

FULL BOARD MEETING MINUTES
Wednesday, April 9, 2008
NYU MEDICAL CENTER
FIRST AVENUE

Hon. Lyle Frank, Chair

ATTENDANCE

Members answering first roll call:

Arcaro, Buchwald, Curtis, Dankberg, Eggers, Frank, Friedman, Garland, Garodnick, Haile, Hollister, Imbimbo, Judge, Knowles, Lilien, McGuire, McIntosh, Monterossa, Moses, Papush, Parrish, Rubin, Scala, Schachter, Schaeffer, Sepersky, Sherrod, Southworth, Steinberg, Talbot, Thompson, Ursillo, Weder, West, Williams, Wilson, Winfield

Members answering second roll call:

Arcaro, Buchwald, Curtis, Dankberg, Eggers, Frank, Friedman, Garland, Garodnick, Haile, Hollister, Imbimbo, Judge, Knowles, Lilien, McGuire, McIntosh, Monterossa, Moses, Papush, Parrish, Rubin, Scala, Schachter, Schaeffer, Sepersky, Sherrod, Southworth, Steinberg, Talbot, Thompson, Ursillo, Weder, West, Williams, Wilson, Winfield

Excused

Barrett, Collins, LaBarbera, Peveri, Reiss, Rosa,

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

Disman, Goldman, Oddo, Pellezzi, Ross, Simon,

Member attendance: Present: **38** Absent: **6** Excused: **6**

Guests signed in: Sandra Duque representing NYC Comptroller William Thompson; Tim Laughlin representing C/M Dan Garodnick; Cullen Barrie representing B.P. Scott Stringer; Tina Olechowski representing Cg/M Carolyn Maloney; Romeo Ymalay representing Sen. Tom Duane; Sarra Hale Stern representing Sen. Liz Krueger; Keith Powers representing A/M Jonathan Bing; Nily Rozic representing A/M Brian Kavanaugh; Greg Geller representing C/M Rosie Mendez; Ethel Sussman representing C/M Jessica Lappin; Al Benninghoff, John Ciccio, Sandy Lieva-Davila, Sandra Duque, Lawrence Derricks, Cathe Giffini, Jane Lambert, Priscilla Maysonet, Gwen Rowland, Sandra Stevens,

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Meeting Called to Order

Chair Lyle Frank called the meeting to order

Adoption of the April 9th, Agenda

Agenda Adopted by a voice vote

PUBLIC SESSION

In the absence of Board Member and community leader, Irene Peveri C/M Dan Garodnick presented a City Council Proclamation to Ms. Peveri's nephew from himself, C/M Rosie Mendez and C/M Jessica Lappin.

Sandra Duque representing **Comptroller William Thompson**, reported:

Comptroller Thompson recently announced that 578 audits and special reports by his office generated \$211 million in actual and potential revenues and savings since FY 2002.

For the complete report on this and other issues see the Comptroller's Community Update Bulletin or call 212-669-3089 to obtain a copy

Tina Olechowski, representing **Cg/M Carolyn Maloney**, reported 1) Questions have been coming into the Congress Member's office about the Economic Stimulus Package; therefore Cg/M Maloney has written in her community report the most frequently asked questions. 2) Currently Cg/M Maloney is writing a letter to Chancellor Klein, Dept. of Education, requesting a meeting to discuss the overcrowding of NYC Public Schools. She has invited other elected officials within the CB6 district to join her in this endeavor.

For information on this and other reports see the Congress Member's Community Report or call 212-860-0606 to obtain a copy.

Sarra Hale-Stern, representing **Sen. Liz Krueger**, reported 1) both the Senate and Assembly has passed the State budget this afternoon. 2) Sen. Krueger is calling for serious changes to the Dept. of Buildings system of inspections, especially after the tragic crane accident of last month. She stated that since the city has been resistant to mandating stricter safety standards, the State is now involved and the Senate and Assembly have issued new legislation. She also recommends that the agency strenuously enforce the laws that are already on the books. 3) There will be a Resource Fair for Seniors and their caregivers, Thursday, April 24th at Temple Emanu-El, 1 East 65th St. @ 5th Ave, 1:30 pm-4:30 pm.

For more information on these and other reports see the Senator's Community Bulletin or call 212-490-2151 to obtain a copy.

Romeo Ymalay, representing **Sen. Tom Duane**, reported 1) the Senator wrote a letter to the Division of Housing and Community (DHCR) Renewal in response to its call for comments on building demolition policies and stipend methodology for tenants displaced by demolition. He is urging DHCR to adopt more rigorous demolition standards. 2) He also wrote a letter to the Dept. for the Aging expressing his concerns about the agency's proposed overhaul of their services for our older New Yorkers.

For more information on these and other reports see the Senator's Newsletter or call 212-633-8052 to obtain a copy.

Keith Powers, representing **A/M Jonathan Bing**, reported 1) that immediately following the crane collapse, A/M Bing met with DOB Commissioner Patricia Lancaster to discuss what took place. He also met with area residents to discuss the future of construction in our neighborhood. He will continue to work with the Turtle Bay Association, CB6 and the eastside elected officials on the issues pertaining to development. He will be introducing legislation that would make it a crime for an inspector to file a false report with a public office.

For more information on these and other reports see the Assembly Member's Community Bulletin or call 212-605-0937 to obtain a copy.

Nily Rozic, representing **A/M Brian Kavanagh**, reported 1) The Assembly voted on the State budget today, and he is happy to report that the Assembly secured \$300 million for affordable housing. There will also be an increase of \$533 million for NYC Public Schools.

2) The state legislature declined to take up a bill authorizing the proposed Congestion Pricing plan. A/M Kavanagh believes that congestion pricing is an important tool to address the environmental and traffic issues in our community. He is disappointed that the legislature couldn't craft a congestion pricing plan that would help meet these needs.

For more information on these and other reports see the Assembly Member's Community Bulletin or call 212-979-9696 to obtain a copy.

Greg Geller, representing **C/M Rosie Mendez**, reported 1) C/M Mendez was disappointed that the Congestion Pricing Plan did not succeed and will be meeting with DOT and the MTA to discuss new ways to ease the city's congestion. 2) Recently two pieces of C/M Mendez' legislative priorities took steps toward becoming law.

Hearings were held on Intro. 596, which would provide equal access to housing resources at the Housing Preservation and Development (HPD) for Limited English Proficient (LEP) individuals. This bill will ensure that LEP individuals know about 311 and HPD and that the housing agency provides assistance in the top nine languages spoken by people in NYC and translates all application forms and other notices as well. The second, Intro 750-in relation to indoor asthma allergen hazards in residential dwellings would require testing for mold and other allergens that trigger asthma.

For information on this and other reports see the Council Member's Community Bulletin or call 212-677-1077 to obtain a copy.

Tim Laughlin representing **C/M Dan Garodnick** reported 1) The Bellevue Psychiatric Building RFP was sent to the Economic Development Corp (EDC) on March 31st. C/M Garodnick is committed to ensuring that the CB6 197-a Plan is incorporated in the EDC plans and looks forward working with the Board on this issue. 2) C/M Garodnick co-sponsored a Town Hall for Stuyvesant Town Tenants with BP Scott Stringer. Over 300 hundred tenants attended to get up-to-date answers about issues affecting the community. 3) The 2nd Annual Garodnick Chess Challenge Tournament was recently held at Robert Wagner Middle School. This event is dedicated to improving academic performance and building self-esteem among public school children. 4) Senior Housing Forum, Monday, May 5th at Hunter College of Social Work, 129 E. 79th St., 2:30 pm-5:30 pm. 5) Square Dance Saturday, April 26th at Calvary Church, 61 Gramercy Park North, 6:00 pm-10:00 pm, all invited to attend.

For information on this and other reports see the Council Member's Community Bulletin or call 212-818-0580 to obtain one

Brenda Levin area resident congratulated the Board on their work with the former Con Ed/Waterside project.

William Zeckendorf, Arlene Harrison and Nordal McWethy came to speak in support of the resolution on 18 Gramercy Park So., a landmark building.

Lela Chapman - Promotions Coordinator for lower Manhattan, NYC Greenmarket/Farmers Market Program, a program of the Council on the Environment, stated that the 33rd St and 2nd Ave. market would be expanded this year when it reopens on May 10th.

Simeon Banister representing **Public Advocate Betsy Gotbaum** reported: 1) Public Advocate Betsy Gotbaum and C/M Mendez have worked together on Intro 750 a long time and are proud that it will finally become a law. 2) Betsy Gotbaum was asked, by a member of the Assembly, to put together a new commission that talk about school governance; she is asking interested parties to attend meetings of the commission so they can objectively talk about this very critical issue. Forums will be held throughout the city, the Manhattan forum "Public School Parents on the State of our Schools and Mayoral Control" will be held Thursday, May 22nd from 5:00 pm to 9:00 pm at Oberia Dempsey Multi Service Center, 127 W 127th St.

For information on these and other reports see the Public Advocate's Community Bulletin or call 212-669-7200 to obtain one

Evelyn Konrad, attorney informed board members that she represents some community residents that are very disappointed over the Solow project on the former Con Ed/Waterside property. She asks that members of CB6 participate in the litigation against Solow.

Marie Beirne a member of the Stuyesant Town/Peter Cooper Village Tenants Association announced that their Landmark Committee would be holding a Square Dance Party to help raise funds to landmark Stuyvesant Town. It will be held Saturday, April 26th at Calvery Church, 61 Gramercy Park North, 21st St. east of Park Avenue So., in Anderson Hall. Everyone is welcomed to attend.

Roll Call – Carol A. Schachter

BUSINESS SESSION

Adoption of March 12th Full Board Minutes

Minutes adopted by a voice vote.

Report from the Chair – Lyle Frank

- 1) Lyle welcomed four new board members, Richard Eggers, Susan Wilson, Kayla Southworth, and Andrea Pellezzi.
- 2) Announcements: CB6 made the front page of City Land, it tells all about the ERRC site. Kudos to all of us. 3) Wil Weder is now the Vice Chair of the Health, Seniors and Disabilities Issues committee in place of Genevieve Cevera who will be leaving us.

- 4) A letter was sent to the SLA in reference to Top Tunes; to request that the SLA look into serious implications of bait and switch, and the manner in which the license was obtained.
- 5) Thank you to Fred Arcaro, Toni Carlina and the board staff on the work done in reference to the March 25th crane collapse. The public safety committee will continue to look into the how and why of this issue and to see what precautions need and should be implemented.
- 6) Thank you to Ray Knowles for agreeing to be the board representative to the East Midtown Bid. Thank you to Charles Buchwald for representing the board at the NYU meeting.
- 7) Next month the urban fellow Michael Keane will give a presentation on what he has been working on in conjunction with the board office.
- 8) JREC Tour is tomorrow night; all that would like to attend please inform the board office.

District Manager’s Report – Toni Carlina

Toni announced: 1) Melissa from the board office delivered a baby girl on March 25th. 2) She reported that she attended the Borough President’s first Borough Watch Construction working group meeting. It was a very exciting meeting, he took into consideration a few of the ideas discussed with board Chair, Lyle Frank on developers notifying Community Boards whenever they file with DOB for additional height and density via merging of zoning lots, purchase of air rights, and use of inclusionary housing programs as well as posting Community Board contact information . The Borough President has asked for a resolution from the board. Lyle appointed to the task force board members Fred Arcaro, Michael McGuire, Dan Williams and Claude Winfield. The next meeting will be Thursday, April 24th in the Board Office.

Treasurer’s Report – Bea Disman

Due to the absence of the treasurer, the report was waived

Borough President’s Report – Cullen Barrie

Cullen thanked Toni for attending the BP’s construction working group. He also thanked all the members of CB6 that participated in the effort to help the misplaced residents of the March 25th crane tragedy. The Borough President has been very critical of the DOB and he hopes the working group will be the first step towards gaining answers on the issues of construction safety. He then welcomed the new members of CB6.

For information on these and other reports, see the Borough President’s Manhattan Monthly Newsletter or call 212-669-8300 to obtain a copy

COMMITTEE REPORTS

1) Public Safety – Fred Arcaro, Chair
a. Report

Fred invited the new members to join the committee. The then gave a brief explanation of what was discussed at the March committee meeting including updates that were given on the July 2007 Steam Explosion and on Con Ed’s infrastructure.

See committee minutes for full report.

2) Budget & Governmental Affairs – Dan Williams, chair

a. Report

Dan reported that the committee is focusing on the items that are most likely to be discussed with the elected officials. A few of the top priority items are: expansion of P.S. 116, additional low to moderate income housing, the refurbishing of Robert Moses playground, an irrigation system for Stuyvesant Cove Park.

3) Youth & Education – Maxine McIntosh, Chairs

a. Report:

Maxine invited the new members to join the committee. She then reported on the committee's discussion over their proposal to transform the police academy into a new high school, once NYPD vacates the property. In April, the committee will discuss the Mayoral control issue of the school system.

4) Health, Seniors and Disability Issues – Sandro Sherrod

a. Report

Report was waived

5) Housing & Homeless Services – Claude Winfield, Chair

a. Report

Claude reported that the application for the 421a Partial Tax Exemption was canceled, therefore committee review for 302-316 3rd Ave. was unnecessary.

He then reported that Dept. of Homeless Services has been invited numerous times to give an update on moving the Intake Center from the Bellevue Psychiatric Building; he has ask Toni to help with this issue

See committee minutes.

6). Parks, Landmarks, and Cultural Affairs – Gary Papush, Chair

a. Certificate of Appropriateness for 24 Gramercy Park So. – Alteration of front areaway to accommodate a disabled lift from the street to the east front areaway service entrance.

WHEREAS, 24 Gramercy Park S constructed in 1909 and designated as part of the Gramercy Park Historic District is seeking a Certificate of Appropriateness from the Landmarks Preservation Commission to modify their front areaway and install a barrier free vertical access lift from the street to the east front areaway service entrance; and

WHEREAS, their plans were presented to and reviewed by Community Board 6 and approval of their plans are supported by the Gramercy Park Block Association and the Gramercy Neighborhood Associates; now

THEREFORE, BE IT

RESOLVED, Community Board 6 supports approval of the Certificate of Appropriateness for 24 Gramercy Park S as presented to Community Board 6.

VOTE: 38 in Favor 0 Opposed 0 Abstention 0 Not Entitled

b. Certificate of Appropriateness for 18 Gramercy Park So. – Façade alterations

WHEREAS, the building at 18 Gramercy Park S was constructed in 1927 and is designated as part of the Gramercy Park Historic District; and

WHEREAS, the owner, Zeckendorf Realty is applying to the Landmarks Preservation Commission for a Certificate of Appropriateness to make façade alterations to enlarge window openings and install new six over six windows in the enlarged openings on the primary facades; the addition of two new windows and the relocation of certain windows on the western façade, the replacement of ground floor windows, the installation of new service and entrance doors with doors modeled on the historic doors, the replacement and relocation of rooftop mechanical equipment and stair bulkheads, the installation of new terrace railings and the replacement of the existing concrete sidewalk with new bluestone sidewalks. The building will also be re-pointed and the cast iron columns restored; and

WHEREAS, this application was reviewed by Community Board 6 which generally supports restoration of historic appearance and materials and is supported by both the Gramercy Neighborhood Associates and the Gramercy Park Block Association; now

THEREFORE BE IT

RESOLVED, Community Board 6 supports approval of the Certificate of Appropriateness.

VOTE: 32 in Favor 4 Opposed 2 Abstention 0 Not Entitled

c. Stuyvesant Square Park – Landscaping Plan

Whereas, the City of New York Department of Parks and Recreation presented its landscaping plan for the east half of Stuyvesant Square Park (bounded by Second Avenue, Perlman Place, East 15th Street, and East 17th Street) to the Parks, Landmarks & Cultural Affairs Committee of Community Board Six on April 1, 2008; and

Whereas, Stuyvesant Square Park lies within the Stuyvesant Square Historic District; and

Whereas, the planting beds in the west half of the Park are considered to be much better landscaped than the east half of the Park; and

Whereas, the goal of this plan is to bring a variety of new plants and materials to the east half of the park, along with color to the planting beds; and

Whereas there are approximately 17 beds that will be landscaped, including the border around the lawn, and will include ground covers, shrubs, and ornamental grasses, as described in the planting chart presented by the Parks department; and

Whereas, the work is to be completed within approximately two months; and

Whereas, the Parks department has scheduled and budgeted many other improvements to the Park, including an irrigation system, replacement of the gate at the intersection of Perlman Place and 16th street, tree pruning, new soil, and repairs to the fountains; and

Whereas, the budget allocated for the landscaping is approximately \$90,000-95,000; and

Whereas the Stuyvesant Park Neighborhood Association has reviewed the plans and approves;

Therefore, be it

Resolved, that if the Parks department agrees to include the planting bed around the Anton Dvorak statue in the landscaping plan and plant and maintain appropriate flowers and shrubs, Community Board Six supports the proposed landscaping plan.

VOTE: 38 in Favor 0 Opposed 0 Abstention 0 Not Entitled

d. **Report**

Gary announced in May, the committee would discuss project that have not been addressed the 197-a Plan, as it pertains to the Solow development site. They will also discuss the land-marking issue of Stuyvesant Town and parts that were included in the CB6 197-a Plan.

Waterfront Sub-committee – Ellen Imbimbo, Chair

a. **Report**

Ellen reported there would be continued discussions on the Stuyvesant Cove Park irrigation system.

See committee minutes.

7) **Land Use** – Edward Rubin, Chair

a. **Proposed Zoning Text amendment to allow the transfer of development rights from a landmark (The Seagram) building to (an) adjacent site (610 Lexington Avenue).**

WHEREAS the developers of 610 Lexington Avenue (“610”), at the southwest corner of East 53rd Street (E.53) and Lexington Avenue (Lex) have asked the City Planning Commission (CPC) for an amendment to the Zoning Text (CEQR No. 08DCP 042M and ULURP Nos. 080177 ZRM and 080178 ZSM) affecting a property in Community Board 5 (Manhattan), but in a land use district extending across Lexington Avenue into Community Board 6, and

WHEREAS the proposed text amendment (to Section 81212) would allow the CPC to authorize actions by a Section 7479 Special Permit (transferring development rights from a landmark site) and would, in addition, allow modification:

- Or waiver of the minimum distance between legally required windows and wall or lot lines (section citation omitted (SCO));
- Of the minimum dimension requirements of inner court regulation (SCO);
- Or waiver of the required accessory loading berth berths (SCO);
- Of the dimensions and minimum clear height required for pedestrian circulation space (SCO), and

WHEREAS the proposed text amendment would apply only to new developments or enlargements in C53, C66, C67 and C67T districts within the Special Midtown District (3rd to 5th Avenues E. 39th to E. 60th Streets, and other specified locations) with landmarks with

floor area available for transfer and that have adjacent potential receiving sites with frontage on streets with curb cut restrictions (SCO), including mixed use commercial building and hotel, and

WHEREAS “610” is on southwest corner of Lex and E.53 and both of these thoroughfares are restricted insofar as the installation of a curb cut(s) is concerned, and

WHEREAS “610's” design does not include an off street loading berth, and there is no agreement for sharing of a loading berth and/or driveway with the adjacent Seagram’s Building, making it necessary for passenger and bulk loading, including hotel garbage, to take place on the sidewalk and street(s), now

THEREFORE BE IT

RESOLVED that Community Board 6, Manhattan, objects, strenuously, to the Zoning Text amendments proposed by the New York City Department of City Planning, CEQR No. 08DCP042M, ULURP Nos. 080177 ZRM and 080178 ZSM as these tailored very specifically for this site and the implications of the broader language of the text amendment(s) could, lead to unforeseen and/or unintended consequences, and

BE IT FURTHER

RESOLVED CB6 objects to onstreet loading in the congested Midtown district, including East 53rd Street, as it would impede both vehicular and pedestrian flow.

VOTE: 38 in Favor 0 Opposed 0 Abstention 0 Not Entitled

- b. **BSA Cal. No. 206-61-BZ - To apply for an extension of the term of a previously granted variance to allow an existing five story and basement office building and to waive the BSA rules of procedure at 30 E. 39th Street, between Madison & Park Avenues.**

WHEREAS, the Law Office of Carl A. Sulfaro on behalf Alrose 3039, LLC owner of record of a five story and basement office building located at 30 E. 39th Street, between Madison & Park Avenues., Manhattan, New York, presented to the Land Use Committee of CB6 on Wednesday, April 2, 2008 an application to apply for an extension to a Variance (Calendar #206-61 -BZ) under Zoning Resolutions § 11-411, to allow the extension of an existing six story office building for an additional period of ten years beyond July 11, 2006 and to waive the rules of procedure; and

WHEREAS, the above applications is pursuant to Section 11-411 New York City Zoning Resolution; and

WHEREAS, applicant has filed all papers necessary with the Board of Standards and Appeals to apply for an extension to a variance to allow the extension of an existing six story office building for an additional period of ten years beyond July 11, 2006 and to waive the rules of procedure; and

WHEREAS, the office building has been in operation since 1986 with no adverse impact the neighborhood having no registered complaints; and

WHEREAS, on September of 1996, Community Board Six passed a resolution of no objection to an extension of the terms of the variance for five years, now

THEREFORE, be it

RESOLVED, that Community Board Six has no objection to the application for an extension to a Variance (Calendar #206-61-BZ), to allow the extension of an existing six story office building located at 30 E. 39th Street, between Madison & Park Avenues, Manhattan for a period of five years.

VOTE: 38 in Favor 0 Opposed 0 Abstention 0 Not Entitled

Joint Reso: Land Use /Health, Seniors & Disability Issues

c. NYC EDC Request for Proposal for the Former Bellevue Psychiatric Hospital Redevelopment

WHEREAS the disposition of the former Bellevue Hospital Psychiatric Building was first discussed with the Land Use and Health, Seniors and Disability Issues committees at our March committee meeting, and

WHEREAS, this was just prior to the March 31st issuance of the RFP requesting a hotel and conference center, to which CB6 has long had objections, and

WHEREAS at that meeting the CB6 position for development of the former Psychiatric Building was once again made clear to the representatives of the EDC, HHC, and Bellevue Hospital as defined by the Board's support of the planning principles of the 2001 rezoning of the East River Science Park (ERSP) site and the recently approved CB6 197-a plan, which seeks to encourage institutional development and community uses that are compatible with the existing scientific, hospital and hospital related uses in the area bounded by 23rd Street, First Avenue, 34th Street and the FDR Drive, and

WHEREAS it was emphatically stated at that meeting and prior meetings that a hotel use was not a compatible and therefore not an acceptable use for the site, and

WHEREAS in 2001, after first rejecting the proposal for the rezoning of the ERSP site due to the lack of an acceptable master plan, CB6 played a major role in the planning for the ERSP site which included many uses for the Psych Building, including faculty practice areas, day care facilities for staff, and staff housing, all needed for the adjacent medical complex, and

WHEREAS the 2001 rezoning applications included zoning Use Groups 3 & 4, (community facilities) and limited Use Groups 6A & 6B (retail and office) but intentionally excluded Use Group 5 (transient hotels), and

WHEREAS the Bellevue site is within a residential neighborhood where hotel uses are not permitted, and

WHEREAS the Psychiatric Building is close to the Central Business District and east midtown which contain many hotels, now

THEREFORE BE IT

RESOLVED that CB6 now and in the future will strongly oppose any ULURP application which is inconsistent with the goals and principles of the recently approved CB6 197-a plan, and which does not adhere to the approved 2001 ULURP application which enabled the development of the ERSP and its supported uses and which specifically seeks a special permit to allow Use Group #5 transient hotel use, and be it further

RESOLVED that CB6 requires the EDC to distribute this resolution stating the community board's position to all RFP respondents, and be it further

RESOLVED that CB6 will continue its opposition to a hotel use at the former Bellevue Psychiatric Building throughout the ULURP process as it is not only nearsighted and does not represent the best interests of the community for the long term, but it fails to recognize the long history of CB6's community based planning efforts and its advocacy for the important symbiotic relationship between the adjacent medical complex and ERSP and the critical need to be competitive in attracting the best medical interns, residents, nurses and scientists to these premier world-class institutions located in NYC.

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

d. **Report**

Report was waived. See committee minutes.

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

a. **Transfer, OP liquor license for Elevated Entertainment Restaurants, LLC, d/b/a TBD (Currently CB Six Bar), 961 2nd Ave. a/k/a 252 E. 51st St.**

WHEREAS, Terrence R. Flynn, Jr., Esq., Denis Keane, Managing Partner, and Adrian McCarthy, Managing Partner, appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on April 3, 2008, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, on the CB6M "Liquor License Questionnaire" sent to the Applicant (and received at the Board office April 1, 2008), the Applicant indicated that the business type of the establishment is a Bar/Restaurant, and the Applicant's questionnaire also provided the following proposed Operational Information:

- Hours of Operation: Mon – Sat, 11 AM – 4 AM ; Sun, 12 Noon – 4 AM.
- Capacity: 150. Public Assembly permit: will be obtained.
- Music on-premises: iPod; DJ an option for private parties.
- Staging area (waiting lounge): No.
- Windows/doors opened/removed during warmer months: will not open 2nd floor windows.
- Patron use of Outdoor Areas (Backyard, Deck/terrace, Roof): none.
- Wheelchair accessibility: Yes; Restroom accessibility: Yes; and

WHEREAS, the Applicants provided plans/drawings for the committee to consider and comment on; and

WHEREAS, the Applicants said they are taking on the responsibility of correcting existing violations incurred by the previous owners at the site; and

WHEREAS, the Applicants said that all combined, the three spaces of the premises add up to a 150-person capacity; and

WHEREAS, the Applicant stated the SLA Application has not been filed and has agreed to provide a copy of the Application to CB6M (with sensitive information blacked out); they are in negotiation for their lease contingent upon their getting the liquor license; and

WHEREAS, the Applicant currently owns or has owned the following establishment(s) in NYC:

- Anagap Restaurant, Inc. (“Failte”), 531 2nd Ave., NYC, NY; and

WHEREAS, a member of the committee stated there have been no complaints against the old CB Six bar from the co-op across the street; and

WHEREAS, members of the community were not present to speak for or against the Application; and

WHEREAS, in its deliberation and discussion of the application, the committee took into consideration

- the presentation by the Applicants, including
 - their description of the operation of the business and their business plan
- the fact that a 500-foot SLA Hearing was required
- there were no comments from the community; now

THEREFORE, be it

RESOLVED, that pursuant to the presentation by the Applicants at this meeting and all other considerations, CB6M Supports the Transfer, OP liquor license for Elevated Entertainment Restaurants, LLC, d/b/a TBD (Currently CB Six Bar), 961 2nd Ave. a/k/a 252 E. 51st St.; 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 and in any attached change agreement (if applicable), **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: 38 in Favor 0 Opposed 0 Abstention 0 Not Entitled

- b. **Alteration to initial application, OP liquor license for Malbay Corp., d/b/a Mambi Lounge, 933 2nd Ave., btw E. 49th & E. 50th Sts.**

WHEREAS, Lazaurus Batista, President, appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on April 3, 2008, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, on the CB6M “Liquor License Questionnaire” sent to the Applicant (and received at the Board office February 27, 2008), the Applicant indicated that the business type of the establishment is a restaurant/bar, and the Applicant’s questionnaire also provided the following proposed Operational Information:

- Hours of Operation: Weekdays 10 AM – 2 AM; Weekends 10 AM – 4 AM.
- Capacity: 74.
- Music on-premises: recorded.
- Staging area (waiting lounge): No.
- Windows/doors opened/removed during warmer months: No.
- Patron use of Outdoor Areas (Backyard, Deck/terrace, Roof): None.

WHEREAS, the application is to add a storage area in the basement; and

WHEREAS, the Applicant said previous fines levied against the establishment had been paid, satisfying the concerns of the committee from last month; now

THEREFORE, be it

RESOLVED, that pursuant to the presentation by the applicant at this meeting and all other considerations, CB6M no objection to the Alteration to initial application, OP liquor license for Malbay Corp., d/b/a Mambi Lounge, 933 2nd Ave., btw E. 49th & E. 50th Sts.; 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 and in any attached change agreement (if applicable), **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: 38 in Favor 0 Opposed 0 Abstention 0 Not Entitled

- e. **New, RW license for Yo Sushi 351, Inc., d/b/a Yo Sushi, 351 2nd Ave., btw E. 20th & E. 21st Sts.**

WHEREAS, Tommy Sun, part owner and translator, and Bin Chen, Owner, appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on April 3, 2008, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, on the CB6M “Liquor License Questionnaire” sent to the Applicant (and received at the Board office March 20, 2008), the Applicant indicated that the business type of the establishment is a restaurant, and the Applicant’s questionnaire also provided the following proposed Operational Information:

- Hours of Operation: Weekdays 11 AM – 11 PM; Weekends 5 PM – 11 PM.

- Capacity: 60.
- Music on-premises: No.
- Staging area (waiting lounge): No.
- Windows/doors opened/removed during warmer months: No.
- Patron use of Outdoor Areas (Backyard, Deck/terrace, Roof): No.
- Wheelchair accessibility: Yes; Restroom accessibility: Yes; and

WHEREAS, the Applicant stated the SLA Application has not been filed and has agreed to provide a copy of the Application to CB6M (with sensitive information blacked out); and

WHEREAS, members of the committee expressed no concerns about the Application; and

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

WHEREAS, in its deliberation and discussion of the application, the committee took into consideration

- the presentation by the Applicant
- the fact that a 500-foot SLA Hearing was not required
- there were no comments from the community; now

THEREFORE, be it

RESOLVED, that pursuant to the presentation by the applicant at this meeting and all other considerations, CB6M supports the New, RW license for Yo Sushi 351, Inc., d/b/a Yo Sushi, 351 2nd Ave., btw E. 20th & E. 21st Sts.; 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 and in any attached change agreement (if applicable), **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: 38 in Favor 0 Opposed 0 Abstention 0 Not Entitled

f.. **New, Catering Establishment License for Esprit Events, Inc., d/b/a Village Crown, 216 E. 49th St., 2nd Flr., btw 2nd & 3rd Aves.**

WHEREAS, Frank W. Palillo, Esq., and Eli Vaknine, President, appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on April 3, 2008, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, on the CB6M “Liquor License Questionnaire” sent to the Applicant (and received at the Board office March 5, 2008), the Applicant indicated that the business type of the establishment is a catering establishment w/tasting room, and the Applicant’s questionnaire also provided the following proposed Operational Information:

- Hours of Operation: Weekdays varies; Weekends varies.
- Capacity: 1 table w/6 seats; not open to the public
- Music on-premises: No
- Staging area (waiting lounge): No.

- Windows/doors opened/removed during warmer months: No.
- Patron use of Outdoor Areas (Backyard, Deck/terrace, Roof): No.
- Wheelchair accessibility: Grandfathered; and

WHEREAS, the applicant provided plans/drawings for the committee to consider and comment on; and

WHEREAS, the catering license is classified as OP; and

WHEREAS, per the Board office, the zoning is correct for this type of establishment, C6-6 and falls within Use Group 9; and

WHEREAS, the Applicant stated the SLA Application has not been filed, but would provide a copy of the Application to CB6M (with sensitive information blacked out); and

WHEREAS, no members of the community were present to speak against the Application; and

WHEREAS, in its deliberation and discussion of the application, the committee took into consideration

- the fact that a 500-foot SLA Hearing was required

THEREFORE, be it

RESOLVED, that pursuant to the presentation by the applicant at this meeting and all other considerations, CB6M supports the New, Catering Establishment License for Esprit Events, Inc., d/b/a Village Crown, 216 E. 49th St., 2nd Flr., btw 2nd & 3rd Aves.

VOTE: 38 in Favor 0 Opposed 0 Abstention 0 Not Entitled

g. **Upgrade to OP license for Tarabia Restaurant, Inc., d/b/a Tarabia, 1071 1st Ave., btw E. 58th & E. 59th Sts.**

WHEREAS, Levent Cakar, Owner, appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on April 3, 2008, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, on the CB6M “Liquor License Questionnaire” sent to the Applicant (and received at the Board office March 20, 2008), the Applicant indicated that the business type of the establishment is a restaurant, and the Applicant’s questionnaire also provided the following proposed Operational Information:

- Hours of Operation: 12 PM – 11 PM.
- Capacity: 74.
- Music on-premises: recorded background.
- Staging area (waiting lounge): no.
- Windows/doors opened/removed during warmer months: no.
- Patron use of Outdoor Areas (Backyard, Deck/terrace, Roof): no.
- Wheelchair accessibility: yes; Restroom accessibility: yes; and

THEREFORE, be it

RESOLVED, that pursuant to the presentation by the applicant at this meeting and all other considerations, CB6M supports the Upgrade to OP license for Tarabia Restaurant, Inc., d/b/a Tarabia, 1071 1st Ave., btw E. 58th & E. 59th Sts.

VOTE: 38 in Favor 0 Opposed 0 Abstention 0 Not Entitled

h. **New, RW license for Enchanted Café, d/b/a TBD, 242 E. 50th St., btw 2nd & 3rd Aves.**

WHEREAS, Richard Byrnes, Esq., and Tomaso DeGrazia, Owner, appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on April 3, 2008, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, on the CB6M “Liquor License Questionnaire” sent to the Applicant (and received at the Board office April 3, 2008), the Applicant indicated that the business type of the establishment is a restaurant, and the Applicant’s questionnaire also provided the following proposed Operational Information:

- Hours of Operation: Sun – Thurs, 8 AM – 11 PM; Fri – Sat, 8 AM – 1 AM; coffee, espresso, cappuccino in the morning
- Capacity: 24.
- Music on-premises: no.
- Staging area (waiting lounge): no.
- Windows/doors opened/removed during warmer months: no.
- Patron use of Outdoor Areas (Backyard, Deck/terrace, Roof): no.
- Wheelchair accessibility: Grandfathered; and

WHEREAS, the committee had no objections to the establishment and there was no public comment; now

THEREFORE, be it

RESOLVED, that pursuant to the presentation by the applicant at this meeting and all other considerations, CB6M supports the New, RW license for Enchanted Café, d/b/a TBD, 242 E. 50th St., btw 2nd & 3rd Aves.

VOTE: 38 in Favor 0 Opposed 0 Abstention 0 Not Entitled

i. **New, OP liquor license for Monopolio, LLC, d/b/a TBD, 157 E. 55th St., btw 3rd & Lexington Aves.**

WHEREAS, Luca DiPietro, President, appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on April 3, 2008, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, on the CB6M “Liquor License Questionnaire” filled out during the meeting, the Applicant indicated that the business type of the establishment is a restaurant, and the Applicant also provided the following proposed Operational Information:

- Hours of Operation: 11 AM – 12 AM, 7 days a week.
- Capacity: 140. Public Assembly permit: will be obtained.

- Music on-premises: recorded background.
- Staging area (waiting lounge): a small bar for patrons to wait in.
- Windows/doors opened/removed during warmer months: no.
- Patron use of Outdoor Areas (Backyard, Deck/terrace, Roof): no .
- Wheelchair accessibility: previous establishment was not accessible; Applicant will be checking with DOB for status of the ground floor (vis-à-vis grandfathering); and

WHEREAS, the Applicant currently owns or has owned the following establishment(s) in NYC:

- Tarallucci e Vino, 163 1st Avenue at 10th Street, NYC (BW license)
- Tarallucci e Vino, 15 E. 18th St., btw 5th Ave. & Broadway, NYC (OP license); and

WHEREAS, members of the committee no problem with the Application; and

WHEREAS, no members of the community attended the meeting to speak either way for the Application; and

WHEREAS, in its deliberation and discussion of the application, the committee took into consideration

- the fact that a 500-foot SLA Hearing was required
- there were no comments from the community; now

THEREFORE, be it

RESOLVED, that pursuant to the presentation by the applicant at this meeting and all other considerations, CB6M supports the New, OP liquor license for Monopolio, LLC, d/b/a TBD, 157 E. 55th St., btw 3rd & Lexington 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 and in any attached change agreement (if applicable), **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: 38 in Favor 0 Opposed 0 Abstention 0 Not Entitled

j. **This resolution by majority hand vote was defeated. An amended resolution was agreed upon.**

ja. **Renewal, OP liquor license for HBM E. 40th Corp., d/b/a Villa Giardinetto, 735 2nd Ave., btw E. 39th & E. 40th Sts.**

WHEREAS, Ms. Glee Ballard, Owner, appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on April 3, 2008, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, on the CB6M “Liquor License Questionnaire” sent to the Applicant (and received at the Board office February 25, 2008), the Applicant indicated that the business type of the establishment is a lounge/restaurant/bar, and the Applicant’s questionnaire also provided the following proposed Operational Information:

- Hours of Operation: 8 PM – 2 or 4 AM; occasionally 11 AM – 4 AM; Friday/Saturday open to the public, otherwise they host private events.
- Capacity: 74 Ground Floor; 74 Mezzanine. Public Assembly permit: has a permit.
- Music on-premises: Recorded.
- Staging area (waiting lounge): Yes.
- Windows/doors opened/removed during warmer months: No.
- Patron use of Outdoor Areas: Backyard garden for smoking only.
- Wheelchair accessibility: Yes; Restroom accessibility: Yes; and

WHEREAS, the applicant said they have been in business for 12 years; and

WHEREAS, the Applicant said that over the years, their business model had changed: originally the operation was more of a restaurant open to the public; in recent years they have primarily done private events; and

WHEREAS, the Applicant stated they have a security person at the front door for crowd control; a complaint number to call is laminated on the front door; and

WHEREAS, the Applicant currently owns or has owned the following establishment(s) in NYC:

- Riverwatch Restaurant, d/b/a Copacabana (CLOSED), 560 W. 34th St., NYC; and

WHEREAS, members of the committee expressed concern about complaints against the establishment from the people in the Churchill; and

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

WHEREAS, in its deliberation and discussion of the application, the committee took into consideration

- the presentation by the Applicant, including
 - their description of the operation of the business, their business plan
 - their verification of the information contained in the CB6M “Liquor License Questionnaire” which, coupled with the information about the operation as described above at the April 3, 2008, committee meeting, served to a great extent to form the opinion of the committee
- that a copy of the actual Liquor License Application was NOT available to the committee at the April 3, 2008, committee meeting, and thus it became impossible for the committee to determine whether the information presented to it by the applicant or the information contained in the CB6M “Liquor License Questionnaire” is the same information contained in the actual License application
- there were no comments from the community; now

THEREFORE, be it

RESOLVED, that pursuant to the presentation by the applicant at this meeting and all other considerations, CB6M objects to the Renewal, OP liquor license for HBM E. 40th Corp., d/b/a Villa Giardinetto, 735 2nd Ave., btw E. 39th & E. 40th Sts.

VOTE: 33 in Favor 3 Opposed 2 Abstention 0 Not Entitled

k. **Renewal, OP liquor license for Comical Corp., d/b/a NY Comedy Club,
241 E. 24th St., btw 2nd & 3rd Aves.**

WHEREAS, Abraham Mevorah, Pres., appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on April 3, 2008, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, on the CB6M “Liquor License Questionnaire” sent to the Applicant (and received at the Board office April 3, 2008), the Applicant indicated that the business type of the establishment is a Comedy Club, and the Applicant’s questionnaire (plus the additional information from the Applicant at the meeting) also provided the following proposed Operational Information:

- Hours of Operation:
 - Weekdays, 8 PM – 12 AM; Fri-Sat, 6 PM – 2 AM; Sun 8 PM – 12 AM
 - May & June (“during warmer months”), juice bar for HS/Prom students w/no alcohol
 - Open mikes:
 - Mon 5 – 7 PM; Fri 6 – 8 PM; Sun 6 - 8 PM
- Capacity: 74
- Music on-premises: taped music prior to shows
- Staging area (waiting lounge): the small bar area at the entrance
- Windows/doors opened/removed during warmer months: no
- Patron use of Outdoor Areas: none
- Wheelchair accessibility: yes; Restroom accessibility: yes; and

WHEREAS, the Applicant stated the capacity of the club was down to 74 due to the failure to open TKUP Café (241B E. 24th St., an address created by dividing pre-existing space without any notification to the appropriate city authorities), the Vice-chair of the committee said numerous violations were the real reason TKUP didn’t open, and the Applicant’s explanation was disingenuous:

- DOB violations:
 - Control # 212029:
 - 27-127 Failure to maintain (Joists in cellar rotted & visibly deteriorated)
 - 27-147 Work without permit (Evident that there was an attempt to repair the joists improperly)
 - Control # 2120298
 - 27-217 Occupancy contrary to C of O (The creation of 241B, TKUP Café)
 - 27-525.1 Operating without a Public Assembly permit
 - 27-528 Approved plans not available at time of inspection
 - 27-366 Failure to provide required means of egress from every floor, second egress thru (sic) separate tenant space TKUP Café
 - 27-383 Defective exit signs
 - 27-542 Emergency lighting defective
 - Control # 212027
 - (4) Zoning resolution illegal signage: Approximately five signage violations were issued
- The ECB Notice of Violations (NOV’s) are as follows:

- 1. Violation No. 34544088K - Location is arranged and in operation as a place of assembly with 144 seats, no public assembly permit and defective emergency lighting (emergency lighting is required by law)\
- 2. Violation No. 34544089M – Comedy Club (on right hand side) has a 2nd egress right through a separate tenant space (TKUP) on the left hand side. Locations which require egress must have egress direct not through separate tenant space
- OSE Recommendation: Cease occupy all uses as place of assembly until such time place is legally safe; and

WHEREAS, the Applicant stated the SLA Application has been filed; and

WHEREAS, the Applicant currently owns or has owned the following establishment(s) in NYC:

- Broadway Comedy Club, 318 W. 53rd St., NYC, NY; and

WHEREAS, members of the committee expressed their concerns about the Application:

- continued complaints about noise, crowd control and trash that have been on-going since the Club opened with no resolution to the problems in sight
- the seriousness of the violations enumerated above, that suggest a disregard for the public’s safety; and

WHEREAS, members of the community were present to speak against the Application and had the following comments to make:

- Patrons queued up for shows on the public sidewalk (used as a holding area) generate a great deal of noise
- Patrons leaving the Club after a show also generate noise
- There are trash disposal issues in front of the Club when it closes
- These issues have been on-going for nearly 6 years now
- While the Applicant said he’s hiring a security officer to handle the crowds on Saturday evenings only, this was not acceptable to neighbors, given the hours of operation of the Club as described above
- The Applicant also said they were trying to stagger the show times so exiting crowds would not mingle with waiting ones; this was also not acceptable to neighbors since the two crowds were observed to be co-mingling (the exiting group critiquing the show to the incoming group)
- While the Applicant also offered his and his son’s phone numbers to residents to resolve problems, a resident pointed out calling 311 and the 13th Precinct resulted in nothing being done, and asked why the burden should be put on the community to bring these problems to the Club’s management, when they are the responsibility of the Comedy Club’s management to resolve in the first place
- In a show of hands, 11 residents attending this meeting opposed renewal of the Club’s liquor license, while 2 did not (these latter claimed either not to have heard any noise from the Club, or, liked the idea of people on 24th Street in the evening when the street is very empty); and
-

WHEREAS, in its deliberation and discussion of the application, the committee took into consideration:

- the presentation by the Applicant, including
 - his description of the operation of the business

- his verification of the information contained in the CB6M “Liquor License Questionnaire” which, coupled with the information about the operation as described above at the April 3, 2008, committee meeting, only underscored the continuing problems the club generates and served to a great extent to form the opinion of the committee
- that a copy of the actual Liquor License Application was NOT available to the committee at the April 3, 2008, committee meeting, and thus it became impossible for the committee to determine whether the information presented to it by the applicant or the information contained in the CB6M “Liquor License Questionnaire” is the same information contained in the actual License application
- the violations the premises has received, raising serious concerns about the safety of the building
- comments from the community which have been consistently negative toward an establishment that cannot seem to get control of the noise and other issues it generates on a very quiet, residential street
- The attendance at this meeting of a representative of CM Rosie Mendez’ office who stated CM Mendez would support the Resolution generated by CB6M and would help with Quality of Life issues pertaining to it in the future; now

THEREFORE, be it

RESOLVED, that pursuant to the presentation by the applicant at this meeting and all other considerations, CB6M **opposes** the Renewal, OP liquor license for Comical Corp., d/b/a NY Comedy Club, 241 E. 24th St., btw 2nd & 3rd Aves.; and be it

FURTHER RESOLVED, if the SLA application, in addition, contains a different method of operation than has been presented to CB6M as stated in this Resolution and in any attached change agreement (if applicable), **including** “Hours of Operation” that differ in **any way** from those described above, then CB6M **further opposes** the application and **urges** the SLA to deny the application based on such misrepresentation to Community Board 6 Manhattan.

VOTE: 38 in Favor 0 Opposed 0 Abstention 0 Not Entitled

1. **Renewal, OP liquor license for Calico Jacks, LLC, d/b/a Calico Jack’s Cantina, 800 2nd Ave., btw E. 42nd & E. 43rd Sts.**

WHEREAS, John Ciccia, Manager, appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on April 3, 2008, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, on the CB6M “Liquor License Questionnaire” sent to the Applicant (and received at the Board office March 20, 2008), the Applicant indicated that the business type of the establishment is a restaurant/bar, and the Applicant’s questionnaire also provided the following proposed Operational Information:

- Hours of Operation: Weekdays 11 AM – 2:30 AM; Weekends 11 AM – 4 AM.
- Capacity: 129. Public Assembly permit: Yes.
- Music on-premises: Recorded.
- Staging area (waiting lounge): No.
- Windows/doors opened/removed during warmer months: Yes; hours open: only until 6 PM.

- Wheelchair accessibility: Yes; Restroom accessibility: Yes; and

WHEREAS, Mr. Ciccio said he is now the manager of both Calico Jack's Cantina and McFadden's Saloon, which should bring consistency to how any problems that arise will be dealt with; and

WHEREAS, Mr. Ciccio said they have a security guard of their own now (in addition to the NYPD presence out front for the Israeli Mission); and

WHEREAS, Mr. Ciccio stated the SLA Application has not been filed; and

WHEREAS, Mr. Ciccio said 45% of Calico Jack's business is food service; and

WHEREAS, members of the committee were satisfied with Mr. Ciccio's presentation; and

WHEREAS, no members of the community were present to speak for or against the Application, nor did they contact the Board or the committee prior to the meeting to express any opinions; and

WHEREAS, in its deliberation and discussion of the application, the committee took into consideration

- the presentation by the Representative, including
 - description of the operation of the business
 - their verification of the information contained in the CB6M "Liquor License Questionnaire" which, coupled with the information about the operation as described above at the April 3, 2008, committee meeting, served to a great extent to form the opinion of the committee
- that a copy of the actual Liquor License Application was NOT available to the committee at the April 3, 2008, committee meeting, and thus it became impossible for the committee to determine whether the information presented to it by the applicant or the information contained in the CB6M "Liquor License Questionnaire" is the same information contained in the actual License application
- there were no comments from the community; now

THEREFORE, be it

RESOLVED, that pursuant to the presentation by the applicant at this meeting and all other considerations, CB6M has no objection to the Renewal, OP liquor license for Calico Jacks, LLC, d/b/a Calico Jack's Cantina, 800 2nd Ave., btw E. 42nd & E. 43rd Sts.; 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 and in any attached change agreement (if applicable), **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 1 Opposed 0 Abstention 0 Not Entitled

- m. **New, OP liquor license for Dang Lai Palace, Inc., d/b/a TBD, 145 E. 16th St. @ 3rd Ave.**

WHEREAS, Johnny Chen, Representative, appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on April 3, 2008, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, on the CB6M “Liquor License Questionnaire” sent to the Applicant (and received at the Board office March 25, 2008), the Applicant indicated that the business type of the establishment is a restaurant, and the Applicant’s questionnaire also provided the following proposed Operational Information:

- Hours of Operation: 10 AM – 11 PM, 7 days a week.
- Capacity: 32 - 34.
- Music on-premises: No.
- Staging area (waiting lounge): No.
- Windows/doors opened/removed during warmer months: Yes; screen doors at entrance.
- Patron use of Outdoor Areas (Backyard, Deck/terrace, Roof): No.
- Wheelchair accessibility: Yes; Restroom accessibility: Yes; and

WHEREAS, Mr. Chen said the main emphasis of the business was on lunch; and

WHEREAS, Mr. Chen stated the SLA Application has not been filed; and

WHEREAS, members of the committee had no concerns about the operation of this business; and

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

WHEREAS, in its deliberation and discussion of the application, the committee took into consideration:

- the presentation by the Representative
 - that a copy of the actual Liquor License Application was NOT available to the committee at the April 3, 2008, committee meeting, and thus it became impossible for the committee to determine whether the information presented to it by the applicant or the information contained in the CB6M “Liquor License Questionnaire” is the same information contained in the actual License application
 - the fact that a 500-foot SLA Hearing was required
 - there were no comments from the community; now

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, OP liquor license for Dang Lai Palace, Inc., d/b/a TBD, 145 E. 16th St. @ 3rd Ave.; 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 and in any attached change agreement (if applicable), **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: 38 in Favor 0 Opposed 0 Abstention 0 Not Entitled

p. **New, RW license for Grand Sichuan Eastern (NY), Inc., d/b/a Grand Sichuan Eastern, 1049 2nd Ave., btw E. 55th & E. 56th Sts.**

WHEREAS, James Wong, Representative, appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on April 3, 2008, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, on the CB6M “Liquor License Questionnaire” sent to the Applicant (and received at the Board office March 31, 2008), the Applicant indicated that the business type of the establishment is a restaurant, and the Applicant’s questionnaire also provided the following proposed Operational Information:

- Hours of Operation: 11 AM – 11 PM, 7 days a week.
- Capacity: 60.
- Music on-premises: Yes, recorded.
- Windows/doors opened/removed during warmer months: No.
- Patron use of Outdoor Areas (Backyard, Deck/terrace, Roof): No.
- Wheelchair accessibility: Yes.; and

WHEREAS, the Representative stated the SLA Application has not been filed and has agreed to provide a copy of the Application to CB6M (with sensitive information blacked out); and

WHEREAS, members of the committee had no concerns about the operation of this business; and

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

WHEREAS, in its deliberation and discussion of the application, the committee took into consideration

- the presentation by the Representative
- that a copy of the actual Liquor License Application was NOT available to the committee at the April 3, 2008, committee meeting, and thus it became impossible for the committee to determine whether the information presented to it by the applicant or the information contained in the CB6M “Liquor License Questionnaire” is the same information contained in the actual License application
- there were no comments from the community; now

THEREFORE, be it

RESOLVED, that pursuant to the presentation by the Representative at this meeting and all other considerations, CB6M supports the New, RW license for Grand Sichuan Eastern (NY), Inc., d/b/a Grand Sichuan Eastern, 1049 2nd Ave., btw E. 55th & E. 56th Sts.; 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 and in any attached change agreement (if applicable), **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: 38 in Favor 0 Opposed 0 Abstention 0 Not Entitled

q. **New, OP liquor license for Ze Café, Inc., d/b/a Ze Café, 398 E. 52nd St. @ 1st Ave.**

WHEREAS, Alan J. Gardner, Esq., Roberto Belissimo, Principal, and Joseph Calvo, Principal, appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on April 3, 2008, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, on the CB6M “Liquor License Questionnaire” sent to the Applicant (and received at the Board office April 2, 2008), the Applicant indicated that the business type of the establishment is a café & restaurant (an American restaurant with a French influence), and the Applicant’s questionnaire also provided the following proposed Operational Information:

- Hours of Operation: Monday – Saturday 7 AM – 10 PM, Sunday 11 AM – 4 AM.
- Capacity: 50.
- Music on-premises: Recorded background.
- Staging area (waiting lounge): No.
- Windows/doors opened/removed during warmer months: No.
- Patron use of Outdoor Areas (Backyard, Deck/terrace, Roof): None.
- Wheelchair accessibility: Yes; and

WHEREAS, the Applicants stated the SLA Application has not been filed; and

WHEREAS, the Applicants currently own or have owned the following establishment(s) in NYC:

- Belli NYC, Brooklyn, NY (Catering)
- ZeZe Choice Flowers, 928 First Ave., NYC, NY; and

WHEREAS, members of the committee had no concerns about the operation of this business; and

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

WHEREAS, in its deliberation and discussion of the application, the committee took into consideration

- the presentation by the Applicants, including
 - their description of the operation of the business
 - their verification of the information contained in the CB6M “Liquor License Questionnaire” which, coupled with the information about the operation as described above at the April 3, 2008, committee meeting, served to a great extent to form the opinion of the committee

- that a copy of the actual Liquor License Application was NOT available to the committee at the April 3, 2008, committee meeting, and thus it became impossible for the committee to determine whether the information presented to it by the applicant or the information contained in the CB6M “Liquor License Questionnaire” is the same information contained in the actual License application
- the fact that a 500-foot SLA Hearing was required
- there were no comments from the community; now

THEREFORE, be it

RESOLVED, that pursuant to the presentation by the Applicant at this meeting and all other considerations, CB6M supports the New, OP liquor license for Ze Café, Inc., d/b/a Ze Café, 398 E. 52nd St. @ 1st Ave.; 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 and in any attached change agreement (if applicable), **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: 38 in Favor 0 Opposed 0 Abstention 0 Not Entitled

r. Report

Carol welcomed the new members and invited them to join the committee. She then announced that she would have committee members scout the bars and restaurants that are considered problem neighbors. She then thanked Toni, the board office, for their help in providing informational material that helps her, and Harry put the resolutions together.

9. Transportation – Lou Sepersky, Chair

a. Request by the New York City Fire Department (Borough Command) for alteration of traffic movement on 40th Street between Tunnel Exit Street and 2nd Avenue

WHEREAS the New York City Fire Department’s Engine Company 21 is housed at 238 East 40th Street, on the south side of an east bound street, and

WHEREAS approximately one half of all calls to which this fire company responds are to the west of this fire house, and

WHEREAS response time is severely degraded by having fire trucks having to go east and then south on 2nd Avenue before being able to go west on 39th Street, both having heavy traffic, causing additional delays, and

WHEREAS allowing the fire truck to go west to Tunnel Exit Street would assist in reducing response time, now

THEREFORE BE IT

RESOLVED that Community Board 6 urges the New York City Department of Transportation (DoT) to adopt the New York City Fire Department's Engine Company 21 (238 East 40th Street) request for a westbound lane on East 40th Street between the fire house and Tunnel Exit Street and urges DoT to implement this by restricting the north lane of 40th Street to the exclusive use of fire apparatus and to make it possible for the FDNY to control the traffic signal at 40th and Tunnel Exit Street, or through such other ways as DoT and FDNY find safe, efficient and effective for this purpose.

VOTE: 38 in Favor 0 Opposed 0 Abstention 0 Not Entitled

b. Report

Lou reported that following the Assembly meeting on the Congestion pricing package, the Governor named Richard Ravitz the President of HRH Construction, as chair of a select committee on financing major Transportation capital projects. He then reported that the city has made a major move to improve the safety of senior pedestrians attempting to cross wide streets.

For the full reports see committee minutes.

Old/New Business

Second Roll Call

Meeting Adjourned at 10:15 pm