

Manhattan Community Board Six
Full Board Meeting Minutes
Wednesday, December 14, 2016 – 7:00 PM
NYU Medical Center
550 First Avenue, Alumni Hall A

Board Chair Rick Eggers called the meeting to order at 7:07pm. He introduced Secretary Kathy Thompson and District Manager for CB6, Jesús Pérez.

Chair Eggers noted that Ann Seligman will be representing Public Safety and Environment, Gene Santoro will be representing Transportation, and Kathy Thompson will be representing Housing, Homeless and Human Rights.

The agenda was adopted as amended and the first roll call was conducted by Assistant Secretary Aaron S. Humphrey.

Chair Eggers announced Public Session.

Public Session - Elected Representative and Agency Reports

State Senator Liz Krueger introduced Madeline Gunewald as the new staff liaison for CB6. She announced that her office is relocating back into CB6, in the same office building and on the same floor as Council Member Dan Garodnick. She thanked everyone for the wishes and condolences she received on her mother's passing. Ms. Krueger announced that tomorrow there will be a roundtable discussion on whether NY State should pass a law allowing individuals to use medication to end their own life. This has already been passed in a few states. Further details can be found in the monthly bulletin, which is available this evening. Sen. Krueger answered questions from the board regarding the return of the 421a program. For more information please go to: <http://www.lizkrueger.com/>.

Council Member Dan Garodnick reported that there was a fire in a building on the NYU Langone campus earlier today. Smoke could be seen from miles away. There was only one minor injury; and the fire originated in the insulation of a building under construction on the campus. He also reported on the large turnout at his December 8th 'A Call to Action' event. The event was in response to the presidential election, specifically in relation to policies such as Civil Rights, Women's Rights, and LGBTQ's Rights, amongst other topics. Panelists included The Anti-Violence Project, Planned Parenthood NYC, the New York Civil Liberties Union, and Make the Road NY. In addition, an Advocacy Fair was held with 20 community organizations participating, including CB6. There were approximately 600 attendees. Mr. Garodnick also reported on the online petition he had launched with City Council Speaker Melissa Mark-Viverito calling on the President-elect to commit federal funds to pay for his protection while he is in New York City. For more information please go to: <http://www.garodnick.com/>.

Council Member Ben Kallos reported that there are currently ten reform bills aimed at the Board of Standard and Appeals (BSA). He asked for a resolution or response from CB6 on the bills. He also updated the board on the rezoning application filed two weeks ago by the East River 50's Alliance in response to the proposed superscraper on East 58th Street. He reported that developer Peter Kalikow had purchased the site in foreclosure proceedings for \$86million. Mr. Kallos asked for CB6's assistance in requesting City Planning to certify and move forward with the rezoning application. For more information please go to: <http://benkallos.com/>.

Larson Binzer from Congresswoman Carolyn Maloney's office reported that after sixteen years Rep. Maloney has finally gotten the bipartisan commission report for the National Women's History Museum in Washington. Rep. Maloney agrees with Council Member Garodnick that New York City should be reimbursed for the cost of protecting the new president. For more information please go to: <http://maloney.house.gov/>.

Eric Holguin from the office of Comptroller Scott Stringer reported that CB6 liaison Dan Campanelli is leaving to become chief of staff for a Park Slope Assembly Member. He also reported on the Third Annual Making it Great Report, where most city agencies scored a D or F for Women and Minority Owned Businesses interaction. For more information please go to: <http://comptroller.nyc.gov/office-of-the-comptroller/about-scott-stringer/>.

Rebecca Kriegman of State Senator Brad Hoylman's office reported that there have been 867 incidents of harassment and intimidation in the ten days following the presidential election. He has sponsored many bills addressing hate crimes; a review of which can be found on his website. Sen. Hoylman is sponsoring a new bill called the TRUMP Act, which requires all candidates to submit the most recent five years of their income tax returns to the New York State Board of Elections in order to appear on the ballot. The New York Times has endorsed this proposal. For more information please go to: <http://bradhoylman.com/>.

Brice Peyre from the office of New York State Assembly Member Richard Gottfried reported that Assembly Member Gottfried had released a statement on the possible effects of a repeal of the Affordable Care Act on New York State residents. He is also in ongoing talks with various city agencies as to the effects of the suspension of the L train for 18 months. He noted that 50K people per day ride the L train within Manhattan alone without ever crossing into Brooklyn. He also reported that the MTA will release a final scoping document in early 2017 on the construction ventilation of the Park Ave subway tunnel. Public hearings will be in the spring. For more information please go to: <http://www.dickgottfried.org/>.

Carlina Rivera from the office of Council Member Rosie Mendez announced that they have moved to a new district office. They are now located in a storefront office at 209 East 3rd Street, just off Avenue B. She reported that Council Member Mendez is also concerned with the Board of Standards and Appeals' recent deviations from current zoning plans and reviewed bills currently introduced to reform BSA. Ms. Rivera also reported on the gas safety package signed by Mayor Bill de Blasio on December 6th, which Ms. Mendez was a sponsor of. This package will hopefully prevent future disasters in terms of gas safety, such as the Harlem and East Village explosions. For information please go to: <http://council.nyc.gov/d2/html/members/home.shtml>.

Jill Shoenfeld from the office of State Assembly Member Brian Kavanaugh reported that they had moved to 250 Broadway while looking for a permanent space. Last week Assembly Member Kavanaugh was in Washington with Caucus of Environmental Legislatures. Ms. Shoenfeld noted that Assembly Member Kavanaugh supports the State Attorney General's recently released report on violence prevention and the flow of guns into the state. The legislation session in Albany session resumes in January. For information please go to: <http://www.briankavanaugh.org/>.

Diamond Aceveto from the NYC Parks and Recreation Department announced free upcoming Christmas events as well as adult paint night events, along with many other activities that can be found on their website. For more information please go to: <https://www.nycgovparks.org/facilities/recreationcenters/M130>.

Public Session - Members of the Public

Louise Dankberg spoke as chair of the Belleview Community Advisory Board. She invited everyone to the board meeting on Wednesday, December 21st, with the holiday party following the meeting. The meeting presentation will be on healthy eating during the holidays. She also announced that tomorrow is an historic day in the judicial court system as Judy Kim is the first Korean American to be inducted as an elected member of the Civil Court.

Business Session

The October and November minutes were adopted.

Chair's Report

Chair Eggers acknowledged the fire at NYU earlier today at the construction site for the Kimmel Building. He understands that just one person sustained minor injuries and was treated at the scene. No patients or visitors to the hospital were involved in any way and the hospital remained in full operation. The source of the fire was in some roofing materials. The extent of the damage is unknown at this point.

Mr. Eggers reported that the board is ending this calendar year with a flurry of activity but that the truly busy period will begin in the new year. Here's a quick list of what to expect in January:

- East Midtown Rezoning - expect the plan to be certified for ULURP early in the month. That will begin the formal comment period with meetings in February and March and an anticipated vote in Full Board in March.
- A ULURP action for the renewal of the special permit regarding the heliport is also expected in January.
- The MTA proposal for an emergency ventilation of the Lexington Avenue subway - scoping document now expected in January. The original schedule would have the DEIS also in January but may be delayed as well. Issuance of the DEIS would start a period of meetings, at least one community hearing, and a comment period on this project that is of great concern to the Murray Hill area.
- Continued discussions on East Side Coastal Resiliency - ULURP not expected to start until March.

Mr. Eggers reported on a number of additional community concerns. The one we hear the most about is traffic and noise resulting from the reconstruction at the Midtown Tunnel and the resulting back-up to 42nd Street, sometimes even further north, which also involves Second and Third Avenues and the cross streets. The board has been working with DOT, MTA, NYPD, and our elected officials to address traffic, noise, and pedestrian safety issues. A special thanks goes out to Howie Levine representing Council Member Dan Garodnick for his diligent work on this matter. Chair Eggers also mentioned that tenants groups, resident associations and co-op boards have been involved; and their efforts, while reflecting significant frustration, have been constructive and reasonable.

Mr. Eggers also thanked Mary Silver, Pam Vassil, and Kathy Thompson for helping at the information table at Council Member Garodnick's recent forum on community action. Community Board Six's participation at that event was to encourage people to be involved with the community board and other local efforts. There was a lot of interest and we were able to add quite a few names to our circulation list for the newsletter and other e-blasts.

Last week the board had the opportunity to join in honoring our own Second Vice Chair Molly Hollister as she received the Community Partner Award from Baruch College. Chair Eggers congratulated Molly on her recognition and the years she has served the community; most recently as Second Vice-Chair of the Board, and previously as Chair of the Transportation Committee, through neighborhood associations, and through political activity.

Finally, Chair Eggers thanked everyone on the Board, all of our liaisons from elected officials and city agencies, our elected officials and our community partners for all of their hard work during 2016. He wished everyone a happy and healthy holiday season, and all good things as we celebrate a new year. Cheers to All!

District Manager's Report

District Manager Jesús Pérez reported that CB6 has been in temporary office space for the past two months. Various departments of DCAS, the Department of Citywide Administrative Services, have been working on the preparation for the move to a new office. The DCAS Design and Construction division has completed their work and, as he reported last month, he approved and signed the design and Scope of

Work Documents in mid-October. They are now awaiting the completion of the lease negotiations so that the build-out of the new office can begin. DCAS's Leasing Division has advised Mr. Perez that lease negotiations are proceeding and that the hope is that they will accelerate so that the office's new lease will be finalized as soon as possible. The Leasing Division pointed out that "soon" is a relative term, while Mr. Perez reminded them that there is a deadline to vacate the temporary office space of March 31, 2017. He will follow up again.

Additionally, Under Section 195 of the City Charter, which governs the acquisition of office space by the City, DCAS must submit, on CB6's behalf, a Notice of Intent to Acquire Office Space. After it's filed, City Planning must issue an official filing date for the submission. Our Notice of Intent was submitted a month and a half ago. DCAS has advised Mr. Perez that getting an official file date can take two to three months. This is yet another department of DCAS, which Mr. Perez also reminded of the urgency of the matter. He was advised to follow up with them in one to two weeks in order to remind them to follow up with City Planning on this. Apparently, the person at City Planning who handles these matters is away on vacation. But as soon as he returns, they assure Mr. Perez they will remind him that this matter must be expedited. The reason this filing date is so important is because the official filing date from City Planning sets into motion a hearing and then a subsequent vote, the positive outcome of which is required to finalize the lease. Mr. Perez will keep the board updated on this saga.

Treasurer's Report

Treasurer Bea Disman reported that the OMB report from December 7, 2016 shows that of the Personal Services Budget of \$213,437.00, a figure of \$157,598.00 was uncommitted. The current budget for Other Than Personal Services excluding rent is \$111,102.00 with \$88,128.00 of this as Street Fair Funds. The Other Than Personal Services balance without Street Fair Funds is \$22,974.00 for supplies and equipment. Of this figure \$13,935.00 is uncommitted. The annual rent budget is \$126,007.00, leaving \$61,508.00 in the account. Ms. Disman reported that she and Assistant Treasurer Brian Van Nieuwenhoven will be meeting with District Manager Perez next week for training on the financial system. She noted that no board member has access to any city system.

In response to a question regarding a potential board holiday party, Chair Eggers responded that in lieu of a holiday party an open house will be held when the new office space is opened.

Borough President's Report

Lesly Almanzar from the office of Manhattan Borough President Gale Brewer announced that community board applications are on their website and that application packages are available at tonight's board meeting. She stated that the reappointment deadline is February 3rd, 2017, and that applications can be submitted online or by mail. Ms. Almanzar reported that Ms. Brewer supported Intro 1181, which expands services for Limited English Proficient individuals with disabilities; and which was recently passed by City Council. Ms. Brewer is also moving forward with a deed restriction database, which will be put in an open data portal. On December 20th Ms. Brewer will participate in the Manhattan Input Workshop for CreateNYC Cultural Plan, the city's first-ever comprehensive cultural plan. For more information please go to: <http://manhattanbp.nyc.gov/html/home/home.shtml>.

District Manager Perez added to Ms. Almanzar's announcement regarding community board applications by asking any current members of CB6 who do not intend to renew their applications to advise the board office.

Committee Resolutions & Reports

1. Health and Education

Chair Ahsia Badi waived her report.

2. Budget and Governmental Affairs

Chair Pedro Carrillo presented Resolution 2a, which passed unanimously. He thanked committee member Brian Van Nieuwenhoven for his work on the resolution. Mr. Carrillo waived his report.

2. Budget & Governmental Affairs – Pedro Carrillo, Chair				
a. NYS Bill A09108/S06452 - MOVE Act compliance and election law	38	0	1	0

3. Public Safety and Environment

Committee member Ann Seligman presented Resolution 3a regarding LinkNYC. A discussion ensued on continued internet access at Link sites. Board member Jim Collins made a motion to add a Whereas calling for the removal of all internet access through the sites. There was no second to his motion. Board member Will Weder moved to include a second Resolved that reads: ‘CB6 requests that all information being collected from people who use Linc sites should be informed what that information is and what it is being used for.’ The motion was seconded by board member Molly Hollister. There was no discussion on the proposed resolved. The proposed amendment passed unanimously. The resolution as amended passed. Ms. Seligman waived a report.

3. Public Safety & Environment – Nick Smolney, Chair				
a. LINK NYC	37	1	1	0

4. Business Affairs and Street Activities

Chair Keith Powers presented Resolutions 4c, d, e, f, g and j, which were bundled and passed unanimously. There was a discussion on Resolution 4a, which passed unanimously. Resolutions 4h and i had technical changes of ‘failure to appear before BASA’ in the second Whereas. Resolutions 4h and i passed unanimously as amended. Mr. Powers thanked his committee for all of their hard work over the past year and waived his report.

4. Business Affairs & Street Activities – Keith Powers, Chair				
a. New OP Liq Lic., MHI Beekman Mgmt dba TBD, 3 Mitchell Place @ E. 49th St	39	0	0	0
c. New OP Liq Lic., Rocky’s Pizza Vinoteca Inc dba TBD, 535 3rd Ave btw E 35th & 36th Sts	39	0	0	0
d. New BW Lic, Go Go Curry America Group LLC dba Go Go Curry, 235 E 53rd St btw 2nd & 3rd Aves	39	0	0	0
e. New BW Lic, Aji Sushi 34 Inc dba TBD, 519 3rd Ave. btw E. 34th & 35th Sts	39	0	0	0
f. New OP Liq Lic., .JA.P. Creations LLC bda Spice Symphony, 150 E 50th St. btw 3rd & Lexington Aves	39	0	0	0
g. Corp Change for Third & 50 LLC dba Dos Caminos, 825 3rd Ave btw E. 50th & 51st Sts	39	0	0	0
h. New OP Liq. Lic., Lucille II LLC dba Lucille, 2430 FDR Drive @ E. 23rd St	39	0	0	0
i. New OP Liq. Lic., Munzar LLC dba Sahara’s Turkish Cuisine, 513 2nd Ave btw E. 28th & 29th Sts	39	0	0	0
j. New Alteration OP Lic., CRC Hospitality Group LLC dba Handcraft Kitchens & Cocktails, 200 E. 27th St. btw 2nd & 3rd Aves	39	0	0	0

5. Transportation

Committee Member Gene Santoro presented Resolution 5b, which required a technical change in the second Whereas from ‘Glick Park’ to ‘East River Esplanade’. Resolution 5b passed unanimously as amended. Resolution 5d was amended in the first Resolved to read ‘in affirmative consultation with CB6.’ Resolution 5d passed unanimously as amended. Resolution 5e passed unanimously. Mr. Santoro reported that the committee will be reviewing the data from MTA on construction work along the Park Avenue ventilation vents as soon as it is received.

5. Transportation – Sandra McKee, Chair				
b. East River Greenway Upgrade	39	0	0	0
d. Bus layovers within our district	39	0	0	0
e. Proposed right turn from 36 th Street to Lexington Avenue	39	0	0	0

6. Parks, Landmarks and Cultural Affairs

Chair Mark Thompson reported that for the second time this year the Landmarks Preservation Commission had asked the committee to vote on actionable matters which the LPC did not appear to present on prior to the vote. He also reported that the Kaufman Room landmark status application was rejected by the LPC as it is not publicly accessible.

7. Housing, Homeless and Human Rights

Committee Member Kathy Thompson waived the report on behalf of Chair Raj Nayar.

8. Land Use and Waterfont

Chair Sandro Sherrod thanked committee member Letty Simon for keeping the minutes and committee member Lou Sepersky for preparing the resolutions for December. He presented Resolution 8a, which passed unanimously. He noted that Resolution 8b reflects a five year extension of a special permit for a physical culture establishment, which is the committee’s policy, instead of the ten year extension requested. Resolution 8b passed unanimously. Resolution 8c had three choices of action words for the fourth Resolved. Board Member Lou Sepersky made a motion to adopt the word ‘urge’ as language for the fourth Resolved. Board Member Brian Van Nieuwenhoven seconded the motion. There were additional technical changes of removal of parenthetical words ‘conditions’ and ‘in summary’ from the tenth Whereas. Resolution 8c passed as amended with one no vote and one abstention. Chair Sherrod thanked board member Lawrence Scheyer for his work on Resolution 8c. He reported that January will be a busy month for the committee with east midtown rezoning and the heliport on the agenda.

8. Land Use & Waterfront – Terrence O’Neal, Chair				
a. BSA app, #574-85-BZ for 125 E 39 th St. – Extension of previously granted variance allowing the operation of an eating and drinking establishment located in the cellar, basement and 1 st Floor	39	0	0	0
b. BSA app, #139-95-BZ for 250 E. 54 th St. – Special permit for a Physical Culture Establishment within portions of existing forty story mixed use building	39	0	0	0
c. BSA app, Continuation of #280-01-BZ 669 2 nd Ave – Variance application to legalize an existing non-conforming advertising sign	36	3	0	0

There was no old or new business.

The second roll call was conducted by Assistant Secretary Aaron S. Humphrey.

The meeting was adjourned at 9:08 pm.

Minutes submitted by Secretary Kathy Thompson.

RESOLUTIONS

2. Budget & Governmental Affairs

a. New York State Bill A09108/S06452 - MOVE Act compliance and election law

WHEREAS, New York State Assembly Bill A09108 has passed that chamber and is currently in consideration as S06452 in the State Senate has been; and

WHEREAS, the legislation seeks to ensure New York State's election law complies with the federal Military and Overseas Voter Empowerment (MOVE) Act; and

WHEREAS, the justification section of the bill states that “the overall structure of the deadlines and due dates in New York State election law mean that changing the time-frame in which military and overseas ballots must be mailed necessitates various changes... culminating in moving the primary date”; and

WHEREAS, Section 1 of the bill amends § 1-106(1) of the election law to ensure that New York State's election law complies with the federal Military and Overseas Voter Empowerment (MOVE) Act, by way of modifying provisions about the timeliness of filings; and

WHEREAS, Section 15 of the bill amends § 8-100(1) of the election law to provide that a primary election shall be held on the fourth Tuesday in June before every general election unless otherwise changed by an act of the legislature. This section also makes it clear that all nominations for public office required to be made at a primary election in such year shall be made at such primary and that all members of state and local party committees as well as other party offices shall be elected at such primary; and

WHEREAS, the law would set new timeframes for deadlines and due dates for critical actions relating to primaries in the state, all of them either reflecting the same relative scheduling as they currently exist in regards to the current primary dates or stating new, explicit expiry dates based on the June election date; and

WHEREAS, Section 2 of the bill also amends § 3-420(1) of election law to increase compensation for election inspectors to \$250 and election coordinators to \$350 in New York City; and

WHEREAS, the merger of state and federal primaries into one, earlier election day in years in which both are held not only benefits our military overseas, but all voters; and

WHEREAS, the elimination of a separate state primary election in September would save taxpayers an estimated \$25 Million; and

WHEREAS, the board also finds the new compensation fees for election inspectors and coordinators to be appropriate; now

THEREFORE BE IT RESOLVED, that Manhattan Community Board Six urges full passage of A09108/S06452 by the New York State Legislature and urges the Governor to sign it into law.

VOTE: 38 in Favor 0 Opposed 1 Abstention 0 Not Entitled

3. Public Safety & Environment

a. Link NYC

WHEREAS, The city of New York through its Department of Information Technology and Telecommunications entered in to a franchise agreement with CityBridge, LLC, to install, operate and maintain public communications structures in 2014, for a period of 12 years; and

WHEREAS, As part of their installation, CityBridge chose structures known as Links to provide such services as governed by the agreement, among which are free 311 and 911 calls, and free wireless high speed internet; and

WHEREAS, Both CityBridge and the city of New York have a vested interest in making sure these structures remain in good working order so as to benefit the community and generate the expected advertising revenue; and

WHEREAS, Community Boards and neighborhoods have previously requested the removal of specific pay phones which were problematic in some neighborhoods; and

WHEREAS, While the full rollout of all 7500 Link units will take 5 years, there are now sufficient Links throughout the city to gauge their overall impact and inform planners regarding the remaining units left to roll out and improve the utility of these structures; and

WHEREAS, CityBridge has made amendments to the Link units through the use of software updates to address concerns brought about through the media, including limiting the use of the built in screen to a subset of its original capability; and

WHEREAS, In an effort to fully understand the impact of the Link structures, Manhattan Community Board 6 issued a survey to gauge the response to the introduction of the Link structures to the streets of New York; and

WHEREAS, the survey results, direct feedback from community members through photographs as well as written accounts, and direct observation from board members highlight the following problems, still in effect:

- Browsing of adult content over the free wireless internet on mobile devices
- Extended loitering and monopolizing of the units
- Lewd behavior by individuals using the units
- Excessive light pollution from the screens used to display advertising

WHEREAS, CityBridge purports that a portion of the advertising placements are dedicated for local business and community groups, but offers no details or instructions on how such groups would do so on their website; now

THEREFORE, BE IT

RESOLVED, That Manhattan Community Board 6 urges all New York City elected officials and the Department of Information Technology and Telecommunications to push for, and CityBridge to implement the following changes:

- Further steps be taken to diminish the likelihood of monopolizing and encamping around the units, such as establishing time limits, and preventing charging for extended periods of time.
- Ensure the brightness (lumens) of all advertising screens of all the links is at a level deemed appropriate by the community
- Provide clear publicly available information on the internet on how local businesses and community groups may advertise and make advertising buys together if needed to meet a minimum threshold
- Sites with long-standing issues, as demonstrated by removal of pay phones at those locations, should not have Links or other wifi portals installed, and any existing ones at those locations should be removed;

and be it further

RESOLVED, that the city of New York

- Releases information about where the aggregate \$500 million in funds from this agreement is allocated in the city budget.

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

4. Business Affairs & Street Activities

a. New OP Liq Lic., MHI Beekman Mgmt dba TBD, 3 Mitchell Place @ E. 49th St.

WHEREAS, the attorney Alexander Yellen appeared before the Business Affairs and Street Activities Committee of Community Board 6 Manhattan (CB6M) on November 29, 2016, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, the applicant is proposing a rooftop restaurant at this location, and

WHEREAS, the restaurant is enclosed to mitigate noise issues with a rooftop restaurant, and

WHEREAS, the owners agreed to stipulations for a 2 a.m. closing due board policy for new applicants, and

WHEREAS, no members of the community had any comments for or against; 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 29, 2016, and pursuant to all other considerations, CB6M has **no objection** to the application so long as the Applicant adheres to all the Representations made by the Representative to the Committee.

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, **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: 39 in Favor 0 Opposed 0 Abstention 0 Not Entitled

c. New OP Liq Lic., Rocky's Pizza Vinoteca Inc dba TBD, 535 3rd Ave btw E 35th & 36th Sts.

WHEREAS, the applicant Dennis Agalli appeared before the Business Affairs and Street Activities Committee of Community Board 6 Manhattan (CB6M) on November 29, 2016, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, the restaurant will be a new pizzeria and Italian restaurant, and

WHEREAS, the applicant would like to offer the ability for patrons to purchase beer, wine, or liquor at the restaurant, and

WHEREAS, the owner currently operates two licensed establishments in the CB6M district and has no record of complaints, and

WHEREAS, the owners agreed to stipulations for a 2 a.m. closing due board policy for new applicants, and

WHEREAS, no members of the community had any comments for or against; 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 29, 2016, and pursuant to all other considerations, CB6M has **no objection** to the application so long as the Applicant adheres to all the Representations made by the Representative to the Committee.

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, **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: 39 in Favor 0 Opposed 0 Abstention 0 Not Entitled

d. **New BW Lic, Go Go Curry America Group LLC dba Go Go Curry, 235 E 53rd St btw 2nd & 3rd Aves.**

WHEREAS, the owner Tomoro Omori appeared before the Business Affairs and Street Activities Committee of Community Board 6 Manhattan (CB6M) on November 29, 2016, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, the applicant is requesting a liquor license in with regard to a new restaurant that will serve Indian cuisine, and

WHEREAS, the establishment is a small space with 4 tables and 14 seats, and

WHEREAS, the hours of operation will be 10 am to 10 pm, seven days a week, and

WHEREAS, no members of the community had any comments for or against; 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 29, 2016, and pursuant to all other considerations, CB6M has **no objection** to the application so long as the Applicant adheres to all the Representations made by the Representative to the Committee.

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, **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: 39 in Favor 0 Opposed 0 Abstention 0 Not Entitled

e. **New BW Lic, Aji Sushi 34 Inc dba TBD, 519 3rd Ave. btw E. 34th & 35th Sts.**

WHEREAS, the owner Nan Niu and representative James Wang appeared before the Business Affairs and Street Activities Committee of Community Board 6 Manhattan (CB6M) on November 29, 2016, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, the applicant is requesting a liquor license in with regard to a new restaurant that will serve sushi, and

WHEREAS, the establishment holds a capacity of 60 individuals, and

WHEREAS, the hours of operation will be 10 am to 10 pm, seven days a week, and

WHEREAS, no members of the community had any comments for or against; 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 29, 2016, and pursuant to all other considerations, CB6M has **no objection** to the application so long as the Applicant adheres to all the Representations made by the Representative to the Committee.

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, **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: 39 in Favor 0 Opposed 0 Abstention 0 Not Entitled

f. **New OP Liq Lic., J.A.P. Creations LLC dba Spice Symphony, 150 E 50th St. btw 3rd & Lexington Aves**

WHEREAS, the owner Premendra Chouhan appeared before the Business Affairs and Street Activities Committee of Community Board 6 Manhattan (CB6M) on November 29, 2016, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, the applicant is requesting a liquor license in with regard to a new restaurant that will serve Chinese and Indian cuisine, and

WHEREAS, the hours of operation will be 7 am to 12 am, seven days a week, and

WHEREAS, the owners currently own another establishment in CB6M that has no outstanding issues, and

WHEREAS, no members of the community had any comments for or against; 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 29, 2016, and pursuant to all other considerations, CB6M has **no objection** to the application so long as the Applicant adheres to all the Representations made by the Representative to the Committee.

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, **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: 39 in Favor 0 Opposed 0 Abstention 0 Not Entitled

g. **Corp Change for Third & 50 LLC dba Dos Caminos, 825 3rd Ave btw E. 50th & 51st Sts.**

WHEREAS, the applicant appeared before the Business Affairs and Street Activities Committee of Community Board 6 Manhattan (CB6M) on November 29, 2016, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, the applicant appeared before CB6M with regard to a corporate change, and

WHEREAS, there are no changes in hours or method of operation, and

WHEREAS, no members of the community had any comments for or against; 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 29, 2016, and pursuant to all other considerations, CB6M has **no objection** to the application so long as the Applicant adheres to all the Representations made by the Representative to the Committee.

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, **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: 39 in Favor 0 Opposed 0 Abstention 0 Not Entitled

h. **New OP Liq. Lic., Lucille II LLC dba Lucille, 2430 FDR Drive @ E. 23rd St.**

WHEREAS, the applicants did not appear before BASA’s November 29th meeting 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

THEREFORE, be it

RESOLVED, that Community Board Six objects to this application based on the failure to appear at Community Board 6’s BASA committee meeting.

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

i. **New OP Liq. Lic., Munzar LLC dba Sahara’s Turkish Cuisine, 513 2nd Ave btw E. 28th & 29th Sts.**

WHEREAS, the applicants did not appear before BASA’s November 29th meeting 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

THEREFORE, be it

RESOLVED, that Community Board Six objects to this application based on the failure to appear at Community Board 6’s BASA committee meeting.

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

j. **New Alteration OP Lic., CRC Hospitality Group LLC dba Handcraft Kitchens & Cocktails, 200 E. 27th St. btw 2nd & 3rd Aves**

WHEREAS, the owner Chad Guader appeared before the Business Affairs and Street Activities Committee of Community Board 6 Manhattan (CB6M) on November 29, 2016, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, the owners appeared to request an extension of hours of operation from 2 am to 4 am, and

WHEREAS, the establishment has been in operation for two years without any issues or complaints from the community, and

WHEREAS, the policy of CB6M is to consider an extension of hours of operation after an establishment has been in existence for more than one calendar year, and

WHEREAS, no members of the community had any comments for or against; 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 29, 2016, and pursuant to all other considerations, CB6M has **no objection** to the application so long as the Applicant adheres to all the Representations made by the Representative to the Committee.

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, **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: 39 in Favor 0 Opposed 0 Abstention 0 Not Entitled

5. Transportaion

b. East River Greenway Upgrade

WHEREAS, providing safe and enjoyable use of the East River Greenway is a high priority for CB6, in its annual district budget and needs statements and its 197a plan; and

WHEREAS, the Greenway's use by pedestrians and cyclists will continue to grow due to

- new and improved access points, such as at E. 37th Street
- the existing ferry landing at E. 34th Street and nearby Citibike corral
- the future ferry landing at Stuyvesant Cove Park, scheduled to open in 2018, and expanded Citibike corral there
- Glick Park, scheduled to be refurbished in 2017
- the new park north of Glick on the former Con Edison pier between E. 38th and E. 41st Streets, scheduled to open in 2017; and

WHEREAS, at the November meeting of the CB6 Transportation Committee, NYC Department of Transportation (DOT) presented a long-awaited proposal to upgrade the bicycle and pedestrian paths along the Greenway between E. 25th and E. 34th Streets; and

WHEREAS, DOT has identified three major areas for upgrade: at Waterside Plaza, the Water Club, and the section between E. 33rd St and E. 34th Street, including E. 34th Street's intersection with the FDR Drive service road; and

WHEREAS, along Waterside Plaza's frontage, DOT proposes the following upgrades:

- Widening the existing southbound protected bike lane to accommodate both south- and north-bound cyclists
- Moving the existing Jersey barriers to the west side of the bike lane next to the FDR Drive, and replacing them with flexible bollards on the east side along the service road, thus gaining two additional feet in order to make the protected two-way bike lane possible; and

WHEREAS, to replace the poorly planned and demarcated route along the Water Club's frontage and parking lot, where cyclists currently either ride in dangerous auto traffic or mix with pedestrians on the sidewalk, DOT proposes the following upgrades:

- Removing one travel lane for 300 feet
- Replacing it with an 8-foot wide loading zone in front of the Water Club, a two-way 8-foot wide bike lane next to the curb, and a painted 6-foot wide pedestrian space between them that will safely accommodate passengers boarding and leaving vehicles while they wait to cross the bike lane
- Creating a two-way bike sharrow (shared lane) that will span the parking lot north of the Water Club, creating a clear connection for cyclists between the Club and the next Greenway segment and separating them from pedestrians; and

WHEREAS, to replace the existing pedestrian and bike connections to the E. 34th Street intersection and E. 37th Street ferry terminal, which are extremely unclear and unsafe, DOT proposes the following upgrades:

- A two-way shared pedestrian/bike path on the existing median beneath the FDR Drive, which runs between the service road and the parking lot exit road, across from the helipad, between E. 33rd and E. 34th Street
- A new painted pedestrian area and crossings in front of the existing parking lot where E. 34th Street and the service road intersect.

NOW, THEREFORE, BE IT

RESOLVED, that CB6 generally welcomes and supports the DOT proposal, but has very serious concerns about the potential dangers of the proposed shared pedestrian/bike path on the narrow, densely pillared, and heavily trafficked median between E. 33rd and E. 34th Street; and be it further

RESOLVED, that since CB6's primary goal is to provide safe and open access to the Greenway for pedestrians and cyclists, it urgently requests that DOT formulate a more thoughtful, safer plan to remedy that section of the Greenway, and present it to CB6 as soon as possible.

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

d. Bus Layovers Within Our District

Whereas, CB6 is the terminus of multiple intracity and intercity bus routes, and so bus layover locations must be found within our district to accommodate these buses; and

Whereas, traffic congestion is a major problem within our district, and bus layover sites take valuable space from our already congested streets; and

Whereas, MTA/New York City Transit ("MTA") and New York City Department of Transportation ("DOT") must jointly approve bus layover locations; and

Whereas, CB6'S transportation committee, whose task it is to recommend potential bus layover sites to MTA and DOT, understands that residential streets and congested thoroughfares are not ideal locations for bus layovers: and

Whereas, CB6'S transportation committee has researched and requested additional authorized bus layover sites for more than one year, including the locations below:

- Southside of 37th Street from 2nd Avenue to Tunnel Exit –locating additional parking spots at this location.
- 36th Street between 1st and 2nd Avenues (ideal location but enforcement has to be in place to deal with illegal parking)
- East side of 1st Avenue between 38th and 41st Street and eliminate the west side spaces.
- 41st from FDR Service Road to 1st Avenue south side
- 36th from Tunnel Entrance to 1st Avenue-
- FDR Service Rd. between 42nd and 41st west side for 1 or 2 buses
- E42St. north and south side from 1st Ave. to the FDR Dr.
- Existing layover on 32nd St. between 3rd Ave. and Lexington to be reviewed- buses are not using the current layover located on this street.

Whereas, all of the suggestions from CB6'S transportation committee have been rejected by DOT and/or MTA, but the general rationale for those rejections has often been unclear, leaving the committee with few definite parameters for proposing bus layover sites;

Therefore, be it

Resolved, that Community Board 6 urgently requests that MTA and DOT identify, propose and present possible sites for desperately needed bus layovers within our district; and, be it further

Resolved, that Community Board 6 also urgently requests that MTA and DOT review the sites listed above, already proposed by CB6'S transportation committee, to determine their viability as bus layovers, and either approve them or explain their lack of viability in detail, with special emphasis on the two sites below:

- E. 37th Street between 1st and 2nd Avenues (a location prioritized by CB6 which requires enforcement to deal with continuous illegal parking currently using the space)
- E. 36th Street between 1st and 2nd Avenues (a location prioritized by CB6 which requires enforcement to deal with continuous illegal parking currently using the space); and, be it further

Resolved, that Community Board 6 also urgently requests that DOT and MTA clarify and detail the parameters used to determine the viability of potential bus layover sites within our district, so that CB6'S transportation committee can more usefully identify and recommend such sites in the future.

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

e. Requesting implementation of a Right Hand Turn from East 36th Street to Lexington Avenue

Whereas, East 36th & East 37th Streets in Murray Hill a through streets as established by NYCDOT and;

Whereas, the through street starts at 6th Avenue and ends at 2nd Avenue with only arrows turns at Park Avenue – both north & south and;

Whereas, when it was established, the purpose was to improve the traffic flow going east/west in mid-town Manhattan and;

Whereas, presently this condition no longer exists as the traffic on East 36th Street from Madison to 2nd Avenue is now totally gridlocked from early afternoon Monday – Friday until into the evening, past the 6:00 pm change allowing turns on all avenues and;

Whereas, the pedestrian flow between 10:00 am & 6:00 pm at Lexington Avenue is minimal on the south side so as to not cause extra congestion or pedestrian safety by allowing cars to turn right onto Lexington Avenue from East 36th Street and;

Whereas, the signage notifying drivers that East 36th Street is a through street and the only turns that can be made once you are on East 36th Street is at Park Avenue and;

Whereas, after crossing Park Avenue going east, the cars must proceed to 2nd Avenue (the entrance to the Queens Mid-town Tunnel) to go south and;

Whereas, the blocks between Park Avenue to 2nd Avenue, become gridlocked on many afternoons and evenings, a distance of almost ½ mile and;

Whereas, the noise level of horn honking becomes unbearable throughout this residential neighborhood and;

Whereas, the time it should take to go the three blocks between Park Avenue and 2nd Avenue can be over an hour causing extensive pollution and wear & tear on vehicle engines and brakes and;

Whereas, even without the QMT construction , the tunnel is only two lanes into Queens with at least six lanes of traffic merging to the two lanes causing gridlock on 2nd Avenue, 1st Avenue , East 37th Street, East 34th Street and all QMT entrance points and;

Whereas, many times there are no traffic enforcement agents at the Avenue intersections and when they are present, cannot ease the gridlock on all north & south avenues and;

Therefore, be it resolved, that Community Board 6 urgently requests, a right hand turn be allowed at East 36th Street onto Lexington Avenue giving vehicles another chance to get out of the traffic gridlock going east and eliminate the conditions listed above.

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

8. Land Use & Waterfront

a. BSA application for the extension of a previously granted variance for Kajitsu, an eating and drinking establishment, 125 East 39th Street.

Whereas an eating and drinking establishment, Kajitsu, is located at 125 East 39th Street, (Block 895, Lot 18) between Park and Lexington Avenues, in a C1-5 (R-10) zone, which is a five story mixed use commercial and residential building, in community Board 6 (CB6) and

Whereas the eating drinking establishment has applied to the Board of Standards and Appeals (BSA and application #574-85-BZ) for ten (10) years, and

Whereas the applicant had a variance since June 1986, with renewals in 1997, 2006 and which expired in June, 2016, and

Whereas there have been no known complaints about the establishment, now

Therefor be it

Resolved that community Board 6 has no objection to a renewal of the variance, but it seeks a five year extension of the variance for Kajitsu, at 125 East 39th Street, Block 895 Lot 18, (BSA Cal. 574-85-BZ) rather than the applied for ten year renewal in order to make recommendations based on any changed circumstances which may occur

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

b. BSA application for 250 East 54th St - extension of a Special Permit for a Physical Culture Establishment.

Whereas equinox, a physical culture (health club) has applied for extension of a Board of Standards and Appeals Special Permit to continue to operate within portions of that a mixed use 40 story building at 250 East 54th Street, in Community Board 6 (CB6), and

Whereas the applicants has filed for the extension as Calendar Number 139-95 BZ, and

Whereas this health club has operated under Special Permit at this location since 1996, which was renewed (and without objection by CB6) in 2006, and

Whereas there are no known complaints or objections to its continued operation, now

Therefor be it

Resolved that community Board 6 (CB6) has no objection to the extension of the Special Permit ((Calendar Number 139-95-BZ) for the continued operation of Equinox, a Physical Culture Establishment, at 250 East 54th Street, within portions of that building, but it should be for a period of five years, rather than ten years, in order to allow review and recommendations based on any changes in conditions which may occur

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

c. BSA application for Perlbinder Holdings LLC, for a zoning variance to legalize an existing non-conforming advertising sign at 669 Second Ave., at 36th Street.

Whereas Perlbinder Holding, LLC (S & M Enterprises, the owner of record) has submitted an application with the Board of Standards and Appeals (BSA), (Calendar and CEQR Numbers are not listed) to retain an existing illuminated advertising sign, measuring 14 by 48 feet at the northwest corner of Second Avenue between 36th and 37th Streets, (Block 917, Lots 21, 24-31) in Community Board 6 (CB6), Manhattan, and

Whereas in November, 2001 the applicant submitted a plan for a 34 story high-rise mixed use building which was to include construction over the portal of the Queens Midtown Tunnel, and additional property than, and now, occupied by the United States Postal Service's Morgan Distribution Center, which proposal was objected to by CB6, and

Whereas a revised and amended plan was resubmitted to CB6 (September, 2002) and to which CB6 took a position of "No Objection" but which building has yet to be constructed, and

Whereas an existing building on the site, which included a then permitted major wall mounted advertising sign, was order demolished (2008) by the Department of Buildings (DoB) with the proviso that a replacement advertising sign could be constructed, and

Whereas the billboard which was constructed did not conform to the location, size and specifications (i.e. placement, dimensions, orientation, and it had become a two-sided rather than one sided billboard, thereby creating an entirely new sign in a different place) but for which the then Manhattan Borough Commissioner (over riding the staff recommendation to reject) issued a letter purporting to authorize the construction of the sign, and

Whereas DoB audits flagged the sign as not in compliance as it violated provisions of the Zoning Resolution (52-83) and in the third quarter (June, July and August, 2010) the Environmental Control Board (ECB) issued 112 notices of violation, and

Whereas, thereafter the applicant sought a zoning variance, claiming good faith reliance on the Commissioner's erroneous decision, and

Whereas on September 9, 2016 the DoB denied the application for a variance (#122787779) for the proposed construction of an advertising sign in a C1-9 district) as being contrary to Section 32-62 ZR, (to make legal the already constructed sign), and

Whereas the applicant appealed the rejection to the Board of Standards and Appeals, for a hardship variance, and

Whereas there are five findings (conditions) necessary (in summary) for the granting of such a variance:

- * Unique physical conditions or shape of the space
- * These condition(s) make development unreasonable
- * The variance will not alter the character of the neighborhood or be detrimental to the public welfare
- * The hardship has not been created by the owner
- * The variance is the minimum necessary for relief

Whereas the size and shape of the building site might have constrained the shape of a new building under no circumstances could it have an impact on the permitted replacement sign, so failing the first of the five findings, and

Whereas the applicant did not report, or seek prior approval of these changes and in so doing violated the first of the findings under the zoning variance hardship rules, and

Whereas the changes enumerated raises questions of the good faith of the applicant, perhaps, through this lapse, creating his own hardship, and

Whereas the applicant has pending permission to construct a new building on the site and there is a reasonable possibility of development, thus the applicant does not meet second of the five findings, and

Whereas the sign is in a parking lot owned and operated by the applicant and (the sign) is grossly out of character for a residential neighborhood, so failing to meet the third finding for a variance, and

Whereas the sign is arranged and situated at the intersection of Second Avenue and East 36th Street in such a way as to be a distraction to drivers, creating hazardous driving and traffic conditions at the two major approaches to the Queens Midtown Tunnel, thereby becoming a threat to public welfare, and

Whereas the practical hardships of developing sight were known to the applicant at the time of the presentation of the original plan (2002) for the site, in contravention of the fourth of the five findings, and

Whereas the existence and continuing operation of the existing parking lot, whose capacity could be expanded by the removal of the major and substantial piers holding up the huge advertising sign could be a mitigation of the loss of income, so failing the fifth of the five findings, and

Whereas, beginning in 2012 there followed a series of court filings, decisions, appeals and counter appeals which resulted in a decision by the New York (State) Court of Appeals (July 7, 2016) finding that Perl binder could not rely on an improperly granted permit and that the City was free to revoke the improperly granted permit to fix its mistake, now

Therefor be it

Resolved that CB6, strongly objects to the application for the new sign variance before the Bureau of Standards and Appeals (BSA) at 669 Second Ave., 36th and 37th Streets (Block 917, Lots 21, 24-31) (Application Numbers not listed) in Community Board 6, (CB6) as the applicant has met none of the five finding for a hardship variance, and

be it further

Resolved that advertising signage at a major traffic intersection (i.e. the two principal access routes to the Queens Midtown Tunnel) is a distraction to drivers and pedestrians, creating unsafe traffic condition, and is detrimental to the public welfare, and

be it further

Resolved that, separately and specifically the “ proposed” (existing) sign is out of character for this neighborhood, a residential community, and

be it further

Resolved that CB6 (requests) (urges) (demands) the sign be removed forthwith

VOTE: 36 in Favor 3 Opposed 0 Abstention 0 Not Entitled

