

Manhattan Community Board Six
Full Board Meeting Minutes
Wednesday, December 9, 2015 – 7:00 PM
Baruch College, 55 Lexington Avenue, Engleman Recital Hall

Board Chair Rick Eggers called the meeting to order at 7:04 pm. He introduced those on the dais with him: District Manager, Dan Miner and Secretary, Kathy Thompson.

Chair Eggers spoke about the passing of board member Charles Buchwald. Charles was remembered as a member of Manhattan Community Board Six for over 15 years. He was an active, outspoken, dedicated Community leader, a recruiter of volunteers, and a proponent of the democratic process and leader in local politics. He was a respected advocate for sensible land use policy and served in a variety of leadership positions on CB6 including Vice Chair, Treasurer, and Assistant Treasurer. After extending the Board's condolences to Charles' family, the Board observed a moment of silence.

There was no public hearing. The agenda was adopted and the first roll call was conducted by Assistant Secretary Aaron S. Humphrey.

Public Session - Elected Representative and Agency Reports

State Senator Brad Hoylman reported that he will be returning to Albany in January. He thanked the board for resolutions submitted during the year supporting bills that limit fracking and the transportation of fracking waste in New York State. He is closely monitoring Santa Con, which is scheduled for this weekend; and, along with the NYPD and SLA, had requested that the Santa Con route be released in advance. They have learned that there will be no Santa Con route in CB6. He is also closely monitoring pub crawls in the district. Finally, Senator Hoylman presented a plaque to former CB6 Board Chair Sandro Sherrod in recognition of his admirable service to the district, declaring December 16th as 'Sandro Sherrod Day' in the 27th NYS Senate District. For more information please go to: <http://bradhoylman.com/>.

Sarah Diaz from the office of State Senator Liz Krueger announced that the hearing for rent-controlled tenants has been rescheduled for December 17th, and that open enrollment for health care coverage for 2016 closes on December 15, 2015. She noted that the Essential Health Plan is now available and is a viable option for many New Yorkers. For more information please go to: <http://www.lizkrueger.com/>.

Council Member Rosie Mendez remarked on the passing of CB6 member Charles Buchwald and noted that she had participated in the funeral service delivering comments on behalf of herself and Council Member Dan Garodnick.

Ms. Mendez noted that members of LGBT caucus led a lighting ceremony at the Empire State Building for World Aids Day on November 30th. She reminded the board that the hearing on Zoning for Quality and Affordability and Mandatory Inclusionary Housing will be held on December 16th. She noted that she is the only council member to vote against the current proposals at the Manhattan Borough Board, while other council members abstained. Finally, Ms. Mendez announced the Homelessness Forum, which will be held on January 5, 2016, and is co-sponsored by CB6. For more information please go to: <http://council.nyc.gov/d2/html/members/home.shtml>.

Manhattan Borough President Gale Brewer thanked CB6 for the resolution on Zoning for Quality and Affordability and Mandatory Inclusionary Housing. She noted that she also attended CB6 member Charles Buchwald's memorial service. She announced that a Manhattan Youth Council info session will be held on December 11th for teens interested in city government. Also on December 11th will be a Neighborhoods NYC Community Web Initiative for neighborhood web addresses throughout the community. Finally, Ms. Brewer reminded the board that board applications are due January 29 2016, and will require a resume to accompany the application this year. For more information please go to:

<http://manhattanbp.nyc.gov/html/home/home.shtml>

Shelby Garner from Congresswoman Carolyn Maloney's office reported on Ms. Maloney's co-sponsorship of The James Zadroga 9/11 Health and Compensation Reauthorization Act to permanently extend the World Trade Center Health Program and Victim Compensation Fund, which are set to shut down completely in 2016. He also noted that Ms. Maloney will be actively debating the closing of the loophole that allows those on the no-fly list to purchase guns. Finally, Mr. Garner noted his own personal experiences with board member Buchwald. For more information please go to: <http://maloney.house.gov/>.

Brice Peyre from the office of New York State Assembly Member Richard Gottfried reported that AM Gottfried was honored at Baruch College on December 2nd with the Distinguished Legislator Award. He also announced that free flu shots will be available on December 12th in lower Manhattan. For more information please go to: <http://www.dickgottfried.org/>.

Genevieve Marcy from the office of State Assembly Member Dan Quart thanked CB6 for their support on many issues AM Quart is currently involved with and directed everyone to AM Quart's website for specific updates on upcoming events. For more information please go to: <http://assembly.state.ny.us/mem/Dan-Quart>. Laura Atlas from the office of Public Advocate Letitia James announced that Ms. James is demanding that TD Bank stop lending to Smith & Wesson, the maker of the AR-15 assault rifle used in the San Bernardino mass killing. She noted that TD Bank has lent Smith & Wesson \$280M, and suggests that the city should cut ties with TD Bank if they continue doing business with Smith & Wesson. For more information please go to: <http://pubadvocate.nyc.gov/>.

Howie Levine from the office of Councilmember Dan Garodnick reported that the office is waiting on the draft Environmental Review Statement on the proposed sanitation garage on the Brookdale site, and that they believe it will be released before the end of the year. He also reported that the recent sale of Stuyvesant Town and Peter Cooper Village to a partnership of the Blackstone Group and Ivanhoe Cambridge should close by the end of the year. Finally, he noted that the City Council passed CM Garodnick's bill extending tax credits for biotech startups. For more information please go to: <http://www.garodnick.com/>.

Taylor Digby from the office of Council Member Ben Kallos announced that a demolition permit had been issued for the proposed superscraper at 428 East 58th Street but noted that a demolition permit does not in itself indicate that the project will be built. Efforts to prevent the development of the superscraper continue. Lastly, Ms. Digby reminded everyone of CM Kallos' holiday party on December 17th in the district office. For more information please go to: <http://benkallos.com/>

Andrew Hendrickson from the office of State Assembly Member Brian Kavanagh announced that AM Kavanagh is introducing legislation to allow for early voting in New York. Mr. Hendrickson also announced that this is his last board meeting, as he is moving to the legislative area of AM Kavanagh's office. For more information please go to: <http://www.briankavanagh.org/>.

Jasmine Vargas from NYC Parks 54th Street Center advised us that the recreation center has several volunteer projects up and running, including an eyeglass recycling project with the Lions Club. They are also organizing sending letters to vets overseas as well as hosting knitting projects at their facility through January 15, 2016. The current programs will end on December 6th, with new programs beginning on January 3, 2016. She noted that the recreation center will be closed on Christmas Day and New Year's Day. For more information please go to: <http://www.nycgovparks.org/facilities/recreationcenters/M130>.

Public Session - Members of the Public

Theo Chino of the Exploratory Committee to Replace the Manhattan DA read a statement and distributed copies of his statement detailing his concerns on the topic of Full Disk Encryption and DA Vance's position on the topic. For more information please email: theo@theochino.com

Business Session

The November minutes were adopted.

Chair's Report

Chair Rick Eggers announced that Assistant Treasurer Beatrice Disman will assume the title of Treasurer and that the Assistant Treasurer position is now vacant. At this time, no special election to fill the vacancy is expected. He reported that on November 30th at a special meeting of the Borough Board, all community boards voted against the Zoning for Quality and Affordability and Mandatory Inclusionary Housing proposals. He thanked the Land Use and Waterfront Committee and the Housing, Homeless and Human Rights Committee for their work on the joint resolution approved by CB6 in November. Chair Eggers announced that the City Planning Commission will be holding a hearing on December 16th at the Museum of the American Indian on ZQA/MIH. Written comments can also be submitted. He noted that CB6 member Jim Collins had submitted written comments, but as a personal statement, not as a community board member. Mr. Eggers asked all board members to send the district office a courtesy copy of any personal statements they submit to City Planning.

Next Chair Eggers noted that on December 2nd former CB6 Board Chair Sandro Sherrod was honored by Baruch College with the Community Partner Award. Assembly Member Dick Gottfried and Manhattan Chamber of Commerce President Nancy Ploeger were also honored. Mr. Eggers announced that the Homelessness Forum hosted by C/M Dan Garodnick, C/M Rosie Mendez and co-sponsored by CB6, CB5 and other elected officials will be held on January 5, 2016 and he urges all board members to attend.

Chair Eggers reminded board members that it is time to reapply for their positions. He urged all board members who are up for reappointment in this term to submit their applications; reappointment is not automatic. The deadline for applications is January 29, 2016. The preferred method is to complete applications online but applications may also be submitted by mail.

Finally, Mr. Eggers reminded everyone that the CB6 holiday party will be held on December 16th at 7:15 at the district office following the Executive Committee meeting. As indicated on the invitation, funds collected will include the cost of refreshments, the Sunshine Fund, and tips for the office building staff. Checks should be made payable to Beatrice Disman; cash is also accepted. He thanked Ann Seligman, Ronald White and Letty Simon for their assistance in planning the holiday party.

District Manager's Report

District Manager Dan Miner reported that a list of overbuilt buildings in the district has been added to the website. He thanked intern Nessita Hack for her work on the project. He asked for reports on any traffic enforcement concerns around the Queens Midtown Tunnel to be reported to the office as well as filing a report with 311. In response to a board member's question regarding access to District Cabinet minutes, Mr. Miner said the minutes would be emailed to board members in the same way as committee minutes. For more information please go to: <http://cbsix.org/>.

Treasurer's Report

Treasurer Bea Disman spoke about Charles Buchwald and her personal remembrances. She reported from the December 3, 2015 data that the starting total 2016 Personal Services budget amount is \$188,684.00, from which \$58,643.39 has been spent and \$130,777.61 remains. From the starting total Other Than Personal Services budget of \$120,292.00, there was \$9,420.94 spent, with a remainder of \$110,870.82. Most of OTPS consists of the street fair fund of \$79,818.00. The total OTPS without the street fair fund is \$31,052.82. The total annual rent is \$115,105.00. The total budget for PS, OTPS and rent is \$424,820.00. Ms. Disman noted that the requested total donation for the CB6 Holiday Party is \$25, which covers the cost of the party, the Sunshine Fund, and includes \$10 for tips for the building's staff.

Borough President's Report

The Borough President's report was delivered during the Public Session (see above).

Committee Resolutions & Reports

1. Housing, Homeless and Human Rights

Chair Raj Nayar waived a report.

2. Budget and Governmental Affairs

Chair Pedro Carrillo waived a report.

3. Health and Education

Chair Ahsia Badi waived a report

4. Transportation

Chair Sandra McKee waived a report.

5. Parks, Landmarks and Cultural Affairs

Chair Mark Thompson waived a report.

6. Public Safety and Environment

Chair Nick Smolney presented Resolution 6a, which passed unanimously other than one abstention for cause. He waived a report.

6. Public Safety & Environment – Nicholas Smolney, Chair				
a. State & Local laws banning the discharge, disposal, sale, transport or use of hydraulic fracturing waste	37	0	2	0

7. Business and Street Activities

Chair Keith Powers presented Resolutions 7a, b, d,f, i and j as a bundle. All passed unanimously. Resolutions 7e and h were discussed as the closings time on each resolution was not included. A motion was made and carried to add the closing times for both Resolutions 7 e and h. The motion passed unanimously and both resolutions, as amended, passed unanimously. Chair Powers reported that all new agreements involving liquor license

applications that come before BASA will require that the applicant sign an agreement that they will not be participating in Santa Con.

7. Business Affairs & Street Activities – Keith Powers, Chair				
a. Corp. Ch for Pio Restaurant LLC dba Luna Piena, 243 E. 53 rd St btw 2 nd & 3 rd Aves	39	0	0	0
b. Corp. Ch for Enzo Third Ave LLC dba Teqa, 443-447 3 rd Ave btw E. 30 th & 31 st Sts	39	0	0	0
d. Alteration applic for 48 th Restaurant Associates LLC dba Avra Estiatorio, 145 E 48 th St. btw 3 rd & Lexington Aves	39	0	0	0
e. New OP Liq. Lic., JYP 303 LLC dba Excuse My French, 303 E 53 rd St. btw 1 st & 2 nd Aves	39	0	0	0
f. New BW Lic., Fan Sushi Inc dba Aki Sushi & Grill, 720 2nd Ave @E. 39th St	39	0	0	0
h. New OP Liq. Lic., Curry Shack dba Kurry Pavilion dba 430 3 rd Ave @E. 30 th St	39	0	0	0
i. New OP Liq. Lic., NP Nightlife LLC dba Hendricks, 557 3 rd Ave. @E. 37 th St	39	0	0	0
j. New BW Liq. Lic., Ke Lai Corp dba JEF, 913 2nd Ave. @E. 48th St	39	0	0	0

8. Land Use and Waterfront

Chair Terrence O’Neal acknowledged Charles Buchwald’s enormous contributions to the Land Use and Waterfront Committee as well as to the entire board. He noted that the committee vote on Reso 8a, BSA applications, was not unanimous. However the follow-up information that the committee had requested of the applicant’s attorney had been received by the district office and was satisfactory. The resolution passed full board with one abstention and one abstention for cause. Mr. O’Neal reported that East Midtown Rezoning will be discussed at the January committee meeting.

8. Land Use & Waterfront – Terrence O’Neal, Chair				
a. BSA apps #63-15-BZ for 35 Sutton Place - seeks to legalize 3 existing terrace enclosures	37	0	1	1

Old/New Business

There was no old business.

Under new business board member Jim Collins reminded the board to anticipate a report on the DSNY garage in January, 2016. The second roll call was conducted by Assistant Secretary Aaron S. Humphrey.

The meeting adjourned at 8:37 pm.

Minutes submitted by Secretary Kathy Thompson.

RESOLUTIONS

Public Safety and Environment

- a. **RE: State & Local laws (S. 45, 47, & 48) - banning the discharge, disposal, sale, transport or use of hydraulic fracturing waste**

Whereas, New York State banned hydraulic fracturing within its borders based on evidence of both negative health impacts and environmental damage; and

Whereas, CB6 supported the ban on hydraulic fracturing in multiple resolutions; and

Whereas, many of hydraulic fracturing's negative effects are related to the wastewater produced during the process; and

Whereas, there are no proven technologies to clean this wastewater, which contains highly corrosive salts, carcinogens and radioactive material; and

Whereas, the companies creating this wastewater are looking for ways to dispose of it, including marketing it as a road deicer which would lead to the leaching of these toxic substances into surface and then groundwater; and

Whereas, there are currently no New York laws limiting the import or use of hydraulic fracturing wastewater from the many operations in Pennsylvania; and the laws which would otherwise govern their use and management have several loopholes, including the fact that natural gas waste is exempt from hazardous waste regulations and are not regulated as radioactive waste; and

Whereas, hydraulic fracturing wastes are anomalously categorized as construction debris by the NYS Department of Environmental Conservation, they are not accurately tracked, and any landfill permitted to accept construction wastes may accept hydraulic fracturing wastes; and

Whereas, the Pennsylvania Department of Environmental Protection (DEP) reports that drillers have sent at least 23,000 barrels of liquid & 460,000 tons of solid hydraulic fracturing wastes to at least seven New York landfills; and

Whereas, there are bills in both the NYC Council (Intro 446) and NY State Legislature (S. 45, 47, & 48, all sponsored by Brad Hoylman and co-sponsored by Liz Krueger, with corresponding Assembly bills A6836, 4943 and 211) to limit the exposure of New Yorkers to these dangerous chemicals; and

Whereas, these bills together prohibit the discharge, disposal, sale, transport or use of hydraulic fracturing waste; and

Whereas, the sensitivity of New York City's water system to activities that affect upstate watersheds makes this relevant to NYC;

Therefore, be it

Resolved that Manhattan Community Board 6 supports the above-named City and State legislations, and urges our local elected officials to protect New Yorkers from the transport, use and disposal of hydraulic fracturing wastes.

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

Business Affairs & Street Activities

a. **RE: Corp. Ch for Pio Restaurant LLC dba Luna Piena, 243 E. 53rd St btw 2nd & 3rd Aves.**

WHEREAS, Attorney, Rosa Sanchez appeared before the Business Affairs and Street Activities Committee of Community Board 6 Manhattan (CB6M) on November 23, 2015, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, the representative presented an application for a corporate change, and

WHEREAS, the application will not include any changes in method of operation or hours, and

WHEREAS, there were no concerns raised with regarding to the application, and

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 23, 2015 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

b. **RE: Corp. Ch for Enzo Third Ave LLC dba Teqa, 443-447 3rd Ave btw E. 30th & 31st Sts.**

WHEREAS, Owner, Arthur Shakarov appeared before the Business Affairs and Street Activities Committee of Community Board 6 Manhattan (CB6M) on November 23, 2015, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, the owner is assuming ownership over the corporation that formerly owned and operated the establishment named Teqa at the same location which has been closed, and

WHEREAS, the owner proposes to change the name of the establishment to Steel Pan and offer a new menu of food and beverage options, and

WHEREAS, the restaurant owner currently owns multiple restaurants, including a Kosher restaurant, and

WHEREAS, the applicant agreed to stipulations that would help alleviate community concerns, including closing the establishment at 2 a.m. every night, not participating in pub crawls, displaying the name and number of the operator in the front window, and not allowing for congregating outside the establishment; 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 23, 2015 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. **RE: Alteration for 48th Restaurant Associates LLC dba Avra Estiatorio, 145 E 48th St. btw 3rd & Lexington Aves.**

WHEREAS, Owner, Arturo Cortez appeared before the Business Affairs and Street Activities Committee of Community Board 6 Manhattan (CB6M) on November 23, 2015, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, the owner is requesting an alteration to the liquor license to cover outside tables, and

WHEREAS, the owner recently realized that the tables have been in operation for multiple years but were not covered by the license and would like to make legal the tables, and

WHEREAS, the applicant currently operates a number of establishments in New York City and this current establishment is in good standing with Community Board Six, and

WHEREAS, the outdoor tables have been previously approved by the City, and

WHEREAS, there were no concerns raised from community members around noise, and

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 23, 2015 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. **RE: New OP Liq. Lic., JYP 303 LLC dba Kiss My French, 303 E 53rd St. btw 1st & 2nd Aves.**

WHEREAS, Owner, Yannick Terquis appeared before the Business Affairs and Street Activities Committee of Community Board 6 Manhattan (CB6M) on November 23, 2015, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, the owner is proposing an establishment that is described as French cuisine focusing on tapas dishes, and

WHEREAS, the owner currently operates two establishments in France and one restaurant in Manhattan named Excuse My French, and

WHEREAS, there were no concerns or comments raised from community members, and

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 23, 2015 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. **RE: New BW Lic., Fan Sushi Inc dba Aki Sushi & Grill, 720 2nd Ave @E. 39th St.**

WHEREAS, Owner, Sam Park appeared before the Business Affairs and Street Activities Committee of Community Board 6 Manhattan (CB6M) on November 23, 2015, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, the owner is applying for a beer and wine license for a new sushi restaurant located in CB6M, and

WHEREAS, the restaurant will close at 12 a.m. each night of the week, and

WHEREAS, there were no concerns or comments raised from community members, and

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 23, 2015 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. RE: New OP Liq. Lic., Curry Shack dba Kurry Pavilion dba 430 3rd Ave @E. 30th St.

WHEREAS, Manager, Chad Kelly appeared before the Business Affairs and Street Activities Committee of Community Board 6 Manhattan (CB6M) on November 23, 2015, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, the owner is proposing an establishment that will focus on Indo-Chinese food, and

WHEREAS, the owner currently operates Spice Symphony in CB6M and

WHEREAS, there were no concerns raised from community members around noise issues, and

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 23, 2015 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

i. **RE: New OP Liq. Lic., NP Nightlife LLC dba Hendricks, 557 3rd Ave. @E. 37th St.**

WHEREAS, Owner, Anthony Monticello appeared before the Business Affairs and Street Activities Committee of Community Board 6 Manhattan (CB6M) on November 23, 2015, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, the applicant appeared before the committee with respect to a change in ownership application, and

WHEREAS, the new owner is the son of the current owner and plans to maintain the existing method of operation and hours of operation, and

WHEREAS, there were no raised from community members around noise issues, and

WHEREAS, the applicant agreed to stipulations that would help alleviate community concerns, including closing the establishment at 2 a.m. every night, not participating in pub crawls, displaying the name and number of the operator in the front window, and not allowing for congregating outside the establishment; 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 23, 2015 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

j. **RE: New BW Liq. Lic., Ke Lai Corp dba JEF, 913 2nd Ave. @E. 48th St.**

WHEREAS, Owner, Jay Huang appeared before the Business Affairs and Street Activities Committee of Community Board 6 Manhattan (CB6M) on November 23, 2015, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, the owner is applying for a beer and wine license for a new restaurant, and

WHEREAS, the restaurant will serve Chinese food with a focus on dumplings, and

WHEREAS, the applicant's parents owned the previous establishment Evergreen, and

WHEREAS, there was no concerns raised from community members, and

WHEREAS, the applicant agreed to stipulations that would help alleviate community concerns, including closing the establishment at 2 a.m. every night, not participating in pub crawls, displaying the name and number of the operator in the front window, and not allowing for congregating outside the establishment; 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 23, 2015 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

Land Use & Waterfront

a.. **RE: BSA apps #63-15-BZ for 35 Sutton Place - seeks to legalize 3 existing terrace enclosures**

WHEREAS, 35 Sutton Place is a cooperative premises owned by Sutton Owners Corporation; and,

WHEREAS, Sutton Owners Corporation received an Environmental Control Board (ECB) violation from the Dept of Buildings (DOB) on or around 2013, stating that several terrace enclosures at 35 Sutton Place constitute a violation; and,

WHEREAS, Sutton Owners Corporation then sued Harriet Harkavy, the lessee of unit PHC, which includes 3 enclosed terraces, and requested that the enclosures are removed; and,

WHEREAS, 35 Sutton Place is already exceeding its total permitted floor are, i.e., it is "overbuilt,"and it was constructed prior to issuance of the city's zoning resolution in 1961; and,

WHEREAS, the Settlement Agreement resulting from the lawsuit is dated May 30,2014, and stipulates that the lessee of unit PHC must legalize the 3 terrace enclosures or have them removed; and,

WHEREAS, the lessee of unit PHC approached the Land Use and Waterfront Committee of Community Board Six to opine on her application (BSA Cal. No. 63-15-BZ) for legalization and variance that is before the Board of Standards and Appeals; and,

WHEREAS, the application is to waive Sections 23-62, 23-145, 54-31, 23-633 and 23-692 of the Zoning Resolution in order to "legalize" certain existing elements of her PHC unit, particularly three glass "greenhouse" type enclosures totaling 176.66 sq. ft. which are in

violation of the building code in that they violate the maximum floor area and height and setback regulations; and,

WHEREAS, Ms. Harkavy's attorneys have provided the LU&WF Committee with documentation indicating that she had undertaken reasonable steps to ensure compliance with the building code when she constructed the "greenhouse" enclosures in the 1990's; and,

WHEREAS, Ms. Harkavy's attorneys have assured us and provided us a 1991 Policy & Procedure Notice from DOB that the three glass "greenhouse" type enclosures would have been deemed "*de minimis*" under building code rules as they existed at the time they were built in the 1990's, and would not need a variance had they been submitted; and,

WHEREAS, the lessee stated that she hired an architect to execute plans, and the plans were approved at the time by the board of the cooperative, as per building procedure. However, the plans were not filed with DOB; and,

WHEREAS, the lessee's attorneys have stated that the memo deeming the enclosures *de minimis* is no longer in effect, thus the violations were issued; and,

WHEREAS, notwithstanding the preceding paragraph, the Department of Buildings has deemed the units illegal and has issued a violation (No. 34828752Y) that would require the greenhouse additions removed, which are an integral part of Ms. Harkavy's residence,

NOW, THEREFORE be it

RESOLVED, that Community Board Six has no objection to this application; and be it further

RESOLVED, that if the documents provided to this board by the lessee or her attorneys in support of her application are shown by the BSA, the DOB or some other person to be either willfully or unknowingly incorrect in any material respect, this board reserves the right to object to Ms. Harkavy's application in its entirety.

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

