

**FULL BOARD MEETING MINUTES**  
**Wednesday, January 14, 2009**  
**NYU MEDICAL CENTER**  
**550 FIRST AVENUE**

**Hon. Lyle Frank, Chair**

**ATTENDANCE**

**Members answering first roll call:** Arcaro, Buchwald, Collins, Curtis, Dankberg, Eggers, Frank, Friedman, Garland, Goldman, Imbimbo, Judge, Knowles, LaBarbera, McGuire, McIntosh, Papush, Parker, Parrish, Pellezzi, Rubin, Scala, Schaeffer, Schwadron, Sepersky, Sherrod, Simon, Steinberg, Thompson, Ursillo, Weder, West, Williams, Wilson, Winfield

**Members answering second roll call:** Arcaro, Buchwald, Collins, Curtis, Dankberg, Eggers, Frank, Friedman, Garland, Goldman, Hollister, Imbimbo, Judge, Knowles, LaBarbera, McGuire, McIntosh, Moses, Oddo, Papush, Parker, Parrish, Pellezzi, Rubin, Scala, Schacter, Schaeffer, Schwadron, Sepersky, Sherrod, Simon, Steinberg, Thompson, Ursillo, Weder, West, Williams, Wilson, Winfield

**Excused:** Barrett, Garodnick, Monterossa, Reiss,

**Absent (Members not present or not answering one or both roll calls):**  
Disman, Haile, Lilien,

**Member attendance** Present: **40** Absent: **3** Excused: **4**

**Guests signed in:** A/M Jonathan Bing; Dan Benjoya representing BP Scott Stringer; Dara Adams representing Cg/M Maloney; Romeo Ymalay representing Sen. Tom Daune; Sarra Hale-Stern representing Sen. Liz Krueger; Patrick Vankerbergen representing A/M Brian Kavanagh; Corey Green representing A/M Richard Gottfried; Christina Bottego representing C/M Jessica Lappin; Susan Kingsland representing C/M Rosie Mendez; Tim Laughlin representing C/M Dan Garodnick; Dick Briglia, Jane Brogan, Chris Chen, Michael Chen, Andre Fievry Jr., Melanie Frey, Mitchell Jackson, Elizabeth Nunez, Lawrence Scheyer, Melissa Schwartz, Carmen Lee Shue, Julia Stein, K. Weiss-NYPL, Rodney Williams

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## **Meeting Called to Order**

Chair Lyle Frank called the meeting to order at 7:05PM.

## **Adoption of the Agenda**

Agenda adopted by a voice vote.

## **PUBLIC SESSION**

**A/M Jonathan Bing Reported:** **1)** He looks forward to continuing his success in 2009 in passing legislation through the assembly and having his bills signed into law. **2)** The Mitchell-Lama Housing public hearing previously scheduled for Thursday, January 22<sup>nd</sup> has been rescheduled for February (*date to be announced*) and will be held in the Assembly Hearing room at 250 Broadway in Rm. #1923. **3)** He has written to the DEP Commissioner regarding the Third Water Tunnel shaft 33b; stating that DEP should take another look at the water main path, stressing that they not go under First Ave. in CB 6. **4)** Met with the Director of the New Providence Women's Shelter to discuss some key issues that would work for the community and how to make sure that the women are kept safe in this facility.

## **Q & A**

**Lyle Frank, Chair** stated that it was the Boards understanding and pretty much etched in stone that the water mains were not going to come down First Ave. to the south or through Sutton Place.

**A/M Bing-**The problem is that DEP has never been willing to put that statement in writing. They have given the impression that if impediments were found under ground during the pre construction process; that going down First Ave. was probably the most likely way to go. He wants to get them on record stating that fact.

Numerous questions were asked and answered by the Assembly Member.

For these and other reports, see the Assembly Member's Community Bulletin or to obtain a copy go to [bingj@assembly.state.ny.us](mailto:bingj@assembly.state.ny.us)

**Dara Adams** representing **Cg/M Carolyn Maloney** reported **1)** January is Glaucoma Awareness Month; the Cg/M is co-sponsoring free glaucoma screenings throughout the month. **2)** A letter was written to John White of DOE regarding the status of the school at the Solow site. Dara will keep the board posted.

For additional reports, see the Cg/M's newsletter or call 212-860-0606 to obtain a copy.

**Romeo Ymalay** representing **Sen. Tom Duane** reported **1)** for the first time in more than four decades the New York State Senate has a Democratic majority. Senator Duane is privileged to have been named Chair of the Senate Health Committee. In this position he pledges to promote a sound health care quality and policy, as well as affordable health care for all New Yorkers. **2)** On Monday January 12, the State Senate passed a series of rule changes that are the first steps in reforming how the body conducts business, increasing accountability and transparency for the public. Most significantly New York State Senate Majority Leader Malcolm Smith announced the formation of a Temporary Senate Committee on Rules and Administration Reform that will make a proposal to the full Senate no later than April 13, 2009. **3)** East Midtown Plaza

shareholders are expected to vote on January 12 whether to remain in the Mitchell-Lama program or to become a private, market-rate Co-op.

Sen. Duane, who advocated that the complex remain under Mitchell-Lama, distributed his letter to EMP shareholders detailing the generous government support available if EMP stays affordable and the very risky nature of the privatization plan.

For more information on the testimonies and other reports, see the Senator's Community Newsletter or go to [www.tomduane.com](http://www.tomduane.com) under News and Issues.

**Sara Hale-Stern** representing **Sen. Liz Krueger** reported: **1)** this is a historic moment for the State Senate, for the first time since 1965 the Democrats are in the majority, on January 7<sup>th</sup> Sen. Malcolm Smith was elected majority leader. Sen. Krueger is also in a new role, Vice-Chair of the Finance Committee, which has the central role in all decisions about the State budget, revenues and expenditures. In this position she will be directly involved in analyzing the proposed budget and addressing the concerns of New Yorkers. **2)** Sen. Krueger has joined other leaders in the fight for affordable housing; there will be a meeting to establish and launch the East Side Housing Coalition on Sunday, February 22<sup>nd</sup>, 2:00 p.m. at Lenox Hill Neighborhood House, 331 E. 70<sup>th</sup> St. **3)** A Town Hall meeting on New York's budget crisis is being sponsored by the Senator, A/M Gottfried and A/M Kavanagh on Thursday, January 15<sup>th</sup> at Norman Thomas High School, 111 E. 33<sup>rd</sup> St.

For more information and other reports, see the Senator's Community Bulletin or go to [www.lizkrueger.com](http://www.lizkrueger.com) under press releases.

**Patrick Vankeerbergen** representing **A/M Brian Kavanagh** announced: **1)** the start of the new legislative session is faced with dealing with the budget crisis and begin holding hearings to review the Governor's budget proposals. The Assembly will also consider some critical legislation this year; after passing 18 of A/M Kavanagh's bills in 2008, 9 of which were passed in the State Senate, and 7 were signed into law. A/M Kavanagh has already introduced 98 bills for the 2009 session and looks forward to working with the new leadership. **2)** On January 16<sup>th</sup>, the Assembly's Housing Committee will hold a hearing to examine what actions can be taken to preserve the existing supply of rent regulated housing in New York and to encourage the development of new units.

For additional information on these and other reports, see the Assembly Member's Newsletter or email [kavanaghb@assembly.state.ny.us](mailto:kavanaghb@assembly.state.ny.us)

**Corey Green** representing **A/M Richard Gottfried** announced **1)** the Assembly Member's Annual Lunar party will be held Friday, January 30<sup>th</sup> from 5-7 p.m. at his District office, 242 W. 27<sup>th</sup> St. **2)** Corey also made reference to the Budget Town Hall.

For additional information on these & other reports, see the Assembly Member's Community Update to obtain a copy go to [GottfrR@assembly.state.ny.us](mailto:GottfrR@assembly.state.ny.us)

**Christina Bottego** representing **C/M Lappin** announced **1)** C/M Lappin will provide a statement at tonight's public hearing on the MTA's proposal to raise fares and cut service. **2)** The Metropolitan Council on Jewish Poverty has announced there will be 14 units made available to senior citizens at 332 E. 22<sup>nd</sup> Street, if you are interested; please send a request for an application to; Normandie Court building on East 95<sup>th</sup> Street and Second Ave.

For additional reports see the C/M's newsletter or call 212-788-6665 to obtain a copy.

**Susan Kingsland** representing **C/M Mendez** reported: **1)** C/M Mendez joined Sen. Tom Duane in encouraging East Midtown Plaza residents to remain in the Mitchell-Lama program. **2)** The C/M will give testimony at tonight's MTA Public Hearing and intends to focus some of her comments on the series of bus line cuts outlined in the current plan that would have a huge negative impact within her district. **3)** DFTA withdrew its Senior Center RFP after mounting pressure from the City Council and the senior community. **4)** C/M Mendez is voting in support of landmark designation for St. Stephen's Church; the City Council will hold a full vote on the designation on January 28<sup>th</sup>. **5)** Expansion of the emergency HEAP Eligibility Guidelines; beginning January 1, a family of four earning as much as \$56,635 could be eligible for benefits.

For these and other reports, see the Council Member's Community Report or to obtain a e-mail [mendez@council.nyc.us](mailto:mendez@council.nyc.us)

**Tim Laughlin representing C/M Dan Garodnick** announced a series of forums **1)** Free Housing Clinic Series on Litigating a Non-Primary Residency proceeding; Decreasing Home Energy costs; How to Keep Co-Op Costs Down; and Handling a Buildings Failure to Make Necessary Repairs. These forums will be held in conjunction with the Urban Justice Center. For information, contact the Urban Justice Center at 646-459-3017 or call the Council Member's office at 212-818-0580. **2)** the NYS Energy Research & Development Authority and C/M Garodnick would like you join the fight against global warming and asks that you "Take the Pledge" in encouraging other New Yorkers to do their part in saving energy; see the back of his Environmental Resource Guide to see how you are able to make a difference.

### **3) Budget/ Q & A**

Toni Carlina wanted to know what operating increases were given to the top Mayoral City agencies over the last decade. She stated that it is proposed that all agencies receive the same percentage cut, however Community Boards have not seen any operating increases to their budget in over 18-years. She requests that the City Council take a deeper look at the proposed budget cuts and find out how equal are these cuts.

Tim responded that the Council and the Borough President are actively working to ensure the Community Boards get the funding that they need. He will forward her request of information on the increases to IBO and get back to her.

He was asked a few more questions by Wil Weder, Carmen Lee Shue and Jim Collins.

For these and other reports, see the Council Member's Community Report or to obtain a e-mail call 212-818-2580.

**Roll Call** – in the absence of Board Secretary Carol Schachter, 1<sup>st</sup> Vice Chair Mark Thompson, conducted the 1<sup>st</sup> roll call.

## **BUSINESS SESSION**

**Adoption of the Dec 10<sup>th</sup> Full Board Minutes:** Minutes were adopted by voice vote

**Chair's Report** – Lyle Frank

**1)** Announced in an effort to save on paper and go green, from now the Board Office will e-mail all committee minutes and thanked Seena Parker for the suggestion. He asks for more suggestions to help in our efforts to save money. **2)** A copy of a letter collaborated on by all

Manhattan Community Boards and their Chairs is in your packet and has been sent to the Mayor informing him that all 12 Community Boards voted to restore proposed budget cuts as our number one priority for Fiscal Year 2010. **3)** I have spoken to C/M Garodnick about the Bellevue Psychiatric Building and things are moving along slowly. He continues to have conversations with EDC and there isn't much to report, but he will keep us informed. **4)** For those who have not taken the EEO training there will be a session held tomorrow night at the Board Office at 7:00 p.m. Thank you to the BP for this additional training. **5)** Thank you to Lou Sepersky who attended the meeting held with some elected officials about the Public Plaza ideas. The proposed location is E 30<sup>th</sup> & E. 33<sup>rd</sup> Streets on the east side of 2<sup>nd</sup> Ave.

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

Toni waived her report.

**Treasurer's Report** – Bea Disman

Due to the absence of Bea Disman, the report was waived.

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

Dan reported: **1)** In an effort to continue enhancing the agency's public transparency, the Port Authority today announced a new initiative with Manhattan Borough President Scott Stringer to make public, on an annual basis, the inspection records and conformance status for all of the agency's facilities. Under this new initiative, the Port Authority, which has a longstanding policy to meet or exceed New York City building and fire code standards, will publish an annual report documenting its code conformance efforts and facility inspection records. The first report will be made public in the first quarter of 2009, and will be posted on the agency's Web site at [www.panynj.gov](http://www.panynj.gov)

**COMMITTEE REPORTS**

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

**a) Report:**

Ellen gave an overview of the Solar 2 presentation given Mr. Colin Cathcart of Kiss & Cathcart Architects on the revised plans for the Solar 2 building; construction for this project should begin in 2009. At the February committee meeting CEC is expected to attend and give a more in-depth presentation on the building plans.

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

**a. Report**

Maxine reported that Jamie Smarr, from School Construction Authority (SCA) reported that at this time, there is no new information on the Solow school project. He also reported that the Art & Design project was going according to schedule. She announced that her next meeting, scheduled for January 20<sup>th</sup>, might be canceled because it is inauguration night.

Lyle thanked Maxine for putting together the Boards Holiday Party.

### **3) Budget & Governmental – Dan Williams, Chair**

#### **a) Report**

Dan reported that at the December meeting they discussed the proposed cuts to the budgets of the City's Community Boards and how to inform the Mayor what a disaster it would be to make such a drastic cut. He announced that at the January committee meeting they would discuss the upcoming NYC Charter revision as it pertains to any change of power for Community Boards.

### **4) Health, Seniors & Disability Issues – Sandro Sherrod, Chair**

#### **a) Report**

Sandro waived the report

### **5) Housing & Homeless Service – Claude Winfield, Chair**

#### **a. City Council Intro. 751 - in relation to permitting Senior Citizens residing in multiple dwellings the right to maintain pets in such dwellings.**

**WHEREAS** pet companionship can have a beneficial impact on the physical and mental health of pet owners; and

**WHEREAS** studies have demonstrated that senior citizens with pets live longer, cope better with stressful life situations and recover more quickly from illnesses; and

**WHEREAS** in this era of tight affordable housing, senior citizens, many with limited incomes and few housing options, should not be compelled to choose between remaining in their homes and having the therapeutic benefit of pet companionship; and

**WHEREAS** eviction of senior citizens from multiple dwellings or the failure to grant housing due to pet ownership is harmful to the public welfare and contrary to the city's goal of enhancing the quality of life for all citizens, including seniors; now

**THEREFORE BE IT RESOLVED** that, notwithstanding the provisions of any lease, rental agreement, or contract to the contrary, or any other applicable provision of law, Community Board 6 strongly supports and urges passage into law by the City Council Intro 751 assuring that no person aged sixty-two years or older shall be denied occupancy in a multiple dwelling or be subject to eviction on the grounds that such person owns or keeps a household pet or pets, of such type or species that the harboring of which is not prohibited by the multiple dwelling law or any other applicable law and is not destructive, a nuisance or interferes with health, safety or welfare of other tenants.

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

#### **a. Report**

Claude thanked Susan Steinberg for writing the resolution. He gave a brief report on the City Council's General Welfare Committee meeting that he attended earlier today. The topic of discussion was the restructuring of the Dept. Homeless Services and the three RFP's that have been issued.

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

**a. Calling for the Landmarking and for the listing of the Bellevue Hospital Center’s Psychiatric Services Building on the State and National Registers of Historic Places.**

**Whereas**, the Bellevue Hospital Center’s Psychiatric Services Building, 500 - 514 First Avenue (also known as 400 - 430 East 30<sup>th</sup> Street), between East 29<sup>th</sup> and East 30<sup>th</sup> Streets, (Block 962, Lot 97) is in Community Board 6, and

**Whereas**, the psychiatric services building was constructed in 1931, and formally opened November 4, 1933, is in the Italian Renaissance style, and

**Whereas**, the design of the building was by Charles B. Meyers and Thompson, Holmes & Converse, and

**Whereas**, the building recognized for its Roman brick facade, its Corinthian columns, pitched tile roof(s) and for its top floors and roof’s serious architectural embellishments, and

**Whereas**, the New York State Office Parks Recreation and Historic Preservation (SHPO) has found the Psychiatric Services Building eligible for listing on the State and National Register of Historic Places, and

**Whereas**, any alterations to the interior or exterior are already subject to review by SHPO, and

**Whereas**, the murals in the first floor lobby, painted by David Margolis from 1938 to 1941, working under the auspices of the Federal Works Progress Administration (WPA), during the Great Depression and were restored in 1982 by the artist, and

**Whereas**, it is understood that any alteration of these nine murals would require approval by the New York City Public Design Commission (PDC) (formerly the Arts Commission), and

**Whereas**, the Bellevue Hospital Psychiatric Services Building’s 398,420 square feet has served as a major national and international force in research, examination and treatment of mental illness, and this facility is recognized as a leader in this field, and

**Whereas**, through the accomplishments and medical achievements that have occurred there, this establishment should earn the protection of Landmarks Preservation Commission as matter of its place in the social (medical) history of New York, now

**Therefore be it**

**Resolved**, that Community Board 6 calls on the New York City Landmarks Preservation Commission, forthwith, to designate the exterior of the Bellevue Hospital Center’s Psychiatric Services Building, 500 - 514 First Avenue (also known as 400 - 430 East 30<sup>th</sup> Street), between East 29<sup>th</sup> and East 30<sup>th</sup> Streets, (Block 962, Lot 97) in Community Board 6, as a New York City historic landmark, and

**Be it further**

**Resolved**, that CB6 calls upon the New York State Office of Parks Recreation and Historic Preservation (SHPO) to list the Bellevue Hospital Center’s Psychiatric Services Building to the New York State and the National Register(s) of Historic Places.

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

**b. Landmark designation - ACS Children's Center (formerly R & S Building), 492 1<sup>st</sup> Ave.**

**WHEREAS**, the R&S building at 492 First Avenue is architecturally significant as an example of urban institutional architecture designed by the firm of McKim, Mead & White. And

**WHEREAS**, the R&S Building was designed and built between 1903-1912 and was the work of Charles McKim who was responsible for the overall plan and design of a large complex of buildings for Bellevue Hospital and represented a departure from traditional hospital design. And

**WHEREAS**, the R&S Building was built to accommodate the hospital's pathological department and male staff dormitories and is the only intact surviving component of McKim's original plan and embodies characteristics associated with the Italian Renaissance style yet represents a functional adaptation of the style to meet institutional needs. And

**WHEREAS**, all autopsies for the Borough of Manhattan and select autopsies for the other boroughs were performed within the R&S building until 1961 and the late Dr. Milton Helpert in his autobiography stated that hundreds of New York's most celebrated criminal cases revolved around evidence gathered in the laboratories of the R&S building. And

**WHEREAS**, the R&S building is listed in the National & State Register of Historic Places. now

**THEREFORE, BE IT**

**RESOLVED**, Community Board 6 recommends designation of the old R&S building at 492 First Avenue as an individual historic landmark.

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

**c. Report**

Gary reported that both buildings have been listed on the National Register of Historic Preservation. He then reported that the committee would continue to discuss the issues concerning park concessions and conservancies and would consider doing a resolution on standards for the Dept. of Parks.

**7) Land Use – Edward Rubin, Chair**

**a. Report**

Ed waived the report.

**8) Public Safety, Environmental & Human Rights – Fred Arcaro**

**a. Report**

Fred waived the report.

9) **Transportation** – Lou Sepersky, Chair

**Joint Transportation & Land Use Reso:**

a. **CEQR #09DCP029Y, Bicycle Parking Text Amendment, to allow for safe and secure parking facilities to support ridership in the city.**

**Whereas**, studies by the DCP have found that the lack of a safe and secure bicycle parking facility is a leading factor preventing people from cycling to work. In addition, a lack of bicycle storage facilities in residential buildings can make bicycle ownership impractical, and

**Whereas**, the text amendment seeks to encourage and support bicycle ridership in NYC, and

**Whereas**, the text amendments focus on three complementary functions of bicycle parking

1. Residential long term parking at the bicycle owner's home
2. Employee long term parking for commuters at their work locations
3. General purpose long term and short term bicycle parking in public parking garages

**Whereas**, CB6 supports and encourages bicycle use as a healthy alternative method of transportation which would alleviate traffic congestion and improve air quality, and

**Whereas**, it is extremely difficult for CB6 to evaluate how the DCP established the quantitative recommendations for the number of parking spaces for specific use groups without being presented with the planning data used for its determination, and

**Whereas**, Thomas Wargo, the Director of the Zoning Division (or a designee from that division) was invited to the Land Use Committee to clarify the planning criteria of the text change, and

**Whereas**, no one from the Zoning Division attended the joint Land Use and Transportation Committee meeting in January, now

**Therefore be it**

**Resolved**, that while CB6 supports and encourages bicycle use in NYC, it cannot take a position with regard to the specific text change being proposed by DCP since the criteria used to establish the text amendment was not submitted to the joint committees.

**VOTE: 38 in Favor 2 Opposed 0 Abstention 0 Not Entitled**

b. **DOT proposal for Bicycle Racks in various locations.**

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

**Whereas**, DOT's wrote the Board that "the majority of these racks were recommended for installation by local business owners, their employees and customers, as well as the residents of CB6," without supplying supporting information or data, and

**Whereas**, these locations (enumerated as 1 - 50), now

**Therefore be it**

**Resolved**, these locations, numbered 1 through 49 (\*1 - 6, 26 - 40 and 50 are in other Community Boards) the recommendations from on site inspections are:

- \*1 - 6: Community Board 5.
- 7: no objection.
- 8: a new rack is already installed.
- 9: one already there an additional one is not needed.
- 10: an existing small one, an additional one is not needed.
- 11: a large one is in place, an additional one is not needed.
- 12: a large one is in place, an additional one is not needed.
- 13: location is a sidewalk café. Rack is not desired.
- 14: OK.
- 15: small rack already in place.
- 16: not needed, street vender uses the space.
- 17: OK.
- 18: a rack is already there, an additional one is not desired.
- 19: through 25, no comment.
- \*26 - 40: Community Board 5.
- 41 through 44: no comment.
- 45: no objection.
- 46: within 7 feet of a fire hydrant.
- 47: fruit and vegetable store and bus shelter nearby sidewalk obstruction.
- 48: OK, no street obstruction.
- 49: OK, four existing racks at this location, but no objection.
- \*50: Community Board 3.

**VOTE: 29 in Favor 9 Opposed 2 Abstention 0 Not Entitled**

**c. Pedestrian safety and traffic issues at the intersection of East 24<sup>th</sup> Street and Lexington Avenue.**

**Whereas**, the pedestrian traffic on the east side of Lexington Avenue at East 24<sup>th</sup> Street has grown greatly because of the students utilizing the vertical campus of the Baruch College (BC) of the City University of New York's and a block is a dormitory with an additional 900 (approx.) students attending New York University, and

**Whereas**, there has been a disproportionately large number of accidents involving pedestrians on Lexington Avenue and vehicular traffic turning east on 24<sup>th</sup> Street, and

**Whereas**, pedestrian safety and the these accidents have become a matter of heightened concern to the BC students, faculty and administration, and

**Whereas**, Lexington Avenue has a very high volume of cars and trucks and three major New York City Transit bus routes (M101, M102, M103) which turn east on 24<sup>th</sup> Street, which magnify the potential of accidents there, and

**Whereas**, New York City’s Department of Transportation (DOT) has already made adjustments to pedestrian and traffic signals at that intersection which may not have fully resolved the safety concerns, now

**Therefore be it**

**Resolved**, that Community Board 6 calls on the New York City Department of Transportation’s (DOT) to make a traffic engineering study of parking on the east side of Lexington Avenue, between East 24 and 25<sup>th</sup> Streets with the possibility of installing lane markings and prohibiting any parking or standing so as to create a safer bus turning environment; reviewing existing traffic and pedestrian signalization and to strengthen pedestrian priority signage, and

**be it further**

**Resolved**, that New York City Transit join with DOT in addressing the pedestrian safety issues at this location.

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

**d. Report**

Lou read a letter sent by Borough Commissioner Forgione in reference to the approved bicycle rack sites listed in the CB6 area. Lou stated that these approved sites were never brought before the Board for discussion and the Board was never consulted about these locations; now we are faced with more than 2 dozen or so new placements. The committee will discuss sending a letter expressing the Boards disapproval of not being consulted on this decision.

**10) Business Affairs & Street Activities – Carol Schachter, Chair**

**a. New, Enclosed Sidewalk Cafe for Defontes of New York Inc. d/b/a Defontes of Brooklyn, 261 3<sup>rd</sup> Avenue and East 21<sup>st</sup> Street, 17 Tables and 36 seats.**

**WHEREAS**, Steve Wygoda, architect and Nicholas Defonte, Owner (collectively “Representative”), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on January 8, 2009 CB6M having jurisdiction of the premises in the DCA application process; and

**WHEREAS**, Defontes is a sandwich shop which when open will operate between the hours of 8 AM – 8 PM; and

**WHEREAS**, Representative presented detailed plans for the enclosed sidewalk, including blueprints; and

**WHEREAS**, Representative stated that under the current plans there would be 8 feet of sidewalk clearance; and

**WHEREAS**, Representative stated he has oral confirmation from the NYC Department of Transportation that they had plans to move a traffic box currently on the sidewalk in front of proposed cafe narrowing the sidewalk; and

**WHEREAS**, the 13<sup>th</sup> Police Precinct is located on the same block as the proposed café; and

**WHEREAS**, police and government vehicles park their cars head first on the sidewalk, usually with their front wheels on the sidewalk; and

**WHEREAS**, if the 13<sup>th</sup> Precinct parks their cars head first, the clearance between the enclosed sidewalk and the cars' front bumper will be just a few feet; and

**WHEREAS**, Representative provided a letter from a 13<sup>th</sup> Precinct representative dated January 8, 2009, stating the Precinct would begin self-regulating parallel parking where the enclosed Café is; and

**WHEREAS**, certain members of the committee expressed hope and skepticism respectively that the 13<sup>th</sup> Precinct would follow up on their commitment;

**WHEREAS**, there were no objections from the community; and

**WHEREAS**, several members of the community spoke in support of this application; now

**THEREFORE**, be it

**RESOLVED**, that pursuant to the presentation by the applicant at this meeting and all other considerations, CB6M votes No Objection to the New, Enclosed Sidewalk Cafe for Defontes of New York Inc. d/b/a Defontes of Brooklyn, 261 3<sup>rd</sup> Avenue and East 21<sup>st</sup> Street.

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

**b. Alteration (to add an additional bar), On-premises (OP) for Lexington Avenue BBQ, LLC., d/b/a Brother Jimmy's BBQ, 181 Lexington Avenue at 31<sup>st</sup> Street.**

**WHEREAS**, Josh Leibowitz, Owner ("Representative"), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on January 8, 2009, CB6M having jurisdiction of the premises in the license application process; and

**WHEREAS**, the Representative stated that the current bar is not big enough to accommodate his patrons and they often have long lines around the block; and

**WHEREAS**, the restaurant is an extant one which would like to extend its liquor license to permit liquor to be served in a bar in the basement level; 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 Representative
- 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 Alteration, On-premises (OP) for Lexington Avenue BBQ, LLC., d/b/a Brother Jimmy's BBQ, 181 Lexington Avenue at 31<sup>st</sup> Street.

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

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

**c. Renewal, On-premises (OP) for Anagap Restaurant Inc. d/b/a Irish Whiskey Bar, 531 2<sup>nd</sup> Avenue, between East 29<sup>th</sup> and East 30<sup>th</sup> Streets.**

**WHEREAS**, Dennis Keane and Adrian McCarthy, co-owners ("Representative"), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on January 8, 2009, CB6M having jurisdiction of the premises in the license application process; and

**WHEREAS**, the Representative stated that business was well and they had no problems to report and were excited to continue operating into the future; 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 Representative
- 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 votes for a positive resolution to the Renewal, On-premises (OP) for Anagap Restaurant Inc. d/b/a Irish Whiskey Bar, 531 2<sup>nd</sup> Avenue, btw East 29<sup>th</sup> and 30<sup>th</sup> Streets.

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

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

**f. Renewal, On-premise license for Cafe Buon Gusto Cique, d/b/a Cafe Buon Gusto, 1009 2nd Avenue, b/w East 53rd and East 54th Streets.**

**WHEREAS**, because the Applicant failed to appear before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on January 8th , 2009, CB6M having jurisdiction of the premises in the license application process; and

**WHEREAS**, there was no way for the committee to determine the bona fides of the statements made in the application due to the non-appearance of the Applicant; and

**THEREFORE**, be it

**RESOLVED**, that pursuant to the lack of a presentation by the Applicant at this meeting and reasons explained above, CB6M opposes the On-premise (OP) license for Cafe Buon Gusto Cique, d/b/a Cafe Buon Gusto, 1009 2nd Ave. btw East 53rd & East 54th Streets.

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

**g. New, (OP) On-premises liquor license for Tutuma Social Club LLC, d/b/a TBD, 164 East 56<sup>th</sup> Street between 3<sup>rd</sup> and Lexington Avenues.**

**WHEREAS**, Anthony Caraballo, consultant and Santina Matwey, owner (together “Representative”), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on January 8, 2009, 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 December 19, 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: All days: 11 AM – 12 PM;
- Capacity: 60
- Music on-premises: live
- Staging area (waiting lounge): yes.
- Windows/doors opened/removed during warmer months: No
- Patron use of Outdoor Areas (Backyard, Deck/terrace, Roof): none.
- Wheelchair accessibility: No; Restroom accessibility: Yes; and

**WHEREAS**, the Representative stated they would serve food and feature Afro-Peruvian Music; and

**WHEREAS**, applicant provided a dinner menu; and

**WHEREAS**, members of the Committee determined that the restaurant as described would be in the interest of the community; and

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

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

- the presentation by the Representative
- verification of the information contained in the CB6M “Liquor License Questionnaire” which, coupled with the information about the operation as described above at the January 8 2009, Committee meeting, served to a great extent to form the opinion of the committee
- 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 the New, (OP) On-premises liquor license for Tutuma Social Club LLC., d/b/a TBD, 164 East 56<sup>th</sup> Street between 3<sup>rd</sup> and Lexington Avenues.;

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

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

**h. New, (OP) On-premises liquor license for 129 Lexington Rest. Corp. d/b/a TBD, 129 Lexington Avenue, between East 28<sup>th</sup> and East 29<sup>th</sup> Streets.**

**WHEREAS**, Tony Cullinan, Owner (“Representative”), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on January 8, 2009 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 on January 8, 2009), the Applicant indicated that the business type of the establishment is a Restaurant and Bar, and the Applicant’s questionnaire also provided the following proposed Operational Information:

- Hours of Operation: Weekdays 11 AM – 4 PM; Weekends 12 PM – 4 PM.  
(Representative clarified a typo: closing times should’ve been 4 AM not PM)
- Capacity: 70
- Music on-premises: recorded background.
- Staging area (waiting lounge): no.
- Windows/doors opened/removed during warmer months: Yes
- Patron use of Outdoor Areas (Backyard, Deck/terrace, Roof): none.

**WHEREAS**, the Representative provided a menu; and

**WHEREAS**, the Applicant presented a list of establishments he currently owns or has owned the following establishment(s) in NYC:

- Madigan’s Pub 115 East 60<sup>th</sup> Street, NYC – Previously Owned
- Madigan’s Pub 18 West 33<sup>rd</sup> Street, NYC – Previously Owned

- The Grand Saloon 40 East 23<sup>rd</sup> Street – Previously Owned
- Snafu Lounge 127 East 47<sup>th</sup> Street – Currently Owned
- The Whiskey Trader 71 West 55<sup>th</sup> Street – Currently Owned; and

**WHEREAS**, Chris Chen representing the landlord of the building spoke on tenant’s behalf and opined that this tenant would make less noise than the previous tenant and that he also has residential tenants in the building who would not permit loud noise and as such he would enforce noise control; and

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

**WHEREAS**, CB6M expressed concerns about a bar being open late on a densely populated residential street which is otherwise known to be relatively quiet; and

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

- the presentation by the Representative
- verification of the information contained in the CB6M “Liquor License Questionnaire” which, coupled with the information about the operation as described above at the January 8, 2009 Committee meeting, served to a great extent to form the opinion of the committee
- a 500-foot SLA Hearing was required
- There were no comments from the community;
- **the “Applicant’s Change Agreement” attached to this Resolution**, between the Applicant and CB6M (which indicates amendments agreed upon by both parties to the original SLA application, to be depicted on an amended application to be forwarded to the SLA with a copy to CB6M), provided for the following stipulations executed as follows:
  1. Operation closing hours to be changed on Sunday – Wednesday to close at 2 AM and Thursday – Saturday to close at 3 AM;
  2. Close all windows at all times; and

**THEREFORE**, be it

**RESOLVED**, that pursuant to the presentation by the Representative at this meeting and all other considerations, CB6M has no objection to the New, (OP) On-premises liquor license for 129 Lexington Rest. Corp. d/b/a TBD, 129 Lexington Avenue, between East 28<sup>th</sup> and East 29<sup>th</sup> Streets; and be it

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

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

**i. Report**

Carol waived the report.

**Old/new business**

**Second Roll Call** – Conducted by Board Secretary, Carol Schachter.

**Adjournment: 9:40pm**