

**Manhattan Community Board Six**  
**Full Board Meeting Minutes**  
**May 14, 2014 – 7:00 PM**  
**NYU Medical Center, 550 First Ave., Alumni Hall B**

**Public Session**

Board Chair Sandro Sherrod called the meeting to order at 7:05 PM. The agenda and the April full board minutes were adopted, and the roll was called.

**Elected Officials**

Dan Campanelli from the office of Comptroller Scott Stringer reported that oversight hearings are taking place on Hurricane Sandy recovery in Breezy Point, Coney Island, and Manhattan. A new report on housing shows that rents have risen sharply.

Adam Chen from the office of Public Advocate Letitia James reported several initiatives addressing high housing costs, and is also working on universal school lunch.

Liz Brown, representing the Office of NYS Senator Liz Krueger, reported they have asked for a new Draft Environmental Impact Statement regarding the Marine Transfer Station that incorporates changes in flood plain maps.

Matthew Walsh, representing the office of Assemblyman Dan Quart, reported a bill on state authorities broadcasting their board meetings.

Anna Pycior, representing the Office of Assemblymember Brian Kavanagh, stated that the SCRIE threshold increase is expected to take place in summer if passed. They are working on a bill to enable recycling of thin film plastic recycling, and a bill to ban micro-beads used in skin care products.

Evan Schwartz-Trauber from the office of Assemblyman Richard Gottfried, spoke of continued efforts to return the Union Square Park pavilion to public use instead of a private restaurant. They are working on a bill that would require radioactivity testing on natural gas fracked from the Marcellus Shale, which carries radioactive radon gas.

Dario Quinsac, representing the office of Councilmember Rosie Mendez, which is working on a bill requiring legal representation for seniors, and a bill on after-hours construction.

Ilona Kramer, representing the office of Councilmember Dan Garodnick, reported that Stuyvesant Town's owners seem to be preparing for sale, with tenants expected to continue as renters or condo buyers. The Administration has been silent on the Sanitation Garage.

Joe Strong, representing the office of Councilmember Ben Kallos, is seeking volunteers to take care of planters in bike lanes, asking for a Vision Zero town hall in the district, and is working on making Freedom of Information Act request data public, and to form a food policy council.

Alize Beal, representing the Mayor's Community Affairs Unit, introduced herself.

Senator Brad Hoylman thanked the Board for their support on the select bus service lights issue and on the smartphone kill switch bill. He is monitoring the possible sale of Stuyvesant Town,

pleased that the Public Library has abandoned controversial plans to renovate their midtown location, and voted against part of the budget supporting charter schools.

Jesus Perez, representing the office of Manhattan Borough President Gale Brewer, said that the BP wants community boards to quickly fill vacancies from their list of very good candidates. Their office takes its oversight of CB operations very seriously. As part of its ongoing efforts to support CB members, they will offer training workshops in June and September.

### **Members of the Public**

Michael Trano, of NYC Dept. of Consumer Affairs, spoke about the Paid Sick Leave Act.

David Jaffee spoke in support of his application for a liquor license at 405 Third Avenue. He said it would serve organic food and liquor, would not serve soda or corn syrup, and would play only quiet jazz music. He described the venue as 800 square feet in size, claimed to live on 27th St. and Second Avenue, and expressed a desire to be a good neighbor. Other speakers in support of the application followed. Ross Rochlin said the block was not saturated with bars, and to address concerns over loitering and lines, said they would text people when seats are available. Rochlin claimed they would not operate as a nightclub, and repeated that they would play jazz music at levels suitable for conversation. Ernesto Luna described the venue's security plans, which would include closed circuit TV, and said they would work to avoid customers crowding on the sidewalk. Karim Keita expressed his high personal opinion of the partners, saying he expected to be involved with the operation "if this club opens up."

## **Business Session**

### **Committee Resolutions & Reports**

Board Chair Sandro Sherrod reported on an emergency preparedness forum at Bellevue organized by Governor Cuomo, presented by National Guard.

Treasurer Bea Disman reported that according to OMB data, from the revised total of \$199,846 available for personnel services (PS) at the start of FY 2014, \$152,544.13 has been spent, leaving \$47,291.87 available until June 30, 2014. From the revised starting total budgeted for other than personnel services (OTPS) of \$100,532, there remains \$89,290.86, which includes the street fair fund - \$78,483.

District Manager Dan Miner reported on the NYSEDA forum in May, a quality of life forum moderated by CM Mendez set for July 15, construction updates, the 311 flyer (now available on the website), and street surveys to be conducted by summer interns.

### **Police Academy Repurpose Exploration – Special Committee**

Chair Ahsia Badi reported that on their tour of the Police Academy in late April they saw many school-friendly features. Apparently the building won't be available as soon as anticipated, which will provide more time to study plans and see what recommendations might be needed.

### **Bylaws Special Committee**

Committee Chair Rick Eggers reported that the Committee reviewed the final draft of the bylaws

on April 10 and approved it unanimously. In June, the full board will review and vote on the proposed new bylaws in June. Every item on the list of suggested issues was discussed but not all made it into the final draft. Mr. Eggers thanked the members of the committee, Marty Barrett, Charles Buchwald, Sandra McKee, Gary Papush, Sandro Sherrod, and Claude Winfield. He also thanked Jim Collins, Ellen Imbimbo, Donald Long, Nicole Paikoff, Ann Seligman, Lou Sepersky, and Letty Simon who attended meetings or submitted suggestions. The next procedural steps for the final draft are drawn from Article 12 of current bylaws. A motion that the bylaws be amended, with a vote at the full board meeting in June, passed unanimously. It is the intent of the committee to present the proposed amended bylaws to be voted on in their entirety, to take effect immediately.

**Health & Education Committee**

Chair Ahsia Badi reported that representatives from Bellevue and Beth Israel discussed substance abuse problems, noting that many of the affected population is over 65. A forum in the district with Schools Chancellor Farina in late May was announced.

**Budget & Governmental Affairs Committee**

Committee Chair Rick Eggers presented two resolutions. After the announcement of a few changes in wording made during a committee caucus, the resolution on the Voter Friendly Ballot Act was passed unanimously. Pedro Carillo was congratulated for writing the second resolution immediately upon joining the committee. That resolution, Instant Runoff Voting, NYC, passed unanimously. Regarding the report from CM Kallos on the community board member selection process and practices, Mr. Eggers believes that the current and previous Borough President have already implemented many of its recommendations, and noted the committee had issues with the suggestion for term limits and the suggestion that members of executive committees of political parties not be permitted to serve on community boards.

<b>4. Budget &amp; Governmental Affairs – Rick Eggers, Chair</b>				
<b>RESOLUTIONS</b>	<b>FOR</b>	<b>AGAINST</b>	<b>ABSTAIN</b>	<b>ABSTAIN FOR CAUSE</b>
a. A204A – Voter Friendly Ballot Act	41	0	0	0
b. A7013A/S6862 – Instant Runoff Voting, NYC	41	0	0	0

**Transportation Committee**

Chair Molly Hollister waived her report.

**Parks, Landmarks & Cultural Affairs Committee**

Chair Mark Thompson noted that 3 Rutherford Place did what Landmarks Preservation Commission viewed as the best restoration possible. There was discussion on the need for a NY State statute on alienation to avoid reliance on a series of court decisions, and the resolution

on that point carried. Parks Dept. will be asked to schedule a regular operations meeting for Dag Hammarskjold Park. Jim Collins was thanked for his advocacy on St. Vartaans Park.

<b>6. Parks, Landmarks &amp; Cultural Affairs – Mark Thompson, Chair</b>				
<b>RESOLUTIONS</b>	<b>FOR</b>	<b>AGAINST</b>	<b>ABSTAIN</b>	<b>ABSTAIN FOR CAUSE</b>
b. LPC Certificate of Appropriateness for 3 Rutherford Pl. @ E. 17th St. btw 2nd & 3rd Aves. - restoring the street front facade, stoop, parlor entry, window details and cornice to their original design.	41	0	0	0
c. Reaffirm the CB6 2008 resolution on Park Alienation.	41	0	0	0

**Housing, Homeless & Human Rights Committee**

Chair Raj Nayar said he believed the developers at 210 E. 39th St. are the same ones involved with the old Frontier Diner site. A friendly amendment to the reso is approved.

<b>7. Housing, Homeless &amp; Human Rights – Rajesh Nayar, Chair</b>				
<b>RESOLUTIONS</b>	<b>FOR</b>	<b>AGAINST</b>	<b>ABSTAIN</b>	<b>ABSTAIN FOR CAUSE</b>
a. HPD app for 210 E. 39th St. - Affordable Housing Plan Application Pursuant to the Inclusionary Housing program.	41	0	0	0

**Land Use/Waterfront Committee**

Chair Terry O'Neal said that after NYC EDC demolishes the existing Waterside Pier, it must build a new one, which it is required to raise to a higher elevation. Dan Garodnick has allocated \$1.25 million for amenities on the pier once it has been rebuilt. Regarding the variance to allow commercial use at 231 E. 58th St., the committee has a history of only granting five year variances. There may be a future reso on rezoning of E. 58th St., or a meeting with BSA to extend variances. It was noted that a presentation by Sanitation on the garage project was cancelled at the last minute. The committee plans to provide an opportunity for public comment on the project at its June meeting.

<b>8. Land Use/Waterfront – Terrence O’Neal, Chair</b>				
<b>RESOLUTIONS</b>	<b>FOR</b>	<b>AGAINST</b>	<b>ABSTAIN</b>	<b>ABSTAIN FOR CAUSE</b>

a. EDC request for new pier elevation at the existing Waterside Pier (formerly known as the Con Ed Pier), 38th St. to 41st St.	41	0	0	0
b. BSA application #341-02-BZ for 231 East 58th Street -amendment to BSA Variance expiring in 2023, to eliminate the term of years for first floor retail use in a residential district.	36	4	1	0

### Public Safety & Environment Committee

Fred Arcaro reported there are now several ways in which developers can request a variance for after hours construction. He explained that the new bill would eliminate one category that is perceived to be widely abused. The reso carried.

9. Public Safety & Environment – Nicholas Smolney, Chair				
RESOLUTIONS	FOR	AGAINST	ABSTAIN	ABSTAIN FOR CAUSE
a. S6748-2013/A9070-2013 - Smartphone and tablet security act.	41	0	0	0
b. Int. 0017-2014 – in relations to after - hour work authorizations	38	2	0	1

### Business Affairs and Street Activities Committee

Chair Nicole Paikoff presented a number of resos. Resos for Van Diemans, 919 Restaurant Group LLC, KP NY Operations LLC, 39 ADA Inc., Oishi Bay Sushi Restaurant Inc., Lukes Lobster XIII LLC, Iron Sushi Love Inc., and Third Ave. Restaurant Associates LLC were passed. With a friendly amendment, the reso for Do You Like Comedy? passed. Regarding the application from Ross Rachlin/David Jaffe dba TBD, it was noted that the venue is two doors down from Tonic East, on the ground floor of a coop, with many bars in the area. Members saw it as a historically bad location, in which crowd control is likely to be difficult. With 3 no votes, 3 yes votes and 1 abstention in committee, the matter did not pass so there was no resolution. Even in caucus it was still a tie. A motion for the Board to pass a reso of no objection, containing the agreed liquor license stipulations, carried.

10. Business Affairs & Street Activities – Nicole Paikoff, Chair				
RESOLUTIONS	FOR	AGAINST	ABSTAIN	ABSTAIN FOR CAUSE
b. OP Liq. Lic for 383 3rd Avenue Corp dba Van Diemans, 383 3rd Ave. btw 27th & 28th Sts.	40	0	1	0
d. New OP Liq. Lic for Do You Like Comedy? LLC dba NY Comedy Club,	38	1	2	0

241 E. 24th St. btw 2nd & 3rd Aves.				
e. New OP Liq. Lic for 919 Restaurant Group LLC dba TBD, 919 3rd Ave. @ E. 55th St.	40	0	1	0
h. New OP Liq. Lic for KP NY Operations LLC dba TBD, 99 Lexington Ave @ E 27th St.	40	0	1	0
j. New OP Liq. Lic for 39 ADA Inc. dba TBD 713 2nd Ave. btw E. 38th & 39th Sts.	40	0	1	0
k. New BW Lic for Oishi Bay Sushi Restaurant Inc. dba Oishi Bay Sushi, 230 E. 29th St. btw 2nd & 3rd Aves	40	0	1	0
l. New BW Lic. for Lukes Lobster XIII LLC dba Luke's Lobster, 685 3rd Ave, btw E. 43rd & 44th Sts.	40	0	1	0
m. New OP Liq. Lic. for Ross Rachlin/David Jaffe dba TBD 405 Third Ave., btw E. 28th & 29th Sts.	40	0	1	0
n. New BW Lic. for Iron Sushi Love Inc. dba TBD, 440 3rd Ave. btw E. 30th & 31st Sts.	40	0	1	0
o. New OP Liq. Lic. For Third Ave. Restaurant Associates LLC dba Crimson & Rye, 198 E. 54th St. @ 3rd Ave.	40	0	1	0

# Appendices

**4a. - RE: In support of NYS Assembly bill 00204A and NYS Senate bill 05350 - “An act to amend the election law, in relation to enacting the voter friendly ballot act.**

**Whereas**, The New York State election law Article 7, Title I describes the Form of Ballots, and

**Whereas**, Community Board Six Manhattan’s 2010 population includes nearly 20% senior citizens plus an additional 7% people with disabilities, and

**Whereas**, the ballot in use in New York City and Community Board Six Manhattan, as currently prepared by the NYC Board of Elections in 7pt font is in extremely small print, making the voting experience extremely frustrating for the many voters whose eye sight has been compromised such as people with disabilities and many senior citizens; and

**Whereas**, Assemblyman Kavanagh and twelve additional co-sponsors introduced NYS Assembly Bill 00204A in January 2013; and

**Whereas**, NYS Assembly bill 00204A “ An act to amend the election law, in relation to enacting the voter friendly ballot act” amends those sections of the New York State Election Law that deals with the Form of the Ballot to provide a ballot that is both readable and comprehensible to voters of all ages and physical means; and

**Whereas**, the bill was passed by the New York State Assembly in 2013 and again in January 2014 but not passed in the New York Senate,

**Therefore be it**

**Resolved**, that Community Board 6, Manhattan, supports - NYS Assembly bill 00204A and Senate bill 05350 “An act to amend the election law, in relation to enacting the voter friendly ballot act” and urges the NYS Senate to join the Assembly in voting to approve the amendment and the Governor to sign it into law.

**VOTE: 41 in Favor 0 Opposed 0 Abstain 0 Abstain for cause**

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**4b. - Re: A07013A/S06862 – A bill to amend the election law in relation to instant run-off voting.**

**Whereas**, Section 6-162 of the election law currently requires the Board of Elections of the city of New York to conduct a separate run-off election between the top two candidates of a political party when no candidate for the office of mayor, public advocate or comptroller receives forty percent or more of the votes cast by members of that political party; and

**Whereas**, New York State Assembly bill A07013 and New York State Senate bill S06862 would repeal Section 6-162 and provide for instant run-off voting in a primary election for city-wide office; and

**Whereas**, the instant run-off voting method would provide that voters may rank up to five candidates in order of preference. If the candidate with the most votes receives less than fifty percent plus one vote, the two candidates with the most votes proceed to a second round of ballot counting. In the second round, each ballot is counted as a vote for whichever of the two advancing candidates is ranked higher by that voter; and

**Whereas**, the bill mandates voter-friendly design and clear instructions on ballots to be used under the proposed system; and

**Whereas**, while current law requires that a run-off election, when necessary, shall be held two weeks after the first primary, using current methods the Board of Elections cannot guarantee certification of the results of a primary within the two weeks, nor can the Board of Elections ensure that all military and overseas voters receive the second-round ballots in time to vote; and

**Whereas**, based on recent experience and asserted in the fiscal impact included with the bills, adopting instant run-off elections, could save the city of New York up to \$20 Million in additional expenses each time a run-off would otherwise be required; and

**Whereas**, the most recent primary run-off experienced a turn-out of only about 6.5% of eligible voters, substantially less than in the primary, resulting in a very small portion of eligible voters making the final decision between candidates.

**Therefore, be it**

**Resolved**, Manhattan Community Board Six urges passage of A07013A and S06862, and that the Governor sign the legislation; and

Be it further

**Resolved**, that the city's board of elections complies with Section 2 of the bill and use best practices in conjunction with the state board of elections, to conform fully with the resulting ballot requirements and ensure a smooth transition for the voter to the new instant run-off system.

**VOTE: 41 in Favor 0 Opposed 0 Abstain 0 Abstain for cause**

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**6b. - Re: LPC Certificate of Appropriateness for 3 Rutherford Pl. @ E. 17th St. btw 2nd & 3rd Aves. - restoring the street front facade, stoop, parlor entry, window details and cornice to their original design.**

**Whereas**, the owner of 3 Rutherford Place, a residential building in the Stuyvesant Square Historic District, has applied for a Certificate of Appropriateness to construct a rooftop addition, alter the rear façade and reconstruct the front façade, and

**Whereas**, this building was constructed in 1856 and altered in the early 20th century and the applicant proposes to restore the building to its original appearance, and

**Whereas**, Community Board 6 reviewed historic and contemporary photographs and proposed renderings of the applied for work, now

**Therefore, Be It**

**Resolved**, Community Board 6 supports approval of the application for a Certificate of Appropriateness for 3 Rutherford Place.

**VOTE: 41 in Favor 0 Opposed 0 Abstain 0 Abstain for cause**

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## **6c. - Re: Reaffirmation of January 2008 resolution – Alienation & Privatization of Public Parkland**

**Whereas**, the issues and concerns outlined by Community Board 6 in the January, 2008 Resolution entitled ‘Alienation & Privatization of Public Parkland’ (below) have not been properly addressed legislatively since the issuance of the 2008 Resolution; and

**Whereas**, the issues and concerns are not only ongoing but have increased with the most recent incidences of Alienation and Privatization of a portion of Union Square Park as well as near Washington Square Park; and

**Whereas**, Public park land is a precious resource in New York City (but most especially in Community Board 6 which has the least amount of parkland per capita in the City of New York); and

**Whereas**, Alienation is the term used to describe the legal mechanism by which the State Legislature allows a public park to cease to be used as such; and

**Whereas**, in New York State the requirement that a municipality obtain legislative authority to alienate public parkland is not found in statutes but in several separate court decisions most of which are decades old; and

**Whereas**, neither the court decisions nor the statutes regarding alienation mandate public review or the replacement of the alienated park; and

**Whereas**, while court decisions require alienation when the municipality leases all or part of a public park to a private entity, they do not when a franchise or revocable permit is granted; and

**Whereas**, other major deficiencies of the current process include lack of definition of what constitutes a lease, a franchise, or a revocable permit or other terminology that may be used in terms that make the use of the documents in specific circumstances transparent by providing dollar value, length of time, amount of area affected; and

**Whereas**, these deficiencies permit municipalities to grant private entities the right to operate in public space without a clear definition of why such uses are permitted; and

**Whereas**, in New York City there is a growing trend of allowing parkland to be taken for non-park use without sufficient community review or adequate replacement of the public space; and

**Whereas**, revocable consents are being used to avoid both State Legislative review and New York City land use regulations and City Council review; and

**Whereas**, Community Board 6 believes that these events are not unique to our Board area and believe communities around the City share our views regarding the urgent need for legislative protection; and

**Whereas**, New York City must adopt a home-rule message requesting alienation legislation from the State Legislature; and

**Whereas**, the City Council currently does not mandate a review by the local community board; and

**Whereas**, each community around the five boroughs has diverse views about what is acceptable for their parks and Community Board 6 is advocating that communities be able to make an informed decision based on a sufficient review period; and

**Whereas**, New York State has diverse needs regarding urban, suburban, rural and small-town areas, Community Board 6 will request that legislation be applicable only to New York City; now

**Therefore, be it**

**Resolved**, Community Board 6 urges the following:

1. Enactment by the State Legislature of a statute applicable to municipalities in New York State with a population of at least 1,000,000 requiring that any legislation to alienate public parkland should contain the following:

- a. the home-rule message can be adopted only after a mandated review of 60 days by the local community board
- b. the alienated park will be replaced by a park or playground with the same general configuration and function
- c. the replacement park or playground is as geographically close to the alienated facility as possible.

2. That the legislature define leases, franchises and revocable consent and place under the alienation requirement privatization agreements that are leases, franchises, revocable consents, licenses and any and all other actions that may be considered to be a taking based on the term of years, area of park to be subject of agreement, proposed use and dollar value.

**And, be it**

**Further resolved**, Community Board 6 urges that the Borough Boards and all other community boards throughout New York City hold public hearings and adopt resolutions regarding these issues.

**And, be it**

**Further resolved**, Community Board 6 strongly reaffirms the previously approved January, 2008 Resolution entitled 'Alienation & Privatization of Public Parkland'.

**VOTE: 41 in Favor 0 Opposed 0 Abstain 0 Abstain for cause**

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**7a. - RE: Affordable Housing Plan Application Pursuant to the Inclusionary Housing Program for 210 East 39th Street, New York, New York 10016 Block: 919, Lots: 54, 55 and 56 (collectively, the "Property").**

**Whereas**, CB Tarter Property LLC has submitted an affordable housing plan application to the Inclusionary Housing Program for 210 East 39th Street seeking a tax exemption for the Property, and

**Whereas**, the rental Property will be 19 stories and contain 55 units, 44 units of which will be offered at market value and 11 will be inclusionary housing units, and

**Whereas**, the 11 inclusionary housing units will be made available to households earning 60% of the Area Median Income, and

**Whereas**, the applicant submitted a complete application to the Community Board and Housing, Homeless and Human Rights Committee for review, and

**Whereas**, the counsel for CB Tarter Property LLC met with the Housing, Homeless and Human Rights Committee of Community Board Six Manhattan in a public hearing regarding this matter, now

**Therefore be it**

**Resolved**, that Community Board Six supports the granting of the tax exemption for this application

**Votes: For: 41; Against: 0; Abstain: 0; Abstain for Cause: 0**

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**8a. - RE: EDC request for new pier elevation at the existing Waterside Pier (formerly known as the Con Ed Pier), 38th St. to 41st St., presentation to Public Design Commission.**

**Whereas**, representatives of the Economic Development Corporation (EDC) and the consulting engineering firm appeared before the Land Use and Waterfront committee of Community Board 6 Manhattan (CB6M) on May 7, 2014, and presented a proposal to raise the elevation (height) of the Waterside Pier; and

**Whereas**, an engineer was hired to evaluate the structure of the existing pier, and it was decided to remove it in its entirety and build a new pier; and

**Whereas**, in the future, under the terms of a MOU between the UN and the City of New York, an entirely new waterfront park will be built from 41st St. to 60th St.; and

**Whereas**, the Waterside Pier is planned to meet the elevation of the new future UN Esplanade section of this waterfront park extending from 41st Street north; and

**Whereas**, the proposed new elevation of the Waterside Pier is proposed at approximately 6 feet higher than that of the existing pier; and

**Whereas**, the newly-built Waterside Pier will meet the existing East River Esplanade (Glick Park) elevation and gradually rise at 2% until the new height is attained; and

**Whereas**, the proposed new height will assist in the mitigation of storm surges from the East River and will meet new FEMA codes; and

**Whereas**, the Waterside pier as re-constructed will remain a “dead-end” pier, i.e., one way in, and one way out, unless and until the proposed UN Esplanade is connected to it; and

**Whereas**, consideration should be given to the possibility that the UN Esplanade may not be built as planned; now

**Therefore, be it**

**Resolved**, that Community Board Six has no objection to the proposed new height of the Waterside Pier, approximately 6 feet above the existing level; and be it further

**Resolved**, that Community Board Six requests that a connection to the Waterside Pier via a ramp from 42nd Street down to 41st Street be seriously considered, in the event that the UN Esplanade section of the waterfront park running north of 41st Street to 60th Street is not completed as planned.

**Vote: For: 41 Against: 0 Abstain: 0 Abstain for cause: 0**

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**8b. - RE: BSA application #341-02-BZ for 231 East 58th Street - Amendment to BSA Variance expiring in 2023, to eliminate the term of years for first floor retail use in a residential district.**

**Whereas**, applicant 231 East 58th Street Associates LLC is the owner of a 5-story mixed use townhouse located at 251 East 58th Street (between 2nd Ave. & 3rd Ave.); and

**Whereas**, the block is zoned R8B (for residential use); and

**Whereas**, since 1967, the ground floor storefront of this building has been used for commercial retail purposes, a use not permitted, but for a series of time-limited Variances; and

**Whereas**, just last year the applicant appeared before Community Board 6 regarding a BSA application for an extension of term of its Variance, the Board did not object, and the Board of Standards and Appeals (“BSA”) extended the Variance allowing commercial retail use at the property for another 10 years – until 2023; and

**Whereas**, the applicant now returns claiming that the sequential extension of term variances over a number of years, including the current one expiring in 2023, may be causing it difficulties obtaining financing and renting the vacant storefront space; and

**Whereas**, the applicant highlighted the inconsistent zoning treatments given the numerous commercial retail spaces still existing on its block, despite the long passage of time since the change to a residential zone was made by the 1961 Zoning Resolution; and

**Whereas**, some owners of retail use spaces are grandfathered-in, while others have had to obtain Variances and periodically renew them with BSA; and

**Whereas**, Community Board 6 is not convinced about the merits of this application,

**Therefore, be it**

**Resolved**, Community Board 6 does not support 251 East 58th Street Associates LLC’s BSA application #341-02-BZ seeking elimination of the term of years from its Zoning Variance now in effect until 2023 for 231 East 58th Street.

**Vote: For: 36 Against: 4 Abstain: 1 Abstain for cause: 0**

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**9a. - RE: S6748-2013/A9070-2013 - Smartphone and tablet security act**

**Whereas**, New York State has seen a recent uptick in crime related directly to the theft of smartphones and tablets, which according to the Federal Communications Commission (FCC), accounts for around half of all robberies in the state; and

**Whereas**, the small size, high value, and ubiquitous presence of these devices on citizens' person, make them common targets for theft during robberies; and

**Whereas**, there is currently no way for owners to disable these devices remotely after they have been stolen, making their information available to the thieves, as well as making it easier for these stolen items to be resold on the black market.

**Whereas**, Senator Hoylman has introduced legislation S6748-2013, and a partner bill has been introduced in the assembly, A9070-2013 that would mandate the introduction of a kill switch that could be remotely triggered to render stolen devices inoperable and that would significantly reduce the resale value of the items and discourage smartphone and tablet theft.

**Whereas**, the current wording of the bill mandates that upon activation of the kill switch, the devices become permanently inoperable, it does not take into account that parts of the device containing sensitive personal information may still be operable.

**Whereas**, the new kill switch requirements would be required for all smartphones and tablets sold after Jan 1st, 2015.

**Therefore, be it**

**Resolved**, that Community Board Six urges that the wording of the bill should be expanded so that in addition to making the device permanently inoperable, the kill switch would also cause all subcomponents to become inoperable and that the manufacturer would take all reasonable measures to make sure the data on those components would be inaccessible via any means.

**Further Resolved**, that upon making those changes, Community Board Six urges the state senate and assembly to pass S6748-2013 and A9070-2013 respectively, and ask that the Governor signs this into law as soon as possible.

**VOTE: 41 in Favor 0 Opposed 0 Abstain 0 Abstain for cause**

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**9b. - RE: Int. 0017-2014 – in relations to after - hour work authorizations.**

**Whereas**, the Department of Building's (DOB) long-standing policy of routinely granting after-hours variances (AHVs) to construction sites has resulted in community residents enduring excessive noise, health and habitability issues; and

**Whereas**, these variances are presently granted permission to work until 10:00PM or 12:00 midnight on weeknights and around the clock on weekends with no level of effective transparency or community consultation and/or review; and

**Whereas**, existing law provides an agency to issue permits for construction work after working hours. Such afterhours authorization may permit construction work to be performed at the site before 7AM or after 6PM on weekdays and/or on Saturdays and/or Sundays for five categories of construction work activities as follows;

1. Emergency work
2. Public Safety
3. City construction projects
4. Construction activities with minimal noise impact
5. Undue hardship; and

**Whereas**, a Local Law (Intro 17), sponsored by Rosie Mendez and Dan Garodnick, has been proposed to amend administrative code of the city of New York, related to AHV construction work authorization in an effort to limit and to make more transparent Department of Buildings (DOB) granting of AHV construction work; and

**Whereas**, the proposed law would repeals the category of "undue hardship" (the fifth category) construction work activity which provides discretion that is too broad and requirements that are too vague; and

**Whereas**, the proposed Local Law will still allow the same AHV construction work for such work categories as emergency work, Public Safety and City construction projects (categories 1, 2 and 3 as stated above). But will provide more transparency on the granting of such variances; and

**Whereas**, Intro 17 provides more transparency by adding a new procedure to follow for an entity seeking AHV permits for work categories 1, 2 and 3 by submitting as part of application a detail reason for such request to authorizing agency (DOB). In addition, DOB must post such request and its decision along with details of its rationale for such decision on its website no later than five business days after the decision has been issued; and

**Whereas**, for work activity category 4 (construction activities with minimal noise impact) the proposed law would not allow AHV to be permitted for at the site before 7AM or after 8PM on weekdays or before 11AM or after 4PM on Saturday. In addition, no work shall be permitted on Sunday. However, entity must still apply AHV for hours between 6PM to 8PM on weekdays and 11AM to 4PM on Saturday; and

**Whereas**, Intro 17 also adds a new procedures for entity seeking permits for after hours construction work under work activity category 4 as follows:

1. Entity seeking AHV construction work must submit as part of its application a detail reason for such request to DOB.

a. DOB must post such request on its website no less than five business days before authorizing AHV construction work at a work site.

b. In addition, DOB will allow the public to submit comments on such request via electronically or by mail.

c. The agency will post its decision detailing the rationale for its decision no later than five business days after making such decision.

2. DOB, before make its decision, will take into account:

a. Public comments for such AHV construction work request.

b. Whether other afterhours construction work has been authorized within five-block radius of the work site.

**Whereas**, the proposed law will allow people to subscribe to an email alert system that would provide information about AHV construction work request; and

**Whereas**, Intro 17 provides that DOB must send email notifications regarding AHV construction work to interested parties and to community board districts where after hours construction work is requested to occur

**Whereas**, Intro 17 provides that all fines for violations of the underlying AHV section to be increased by a factor of 2.3 times the maximum increase of fine amounts currently allowable; and

**Whereas**, Intro 17 shall take effect ninety days after its enactment into law; now

**Therefore, be it**

**Resolved**, that Community Board Six urges New York City Council to pass and the Mayor to approve Intro 17 as soon as possible.

**VOTE: 38 in Favor 2 Opposed 0 Abstain 1 Abstain for cause**

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**10b. - RE: Renewal OP Liquor License for 383 3rd Avenue Corp d/b/a Van Diemens, btw. East 27th and East 28th Streets.**

**Whereas**, Principal Naef Oassis appeared before the Business Affairs and Street Activities Committee of Community Board 6 Manhattan (CB6M) April 24, 2014, CB6M having jurisdiction of the premises in the license application process; and

**Whereas**, Van Diemans was brought in because there had been excessive noise coming through the open French door windows of their establishment generating neighbor complaints, and

**Whereas**, Mr. Oassis agreed to contend with this issue and signed an agreement to close the windows by 10PM nightly, to prohibit people from congregating outside and not to participate in Pub Crawls, 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 April 24, 2014 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: 40 in Favor 0 Opposed 1 Abstain 0 Abstain for cause**

\*\*\*\*

**10d. - RE: New OP Liquor License for Do you like Comedy LLC d/b/a New York Comedy Club 241 East 24th Street btw Second and Third Avenues.**

**Whereas**, Principals Scott Linder and Emilio Savone, attorney Frank Palillo and attorney Todd Dale appeared before the Business Affairs and Street Activities Committee of Community Board 6 Manhattan (CB6M) April 24, 2014, CB6M having jurisdiction of the premises in the license application process; and

**Whereas**, the principals wish to take over the license of the New York Comedy Club, historically one of the most problematic establishments in the CB Six district, as it runs as a nightclub on an entirely residential block with disregard to years’ worth of neighborhood complaints, building violations, etc, and

**Whereas**, the principals still wish to operate a comedy club in this location but it in a way they say will be more amenable to the community , and

**Whereas**, the establishment does not have any French doors/windows or outdoor space, and

**Whereas**, they will close nightly at 2AM, except on Sundays and Mondays when they will close at 12:30AM, and

**Whereas**, lines will be prohibited, there will be no lines outside at anytime, and

**Whereas**, there will be no people congregating outside at anytime, and

**Whereas**, there must be professional security stationed ‘outside’ at all times, and

**Whereas**, the end of one show and the start of another must be at least one hour apart, and

**Whereas**, a contact number for management must be posted in the front window, and

**Whereas**, the establishment must be in line with the correct zoning and C of O usage for this location, 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 April 24, 2014 and pursuant to all other considerations, CB6M has no objection to the application so long as the Applicant adheres to all the Representations and written agreements 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: 38 in Favor 1 Opposed 2 Abstain 0 Abstain for cause**

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**10e. - RE: New OP Liquor License for 919 Restaurant Group d/b/a TBD, 919 Third Avenue @ 55th Street.**

**Whereas**, Principal Allen Rosen, Manager Lenny Passarelli and attorney Barbara Kwon appeared before the Business Affairs and Street Activities Committee of Community Board Six Manhattan (CB6M) on April 24, 2014, CB6M having jurisdiction of the premises in the license application process; and

**Whereas**, this establishment will be a Bobby Van’s “BB’s Grill” restaurant, and

**Whereas**, the hours will be Sunday through Thursday 11AM to 10pm and Friday and Saturday from 11am - 11PM, and

**Whereas**, the kitchen will be open the whole time the establishment is open, 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 April 24, 2014 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: 40 in Favor 0 Opposed 1 Abstain 0 Abstain for cause**

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**10h - RE: New OP Liquor License for KP NY Operations LLC d/b/a/ TBD, 99 Lexington Avenue @27th Street.**

**Whereas**, Representative Preadeep Malhotra appeared before the Business Affairs and Street Activities Committee of Community Board 6 Manhattan (CB6M) April 24, 2014, CB6M having jurisdiction of the premises in the license application process; and

**Whereas**, this establishment will be restaurant serving Indian cuisine, and



**Whereas**, the operating hours will be noon to 11PM daily, and

**Whereas**, the restaurant will close its' French doors/windows by 10PM each evening, 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 April 24, 2014 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: 40 in Favor 0 Opposed 1 Abstain 0 Abstain for cause**

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**10j. - RE: New OP Liquor License for 39 ADA Inc. d/b/a/ TBD, 713 2ND Avenue btw E. 38th and East 39th Streets**

**Whereas**, Owner Xi Lin and representative James Wong appeared before the Business Affairs and Street Activities Committee of Community Board 6 Manhattan (CB6M) April 24, 2014, CB6M having jurisdiction of the premises in the license application process; and

**Whereas**, this establishment will be an Asian Fusion restaurant, and

**Whereas**, the operating hours will be 11:00AM-11:00 PM Monday through Thursday, 11:00AM-1AM Friday and Saturday and 11AM to 12AM on Sundays, and

**Whereas**, they will close French Doors/windows by 10pm nightly, 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 April 24, 2014 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: 40 in Favor 0 Opposed 1 Abstain 0 Abstain for cause**

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**10k. - RE: New Beer/Wine License for Oishi Bay Sushi Restaurant Inc. d/b/a Oishi Bay Sushi, 230 East 29th St. btw 3rd & 2nd Aves**

**Whereas**, Representative Hassan Brown appeared before the Business Affairs and Street Activities Committee of Community Board 6 Manhattan (CB6M) on April 24, 2014, CB6M having jurisdiction of the premises in the license application process; and

**Whereas**, this location will be a Sushi Restaurant with 20 seats, and

**Whereas**, this establishment will operate from 11AM-11PM Monday through Friday and 12PM to 11PM Saturday and Sunday, and

**Whereas**, the restaurant does not have any French doors/windows or outdoor space, 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 April 24, 2014 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: 40 in Favor 0 Opposed 1 Abstain 0 Abstain for cause**

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**101. - RE: New Beer/Wine License for Lukes Lobster XIII LLC Inc. d/b/a Luke's Lobster 685 Third Avenue btw. East 43rd Street and East 44th Streets.**

**Whereas**, Vice President Ben Conniff and Administrative Director Clare Conniff appeared before the Business Affairs and Street Activities Committee of Community Board 6 Manhattan (CB6M) April 24, 2014, CB6M having jurisdiction of the premises in the license application process; and

**Whereas**, this establishment will be a seafood roll restaurant, and

**Whereas**, this establishment has several other successful locations throughout the city, and

**Whereas**, the restaurant will operate from 11AM to 10 PM Monday through Thursday and 11AM to 11PM Friday and Saturday, and

**Whereas**, several members of the community voiced their support of this 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 April 24, 2014 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: 40 in Favor 0 Opposed 1 Abstain 0 Abstain for cause**

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**10m - RE: New OP Liquor License for Ross Rachlin/David Jaffe d/b/a/ TBD, 405 Third Avenue, btw East 28<sup>th</sup> and East 29<sup>th</sup> Streets**

**Whereas**, Principals David Jaffe and Ross Rachlin appeared before the Business Affairs and Street Activities Committee of Community Board 6 Manhattan (CB6M) April 24, 2014, CB6M having jurisdiction of the premises in the license application process; and

**Whereas**, the establishment will be a lounge that serves organic/natural liquor and healthy cuisine, and

**Whereas**, the applicants would like to run a ‘classy’ establishment with a dress code that will be enforced by the bouncer, and

**Whereas**, this location will close nightly at 2AM, and

**Whereas**, members of the community and the committee voiced concerns about another bar/club opening in this location as they cited Third Avenue in the 20s as a nightlife strip, this place being at the base of a large residential building and the location being next to Tonic East a large bar/nightclub that has been the source of many complaints in this district, and

**Whereas**, the applicants agreed to the following stipulations: No lines outside, no congregating outside, no pub crawls, no DJs, no bottle service and food will always be served at this location during operating hours, 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 April 24, 2014 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: 40 in Favor 0 Opposed 1 Abstain 0 Abstain for cause**

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**10n. - RE: New Beer/Wine License application for Iron Sushi Love Inc. d/b/a 440 Third Avenue btw. East 30th and East 31st Streets.**

**Whereas,** President Siejqin Dong and Attorney Kee Yeung appeared before the Business Affairs and Street Activities Committee of Community Board 6 Manhattan (CB6M) April 24, 2014, CB6M having jurisdiction of the premises in the license application process; and

**Whereas,** this location will be a Sushi Restaurant with 40 seats, and

**Whereas,** this establishment will operate from 11AM to 11PM Monday through Thursday, Friday 11AM to 11:30PM, Saturday 12PM to 11:30PM and Sunday 10AM to 10:30PM, and

**Whereas,** the restaurant does not have any French doors/windows or outdoor space, 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 April 24, 2014 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: 40 in Favor 0 Opposed 1 Abstain 0 Abstain for cause**

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**10o. - RE: New OP Liquor License for Third Avenue Restaurant Associates LLC d/b/a/ Crimson & Rye, 198 East 54th Street @ Third Avenue.**

**Whereas,** Vice President Tim Barley and Attorney Theresa Russo appeared before the Business Affairs and Street Activities Committee of Community Board 6 Manhattan (CB6M) April 24, 2014, CB6M having jurisdiction of the premises in the license application process; and

**Whereas,** this restaurant is part of the Charlie Palmer restaurant group and will be located in the Lipstick Building an office building located in a primarily commercial area in the CB Six district, and

**Whereas,** the operating hours will be 11:30-1AM Monday through Thursday, 11:30-2AM Friday and Saturday and they will be closed on Sunday, and

**Whereas,** there will be a terrace that holds about 30 people that overlooks Third Avenue and 54th Street, 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 April 24, 2014 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.







29	Nicole Paikoff	P	P	P	P	P	A	P	P	P	P
30	Gary Papush	P	P	P	P	E	P	P	P	P	P
31	Joseph Parrish	P	P	P	P	A	P	A	P	P	P
32	Keith Powers	P	P	E	A	P	E	P	P	P	P
33	Clara Reiss	P	E	P	E	P	A	A	A	A	P
34	Eugene Santoro									A	P
35	Frank Scala	P	E	E	P	E	P	A	P	P	E
36	Paula Schaeffer	P	P	A	P	P	E	P	P	P	P
37	Lawrence Scheyer	P	P	P	P	P	A	P	P	P	P
38	Ann Seligman	A	P	P	P	P	P	P	P	P	A
39	Lou Sepersky	P	P	P	P	P	P	P	P	P	P
40	Sandro Sherrod	P	P	P	P	P	P	P	P	P	P
41	Letty Simon	A	P	P	P	P	P	P	P	P	P
42	Nicholas Smolney	P	P	E	P	P	P	P	P	P	E
43	Susan Steinberg	P	P	P	E	P	P	P	E	P	A
44	Kathy Thompson	P	P	P	P	P	P	P	E	P	P
45	Mark Thompson	P	P	A	P	P	P	P	P	P	P
46	Jules Vigh-Lebowitz	P	A	P	P	A	E	A	A	A	A
47	Wilbur Weder	P	P	P	A	P	P	P	P	P	P
48	John Pettit West	P	P	P	P	A	P	A	P	P	P
49	Ronald White	P	P	P	P	P	P	P	P	P	P
50	Claude L. Winfield	P	P	P	P	A	P	P	P	P	P