

**MANHATTAN COMMUNITY BOARD 6  
FULL BOARD MEETING MINUTES  
Wednesday, December 14, 2011  
BARUCH COLLEGE  
55 LEXINGTON AVENUE**

**Hon. Mark Thompson, Chair**

**ATTENDANCE**

**Members answering first roll call:**

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

**Members answering second roll call:**

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

**Excused:** Collins, Humphrey, Keane, Moses, Parise

**Absent:** Barrett, Figueroa, Frank, Haile

**Guests signed in:** Sen Krueger; Shelby Garner-Cg/M Maloney; A/M Brian Kavanagh; C/M Jessica Lappin; Enrique Lopez-Sen. Tom Duane; Elena Arons-C/M Dan Garodnick; Jeffrey LeFrancois-A/M Gottfried; Crystal Adams, Brandon Haw, Willam Zeckendorf, Jenna Scheeren-NYPL, Sherrill Kazan, Kathy Thompson,

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## Meeting Called to Order

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

## Adoption of the Agenda

**Roll Call** – Sandro Sherrod

## PUBLIC SESSION

**Sen. Liz Krueger reported:** **1)** The 2011-2012 Senior Roundtable program “Planning Ahead”: Senior Living in the 21<sup>st</sup> Century, part 3 will be held Thursday, January 19, 2012, 8-10 pm at Lenox Hill Neighborhood House, 331 E. 70<sup>th</sup> St. **2)** After some pressure from me and other elected officials as well as the public, the Dept. of Environmental Conservation (DEC) has extended the public comment period on the proposed draft Supplemental Generic Environmental Impact Statement on Hydraulic Fracking. I testified before DEC regarding my opposition in allowing Hydrofracking in NYS, pointing out that evidence from other states demonstrates there are significant environmental risks associated with Hydrofracking; the danger to our water supply is clear and every few months a new incident highlights the risk. We do not actually know how much natural gas the Marcellus Shale actually contains. For more information visit: <https://www.dec.ny.gov/energy/75370.html> The Senator thanked the board members for their support and wished everyone a Happy Holiday Season!

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

**Shelby Garner** representing Cg/M Carolyn Maloney reported **1)** Cg/M Maloney announced her “Micro Biz” Bill to help small businesses grow and create jobs. This bill would increase the availability of micro-loans to help entrepreneurs start or expand businesses and create jobs. It would also give Federal Grants to community Development Financial institutions to establish loan-loss reserves, which would leverage private investment to provide small businesses with loans of up to \$25, 000. **2)** Cg/M Maloney received notice that the Roosevelt Island Post Office would not be closing. After careful evaluation of their data, it was determined that it would not be feasible to close this office right now. **3)** Shelby wished all a Happy Holiday season on behalf of Cg/M Maloney and staff.

For the full report, see the Congress Member’s Community Report or go to [www.maloney.house.gov](http://www.maloney.house.gov)

**Enrique Lopez** representing Sen. Thom Duane reported: **1)** The Senator has been fighting for a statewide prohibition on high volume hydraulic fracking since 2008. He is truly proud of the work the he and other elected officials, environmental advocates, concerned residents and business owners from Upstate and Downstate have accomplished. Passing the first statewide moratorium on fracking in the nation, raising awareness about the technique’s devastating impacts and mobilizing immense opposition to its use in NYS is his goal. He is deeply concerned the NYS DEC will continue to move forward with its plan to permit this dangerous drilling. Sen. Duane delivered testimony to the DEC, highlighting a number of serious flaws in the agency’s proposed regulatory program on fracking and calling for the establishment of criminal penalties for both intentional unauthorized discharges of toxic chemicals known as “frac fluids” and for acts of negligence. **2)** On November 30<sup>th</sup> the Senator, along with the other elected officials, joined the Stuyvesant Town/Peter

Cooper Village Tenants Association (ST/PCV TA) and Brookfield Asset Management in a press conference announcing their partnership on a tenant-led bid to purchase the development with the goal of maintaining it as a haven for middle class New Yorkers.

For information on these and other reports, see the Senator's Community Report or go to <http://www.tomduane.com>

**William Zekendorf & Brandon Haw** gave a brief synopsis of the 50 U.N. Plaza project and gave an overview of how this project would be an asset to the community at large.

**C/M Jessica Lappin** reported: Thousands of New Yorkers depend on senior centers for their meals and companionship, but for the past two-years budget cuts have threatened to shut them down. This is why she is working with advocates and citizens to urge the Governor not to make cuts to senior center funding. Over 15,000 seniors across the 5 boroughs have already contacted his office in opposition to these cuts. She has drafted a letter that has now been signed by 40 other Council Members asking that these cuts be taken off the table. If you would like to join the fight to save out senior centers visit [http:// www.cscs-ny.org/](http://www.cscs-ny.org/). 2) C/M Lappins gave Seasons Greetings to all.

For information on this and other reports, see the Council Member's December Community Bulletin or go to <http://www.jessicalappin.com>

**A/M Brian Kavanagh** reported: on the a Stuyvesant Town-Peter Cooper Village Tenants Association meeting where they discussed the renewal of rent stabilization and ongoing concerns about the "Roberts litigation", a the tenant-led proposal to purchase the property in partnership with Brookfield Asset Management, and other quality of life issues. On December 18<sup>th</sup>, the I joined 2,450 tenants for a Tele-Town Hall hosted by the Stuyvesant Town-Peter Cooper Village Tenants Association, where the residents had the opportunity to ask questions regarding the tenant-purchase proposal.

For information on this and other reports, see the Assembly Member's December Bulletin or go to <http://www.briankavanagh.org/news/>

**Crystal Adams**, a local resident is looking for assistance in finding a space in which to host Judo Classes 3 times a week. She is requesting help from the Board. Mark suggested that she to contact the office and speak with Karen.

**Jyna Scheeren**, representing the NYPL introduced herself as the new manager of the Grand Central Public Library.

**Sherrill Kazan**, President for The Friends of Dag Hammarskjold (FDH) came to speak in support of the proposed resolution for 50 U.N. Plaza and presented the Board with a letter of support.

**Kathy Thompson** representing The East Side Community Alliance (ESCA) came to speak in support of the proposed resolution for 50 U.N. Plaza. She also presented the Board with a letter of support which represented not only ESCA, but FDH and other entities within the community.

## **BUSINESS SESSION:**

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

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

Mark gave a brief report:

1. I spoke with Toni this morning would like to inform the Board about the status of her health. She is still considerably ill and we all wish her a speedy recovery and miss her very much. Can we all stand and give her a hand for all of the work she does for this Board. She was given a standing ovation.
2. While Toni is out Karen will/has stepped up. I ask that we all be kind to her and not call the office unless it is completely necessary, not to give her any extra work that can wait until Toni's return. Let's help her out.
3. I congratulate Sen. Liz Krueger on the award presented to her at tonight's event. It was well deserved.
4. I want to wish you all a Very Happy Holiday Season.

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

Bea reported:

1. OTPS is still looking good.
2. Toni received the flowers Bea sent from the Board Members, she was sent a wonderful Bouquet that should cheer her up.

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

Report was waived

For 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 reported on the phasing out of Washington Irving H.S. She would like to invite someone from the school to give the Board an update on this DOE proposal.

### **2. Budget & Governmental Affairs– Richard Eggers, Chair**

- a. **Report:** waived

### **3. Health, Seniors & Disability Issues – Wilbur Weder, Chair**

#### **HSDI & PSET JOINT RESO**

- a. **TLC Taxi of Tomorrow and ADA accessibility inclusion.**

**WHEREAS**, the New York City Taxi and Limousine Commission (TLC) issued a Request for Proposals (RFP) last year asking manufacturers to submit their best ideas for a purpose-built vehicle to replace the Ford Crown Victoria which ceased being produced this year; and

**WHEREAS**, the TLC selected the Nissan Group model NV200 out of three finalist concept taxis; and

**WHEREAS**, while the current fleet of TLC medallion taxicabs numbers over 13,000 of which only about 240 are considered wheelchair accessible; and

**WHEREAS**, the TLC has stated that a centralized dispatch service via 311, similar to Access-A-Ride, will be the only method for the 240 wheelchair-accessible medallion taxicabs to be utilized by

those needing Americans with Disabilities Act (ADA)-compliant taxis; and

**WHEREAS**, recently reviewed statistics have indicated that only about 40% of calls made to 311 for wheelchair capable taxis were properly routed via the TLC switchboard; and

**WHEREAS**, the Metropolitan Transportation Authority has significantly reduced bus service frequency and eliminated routes; and

**WHEREAS**, there has also been a reduction in Access-A-Ride service which is prone to being suspended altogether during harsh weather conditions when those of limited mobility need the service most; and

**WHEREAS**, counsel representing the city has argued, in response to a lawsuit by the United States Justice Department regarding the Nissan NV200 not being accessible for people with disabilities, that the TLC is not under any obligation to provide accessible taxis to passengers and that TLC's ADA-compliance requirement is limited only to its licensees; and

**WHEREAS**, it has been widely recognized by advocates of a fully ADA-compliant taxicab that the inclusion of additions, such as an audio-frequency induction loop or payment options for the blind, low-vision, deaf and hard-of-hearing would greatly improve quality-of-life usage at a relatively low cost; and

**WHEREAS**, as alternative wheelchair taxi models in use in Europe have shown that a front seat wheelchair cavity would double as easily accessible storage for luggage or parcels for other passengers when not in use; and

**WHEREAS**, other make and model purpose-built taxis would be manufactured within the United States unlike the Nissan NV200 which will be produced in Mexico; and

**THEREFORE**, be it

**RESOLVED**, that Community Board 6 reaffirms that any taxicab models selected for the replacement of the existing fleet must be fully compliant with ADA guidelines and should be manufactured in the United States, wheelchair accessible and include technological improvements to facilitate the use of our taxis by those with limited mobility, vision or hearing without requiring a special reservation; and

**BE IT FURTHER RESOLVED**, that Community Board 6 requests the New York City Council and the Mayor act immediately to ensure that the fully accessible taxicabs be deployed promptly to allow those of limited mobility to commute in a timely manner throughout the city.

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

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

**c. Request to designate 30 feet of street space in front of Lyceum Kennedy International School a School Zone.**

**WHEREAS**, Thomas Mitchell, Chief Operating Officer for Lyceum Kennedy International School, submitted a request to the Public Safety, Environment and Transportation Committee on Monday, December 5, 2011, to designate 30 feet of street space in front of the school. The school is located at 225 East 43<sup>rd</sup> Street, Manhattan; and

**WHEREAS**, Lyceum Kennedy International School has been in operation at the present location since 1996; and

**WHEREAS**, the school's population is 225 students in classes of pre-school to 11<sup>th</sup> grade; and

**WHEREAS**, Lyceum Kennedy International School, so named in tribute to President John F. Kennedy, was founded in 1964 and is accredited by the French Ministry of Education and registered by the New York State Board of Regents; and

**WHEREAS**, students are picked up by cars and buses as late as 6:00 PM; and

**WHEREAS**, the parking regulation "No Parking, Except Loading/Unloading" would provide a safe condition to stop to pick up and drop of passengers (students) and load/unload school deliveries at the curbside; now

**THEREFORE**, be it

**RESOLVED**, that Community Board Six would support a "No Parking, Except Loading and Unloading", parking regulation for 30 feet of street space in front of Lyceum Kennedy International School located at 225 East 43<sup>rd</sup> Street.

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

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

**a. Certificate of Appropriateness for 320 East 42<sup>nd</sup> Street Certificate of Appropriateness**

**WHEREAS**, the cooperative board at 320 East 42<sup>nd</sup> Street (Woodstock Tower) in the Tudor City Historic District is applying to the Landmarks Preservation Commission for a Certificate of Appropriateness to create a "master plan" for future window replacements and air conditioning placements, and

**WHEREAS**, most buildings in that historic district have already approved master plans and the current application would be similar to those plans, and,

**WHEREAS**, the plan proposed would require AC units to be flush with the window, not protrude out and be positioned in the window bottom, now

**THEREFORE**, be it

**RESOLVED**, Community Board 6 based on the design for the windows as presented to us and based on similar approved master plan in this historic district has no objection to the approval of the master plan proposed by this applicant.

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

**6. Land Use/Waterfront – Terrence O'Neal, Chair**

**a. BSA #166-11BZ for 1109 2nd Ave. a/k/a 245 E. 58th St. – Special permit application for Physical Culture Establishment, Crunch LLC.**

**WHEREAS**, the special permit covering the Physical Culture Establishment operating either as Crunch Gym or Crunch Fitness at 1109 2<sup>nd</sup> Ave. (a/k/a 245 E. 58<sup>th</sup> St.) Manhattan, New York, in

premises containing approximately 36,119 square feet of floor area located on the ground, cellar, and sub cellar floors, lapsed on October 1, 2006; and

**WHEREAS**, Wachtel & Masyr, LLP on behalf of Crunch LLC presented to the Land Use Committee of CB6 on Wednesday, December 7, 2011 an application on the Special Order Calendar (Calendar No. 166-11BZ; CEQR No. 12-BSA-035M) under Zoning Resolution §73-36 for a new special permit to legalize and permit the continuing operation of a Physical Culture Establishment at these premises; and

**WHEREAS**, applicant has represented that it (through its legal predecessors in ownership) continuously operated a Physical Culture Establishment at these premises since 1996; and

**WHEREAS**, applicant's operation of a Physical Culture Establishment does not adversely affect the neighborhood; and

**WHEREAS**, applicant has represented that it has filed with the Board of Standards and Appeals all papers necessary to obtain a new special permit to operate a Physical Culture Establishment; now

**THEREFORE**, be it

**RESOLVED**, that Community Board Six has no objection to the application on the Board of Standards and Appeals Calendar (Calendar No. 166-11BZ) under Zoning Resolution §73-36 to grant a special permit to legalize the operation of a Physical Culture Establishment (owned by Crunch LLC, whose previous special permit had expired) located at 1109 2<sup>nd</sup> Ave. (a/k/a 245 E. 58<sup>th</sup> St.), Manhattan, for a period of five years.

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

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

a. **Report:** Claude announced the resolutions his committee had listed would be voted on next month or withdrawn. He then wished everyone a Happy Holiday.

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

a. **New, OP license for Cano Group, Inc., d/b/a NYDC Café, 200 Lexington Avenue at E. 32<sup>nd</sup> Street**

**WHEREAS** Owner Robert Cano 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 private holding no outside promotions and only for building trade with hours of operation Monday through Friday from 8 A.M. to 10 P.M. and not open on weekends; and

**WHEREAS**, Mr. Cano entered into a License Agreement to this effect; and

**WHEREAS**, there was no one in attendance to speak for or against the venue; 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 November 17, 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.

**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**

b. **New RW License for JJ Thai 51 Kitchen Corp., d/b/a Thai 51 Restaurant, 224 East 51<sup>st</sup> St. btw. Second and Third Avenues**

**WHEREAS**, Owners Ponsagorn and Tinuth Kudeeratana and attorney Kenneth Brett 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 has been operating for three years with no complaints from the community; and

**WHEREAS**, the applicant explained that the hours of operation would continue to be 11:30 A.M. To 11:00 P.M. weekly; and

**WHEREAS**, there was no one from the community nor anyone on our committee to object or to speak for the applicants; now

**THEREFORE**, be it

**RESOLVED**, that pursuant to the presentations made by the representatives at the meeting of the Business Affairs and Street Activities committee held on November 17, 2011 and pursuant to all other considerations, CB6M **has no objection** to this application.

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

c. **New, OP license for 239 Entertainment LLC d/b/a TBD, 239-41 Third Avenue btw. E. 19 and E. 20<sup>th</sup> Streets**

**WHEREAS** Attorney Frank Palillo appeared with the management team for the applicant (Paul Italia, Cris Italia, David Kimowitz and Christine Evans) 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 to be a comedy club and restaurant with three planned shows per weekend including a possible midnight performance, confirming their brief preliminary presentation to BASA last month, with hours of operation Sunday through Tuesday from 11:30 a.m. to Midnight and Wednesday through Saturday from 11:00 a.m. to 2:00 a.m.; and

**WHEREAS**, there were letters from tenants of the building to speak for the applicant but also a volume of attendees and written messages in opposition to this venue; and

**WHEREAS**, the management team entered into a License Agreement stating there would be no line in front of the venue, the holding area upstairs would have 70 people maximum, any one of five

managers would be on the premises at all times, and applicants would not change the floor plans submitted; 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 November 17, 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.

**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**

**d. Renewal of OP License for JMMT Cafe Inc., d/b/a TBD, 360 Third Avenue btw. E. 26 & E. 27 Streets**

**WHEREAS**, Owners Michael Traynor and John Maloney 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 has been operating for many years with no complaints from the community; and

**WHEREAS**, the applicant explained that the hours of operation would continue to be 10:00 A.M. To 4:00 A.M. weekly; and

**WHEREAS**, it was explained to the owners that CB6 asked them in due to the proliferation of bars in their area to be updated about their venue; and

**WHEREAS**, there was no one from the community nor anyone on our committee to object or to speak for the applicants; now

**THEREFORE**, be it

**RESOLVED**, that pursuant to the presentations made by the representatives at the meeting of the Business Affairs and Street Activities committee held on November 17, 2011 and pursuant to all other considerations, CB6M **has no objection** to this application.

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

**Old/New Business**

**Second Roll Call – Sandro Sherrod**

**Meeting Adjourned 8:35 pm**