

**MANHATTAN COMMUNITY BOARD 6  
FULL BOARD MEETING MINUTES  
Wednesday, April 13, 2011  
NYU MEDICAL CENTER  
550 FIRST AVENUE**

**Hon. Mark Thompson, Chair**

**ATTENDANCE**

**Members answering first roll call:**

Arcaro, Badi, Barrett, Buchwald, Curtis, Dankberg, Disman, Dubnoff, Eggers, Figueroa, Hollister, Humphrey, Imbimbo, Judge, Keane, Landesman, Marton, McIntosh, McKee, Moses, Nariani, Negrete, O'Neal, Paikoff, Papush, Parrish, Reiss, Rubin, Scala, Schachter, Schaeffer, Scheyer, Seligman, Sepersky, Sherrod, Simon, Thompson, Vigh-Lebowitz, Weder, West, Winfield

**Members answering second roll call:**

Arcaro, Badi, Barrett, Buchwald, Collins, Curtis, Dankberg, Disman, Dubnoff, Eggers, Figueroa, Hollister, Humphrey, Imbimbo, Judge, Keane, Landesman, Marton, McIntosh, McKee, Moses, Nariani, Negrete, Paikoff, Papush, Parrish, Reiss, Rubin, Scala, Schachter, Schaeffer, Scheyer, Seligman, Sepersky, Sherrod, Simon, Thompson, Vigh-Lebowitz, Weder, West, Winfield

**Excused:** Haile, O'Neal, Parise, Pellezzi, Steinberg,

**Absent:** Frank, Friedman, Garland, Gonzalez

**Guests signed in:** Dhia Barnes

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## Meeting Called to Order

**Mark Thompson**, Chair, called the meeting to order.

**Roll Call** – Aaron Humphrey

## PUBLIC SESSION

**Dara Adams** representing Cg/M Carolyn Maloney reported: **1)** Cg/M Carolyn Maloney and Rep. Ted Poe introduced the Sexual Assault Forensic Evidence Registry (SAFER) Act, H.R. 1523, which aims to reduce rape kit DNA backlogs nationwide by allocating existing program funds for incentives to local jurisdictions to audit rape kits awaiting processing, the hiring and/or training of staff to handle the backlog, and establishing a national database of every individual rape kit result. **2)** Carolyn B. Maloney, Manhattan Borough President Scott Stringer, State Senator Liz Krueger, State Assembly Members Brian Kavanagh and Jonathan Bing, and City Council Members Dan Garodnick and Jessica Lappin expressed support for the Request for Proposals (RFP) issued by the New York City Department of Economic Development today regarding the creation of a new esplanade along the East River.

For information on these and other reports, see the Congress Member's Community Report or go to [www.maloney.house.gov](http://www.maloney.house.gov)

**Enrique Lopez** representing Senator Thomas Duane reported: **1)** The New York State Legislature enacted the Fiscal Year 2011-2012 State Budget, including Title XX funding for senior centers and schools which the Senator did not support. **2)** He also expressed Senator Duane's disappointment that the New York State's Fiscal Year 2011-2012 Enacted Budget, did not include renewal and strengthening of our rent regulation system.

For information on these and other reports, see the Senator's Community Report or go to [www.tomduane.org](http://www.tomduane.org)

**Zach Gamza** representing Senator Liz Krueger reported: **1)** Senators Liz Krueger Ranking Member of the Environmental Protection Committee Tony Avella and Joseph Addabbo have introduced a package of bills that aim to keep New York's water clean against the effects of hydrofracking. **2)** Informed the public that Senator Krueger sponsored bill (S.425), failed to pass through the Environmental Conservation Committee. The bill was to implement common sense measures by requiring gas companies to disclose all chemicals used in their hydraulic fracturing fluids and would ban the use of any substances deemed carcinogenic.

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

**Jeffrey LeFrancois** representing A/M Gottfried reported: **1)** The Legislature enacted the new state budget on March 30. Although, it included major cuts to a broad range of vital programs in health, education and human services, that is about as good as could be done, considering the financial, political and legal realities.

For more information on this and other reports see the Assembly Member's Community Bulletin or email him at [gottfir@nysa.us](mailto:gottfir@nysa.us)

**Barbara Sherman** representing C/ M Mendez reported: **1)** C/M Mendez helped save two local Senior Centers on Ave. D and on E. 24<sup>th</sup> St, when United Jewish Council of the LES (UJC) alerted her office that they needed additional funds. **2)** C/M Mendez introduced a resolution questioning

NY State Medicaid Redesign Plan, the resolution calls on the Governor and NYS Legislature to reject findings of the Medicaid Redesign Task Force and develop a more inclusive process that will both reduce the Medicaid budget and raise additional revenue without compromising the health care of needy New Yorkers.

For a complete report on these and other issues, see the Council Member's Newsletter or go to [rmendez@council.nyc.gov](mailto:rmendez@council.nyc.gov) to obtain a copy.

**Christina Bottego** representing C/ M Lappin reported: **1)** the City's proposed 91<sup>st</sup> Street Marine Transfer Station will not come online until 2018, C/M Lappin will continue to oppose the facility. **2)** Announced that the Governor and State Legislature will restore Title XX funding for senior centers in the state budget. **3)** Christina mentioned that Upper Green Side will be holding a combined E-waste/Paper Shredding/ Recycling event at the 82<sup>nd</sup> St Greenmarket on April 30<sup>th</sup> from 10 am to 3:00 pm. and at the 92<sup>nd</sup> Street Greenmarket on June 26<sup>th</sup> from 10 am to 4:00 p; check <http://uppergreenside.org> for more information.

For a complete report on these and other issues, see the Council Member's Community Bulletin or call the district office at (212) 980-1808 to obtain a copy.

**Bruce Silberblatt** representing the Turtle Bay Association in objecting to the Department of Transportation's Pop-up Café application for Le Pain Quotidien at E. 44th St. btw 3<sup>rd</sup> & Lex. Aves.

**Carol Rinzler**-representing Turtle Bay Association stated that any future plans for the former Bellevue Psychiatric Hospital site is medically related.

**Jake Dilemani** representing A/M Bing announced the "Facebook for Seniors and Staying Safe on the Internet" forum that was held on May 13th at St. Peter's Senior Center at E. 53<sup>rd</sup> Street and Lexington Avenue.

**C/M Dan Garodnick reported:** **1)** C/M Garodnick joined Mayor Bloomberg and the Department of Consumer Affairs Commissioner Jonathan Mintz to announce the results of a crackdown on fraudulent tax preparers. The DCA conducted 1,200 inspections in mostly low-income areas and issued over 1,600 violations to 439 tax preparers. **2)** The City Council's Consumer Affairs Committee, chaired by C/M Garodnick, will hold a hearing to investigate a report by the Department of Consumer Affairs which found that 90% of used-car dealers violated the law during a recent enforcement sweep; more than half the dealers advertised cars that had already been sold.

For a complete report on these and other issues, see the Council Member's Community Bulletin or call the district office at (212) 818-0580 to obtain a copy.

## **BUSINESS SESSION:**

**Adoption of February 2011 Full Board minutes: Minutes were adopted by a voice vote.**

### **Chair's Report – Mark Thompson**

Mark provided updates and made a few requests:

1. Mark introduced board member Will Wedur as the new Chair of the Health, Senior and Disability Issues Committee.
2. Offered a moment of silence in remembrance of board member Terrence O'Neill's father.
3. Provided the board with an update on the restoration of the M50 Cross-town Bus service starting in July. The proposed change is to route it on 48<sup>th</sup> Street for one block, rather than down 42<sup>nd</sup> Street.
4. Parks is in the middle of restoring the bluestone in the west half of Stuyvesant Square Park.
5. Economic Development Corporation (EDC) has issued an RFP for an engineering study of the waterfront esplanade.
6. Congratulated C'M Lappin on the arrival of her son, Miles.
7. Welcomed the newly appointed Board Members and sworn them in.

### **District Manager's Report — Toni Carlina**

1. Due to dark street conditions, a letter was sent to the Street Lighting Division of DOT requesting a lighting study be conducted between E. 25<sup>th</sup> to 23<sup>rd</sup> Sts. from 1<sup>st</sup> Ave. to the river, as well as under the FDR going both north and south.
2. The Board office has been informed that 266 3<sup>rd</sup> Ave. between E. 21 & 22<sup>nd</sup> Streets will soon be demolished. Other than the permit to demolish, we have no idea, at this time, what is planned for the site.
3. We received a report from DOS District Superintendent regarding bulk collection in Stuyvesant town. The city has issued \$2,200 in summons for mixed materials and failure to store materials. Recycling will no longer be collected curbside; it will now be collected through roll on roll off container service. These measures should solve the problems of refuse on the streets.
4. Budget cut problem – The CB6 area was always served by 3 section supervisors; section 61 covers 14<sup>th</sup> to 27<sup>th</sup> Sts, 62 covers 28<sup>th</sup> to 45<sup>th</sup> Sts & section 63 covers 46<sup>th</sup> to 59<sup>th</sup> Sts. Supervisors must clear traffic for mechanical brooms, check routes for missed collection stops, ensure routes are completely serviced, check routes for overflowing baskets, respond to 311 complaints and attend to any unusual incidents that occur with DOS personnel. We now have one supervisor covering the whole district; this is an impossible task and the major reason we are receiving more DOS complaints.

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

The current OTPS balance is \$5,334.

## **Borough President's Report – Kirstin Ellis**

This week, our office issued a report on community-based farmers markets, which are food markets – smaller than the greenmarkets you see in Union Square – that are created by community members to address the lack of healthy and affordable food in a particular neighborhood

Our office surveyed all of the City's community-based market operators about their experience establishing and operating markets in their community. There are 28 different operators running a total of 60 markets, 73% of which operate in low-income areas. The report reveals a number of barriers and challenges community-based farmers markets face, including: A decentralized and confusing permitting process; Prohibitively expensive permitting fees; Challenges securing parking for food vendors; and other operational challenges, such as accessing land for urban farming. The report makes recommendations on ways for the City to improve its permitting process and reduce fees.

Select Bus Service on the East Side has been in operation for about 6 months now, DOT / NYCT would like to convene a meeting of the 1st and 2<sup>nd</sup> Avenue Select Bus Service Community Advisory Committee to discuss what is going well and what needs improvement on Wednesday, April 27 from 6:30 to 8:30 pm.

Welcome the new members of Community Board 6: Ashia Badi; Jennifer Keane; Monisha Nariani; Janos Marton; Nicole Paikoff; Jules Vigh-Lebowitz.

Reminder that we will be holding orientation for new members on Monday, April 25<sup>th</sup> at 6:00pm at our downtown offices at One Centre Street, 19<sup>th</sup> Floor

For more information on this and other reports see the Borough President's Report at [www.mbpo.org](http://www.mbpo.org) or call 212-669-7877.

### **Committee Resolutions & Reports**

- 1. Youth & Education** – Maxine McIntosh, Chair
  - a. **Report:** Maxine McIntosh welcomed new board members and invited them to take part in future meetings of the Youth & Education Committee.
- 2. Budget & Governmental Affairs**– Richard Eggers, Chair
  - a. **Report:** Richard Eggers reminded committee chairs that budget consultations were coming up and to add District Needs Statement as an item on their Committee Agendas because they must be completed by June.
- 3. Health, Seniors & Disability Issues** – Wilbur Weder, Chair
  - a. **City Council Reso. 0712-to “Halt the Medicaid Redesign” process and create a process that is prudent and inclusive in order to reduce the Medicaid budget and raise additional revenue to pay for services without compromising health care for needy New Yorkers.**

**WHEREAS**, the Medicaid Redesign Team met without any significant public input and a minimum amount of consumer representation; and

**WHEREAS**, public input often produces the types of policy decisions that recognize the nuances and intricacies that are a part of complex but necessary reforms; and

**WHEREAS**, the set of proposals were voted on **ahead of the scheduled deadline for such vote** and had not been fully discussed prior to being voted on; and

**WHEREAS**, the adopted proposals would cause the end of the Long Term Lombardi Programs **also known as** the “Nursing Homes without Walls” program which would have an exceptionally serious impact on Community Board Six and could force **residents** living with HIV, our seniors and the disabled to be forced from their homes into more **costly** nursing homes or other institutional settings; and

**WHEREAS**, studies have shown that elderly and disabled who remain independent in their community have better overall mental and physical health outcomes; and

**WHEREAS**, the Medicaid Redesign Team **proposals** were adopted by the state legislature without any discussion or amendment process allowed; now

**Therefore be it**

**RESOLVED**, that Community Board Six calls on the Governor and both houses of the legislature to reconsider implementation of the proposals until such time that adequate public review and planning for alternate means of care can be provided in such a manner that does not **impose severe adverse impacts on** our already vulnerable ill, senior and disabled citizens.

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

b. **Report:** Will announced that the Committee Meeting dates have been changed to the first Thursdays of the month.

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

a. **Delaware River Basin Commission’s recently published draft regulations that would govern drilling for natural gas in the four states that comprise the Basin, including the Catskills region of NYS.**

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

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

**Whereas**, the entire Catskill and Delaware watersheds, which serves as the drinking water source for over 15 million people which includes 9 million people of New York City, sit atop the Marcellus Shale geological formation, containing large deposits of natural gas; and

**Whereas**, the draft regulations issued by the Delaware River Basin Commission on December 9<sup>th</sup> are premature and fatally flawed since their foundation is not based on necessary scientific analyses being conducted by the Federal Environmental Protection Agency (EPA) which will give a preliminary report in 2012; and

**Whereas**, the Delaware River Basin Commission-issued draft regulations public review process is also flawed since it minimized the public’s having adequate opportunity for public review, for example:

- A very short – 120-day – public comment period;
- Of which many days were lost due to the year-end holidays;
- Additionally, no hearings were held by the DRBC within New York City;
- A gubernatorial transition in NY State has resulted in a vacancy for the New York Commissioner; and

**Whereas**, the DRBC is charged with a legal mandate to “Do No Harm” to the Special Protection Waters of the Delaware River and they **MUST** maintain the exceptional water quality that now exists in the River and improve it where it needs help, but these draft rules fall far short of meeting that high bar; and

**Whereas**, these rules do not ensure transparent, consistent, state-of-the-art, and enforceable standards that will provide an environmental safety floor below which the gas development industry may not operate; and

**Whereas**, the DRBC-proposed regulations does relies heavily on weak state regulations and enforcement in many areas. State and local agency resources are inadequate for such a massive threat to the New York’s water resources and reservoirs. Especially given recent major cuts to the DEC, they cannot guarantee the ability to effectively police compliance with regulations, review permit applications, investigate facts, prepare environmental analyses, develop permits, conduct inspections, review forms and reports, respond to complaints, and enforce regulatory requirements and permit conditions. See ADDENDUM ONE for details; and

**Whereas**, these rules would allow for approval by the Executive Director, without public input for much of the gas drilling and water withdrawals, which will lead to and has led to huge number of violations on well sites: 2,755 natural gas wells were drilled in PA in 2010 using these fast track approvals, resulting in 2,486 violations as noted by PADEP. It is self evident that fast-track approvals are completely inconsistent with DRBC’s mandate to maintain the River’s exceptional quality; and

**Whereas**, there is no method proposed to control the accumulated environmental toll that natural gas drilling, land transformation, and water depletion and pollution will take on habitats, streams, communities and the River; and

**Whereas**, there are many loopholes in the draft regulations, see ADDENDUM TWO for details; and

**Whereas**, the draft regulation is also deficient since it does not comprehensively address the far-reaching impacts of shale gas development on the resources on the Basin, see ADDENDUM THREE for details; and

**Whereas**, per the USGS testimony to the NYC Council, completion records for most gas wells provide little or no information on aquifer conditions above the targeted gas horizon so this lack of reporting results in a huge loss of information that would be useful in understanding and protecting New York State’s groundwater resources; and

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

**Whereas**, hydraulic fracturing has resulted in documented incidences of leaks, spills, explosions and contamination of water supplies in nine different states, and

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

**Whereas**, if the water supply should be contaminated, the City of New York would be required by the Environmental Protection Agency (EPA) to build and operate a water filtration plant, the cost of which has been estimated to be up to \$30 billion, which would be borne by New York City taxpayers; and

**Whereas**, absolutely no evidence has been shown by any organization that fluids and radiation compounds used during hydraulic fracturing can be completely eradicated from drinking water; and

**Whereas**, gas has seeped into underground drinking-water supplies in at least five states, including Colorado, Ohio, Pennsylvania, Texas and West Virginia, where residents blamed natural-gas drilling; and

**Whereas**, the EPA says that radioactive contaminated wastewater from hydrofracking can potentially contaminate drinking water or enter the food chain through fish or farming, since once radium or radon enters a person's body, by eating, drinking or breathing, it can cause cancer and other health problems as shown by many federal studies; and

**Whereas**, New York City's water supply level would be jeopardized by the huge amount of water being used for gas drilling operations. New York State Water Resources Institute estimates that a single well stimulation requires between three to nine million gallons of water. If we consider a worst-case scenario estimate of 200 wells being stimulated per day, you have about eight million gallons of water consumed per day. The DRBC draft regulations charge only \$80 per million gallons of consumptive water use, and do not include an upper limit on such use, and;

**Whereas**, many of the issues we identified as being ignored in the DEC's Draft Supplemental Generic Environmental Impact Statement (November 2009) are also missing from the DRBC's 83-page draft regulations, including:

- Environmental justices issues;
- Cumulative impacts to both water and air quality from drilling, transport, operation and processing of natural gas;
- Consequences of traffic congestion and its impact on transportation infrastructure
- Potential noise pollution.

**Therefore, be it**

**Resolved**, that Manhattan Community Board Six calls on the Delaware River Basin Commission (DRBC) to extend the comment period until the EPA issues its preliminary studies on the health & safety issues relevant to hydraulic fracturing in 2012, to conduct future hearings on proposed revised regulation on gas drilling resulting from the "follow-up" ESA study, cited in the first resolve, due to be completed in 2014 and to holding additional hearings specifically in New York City and Philadelphia; and

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

**Be it further resolved**, Manhattan Community Board Six calls on the Delaware River Basin Commission, the New York State Legislature, the New York State Department of Environmental

Conservation, and New York State Governor Andrew Cuomo to prohibit hydraulic fracturing drilling for natural gas within New York State; and

**Be it further resolved**, that Manhattan Community Board Six urges Governor Cuomo to appoint a DRBC Commissioner that will strongly protect the precious Catskill landscape; and

**VOTE: 34 in Favor 6 Opposed 1 Abstention 0 Not Entitled**

## **ADDENDUM ONE**

The DRBC proposed regulations rely heavily on weak state's regulations and enforcement in many areas. State and local agency resources are inadequate for such a massive threat to the New York's water resources and reservoirs. Especially given recent major cuts to the DEC, they cannot guarantee the ability to effectively police compliance with regulations, review permit applications, investigate facts, prepare environmental analyses, develop permits, conduct inspections, review forms and reports, respond to complaints, and enforce regulatory requirements and permit conditions. For example:

- Due to a federal exemption under the Clean Water Act, storm water management practices that are required for all other earth disturbance greater than an acre are not required for gas development and DRBC acquiesces entirely to the lack of requirements by deferring to state standards; this will ruin streams, smother habitats and degrade water quality and drinking water supplies. This gross oversight alone could violate the "no measureable change in water quality" standard that the DRBC is required to maintain in Special Protection Waters.
- Drilling, cementing and casing construction and safety is totally sidestepped by the DRBC by deferring to state standards. The lack of adequate construction safety standards, in some cases even below industry standard, is causing pollution incidents, well blowouts, stray gas migration and more environmental degradation throughout Pennsylvania.
- Air pollution from gas wells and wastewater impoundments is not addressed at all by the DRBC, despite the fact that air pollution deposits on land and water, causing both air and water pollution far from the source. NY's Draft Supplemental Generic Environmental Impact Statement identifies large amounts of hazardous air pollution (methanol) and other pollutants that will violate NY's air emission standards.
- The States have totally inadequate setbacks between gas well activities and water bodies, water wells, homes and other vulnerable features. Setbacks from homes, public buildings, public roads, public water supply wells and domestic water supply wells are all left out of DRBC oversight and are instead relegated to inadequate state setbacks that have resulted in pollution incidents from gas drilling throughout Pennsylvania (most notably, US Environmental Protection Agency is investigating water well pollution in Dimock and in Bradford County, PA).
- All setbacks should be measured from the end of the horizontal well bore, not from the vertical well bore, since hydraulic fracturing will introduce contaminants and cause fracturing throughout the horizontal bore zone. Setbacks should be based on a minimum 300-foot buffer beyond the floodplain/flood hazard area as defined by riparian soils (when that distance is greater than 500 feet) to assure adequate protection for streams and to prevent flood damages. Water-supply intakes and reservoirs need protection based on drainage patterns and the condition of the setback area (such as slope and vegetation) in order to provide needed buffering so distances need to be

- calculated on a site by site basis, not a cookie cutter 500 foot radius. Gas in Garfield County, CO traveled laterally seven times the distance proposed by the DRBC.
- DRBC expressly allows centralized wastewater storage facilities and defers to State standards for them. In NY’s Draft Supplemental Generic Environmental Impact Statement, impoundments as large as 40 acres are anticipated and operators are building huge impoundments in Pennsylvania now. One of the major sources of air pollution is from these wastewater impoundments, from which toxic contaminants volatilize to the air, then are breathed in or deposited on soil and water, causing highly mobile pollution. Further, DRBC proposes no setback requirements for impoundments, deferring to the states. For on-site pits up to 250,000 gallons, PA’s setbacks are the same as for gas wells, which is only 100 feet from a water body, as close as 20 inches above the seasonal high water table and no mention of a setback from a water supply well.

## **ADDENDUM TWO**

There are many loopholes in the draft regulations, for example:

- “Final site restoration” is mandated, but loosely defined.
- Mandated restoration is only required to be “*as nearly as practicable* to its condition prior to the commencement of gas drilling operations” (italics added), a very vague definition.
- “The water conservation program must include the reuse and recycling of flowback and production waters to the greatest extent possible.” But it does not provide penalties for not doing so.
- “Greatest extent possible” is not defined.
- Throughout the regulations, no minimum standards are provided, even such commonly used but general language as requiring use of the “best available technology.”

## **ADDENDUM THREE**

The draft regulation is also deficient since it does not comprehensively address the far-reaching impacts of shale gas development on the resources on the Basin for the following reasons:

- There are no spacing requirements for the tens of thousands of wells expected that would limit how many wells can be drilled and how close they can be to each other, facilitating the conversion of pristine natural environments into an industrial landscape, and proposed Natural Gas Development Plan thresholds are too high—much gas development will not be captured in the review and, further, it is not clear how the plans that are done will address individual and cumulative impacts.
- There is no limitation as to how much gas development will be allowed to occur in sub-watersheds, no upper limits on how much water can be depleted for well development within the Watershed.
- The draft rules do not place any restrictions on the chemicals that drillers can use to drill and hydraulically fracture (“frack”) gas wells so these can include hundreds of dangerous

chemicals, many of them carcinogenic and hazardous, such as diesel fuel, a toxic substance, which is being used in some areas to stimulate gas extraction, and furthermore, the DRBC will honor companies' requests for trade secrecy protection, limiting the ability of environmental protection and health agencies to respond to problems.

- Proposed rules would allow individual well development and some water withdrawals for fast track approval which is based on skimpy existing state guidelines which do not adequately address pollution impacts from gas development, dooming the existing exceptional water quality of the river to degradation, in direct contradiction of the DRBC's mandate to maintain that high quality.
- The draft rules fail to fulfill their purpose: to provide strict regulations that go beyond existing state minimum requirements so that the Delaware's exceptional water quality and outstanding resources and the water supply for over 15 million people is protected from the adverse impacts of natural gas development.

**b. DOT Revocable Consent; the installation of bollards, 787 1<sup>st</sup> Ave. aka United Nations Pl, by One United Nations Condominium.**

**Whereas**, the United Nations Development Corp, owners and operators of 787 First Avenue aka: One United Nations Plaza, in Community Board 6, Manhattan, has applied for a revocable consent to place a perimeter security anti-ram bollard system paralleling First Avenue continuing from the southerly property line of the US Mission to The U. N. to the corner of East 44th Street and running west and returning into building; and

**Whereas**, there appears to be sufficient space to accommodate the bollards and pedestrian traffic; now

**Therefore**, be it

**Resolved**, that Community Board 6, Manhattan, offers no objection to DOT Revocable Consent; the installation of bollards, 787 First Ave. aka One United Nations Plaza, by One United Nations Condominium.

**VOTE: 32 in Favor 9 Opposed 0 Abstention 0 Not Entitled**

**c. DOT Revocable Consent; the installation of bollards, E. 44th St. aka Two United Nations Pl on E. 44th St. btw 1<sup>st</sup> & 2<sup>nd</sup> Aves.**

**Whereas**, the United Nations Development Corp, owners and operators of 323-333 East 44<sup>th</sup> Street AKA: Two United Nations Plaza, in Community Board 6, Manhattan, has applied for a revocable consent to place a perimeter security anti-ram bollard system paralleling the building facades of Two and Three UN Plaza of East 44<sup>th</sup> Street between First and Second Avenues; and

**Whereas**, petitioner plans to install sixty-five stainless steel bollards and seven horizontal bollards; and

**Whereas**, there appears to be sufficient space to accommodate the bollards and pedestrian traffic; now

**Therefore be it**

**Resolved**, that Community Board 6, Manhattan, offers no objection to DOT Revocable Consent; the installation of bollards, East 44<sup>th</sup> Street a.k.a Two United Nations Plaza on East 44<sup>th</sup> Street between 1<sup>st</sup> and 2<sup>nd</sup> Avenues

**VOTE: 33 in Favor 8 Opposed 0 Abstention 0 Not Entitled**

e. **Report:** Fred Arcaro recently attended the CAC meeting pertaining to the 34<sup>th</sup> Transitway and stated that he was pleasantly surprised by the outcome and felt that most of the community board and local elected officials previous comments and suggestions have been met.

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

**a. LPC application-Certificate of Appropriateness for the Allerton House, 145 E. 39th St.**

**Whereas**, the building at 145 East 39<sup>th</sup> Street, an individual designated landmark, was constructed between 1916-1918 and is a 19 story building which for many years was owned by the Salvation Army as a residence for women, and

**Whereas**, the present owner is in the process of converting it to a transient hotel use, and

**Whereas**, most façade work has been approved by the Landmarks Preservation Commission at staff level but the installation of an HVAC system on the roof requires a Certificate of Appropriateness, and

**Whereas**, the design of the HVAC system as presented to CB6 shows it will have minimal visibility from the public way and the applicant’s plan to restore the original parapet will further minimize the visibility, and

**Whereas**, members of the Murray Hill Neighborhood Association present supported the approval of this application, now

**Therefore, Be It**

**Resolved**, Community Board 6 based on the presentation and drawings presented to us, has no objection to the approval of this application by the Landmarks Preservation Commission

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

d. **Report:** Gary Papush informed the board that the Parks Department will soon start resurfacing Robert Moses Park.

**6. Land Use/Waterfront – Edward Rubin, Chair**

**a. BSA # 390-61-BZ, To amend the application to legalize the change of the cellar from parking garage with 25 spaces (UG 8) and part of the first floor to auto rental establishment (UG 8) with 20 spaces and to request time to obtain the CO, 148-150 E. 33<sup>rd</sup> St at Lexington Aves**

**WHEREAS**, BSA Cal. No.: 390-61-BZ a variance approved on January 29, 2008 to expire on March 2018 needs to be amended to permit a new automobile rental establishment in cellar and part of first floor, as well as an extension of time to obtain a new certificate of occupancy is located at 148-50 East 33 rd Street; Manhattan.

**WHEREAS**, the above application is pursuant to Section 11-413 of the New York City Zoning Resolution; and

**WHEREAS**, the site is located on the south side of East 33<sup>rd</sup> Street approximately 151 feet east of Lexington Avenue; and

**WHEREAS**, the site is located in R8B zoning district and is occupied with a four-story and cellar structure for use as parking garage for not more than 149 cars; and

**WHEREAS**, The BSA has exercised jurisdiction over the subject site since July 18, 1961, when under the subject calendar number, the BSA granted a variance for the construction of parking garage for the term of 20 years; and

**WHEREAS**, subsequently, the grant has been amended and the term extended by the Board four times, most recently on January 29, 2008; and

**WHEREAS**, The number of parking spaces in the building will not increase as a result of the change of use .The same number of spaces totaling 149 as noted on the Certificate of Occupancy shall remain; and

**WHEREAS**, based on the “ trip-generation and comparison” analysis has been conducted by EPDSCO on January 7, 2011 that shows that the auto rental establishment creates less travel to and from the garage and will have less of an impact on surrounding roadways in the neighborhood than the public parking garage; and

**WHEREAS**, the applicant requests to amend the application to legalized the change of the cellar from parking garage with 25 spaces (UG 8) and part of the first floor to auto rental establishment (UG 8) with the capacity of 20 spaces. The five parking garage spaces will be distributed on the other floors; and

**WHEREAS**, the applicant requests an extension of time to obtain a new Certificate of Occupancy which expired June 29, 2008; now

**THEREFORE, BE IT**

**RESOLVED**, Community Board 6 has no objection to the amendment of the variance to operate the auto rental establishment at this location and the extension of time to obtain a new Certificate of Occupancy.

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

- c. **Report:** Ed Rubin praised newly appointed board member Alejandra Negrete on drafting the resolution and stated that drafting land use resolutions is one of the easiest ways of learning the zoning process.

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

**a. Phipps Plaza North, Inc. Inclusionary Housing Program**

**Whereas,** Phipps Plaza North, Inc., PPN, 329 East 29<sup>th</sup> street, has applied to the Department of Housing and Preservation, HPD, to preserve low income housing through New York City's Inclusionary Housing Program, IHP, Affordable Housing Plan, AHP, and

**Whereas,** PPN is a 14 story and 208 unit residential building with two ground floor commercial spaces occupied by NYU and a residential parking garage, and

**Whereas,** PPN has submitted a request to NYS Department of Housing and Community Renewal, (DHCR), to dissolve the Housing Company. The anticipated date of dissolution under Section 1750 of the Regulations and removal of the housing company from Mitchell-Lama is September 1, 2011, and

**Whereas,** this Project, as apart of the IHP, is expected to receive a tax exemption from real estate taxes, and

**Whereas,** on April 12, 2011, representatives for PPN appeared at a scheduled public hearing and addressed community concerns and questions, now

**Therefore be it**

**Resolved,** that Community Board Six supports this application to preserve low income housing under HPD's Inclusionary Housing Program.

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

**b. NYC Council Intro 0477-2011 in relation to a requirement that all property owners of multiple-dwellings in the city post the Tenant Bill of Rights.**

**Whereas,** this bill would require all property owners of multiple-dwellings in the city to post the Tenant Bill of Rights as outlined in this bill. The city would be responsible for promulgating the document and property owners would be responsible for posting it in a conspicuous location near where the mail is delivered; and

**Whereas,** owners must sue to evict a tenant, and only a marshal or sheriff may carry out a court-ordered warrant to evict a tenant; and

**Whereas,** hot water must be provided at all times between 6 AM and midnight. Similarly, there must be an inside temperature of 66 degrees from 6 AM to 10 PM when it is below 55 degrees outside; and

**Whereas,** landlords must maintain their buildings in good repair, keep the hallways and public areas clean, paint apartments every three years, exterminate rats, mice, roaches, bedbugs and other vermin, and deal with any other matter dangerous to life or health in a timely manner; and

**Whereas,** tenants have a right to the quiet enjoyment of their apartments free of nuisance or harassment from landlord or other tenants; and

**Whereas,** everyone has a right to lease a dwelling regardless of race, creed, color, national origin, sex, disability, age, marital or familial status, the presence of children, sexual orientation, immigration status, or source of income including social security or any form of federal, state or local public assistance or housing assistance including section 8 vouchers; and

**Whereas**, if you are 62 years old or disabled and you pay one-third or more of your income in rent and your income falls below a certain income threshold, you can apply (through the department of finance via 311) to have your rent frozen through the senior citizen rent increase exemption or disability rent increase exemption; and

**Whereas**, tenants have the right to form, join and participate in a tenant's organization for the purpose of protecting their rights, and

**Whereas**, all of the rights outlined above in this bill is a remuneration of existing law. The only new law being proposed is that tenants be informed about the very laws that protect them; now

**Therefore be it**

**Resolved**, that Community Board 6 urges the New York City Council to pass Intro. 0477-2011 and the Mayor to sign it into law.

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

**d. Report:** Claude stated a number of buildings are making changes in regards to adding new windows and doors. The new door frames are raised beyond floor level, therefore, they cannot be considered handicap accessible.

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

**a. New, DCA application (#1384481) unenclosed small sidewalk café, 12 tables & 25 seats for Da Follia, LLC. d/b/a La Follia, 226 3<sup>rd</sup> Ave at E. 19<sup>th</sup> St.**

**WHEREAS**, Mario and Susan Riva, owners, and architect Steve Wygoda appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on March 31, CB6M having jurisdiction of the premises in the license application process; and

**WHEREAS**, plans were provided showing the configuration; and

**WHEREAS**, the applicants agreed to remove one table and two seats opposite the existing tree pit to provide more passage space and further agreed to close their windows by 11 p.m.; and

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

**THEREFORE**, be it

**RESOLVED**, that pursuant to the presentation by the Representative at this meeting and all other considerations, CB6M **does not object to this application.**

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

**b. New, DCA application (#1384218) unenclosed small sidewalk café, 6 tables & 12 seats for Vino Posto Corp. d/b/a La Cava, 939 2<sup>nd</sup> Ave at E.50<sup>th</sup> St.**

**WHEREAS**, Amy Babie, owner, appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on March 31, CB6M having jurisdiction of the premises in the license application process; and

**WHEREAS**, plans were provided showing the configuration, allowing for required pedestrian passage; and

**WHEREAS**, the applicants agreed to close their windows at 10 p.m. Sunday through Thursday and at 11 p.m. on Friday and Saturday; and

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

**THEREFORE**, be it

**RESOLVED**, that pursuant to the presentation by the Representative at this meeting and all other considerations, CB6M **does not object to this application.**

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

**c. New, OP license for Abdul Singh d/b/a TBD, 155 E. 52<sup>nd</sup> St btw 3<sup>rd</sup> & Lexington Aves.**

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

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

**WHEREAS**, the 500 foot rule applies and there is no way we can determine if another on-premise venue is in the public interest; now

**THEREFORE**, be it

**RESOLVED**, that Community Board Six objects to the application for an on-premise license for this venue at this time.

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

**d. New, RW license for Terroir Murray Hill, LLC. d/b/a Terroir Murray Hill, 439 3rd Ave btw E. 30<sup>th</sup> & E. 31<sup>st</sup> Sts.**

**WHEREAS** Marco Canora, a partner, appeared before the Business Affairs and Street Activities Committee of Community Board 6 Manhattan (CB6M) having jurisdiction of the premises in the license application process; and

**WHEREAS**, the applicant told us about his other high-end establishments; and

**WHEREAS**, the applicant stated he would close at 2:00 a.m. seven days a week; and

**WHEREAS**, there was no one in attendance to speak for or against the applicant; now

**THEREFORE**, be it

**RESOLVED**, that pursuant to the presentation made by the Representative at the meeting of the Business Affairs and Street Activities committee held on March 31, 2011 and pursuant to all other considerations, CB6M objects to the application unless the Applicant adheres to all the Representations made by the Representative to the Committee, in which case the board has **no objection** to the application; now

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

**e. Revised Plans, DCA application (#1359296) unenclosed small sidewalk café, 3 tables & 6 seats for Gramercy Restaurant d/b/a Exchange Bar and Grill, 256 3<sup>rd</sup> Ave at E. 21<sup>st</sup> St.**

**WHEREAS**, Glenn Wright, Esq., attorney for the applicant, appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on March 31, CB6M having jurisdiction of the premises in the license application process; and

**WHEREAS**, we were advised that these were the same plans as previously submitted, the only revision being a City Councilmember’s former objection withdrawn; and

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

**THEREFORE**, be it

**RESOLVED**, that pursuant to the presentation by the Representative at this meeting and all other considerations, CB6M **does not object to this application**.

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

**f. New, OP license for I. International Inc d/b/a Crystal, 212 E. 52<sup>nd</sup> St btw 2<sup>nd</sup> & 3<sup>rd</sup> Aves.**

**WHEREAS** Francis Buscemi, Esq. and Izuma Wada appeared before the Business Affairs and Street Activities Committee of Community Board 6 Manhattan (CB6M) having jurisdiction of the premises in the license application process; and

**WHEREAS**, this venue is subject to the 500 foot rule; and

**WHEREAS**, the applicant entered into a Change Agreement stating they would close at 1:30 a.m. seven days a week; and

**WHEREAS**, there was no one in attendance to speak for or against the applicant; now

**THEREFORE**, be it

**RESOLVED**, that pursuant to the presentation made by the Representative at the meeting of the Business Affairs and Street Activities committee held on March 31, 2011 and pursuant to all other considerations, CB6M objects to the application unless the Applicant adheres to all the Representations made by the Representative to the Committee including the signed Change Agreement (copy attached) in which case the board has **no objection** to the application; now

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

**g. New, OP license for Robert Schagrin d/b/a TBD, 157 E. 57<sup>th</sup> St at 3<sup>rd</sup> Ave.**

**WHEREAS** Terry Flynn, Esq. and Robert Schagrin, partner, appeared before the Business Affairs and Street Activities Committee of Community Board 6 Manhattan (CB6M) having jurisdiction of the premises in the license application process; and

**WHEREAS**, this venue is subject to the 500 foot rule; and

**WHEREAS**, the applicant presented a menu and entered into a Change Agreement stating they would close at 1:00 a.m. seven days a week; and

**WHEREAS**, there was no one in attendance to speak for or against the applicant; now

**THEREFORE**, be it

**RESOLVED**, that pursuant to the presentation made by the Representative at the meeting of the Business Affairs and Street Activities committee held on March 31, 2011 and pursuant to all other considerations, CB6M objects to the application unless the Applicant adheres to all the Representations made by the Representative to the Committee including the signed Change Agreement (copy attached) in which case the board has **no objection** to the application; now

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

**h. New, OP license for Manhattan Sport Restaurant of American, LLC. d/b/a Ciros of Saratoga & Club House, 885 2<sup>nd</sup> Ave at E. 48<sup>th</sup> Ave.**

**WHEREAS** Owner Keith Kantrowitz appeared before the Business Affairs and Street Activities Committee of Community Board 6 Manhattan (CB6M) having jurisdiction of the premises in the license application process; and

**WHEREAS**, this venue is subject to the 500 foot rule; and

**WHEREAS**, the applicant described an upscale venue and entered into a Change Agreement stating they would close no later than 1:00 a.m. seven days a week; and

**WHEREAS**, there was no one in attendance to speak for or against the applicant; now

**THEREFORE**, be it

**RESOLVED**, that pursuant to the presentation made by the Representative at the meeting of the Business Affairs and Street Activities committee held on March 31, 2011 and pursuant to all other considerations, CB6M objects to the application unless the Applicant adheres to all the Representations made by the Representative to the Committee including the signed Change Agreement (copy attached) in which case the board has **no objection** to the application; now

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

**i. New, OP license for KKDK, LLC. d/b/a TBD, 125 E. 39<sup>th</sup> St btw Lexington & Park Aves.**

**WHEREAS** Managing partner Denis Flanagan appeared before the Business Affairs and Street Activities Committee of Community Board 6 Manhattan (CB6M) having jurisdiction of the premises in the license application process; and

**WHEREAS**, this venue is subject to the 500 foot rule; and

**WHEREAS**, there were grave concerns about another bar in an area that was largely residential and was so close to the Third Avenue area; and

**WHEREAS**, this venue would be open until 4 a.m. which was considered to be not in the public interest and so a Change Agreement was effected to close at 2 a.m. seven days a week; and

**WHEREAS**, there was no one in attendance to speak for or against the applicant; now

**THEREFORE**, be it

**RESOLVED**, that pursuant to the presentation made by the Representative at the meeting of the Business Affairs and Street Activities committee held on March 31, 2011 and pursuant to all other considerations, CB6M objects to the application unless the Applicant adheres to all the Representations made by the Representative to the Committee including the signed Change Agreement (copy attached) in which case the board has **no objection** to the application; now

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

**VOTE: 37 in Favor 3 Opposed 1 Abstention 0 Not Entitled**

**j. New, OP license for Flagship SB New York, LLC. d/b/a Saravana Bhavan, 81-83 Lexington Ave at E. 26<sup>th</sup> St.**

**WHEREAS** Owner Mathaiah Ramaiah appeared before the Business Affairs and Street Activities Committee of Community Board 6 Manhattan (CB6M) having jurisdiction of the premises in the license application process; and

**WHEREAS**, this venue is a restaurant with operating hours until 10:00 pm weekdays and until 10:30 pm on the weekends; and

**WHEREAS**, the applicant was only before us because there was a change in the name of the LLC; and

**WHEREAS**, there was no one in attendance to speak for or against the applicant; now

**THEREFORE**, be it

**RESOLVED**, that the board has **no objection** to the application.

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

**m. Renewal, OP license for 274 Pub on Third, Inc. d/b/a Black Bear Lodge, 274 3<sup>rd</sup> Ave btw E. 21<sup>st</sup> & E. 22<sup>nd</sup> Sts.**

**WHEREAS** Owner Paul O’Conner appeared before the Business Affairs and Street Activities Committee of Community Board 6 Manhattan (CB6M) having jurisdiction of the premises in the license application process; and

**WHEREAS**, the applicant told us he would monitor the venue to keep noise to a minimum; and

**WHEREAS**, there was no one in attendance to speak for or against the applicant; now

**THEREFORE**, be it

**RESOLVED**, that the board has no objection to this renewal.

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

**n. Renewal, OP license for TJ’S NYC, Inc. d/b/a Stone Creek Bar and Lounge, 140 E. 27<sup>th</sup> St btw 3<sup>rd</sup> & Lexington Aves.**

**WHEREAS** Owner John Tirozzi appeared before the Business Affairs and Street Activities Committee of Community Board 6 Manhattan (CB6M) having jurisdiction of the premises in the license application process; and

**WHEREAS**, the venue only had one noise complaint in 2009; and

**WHEREAS**, there was no one in attendance to speak for or against the applicant; now

**THEREFORE**, be it

**RESOLVED**, that the board has no objection to this renewal.

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

**o. Renewal, OP license for 978 Second Pub, Inc. d/b/a Irish Exit, 978 2<sup>nd</sup> Ave at E. 52<sup>nd</sup> St.**

**WHEREAS** Owner Stephen Breen and Manager Jeff Napoli appeared before the Business Affairs and Street Activities Committee of Community Board 6 Manhattan (CB6M) having jurisdiction of the premises in the license application process; and

**WHEREAS**, there was considerable discussion about past promotions which were in highly questionable taste and that the change in ownership appeared to fall into a legal loophole; and

**WHEREAS**, Mr. Napoli explained that he had been hired to run the venue and that the place has been quieter recently; and

**WHEREAS**, there was no one in attendance to speak for or against the applicant; now

**THEREFORE**, be it

**RESOLVED**, that the board has no objection to this renewal.

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

**p. Report: Carol welcomed new board member Nicole Paikoff to the committee and stated May 19<sup>th</sup> is the date for BASA's next committee meeting.**

**Old/New Business:**

**Second Roll Call – Aaron Humphrey**

**Meeting Adjourned at 10pm**