient visits a year and now, all of this will be shifted to other strained medical providers such as Beth Israel, Bellevue and Gouverneur Hospitals. She will continue to work with her colleagues at the City and State levels to minimize the negative impact to the public's health. **3.** In recent weeks the Dept. of Education (DOE) has made a new plan to relocate the Clinton School of Artist and Writers with a population of 250 plus students into the American Sign Language School (ASL). She is concerned that the DOE's latest Educational Impact Statement to co-locate these schools would cause both safety issues and programmatic disruption. She opposes this re-location and will continue to meet with all the stake holders to preserve the long history of the American Sign Language School.

For further community news and updates see the Council Member's Community Report or go to <http://council.nyc.gov/d2/html/members/home.shtml>.

Tim Laughlin representing C/M Dan Garodnick reported: **1.** C/M Garodnick has reintroduced legislation that would lead to letter grades for sidewalk food vendors. The bill first introduced in 2009 during the last City Council term, pre-dates the Dept. of Health's recently approved plan to require restaurants to post letter-graded health inspection scores in their windows. He states that this is about health, consumer protection and fairness across the food services industry. **2.** He announced that Microsoft and the NYS Dept. of Labor will be offering Free Computer Training and are distributing 71,000 vouchers for free technology training and certification through One-Stop Career Centers across the state.

For further community news and updates see the Council Member's East Side Bulletin or go to www.garodnick.com.

Christina Bottego representing C/M Lappin reported that during the week of April 19th, C/M Lappin will be leading an effort in the City Council on a project called Complete Streets Week. She has partnered with AARP and teams of New Yorkers from across the five boroughs and will take to the streets to survey conditions at dangerous intersections all over the city. Of the 50 most dangerous intersections in NYC, over half are in Manhattan and 14% are on the Upper East Side. Everyone knows where a dangerous intersection is; now it's time to do something about it. Her office will provide teams with a survey tool to help make things easier. You can select the street or streets you want to survey. After the surveys are completed, her office will compile the data and take it to the Dept. of Transportation to advocate for the changes in our communities. **2.** C/M Lappin is pleased that her legislation requiring the NYPD to publish traffic related statistics on its website will receive a hearing in City Council's Public Safety committee on April 28th. She states that we all know where the dangerous intersections are, but it's nearly impossible to get hard data on them, this bill will change all that and allow everyone access to the information they need to effectively advocate for their community.

For further community news and updates see the Council Member's Community Bulletin or go to www.jessicalappin.com.

Carol Rinzler area resident spoke in opposition to the Dept. of Transportation's (DOT) proposed planned removal of the E. 49th and E. 50th Street bus stop.

Elise Wagner, Jessica Kovac & David Benfield representing NYU Langone Medical Center gave a brief presentation on their application for a variance to allow the expansion of the NYU Emergency Department. The application has a two-part request, one for rear yard and the other for signage. They gave a presentation to the Board's Land Use committee; several committee members felt there were too many signs and oversized signage. They offered no changes, however in the hope that the Board would vote unanimously for the application, they provided the Full Board with an explanation as to why the need for so many signs and the need for the sizes.

Matt Shotkin area resident briefly spoke on attending the MTA hearing as it pertained to the Student Metro Cards.

Ryan Brumberg area resident came to voice his opposition concerning the governments new Health Care Reform Bill.

Sandra Stevens, area resident came to thank the Board for their resolution on the Farmers Market.

BUSINESS SESSION:

Adoption of the March 10th Full Board minutes

Minutes were adopted by a voice vote.

Chair's Report – Mark Thompson

Mark made a few announcements and acknowledgements:

- 1) Unfortunately Board Member Maxine McIntosh's father has passed away; a moment of silence was observed in her honor.
- 2) Two committees have to caucus.
- 3) I would like to thank Toni Carlina and Fred Arcaro for their work on the East 50s Water Main Forum last Tuesday evening and I would like to thank everyone who attended. It was amazingly successful and was standing room only; in fact, Tim Laughlin had to ask people to move into the hallway; more than 200 people attended. While we have still not succeeded in getting the water mains shifted from E. 56th Street, we will continue to fight. One good thing has come out of this, and that is the community has become mobilized.
- 4) The Charter Revision Commission has taken its road show around the City in an effort to get public comment on the proposed changes. Our role in the Land Use Process and other areas are being discussed. The CB6 Task Force is working on this matter and will continue to do so as the process continues. Again, we will need to be ready to fight any changes that may take away our role as the voice of the community.
- 5) I would also like to ask that the Chairs get their agendas and letters of invitations request to Toni and the Board office as ASAP since Wednesday's Executive meeting will be brief.
- 6) We all know Melissa Severe has left the Board Office, we miss her dearly, but she is very well appreciated at her new office with C/M Williams in Brooklyn. Therefore, I am asking the members, when you contact the office, to remember that we are short staffed and to be patient.
- 7) I would like to extend birthday greetings to Gavin and Catherine Frank.
- 8) Please be aware that letters will be going out soon to Board Members and Public Members who have failed to meet attendance requirements as stated in the Board's By-laws, absences are a cause for removal. This is not something anyone want to see happen, but it is required and there are many qualified people eager to be on the Board.
- 9) Welcome to our new Board Members: Jose Gonzalez, Dodge Landesman, Alejandra Negrete and Beth Parise. The new members were ask to stand and were given the oath of office. The new members and those who recently joined are invited to attend a meet and greet with the Committee Chairs next Wednesday so you can learn about the committees. If you happen to be sitting next to one of our new members, please introduce yourself and make them feel at home.

District Manager's Report — Toni Carlina

Toni thanked Karen for stepping up to the plate and assisting with the Water Main forum last week. She waived her report.

Treasurer's Report - Bea Disman

- 1) Bea stated that: 1) at the same time that Karen is doing all this she still has time to figure out the cities new financial system. She informed the members that Karen will be inputting the data over the next couple of weeks so by the time we come to the next Board meeting we'll really see what we have. 2) We have had a number of discussions about the budget cuts that are proposed for Community Boards, there have been rallies in Queens and Brooklyn, and we expect one in Manhattan; we have asked a number of people to support us in this effort. This year the cuts are even more severe than in the past, I have to thank Toni and the Board, because they really spearheaded last year's budget cut fight and we're going to do it again this year. Toni thanked Rick Eggers for his assistance in this effort.

Committee Resolutions and Reports

1. Health, Seniors & Disability Issues – Sandro Sherrod Chair

- a. **Report** – Sandro thanked Lyle Frank for his help with the community centers, Bellevue is finally opening. 2) He announced that while the board is discussing the SBS process we must all keep in mind the bus stop at Bellevue Hospital is totally utilized by the Bellevue patients and that it be imperative that the patients continue to have access to that stop.

2. Youth & Education – Maxine McIntosh, Chair

- a. **Report** – Waived

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

Yuvie Figueroa and Aaron Humphrey presented the resolution.

a. Tenant Rights Omnibus Act

Whereas, the purpose of this bill is to authorize; 1) administrative proceedings for the enforcement of housing maintenance codes and a legal basis for the tenant to withhold rent from the landlord if the warranty of habitability is breached, and 2) the discouragement of frivolous, groundless or bad faith primary residence eviction attempts; and

Whereas, the Warranty of Habitability Law gives tenants the right to repair hazardous violations in their buildings and deduct the cost of the repairs from their rents provided they comply with specific HPD promulgated conditions; and

Whereas, there is a long-standing belief in this country that individuals should get what they pay for; and

Whereas, in commercial law, if you do not receive what you are promised in a contract, you are entitled to withhold payment for services; and

Whereas, this basic right does not exist in landlord tenant law; and

Whereas, the Warranty of Habitability Law does not explicitly allow the tenant, on his own, to deduct rent; and

Whereas, this bill provides legal basis for the tenant to withhold rent from the landlord if the Warranty of Habitability is breached; and

Whereas, landlords have increasingly brought court action against tenants in recent years to eliminate their rent-stabilization protections on the basis of non-primary residence; and

Whereas, in many cases, landlords have little reason to believe a non-primary residence violation exists and have brought actions as a way of forcing tenants to vacate their apartments, sometimes even ignoring proof submitted by tenants establishing primary residence; and

Whereas, this bill seeks to discourage this practice by awarding tenant's attorney fees and damages in cases where they successfully defend primary residence actions that were brought in bad faith; now

Therefore be it

Resolved that Community Board Six urges the state legislature to pass and Governor Paterson to sign into law legislation, A00415/S3855, to amend the tenant omnibus act in relation to the warranty of habitability law and primary-residence evictions.

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

b. **Report** – Waived

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

d. NY State Assembly Bill A08154A/S4603A - in relation to the safety of elevators in buildings owned by NYCHA.

Whereas, the bill is intended to increase the safety of elevators in buildings owned by New York City Housing Authority (NYCHA); and

Whereas, per the LL 1081 Elevator Inspection Results for the period of 2004-2008, elevators in buildings owned by NYCHA in Community Board Six alone received an eighty percent unsatisfactory rating; and

Whereas, presently New York City Housing Authority inspects its own elevators which are exempt from inspection by New York City Department of Buildings (NYCDOB) inspectors; and

Whereas, NYCDOB has a more robust elevator inspection protocol than the NYCHA inspection protocol; and

Whereas, presently NYCHA elevator inspection ratings do not distinguish between a broken light bulb and a serious hazardous condition; and

Whereas, many of the more than 20-year-old elevators in buildings owned by NYCHA do not comply with elevator code established by the American Society of Mechanical Engineers that require door restrictors that would prevent the car door from opening more than four inches; and

Whereas, door restrictors allow the car door to open only four inches, enough to yell for help, which could have avoided the tragic death of Jacob Neuman, a five-year old boy who fell down the shaft after the doors (without restrictors) opened in mid-trip at the Taylor-Wythe Houses in Williamsburg, Brooklyn; now

Therefore, be it

Resolved, that Community Board Six urges the New York State Assembly and the New York State Senate to pass a bill similar to A08154A and S4603-A respectively and for the Governor to sign such bills as soon as possible; and be it

Further Resolved, that Community Board Six urges the adoption of all necessary legislation to require all elevators in NYCHA buildings to have door restrictors preventing elevator doors from opening more than four inches when the elevator stops between floors; and be it

Further Resolved, that Community Board Six urges reforming the inspection rating protocol to ensure that hazardous condition to be repaired be easily identified.

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

e. **Report** – Fred thanked Molly Hollister for doing the committee minutes.

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

a. Landmark Designation of 235-237 East 22ND Street.

WHEREAS, the Landmarks Preservation Commission has calendared a public hearing on landmark designation of the building at 235-237 East 22nd Street (aka Gramercy House), and

WHEREAS, the Gramercy House is among New York City’s most ornate Art Deco style apartment buildings, notable for its unique polychrome terra cotta, and

WHEREAS, the building’s most notable features are its textured brickwork with zigzag, wave and chevron patterned terra cotta in tan, teal, black and blue has been called some of the most notable Art Deco terra cotta in New York and this detailing remains largely intact and is most notable around the storefronts on Second Avenue and at the building’s entrance on East 22nd Street, and

WHEREAS, it was built between 1929-1931 by architects George and Edward Blum who gained renown as apartment house designers in that era, now

THEREFORE, BE IT

RESOLVED Community Board 6 supports the designation of 235-237 East 22nd Street (Gramercy House) as a historic landmark of the City of New York; and be it

Further Resolved that Gramercy House be nominated to the State & National Registers of Historic Places.

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

b. 10 Gramercy Park S - Certificate of Appropriateness

WHEREAS, the owners of Apartment 1 at 10 Gramercy Park S. in the Gramercy Park Historic District have applied for a Certificate of Appropriateness to modify their rear façade to cure the lack of consistency between the windows and doors by replacing with windows and doors all from the same manufacturer, with the same color trim, material, grilles, proportions, and following a datum along their top edge as well as replacing the existing A/C condenser, and

WHEREAS, the proposed work will not be visible from the public way, now

THEREFORE, BE IT

RESOLVED, Community Board 6 has no objection to the approval of this application by the Landmarks Preservation Commission.

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

c. QUEENSBORO OVAL BALL FIELD

WHEREAS, public parkland in New York City is a precious resource and most especially on the east side of Manhattan, and

WHEREAS, the Queensboro Oval ball field under the Queensboro Bridge in Community Board 8 (but on the border with Community Board 6) is currently operated as a public ball field during the summer months and a fee based tennis facility the rest of the year, and

WHEREAS, the Parks Department proposes to extend the commercial use for tennis for the entire year thus eliminating the public use as a ball field, and

WHEREAS, this space is part of a restrictive declaration between the city, the community board and the property owner that requires its maintenance as a public space and that the developer spent a substantial amount in capitol funds and then provided \$685,000 to the Parks Department Trust and Agency account for the maintenance of the oval, and

WHEREAS, Community Board 6 has a long history on the general proposition that public park land not be privatized, and

WHEREAS, the Parks Department is able to avoid alienation requirements of New York State Law by the expedient of using revocable consent as opposed to entering into leases, and

WHEREAS, Community Board 6 in our resolution of January 2008 on the subject of park alienation urged the State Legislature to regulate this “loophole”, and

WHEREAS, Community Board 8 in a resolution of March 2010 “unequivocally” opposed the plan of the Parks Department, now

THEREFORE, BE IT RESOLVED, Community Board 6 supports Community Board 8 in its strong opposition to this plan, and be it

FURTHER RESOLVED, we again urge the members of the State Legislature to review and legislate this loophole in the alienation requirements of New York State law.

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

d. Proposed New Regulations regarding certain Vendors in City Parks

Whereas, Community Board 6 has often expressed its concern about the lack of park space within the Board area, having the lowest ratio of open space per capita of any Board in New York City, and

Whereas, Community Board 6, because of its lack of open space, is alert to and feels obligated to comment regarding Parks Department regulations regarding allowable park use, and

Whereas, the Parks Department is proposing new regulations regarding vendors of so-called expressive matter in certain parks which are outside the Board 6 area (on which we will not comment), the proposed new regulations could have future implications for usage of park space in Community Board 6 and we wish to add our views to the dialogue, and

Whereas, expressive matter is defined as material or objects with expressive content such as newspapers, books, writings, or visual art such as paintings, prints, photography, or sculpture, and

Whereas, these new regulations are being affected by free expression (First Amendment) court rulings, which add additional complexity and ramifications which Community Board 6 has not fully explored, and which would allow vendors and other park uses that otherwise would or should not be permitted, and

Whereas, the Parks Department is nevertheless allowed to regulate vendor activity even for expressive matter vendors when it concerns protection of basic public usage, and of Parks property and furniture such as, inter alia, trees, benches, pathways, park entrances, lawns, playing fields or disabled access areas; now

THEREFORE, BE IT RESOLVED, that Community Board 6, to the extent that the Parks Departments proposed regulations are in accordance with constitutional protections embodied in the First Amendment, will support the Parks Department in its efforts to allow and regulate expressive matter vendors, so that public interests and usage of the parks are protected, and be it

FURTHER RESOLVED, that Community Board 6 urges the Parks Department to strictly enforce its regulations regarding the very limited number and location of expressive matter vendors to minimize the impact on our Parks, as well as to ascertain that an expressive matter vendor has a sales tax number issued by the New York State Tax and Finance Department.

VOTE: 40 in Favor 0 Opposed 1 Abstention 1 Not Entitled

e. **Report - Waived**

6. Land Use/Waterfront – Edward Rubin & Ellen Imbimbo, Chairs

a. **522-566 & 596-600 First Avenue NYU Langone Medical Center Emergency Department Expansion – Section 72-21 ZR – BSA Variance**

WHEREAS, the applicant seeks a variance for a renovation and expansion of the Emergency Department on the First Floor of Tisch Hospital at the NYU Langone Medical Center, and

WHEREAS, the expansion is within an R8 zoning district which requires a thirty foot rear yard, and extensions into the yard cannot be higher than 23 feet, and

WHEREAS, the expansion is constrained by existing medical center structures as well as the Amtrak ventilation tower, and

WHEREAS, CB6 has previously sought the creation of a special hospital district in it's approved 197 -a Plan for the hospital corridor along First Avenue in order to allow flexibility for large hospital campuses in lieu of the current and inappropriate R8 zoning, and

WHEREAS, the expansion would not adversely affect the operation of the medical campus or the Amtrak ventilation tower while improving the operation of the Emergency Department, and

WHEREAS, the applicant in addition to the rear yard waiver ZR24-36, it also seeks a variance from the signage regulations ZR22-331 and 22-342, and

WHEREAS, way-finding signage is critical for a large hospital and particularly for the Emergency Department, the request for 354.2 square feet and nine signs in lieu of the allowed 25 square feet allowed in the ZR is excessive, and

WHEREAS, many of the proposed signs will be illuminated making them more visible but also intrusive to the streetscape character, and

WHEREAS, the specific signs announcing and directing people to the Emergency Department is important and essential for its operation, several of the signs do not serve that purpose.

Drawing Z-1.07 Enlarged Elevations & Signage revised April 1, 2010 refers to nine signs: Signs 4 & 10 both essentially state "Adult & Pediatric Walk-In and are within several feet of each other. We recommend eliminating sign #4 (-44.8 SF)

Signs 9 & 13 both name the building. We recommend eliminating sign #13 (-13 SF) Signs 5 (on canopy) & 6 both state “Ambulance Only” and they are located very close to each other. We recommend eliminating #6 (-6.2 SF).

Sign 7 is perpendicular to the building on First Avenue and is the principal way-finding sign. However at 6’-0” wide and 27’-0” high it is too large for its intended use. The word “EMERGENCY” is the critical text and the NYU logo and “Langone Medical Center” text we believe is not necessary. We recommend eliminating all text except “EMERGENCY” or alternatively placing the logo and “Langone Medical Center” text alongside the “EMERGENCY” text and subservient to it. This would reduce the height from 27’-0” to 18’-0”. The reduced sign would still be substantially larger than the Bellevue Hospital ‘EMERGENCY’ sign at their new First Avenue entrance. (-54F). The total number of signs would be reduced from nine to six, and the total square footage requested in the variance would be reduced from 354.2 SF to 236.2 SF, still a substantial amount of signage and well above the 25 SF permitted, now

THEREFORE,

BE IT RESOLVED, that Community Board Six supports the variance from the rear yard regulations of ZR 24-36, and be it

FURTHER RESOLVED, that all signs be in compliance with NFPA standards, and be it

FURTHER RESOLVED, that Community Board Six supports the variance from signage regulations of ZR 22-331 and ZR 22-342 with the restrictions mentioned in the whereas section including:

- A. Eliminate signs #4, #13, #6 and
- B. Modify sign #7 by substantially reducing its size.

VOTE: 40 in Favor 0 Opposed 1 Abstention 1 Not Entitled

b. **Report - Waived**

7. Budget & Governmental Affairs – Richard Eggers, Chairs

a. **Report –**

Rick reported that at last month’s committee meeting the representative from the Department of Information & Technology (DoITT) discussed what type of changes they were making to modernize the infrastructure of the agency. He stated that what he got from the meeting was that there is a lot of information out there if we know how to get to it and that DoITT was trying to assist in making this possible. The representative has offered to send Rick some links to the many city agencies and once he receives them he will distribute them to the Board Members. He feels that this will also make it easier for everyone to do their budget requests in the future.

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

a. **Application for a Street Fair by Community Board Six on Friday, June 25 on East 43 Street between Lexington and Third Avenues from 10 a.m. to 6 p.m.**

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

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

THEREFORE, be it

RESOLVED, that Community Board Six supports the application for a street fair for June 25, 2010.

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

b. **Application for a Street Fair by Community Board Six on Friday, October 1 on East 43 Street between Lexington and Third Avenues from 10 a.m. to 6 p.m.**

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

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

THEREFORE, be it

RESOLVED, that Community Board Six supports the application for a street fair for October 1, 2010.

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

c. **Renewal OP for Blockhead Burritos, Inc. 499 3rd Avenue between East 33rd St. and East 34th St.**

WHEREAS, Ken Sofer, Owner (“Representative”), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on April 1, 2010, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, the Representative stated that they are renewing their existing license with no changes; and

WHEREAS, the Representative stated that the hours of operation are from 11 am to midnight, Sunday through Thursday and from 11 am until 2 am on Friday and Saturday; and

WHEREAS, the Representative stated that the attorney who would represent it before the SLA would be Robert Bookman; and

WHEREAS, the committee relied on all representations by the Representative when reaching its decision; and

WHEREAS, no members of the public were present to speak for or against the applicant; and

THEREFORE, be it

RESOLVED, that pursuant to the presentation by the Representative at this meeting and all other considerations, CB6M **does not object** to the **Renewal OP for Blockhead Burritos, Inc. 499 3rd Avenue between East 33rd St. and East 34th St.**

FURTHER RESOLVED, if the SLA application or self certification (if applicable), **however**, is in any way different from what was presented to CB6M as stated in this Resolution, **including** a different method of operation or “Hours of Operation” that differ in **any way** from those described above, then CB6M **opposes** the application and **urges** the SLA to deny the application based on such misrepresentation to Community Board 6 Manhattan.

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

f. **Transfer OP for 56th Street Restaurant LLC d/b/a Lips, 227 East 56th ST. between 2nd and 3rd Avenues**

WHEREAS, Edward LaFaye, Owner and Thomas McCallen (together “Representative”), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on April 1, 2010, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, the Representative stated that they are applying for an OP License for a Restaurant; and

WHEREAS, the Representative stated the Restaurant would be themed and feature “drag” servers; and

WHEREAS, the Representative stated that the hours of operation are from 6 am to midnight Sunday through Thursday and Noon to 2 am on Friday and Saturday; and

WHEREAS, the Representative stated that the attorney who would represent it before the SLA would be Thomas McCallen; and

WHEREAS, the Representative showed a the committee a large and detailed menu and floor plan; and

WHEREAS, the Representative stated they run three other establishments: Lips in the Village, Maracas in the Village and Artepasta; and

WHEREAS, the committee relied on all representations by the Representative when reaching its decision; and

WHEREAS, no members of the public were present to speak for or against the applicant; and

THEREFORE, be it

RESOLVED, that pursuant to the presentation by the Representative at this meeting and all other considerations, CB6M **does not object to the Transfer OP for 56th Street Restaurant LLC d/b/a Lips, 227 East 56th ST. between 2nd and 3rd Avenues**; and be it

FURTHER RESOLVED, if the SLA application or self certification (if applicable), **however**, is in any way different from what was presented to CB6M as stated in this Resolution, **including** a different method of operation or “Hours of Operation” that differ in **any way** from those described above, then CB6M **opposes** the application and **urges** the SLA to deny the application based on such misrepresentation to Community Board 6 Manhattan.

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

g. Transfer, OP for 593 Rest. Corp. DBA tbd, formerly Frontier 593 3rd Avenue between East 38th St. and East 39th St

WHEREAS, Emas Kougemitros, Owner, (“Representative”), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on April 1, 2010, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, the Representative stated that they are transferring a restaurant, which has been in the family for many years at this location, to another family member; and

WHEREAS, the Representative stated that the attorney who would represent it before the SLA would be Warren Pesetsky; and

WHEREAS, the committee relied on all representations by the Representative when reaching its decision; and

WHEREAS, no members of the public were present to speak for or against the applicant; and

THEREFORE, be it

RESOLVED, that pursuant to the presentation by the Representative at this meeting and all other considerations, CB6M **does not object to the Transfer OP for 593 Rest. Corp. DBA tbd, formerly Frontier 593 3rd Avenue between East 38th St. and East 39th St**; and be it

FURTHER RESOLVED, if the SLA application or self certification (if applicable), **however**, is in any way different from what was presented to CB6M as stated in this Resolution, **including** a different method of operation or “Hours of Operation” that differ in **any way** from those described above, then CB6M **opposes** the application and **urges** the SLA to deny the application based on such misrepresentation to Community Board 6 Manhattan.

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

h. New, RW for Greenville LLC d/b/a/ Eat & Go, formerly New York Milkshake, Dag Hammerskjold Park 342 East 47th St. between 1st and 2nd Avenues

WHEREAS, Terry Flynn, Attorney (“Representative”), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on April 1, 2010, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, the Representative stated that they are applying for a RW license, not an OP License; and

WHEREAS, the Representative stated that the hours of operation are from 7 am to 11 pm seven days a week; and

WHEREAS, the Representative stated that the attorney who would represent it before the SLA would be Frank Pallilo; and

WHEREAS, the Representative stated they will play jazz music which will end by 9 pm, as is required by law; and

WHEREAS, the Representative stated the outlines of the café would be clearly indicated and there would be no encroachment into other areas; and

WHEREAS, the committee relied on all representations by the Representative when reaching its decision; and

WHEREAS, no members of the public were present to speak for or against the applicant; now

THEREFORE, be it

RESOLVED, that pursuant to the presentation by the Representative at this meeting and all other considerations, CB6M **does not object** to the New, **RW for Greenville LLC d/b/a/ Eat & Go, formerly New York Milkshake, Dag Hammerskjold Park 342 East 47th St. between 1st and 2nd Avenues**; and be it

FURTHER RESOLVED, if the SLA application or self certification (if applicable), **however**, is in any way different from what was presented to CB6M as stated in this Resolution, **including** a different method of operation or “Hours of Operation” that differ in **any way** from those described above, then CB6M **opposes** the application and **urges** the SLA to deny the application based on such misrepresentation to Community Board 6 Manhattan.

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

i. **New OP for Sutton First Corp., d/b/a/ Panda 987 1st Avenue between E. 54th and E.55th Sts.**

WHEREAS, the applicants did not appear before us to answer any concerns regarding this license; and

WHEREAS, this establishment is subject to the 500 foot rule and, as such, the committee is required to determine if this application is in the public interest; and

WHEREAS, failure to appear rendered the committee unable to make a determination to whether application was in the public interest or to determine the “bona fides” of the application; now

THEREFORE, be it

RESOLVED, that Community Board Six objects to the application for a transfer license for this café at this time

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

j. **Renewal OP for HBM East 40th Corp. d/b/a Villa Giardinetto, 735 2nd Avenue between East 39th St. and East 40th Sts.**

WHEREAS, Glee Ballard, Owner (“Representative”), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on April 1, 2010, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, the Representative stated that they are renewing their OP License for a Restaurant; and

WHEREAS, the Representative stated that the hours of operation are from 11 am to 4 am seven days a week; and

WHEREAS, the committee expressed concern that a restaurant would not normally be open to 4 am and questioned whether it was really a Restaurant; and

WHEREAS, some members of the committee concluded it was a bar/lounge and not a Restaurant, as is stated on the license application; and

WHEREAS, the Representative stated that many of her parties are organized by promoters; and

WHEREAS, some Members of the committee claimed to know of noise and rowdy behavior from the establishment; and

WHEREAS, three members of the community, including a member of CB6 who is not on the committee, chronicled many noisy nights, buses and limos double parked and patrons screaming on the street until 4 am; and

WHEREAS, the committee relied on all representations by the Representative when reaching its decision; and

WHEREAS, no members of the public were present to speak for the applicant; now

THEREFORE, be it

RESOLVED, that pursuant to the presentation by the Representative at this meeting and all other considerations, CB6M **opposes** the **Renewal OP for HBM East 40th Corp. d/b/a Villa Giardinetto, 735 2nd Avenue between East 39th St. and East 40th St**

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

k. Renewal, OP for Fiasco Group LLC d/b/a/ Inoteca, 323 3rd Avenue, aka 201 East 24th St.

WHEREAS, Joe Denton, Owner (“Representative”), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on April 1, 2010, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, the Representative stated that they are renewing their restaurants OP License; and

WHEREAS, the Representative stated that the hours of operation will be reduced to 1 am nightly; and

WHEREAS, the Representative stated that the attorney who would represent it before the SLA would be Warren Pesetsky; and

WHEREAS, the committee relied on all representations by the Representative when reaching its decision; and

WHEREAS, one members of the public was present to speak for the applicant and no members of the public spoke against the applicant; and

THEREFORE, be it

RESOLVED, that pursuant to the presentation by the Representative at this meeting and all other considerations, CB6M **supports** the **Renewal, OP for Fiasco Group LLC d/b/a/ Inoteca, 323 3rd Avenue, aka 201 East 24th St;** and be it

FURTHER RESOLVED, if the SLA application or self certification (if applicable), **however**, is in any way different from what was presented to CB6M as stated in this Resolution, **including** a different method of operation or “Hours of Operation” that differ in **any way** from those described above, then CB6M **opposes** the application and **urges** the SLA to deny the application based on such misrepresentation to Community Board 6 Manhattan.

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

l. New RW for Picnic PA, 151 East 57th Street, between Lexington and 3rd Avenues.

WHEREAS, Phillip An, Owner, (“Representative”), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on April 1, 2010, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, the Representative stated that they are applying for a RW license, not an OP License; and

WHEREAS, the committee relied on all representations by the Representative when reaching its decision; and

WHEREAS, a member of the community spoke favorably of the applicant’s establishment; and

WHEREAS, no members of the public were present to speak for or against the applicant; and

THEREFORE, be it

RESOLVED, that pursuant to the presentation by the Representative at this meeting and all other considerations, CB6M **supports** the **New RW for Picnic PA 151 East 57th Street between Lexington and 3rd Avenues**; and be it

FURTHER RESOLVED, if the SLA application or self certification (if applicable), **however**, is in any way different from what was presented to CB6M as stated in this Resolution, **including** a different method of operation or “Hours of Operation” that differ in **any way** from those described above, then CB6M **opposes** the application and **urges** the SLA to deny the application based on such misrepresentation to Community Board 6 Manhattan.

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

m. **Report: Waived**

Old/New Business

Second Roll Call – Tom LaBarbara

Meeting Adjourned at 9:30pm