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THE CITY OF NEW YORK  
MANHATTAN COMMUNITY BOARD SIX  
211 E. 43RD STREET, SUITE 1404  
NEW YORK, NY 10017

**Land Use & Waterfront committee**  
**May 10, 2018 6:30PM**  
**NYU Dental School**  
**433 First Avenue New York NY**

**Meeting Minutes**

Present: As indicated in the attached Exhibit A Sign-in Sheet  
Inasmuch as this was not a regularly scheduled meeting, attendance was voluntary under CB6 bylaws, and members need not have been excused or reported absent.

Excused: None

Absent: None

Guests:

Mr. Bob Tuttle, DCP

Mr. Scott Williamson, DCP

Joshua D. Brookstein, Esq., of Sahn Ward Coschignano, attorneys for BSA Applicant 148 East 33rd Street Associates, LLC

Mr. Sam Carrigan, CB 6 Staff.

**Call to Order and Adoption of the Agenda/Previous Meeting's Minutes**

The Chair, Mr. Sherrod, noted the presence of a quorum of the committee and called the meeting to order at 6:33PM.

Motions were made and seconded to adopt the agenda and adopt the minutes of the prior meeting. Both motions passed by voice vote. A copy of the agenda is incorporated herein as **Exhibit B**.

**Committee Business:**

**AGENDA ITEM #1**

**WITH RESPECT TO: Application No. 390-61-BZ, Extension of Term of Variance per ZR 11-411**

**LOCATED AT: 148-150 East 33rd Street, New York NY**

Karen

Chairman Sherrod first called Joshua D. Brookstein, Esq., of Sahn Ward Coschignano, attorneys for BSA Applicant 148 East 33rd Street Associates, LLC, in support of his client's BSA

“Application No. 390-61-BZ, Extension of Term of Variance per ZR 11-411”, as further discussed in **Exhibit C**.

The structure at issue is a 4-story attended parking garage with an auto rental establishment in the cellar, which was granted by the BSA on December 13th 2011.

The committee discussed the garage and noted that it was adopted prior to the 1961 zoning resolution and that the auto rental establishment operates from 7:30AM. to 7:30PM. during the work week, but on Saturdays from 7:30 AM. to 3:00PM and on Sunday from 8:00AM to 3:00PM. Members questioned why the auto rental agency hours were so restrictive when the public garage was opened 24/7/365. Mr. Brookstein said he did not know as the limitation was imposed by the BSA.

A member asked Mr. Brookstein whether the garage had accommodations for electronic vehicle charging stations. Mr. Brookstein said he did not know.

The Chair entertained a motion and Mr. Sepersky moved to adopt a resolution of no objection to the application; provided, however, that the resolution also encourage the applicant to adopt accommodations for electric vehicles.

Mr. Sepersky's motion was duly seconded and passed, as follows:

**IN FAVOR: 7 OPPOSED: 0 ABSTAIN: 1 ABSTAIN FOR CAUSE: 0**

## **AGENDA ITEM #2**

**WITH RESPECT TO: Moonstruck Diner, Enclosed Sidewalk Cafe**

**LOCATED AT: 449 Third Avenue, New York NY**

Chairman Sherrod solicited the representatives of Moonstruck Diner present to the committee to extend the term of their enclosed sidewalk cafe at 449 Third Avenue. Noting the applicant's absence, Chairman Sherrod and Mr. Carrigan stated that the applicant had only been given notice to appear at the meeting the day before.

Chairman Sherrod solicited objections from the committee if he were to depart from the agenda and move on to the next item while awaiting the representatives of Moonstruck Diner. Seeing none, Chairman Sherrod moved the next item on the agenda.

**WITH RESPECT TO: N 180349 ZRY Proposed Zoning Text Amendment Requiring New Hotels in M-1 Districts to Receive a Special for**

**LOCATED AT: N/A**

Chairman Sherrod recognized the representatives of the Department of City Planning, Mssrs. Tuttle and Williamson to discuss a new proposed zoning resolution.

Mr. Williamson presented the DCP proposal to require new hotel developments in M-1 districts to obtain a special permit.

The committee discussed the the aspects of the proposal and noted that there are very few areas of the Community District where the proposal would have effect, most notably the garage on the East River at East 23rd Street.

After discussion, the committee determined there was no need to support or oppose the DCP proposal because of the limited effect on the district.

The Chair thanked the DCP representatives for their presentation.

He then solicited objections to introducing into the record the following Exhibits related to the presentation, as designated below:

D.The PowerPoint presentation of Mr. Williamson. (**EXHIBIT D**)

E.The text that Mr. Williamson used to accompany his presentation (**EXHIBIT E**);  
and,

F. the written commentary of Mr. George Janes, the Board's land use consultant, on the proposed text amendment. (**EXHIBIT F**)

Hearing no objection, the Chair approved the exhibits to be entered into the record as described aforementioned.

**AGENDA ITEM #2 (Revisited)**

**WITH RESPECT TO: Moonstruck Diner, Enclosed Sidewalk Cafe**  
**LOCATED AT: 449 Third Avenue, New York NY**

The Chair again solicited representatives of Moonstruck Diner, and seeing no response, asked the committee if they wished to move forward with the agenda item notwithstanding the absence of the applicant.

A brief discussion followed, with it being noted again that the Moonstruck Representatives at only been informed of the meeting date the day before. A consensus of the committee judged that since there was no change to the enclosed Sidewalk Cafe which had been there for decades without any major reported incidents, that discussion could proceed.

Mr. Sepersky noted that he thought it would be a bad precedent to a vote without the applicant appearing and that it was generally disrespectful the committee.

Mr. Collins moved to approve the continuation of license for the enclosed Sidewalk Cafe and it was seconded. The motion passed, as follows:

**IN FAVOR: 8 OPPOSED: 1 ABSTAIN: 0 ABSTAIN FOR CAUSE: 0**

**AGENDA ITEM #4**

WITH RESPECT TO: *Budget Priorities*

LOCATED AT: N/A

The Chair opened a general discussion of budget priorities as listed, with which the committee generally concurred. None were reordered.

Mr. Hartke mentioned that he had recently attended a “smart cities” conference wherein various technologies, such as pedestrian traffic counters, were discussed to obtain metrics on the use of city facilities and infrastructure. He suggested that for the FY 2020-21, the committee should consider incorporating smart cities technology into our budget priorities.

**Old Business**

Mr. Collins noted that CB 6 Chair Molly Hollister had relayed that Borough President Brewer is having a forum on small businesses in September wherein formula business zoning would be discussed. He suggested the committee take note and keep apprised.

**New Business**

Mr. O’Neal discussed the East Midtown Governing Group that met earlier in the day. He said that :

1. \$15 million had been allocated to each Pershing Square West and East (for a total of \$30 million?) (Please confirm). at the previous meeting (2/15/2018). Pershing Sq west, already funded and underway prior to the formation of the Governing Group, is expected to be completed on 5/25/2018.

2. \$6.2 million was allocated to security improvements to the 43rd St. shared street at the previous meeting (2/15/2018)

3. At the 5/10 meeting, \$12.8 million had been allocated for sidewalk improvements along Lexington Ave. between 41st Street and 48th Street. (East Side only or all over Midtown?)

4. \$34 million of \$38 million had been approved to date as of the 5/10/2018 meeting.

5. It is expected, according to news reports, that J.P. Morgan Chase will contribute \$40 million to the fund as part of the company’s plan to level and rebuild it’s office tower on at 270 Park Avenue. This is expected at the end of 2018

## **Adjournment**

Seeing no additional new additional business, the chair solicited a motion to adjourn. A motion was made, duly seconded, and approved by voice vote and the committee adjourned at 7:41PM

Respectfully submitted,

J.G. Collins