

Community Board Ten Board Meeting Attendance
Shore Hill Community Room
Monday, December 14, 2009 – 7:15 pm

Board Members Present: 45

Greg Ahl
Liz Amato
Allen Bortnick
Kevin Peter Carroll
Robert Cassara
Thomas Colasuonno
Judith Collins
Doris Cruz
Ida D'Amelio
Anna DeMetz
Charles Elias
Khader El-Yateem
Siti Eschrich
Ann Falutico
Michael Festa
George Fontas
Barbara Germack
Salvatore Girgenti
Judith Grimaldi
Ron Gross
Stephen Harrison
Habib Joudeh
Brian Kieran
Scott Klein
Stella Kokolis
Dino Lamia
Jeannie May
Rhea McCone
Mary Nolan
James O'Dea
Eleanor Petty
George Prezioso
Susan Pulaski
Mary Quinones
Michael Quinones
Dean Rasinya
Susan Romero
Jean Ryan
Dilia Schack
Eleanor Schiano
Joanne Seminara
Joseph Sokoloski
Larry Stelter
Fran Vella-Marrone
Mary Ann Walsh

Board Members Excused: 3

Ruth Berg
Nikolaos Leonardos
Maureen Stramka

Board Members Absent: 2

Michael Casale
Husam Rimawi

Ex-Officio:

Councilman Vincent Gentile

COMMUNITY BOARD TEN GUESTS

Date: December 14, 2009, 7:15 pm

Subject: Board Meeting; Shore Hill Community Room

PLEASE PROVIDE AS MUCH INFORMATION AS POSSIBLE. THANK YOU.

<u>Name/Address</u>	<u>Phone #</u>	<u>Fax#</u>	<u>E-Mail Address</u>	<u>Organization/Affiliation</u>
LINDA ORLANDO 260 65th St #23K	238 9135	238 9135	LINORLANDO@aol.com	
MIKE QUINONES	417-709 9705		MQUIN@HOTMAIL	
Luke DePalma	718 802 4836		lukedepalma@ brooklynbp.ny.gov	BK BRO PRES OFFICE
SUSAN TIRACCA	718-492 2462	718-492 2562	chulens@assembly. state.ny.us	AM HILL-SPENCER
HAROLD EGGEN	718-422 7458		harolde@brooklyn. evle.net	BROOKLYN DAILY EAGLE
Rita Meade	516-330- 9175		Rita.Meade @gmail.com	Brooklyn Public Library
ERIC Rouda	718 491 6201			Seneca St. Hist. D.S.L
Phyllis Bernstein	718-836- 6557		P.Bernstein@ brooklynpubliclibrary. org	Brooklyn Public Library
N. Barrera	718-491- 2721		NVB545@Aol.Com	85 ST
Elic Boulbol	718-836- 5664		emb@nyu.na.com	85th ST
NICK ZENIOW	718-238 6368			85 Street

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Name/Address	Phone #	Fax#	E-Mail Address	Organization/Affiliation
TRD GENERAL 337-96 th ST.	718 833-4928			HRSN
June Johnson				ACS
Dena Elakkeed Dained Schwartz	347-967 4000	-	-	Census.
Ri Bing Zheng	97-209 8201	-	-	Crown KTV, inc.
Yun Guang Liu	917-838 9336	-	-	_____
Jiang Hui	917-330 5880	-	-	_____
Jaclyn & John de Luca				
Jvelia, L. Kanelhan L. Bannen Bay Ridge Food Coop	347 274 8172		www.foodcoop Bay Ridge.com hello @ food coop bay Ridge. com	Bay Ridge Food Coop
Dr. Dimpie				Am Lee Brook-Krang
S Hall	917- 796- 3619			Brooklyn Public Library

COMMUNITY BOARD TEN BOARD MEETING
December 14, 2009, Shore Hill Community Room
MINUTES

Chair Rasinya called the meeting to order at 7:15 pm. He introduced Mrs. Helen Rasinya to lead the Honor of the Pledge.

Chair Rasinya called for adoption of the meeting Agenda. Motion by BM Cruz, second by BM DeMetz. Agenda adopted as presented.

Chair Rasinya called for adoption of the Minutes from the November 16th Board Meeting. Motion by BM Schiano, second by BM May. Minutes adopted as written.

PUBLIC SESSION

Assembly Member Abbate congratulated Chair Rasinya and wished him all the best on behalf of the community. He wished everyone a Happy Hanukah, Merry Christmas and a Happy New Year. He thanked the staff and all Board Members for their hard work day in and day out to make this community one of the best in the state. Chair Rasinya thanked AM Abbate for the trays of cookies he brought for the pre-Board Meeting Holiday celebration.

BM Schack announced that financial grants will be given to the 68th Precinct Youth Council, the Fort Hamilton Library branch, the Guild for Exceptional Children, the Norwegian Christian Home, Calvary Augustana and many other programs in Bay Ridge from the Fort Hamilton Church. The Church will celebrate its final service on December 27th at 1:50 pm, at 367 94th Street. All are invited to attend. Checks will be mailed to those groups next week, and the Church is happy to keep those funds within the community.

Deputy Inspector Rodriguez thanked Chair Rasinya for all his efforts over the past three years. Much was accomplished because of the good relationship shared between the 68th Precinct and CB 10. He thanked DM Beckmann and staff member Garuccio for keeping the Precinct on their toes. He said it is because of our hard work that CB 10 is probably one of the greatest Community Boards in the city. He wished BM Seminara and BM Gross good luck in the election of new chairperson. He stated that he looks forward to working with both of them in the upcoming year. He wished all a great holiday, a Merry Christmas, a Happy Hanukah and a safe and healthy New Year. The Precinct will be out there for anything anyone may need.

Rita Meade of the Brooklyn Public Library spoke about the limited edition Elmo library card that is still available. There have been 8,500 sign ups so far. She spoke about the Adopt A Book program. Information is available at www.brooklynpubliclibrary.org. You may purchase a book over the website to circulate at the branches. Monetary donations are also accepted. Ms. Meade left literature about branch locations and hours. She wished all a happy holiday.

BM Cassara heard on the news that Exxon Mobil carries \$29 billion debt on natural gas. They are betting that the current climate change will mean natural gas cleaner than coal and suddenly much easier to reach will be a crucial source of US power. So Exxon agreed to buy XTO Energy in an all stock deal for a 25% premium. They are looking at this as a good bet for the future. They talk about the emergence of massive supplies of natural gas in the

US coinciding with the nation's focus on cutting emissions. You know that their focus will be that it's good for us, it's good for the climate, they are doing all different things. BM Cassara went on to say that in the meantime, New Yorkers need to be concerned because they plan on drilling here, fracturing, pulling the gas out. It may be great for them and great for the rest of the country, but where they are drilling it is not so great. We really need to be on our toes. Chesapeake Energy is one of the big companies who said they will be pulling out of the Catskill Region, but we're going to have Exxon Mobil buying up that company as well. We're not dealing with a small company any more, we're dealing with very large multibillion dollar companies with a lot of pressure and a lot to gain. They will be putting pressure on elected officials to allow them to do what they want to do. We as a community, as New York City residents, as New York State residents, need to be on top of this to make sure they do not damage our water supply.

Michael Fastaia spoke in opposition to the food vendor on 85th Street and Narrows Avenue outside the entrance to Fort Hamilton High School. The trash levels have increased with students lingering outside of school while eating their vendor purchased food leaving their trash behind. It is a nuisance. Residents do not feel this vendor has a place in a residential neighborhood. Mr. Fastaia has put his complaint in writing to the Community Board and the response he received is that DM Beckmann would be meeting with the Police Department to discuss the issue. Mr. Fastaia would like to hear the outcome of that meeting. He spoke favorably about the response he received from Senator Golden's office who advised him that there were four violations issued to the food vendor. He is concerned about the possibility of mice and rats being attracted to the food garbage left on the street. He and other residents do not wish to see their block being degraded in this manner.

Steve Schechter from the Brooklyn Public Library spoke about the renovations currently underway at the Fort Hamilton Library branch. He thanked Councilman Gentile, the Mayor and the Borough President for supporting this project. It is one of the smallest libraries in the system, but also one of the most utilized and very beloved in this community. The Branch was closed in March of 2008 for an extensive interior and exterior rehabilitation. It was expected to reopen in Spring of 2010. The work included replacement of the existing windows, and construction of an extension that would wrap around the building to create a meeting room, which the branch was sorely in need of, and a proper workspace for staff. While the branch is under construction, bookmobile service is typically available four days a week outside the branch and some children's programming is taking place across the street at St. Patrick's. Mr. Schechter announced that it looks as if it will be very difficult to meet the planned Spring 2010 reopening date. The condition of the slate roof was significantly more deteriorated than first thought and will likely require a complete replacement, and a wood floor inside the building and its support joists needed to be completely ripped out and replaced due to extensive termite damage. The rainy weather this past summer delayed the pouring of concrete. Mr. Schechter assured the community that they are working closely with DDC and the contractor to move the project forward as quickly as possible. As soon as more information is available and a reopening date can be specified, that information will be shared.

Dena Elakkad and Daived Schwarts spoke about positions available for the 2010 Census. National Census Day is April 1st, and Mr. Schwarts requested that everyone respond to the card they will be receiving from the Census Bureau. Positions are available with flexible hours paying very competitive wages of \$14 - \$21 per hour. There are various positions available and if placed, one would be working close to their own zip code. The exam is a 30 minute test. The positions are temporary and expected to start in the spring. Mr. Schwarts stated that even though

the positions are temporary, it looks great to have a government agency on a resume. Full and part-time positions are available, weekend and evening hours are included, and the minimum age is 18. US citizens are given preference, but one does not have to be a citizen to take the exam. Ms. Elakkad added that flyers are available and urged anyone interested to take one and help spread the word. BM Seminara suggested that Mr. Schwartz and Ms. Elakkad visit houses of worship to help spread the word. Mr. Schwartz stated that they have been asked for donations from some of the houses of worship they have contacted and being a government agency, the Census Bureau is not able to make such donations. He did offer to work with any businesses interested, such as restaurants, to get the word out about the Census positions as well as to help push those businesses.

Larry, Louise and Josephine spoke about the Bay Ridge Food Co-op. The goal of the Bay Ridge Food Co-Op is to bring good food at affordable prices into the neighborhood. A food co-op is a group of people who get together investing time and money to create a store where members can shop at a discount price. There is a small initial fee that is returned when you leave the co-op. The Park Slope Food Co-Op has been very successful, with over 15,000 members currently. All members have a vote in products the Co-Op carries and there is a financial benefit, sometimes up to 40% off what the same product would cost in a grocery store. The Co-Op is owned by its members, and currently the Bay Ridge Food Co-Op is recruiting members. Contact information and signup sheets were left for those interested. Representatives from the Co-Op are available to speak in front of any community organizations that are interested.

Nick Zeniou, a resident who lives on 85th Street near the Fort Hamilton High School Athletic Field spoke about loud speakers being used during football games at the field. He complained about rap music being played and the loss of quality of life for the neighbors near the field. He stated that the loudspeakers cause noise pollution, and efforts by the neighbors to work with the school to stop using the loudspeakers have been unsuccessful. Chair Rasinya stated that CB 10 will reach out to Ms. Chester, Principal of Fort Hamilton High School.

Phyllis Bornstein of the Brooklyn Public Library Fort Hamilton Branch announced that the Sesame Street exhibit is on display at the Central Branch of the Library. She invited all to attend and left bookmarks and other information for those interested.

BM Bortnick spoke in opposition to the planned drilling in the Marcellus Shale. He thanked BM Cassara for sharing detailed information with Board Members last month and made one last appeal for the year for everyone to send a letter to our Assembly Members, whether it is their own Representative or any other Representative to stop the drilling in New York State. When they say they are going to drill near the aquifer which is the basic collection of water under the surface of the ground, it means if they are two miles away and start drilling horizontally, they are going to go into or near the actual Catskill area and poison the water. BM Bortnick explained that Pennsylvania has stopped additional drilling because 9 square miles of a small town's water is polluted. You cannot drink the water, it cannot be purified, you cannot do anything with it except leave it where it is. If you bring it up, you're in trouble. We are facing a similar problem. 12 million people in New York City will not be able to drink the water out of the tap ever again once they get into the aquifer. There is big money involved, a bribe of \$10 billion to let them come in and drill is being offered. BM Bortnick urged all to take the time to complete the sample letter which will be distributed via e-mail from the Board Office, put a stamp on it and send it to our Representatives. Thousands of e-mails can be deleted with one click of a mouse therefore a bagful of hard

copies of letters is much more effective. BM Bortnick closed by saying that if they go for the \$10 billion, we are going to go without water in New York City.

Chair Rasinya read from an article he had regarding the drilling. He quoted from the article, "Despite industry assurances that this type of drilling is safe, as recently as August of this year, United States government officials found chemical contaminants in drinking water near hydraulic fracturing gas drilling operations in Philadelphia. The EPA found cancer causing toxins in 11 of 39 wells, resulting in a warning from US Centers for Disease Control and Prevention to families to not drink the water in Dumont, PA. Two community water wells were found to be contaminated with known proc fluid toxins. A water well in Wyoming was found to have a concentration of benzene that was 1,500 times the limit of safety for human consumption." Chair Rasinya commented that this is serious business and we have to fight to insure that we prevent any of this type of drilling in upstate New York. He thanked all Board Members who have been involved with this.

Mary Beth and her husband Jim representing the St. Vincent DePaul Society food pantry at St. Patrick's spoke about their relationship with former Board Member Helen Sokoloski. She stated that this Thanksgiving, 51 baskets were prepared for needy families in this neighborhood and thanked the Community Board for its generous donations in Helen's name. There is a great need for assistance for families in this area that many might not be aware of. In addition to food items, financial assistance is also necessary to help families with outstanding bills. Mary Beth stated that she has a warm spot in her heart for Helen, and requested that the Board extend its Thanksgiving food drive in Helen's name for years to come, if we are able to. Chair Rasinya thanked the couple for all they are doing in terms of reaching out and helping people.

Jonathan Yedin representing Congressman McMahon sent holiday greetings to all from the Congressman. He spoke about a bill passed by the House of Representatives about a week ago giving \$70 million to the 911 Health Compensation Act, which is a fund for 911 first responders, as well as those that were out during the 911 attacks to get the medical care they deserve. This free service is provided by the government. Anyone who needs medical care and might qualify for the program should contact the Congressman's office. Jonathan then presented a Certificate of Appreciation to outgoing Chair Rasinya for the outstanding job that he has done and thanked him for his dedication and public service to the community.

Chair Rasinya mentioned that a ban on solid steel roll down security gates has been put into effect. Starting on July 1, 2011 businesses with roll down gates being replaced must install new gates allowing at least 70% of the covered store front to be visible from the outside and by July 1, 2026 (15 years later) all gates must comply. Chair Rasinya mentions this because one of our CB 10 Board Members has been working on this issue for over 20 years. He acknowledged BM Ahl and thanked him for his work on this issue.

Councilman Gentile wished all a Happy Holiday Season, a Merry Christmas, a Happy Hanukah, and a Happy New Year. He noted that 2009 has been a tough year for many of us, with the economic conditions as they have been, and he looks forward to a successful 2010 working with Community Board 10 as a team. He stated that the roll down gates law has passed, and expects that the bill should pass on December 21st that will mandate DOT to inform the Council Member and the Community Board of upcoming projects prior to work taking place like the project outside Poly Prep. He mentioned that the Mayor did veto the Council bills on the 5 minute grace period

and on the cleric's ability to park. The Council will look at those bills and most likely will have enough votes to overturn the Mayor's vetoes.

The Councilman visited POWs from World War II along with members of the fire department. They traveled to Bethesda Naval Hospital and Walter Reed Army Hospital to visit the men and women in those hospitals who have very serious injuries from the war. He brought appreciation for their service to our country from all in our community and asked that we keep them in our prayers this holiday season.

Councilman Gentile presented Chair Rasinya with a plaque marking the completion of his tenure as Chair. He commented that he and Board Members have appreciated his efforts and added that there could not have been a better working relationship with the Board under Dean Rasinya's leadership.

PUBLIC HEARING

In the matter of a new application for an unenclosed sidewalk café at Café Rustica Inc., 8320 3rd Avenue, for 13 tables and 26 seats, DCA License # 1338960, the Zoning and Land Use Committee Report and Recommendation was rendered by ZALUC Chair Seminara. See Attached. The applicant was present, but declined to speak. The recommendation of the Zoning and Land Use Committee to support this application was accepted by BM Prezioso, second by BM Grimaldi. Discussion followed. BM Colasuonno inquired about handicapped accessibility. He asked if the design of the outdoor space would be accessible, since the inside of the establishment is not accessible. The applicant responded that the middle aisle between the tables in the outdoor café is 3 feet wide, which meets with ADA requirements. BM Ryan inquired as to why the inside of the restaurant is not ADA compliant. The applicant responded that access to the restaurant on the 3rd Avenue side is two steps up. They had intended to put a ramp on the 84th Street side, but the existing doorway was not wide enough. BM Cruz reiterated that one neighbor of the restaurant expressed support. She inquired as to whether the neighbors were notified of this application, since the previous occupants of the space were problematic. DM Beckmann answered that the residents on the block are very active, and spoke very favorably at the Committee Meeting. BM Klein asked who occupied the space before. It was a bar.

Motion: In the matter of a new application for an unenclosed sidewalk café at Café Rustica Inc., 8320 3rd Avenue, for 13 tables and 26 seats, DCA License # 1338960, the Zoning and Land Use Committee Recommendation is to support this application. 43 in favor; 1 opposed – BM Colasuonno; 1 abstention – BM Ryan. Motion Carried.

CHAIRMAN'S REPORT - See Attached

Mrs. Helen Rasinya spoke and stated that she is very proud of her husband and his accomplishments as Chairman. She has met some wonderful people throughout his term noting District Manager Beckmann and Staff Member Garuccio in particular.

DISTRICT MANAGER'S REPORT – See Attached

TREASURER'S REPORT – See Attached

COMMITTEE REPORTS

HEALTH AND WELFARE COMMITTEE

The Health and Welfare Committee Informational Report was rendered by Acting Chair Collins. See Attached.

ZONING AND LAND USE COMMITTEE

The Zoning and Land Use Committee Informational Report regarding the proposed DCP Streetscape Preservation Text Amendment and the ZALUC Curb Cut Study Informational Report was rendered by Committee Chair Seminara. See Attached.

POLICE AND PUBLIC SAFETY COMMITTEE

The Police and Public Safety Committee Report regarding the NYPD policy of visiting schools at dismissal time and issuing summonses was rendered by Police and Public Safety Chair Pulaski. See Attached. Committee Motion and Recommendation is to send a letter to NYPD stating that we want to go on record concerning their present policy of visiting schools at dismissal time and issuing parking summonses which inflicts hardship and creates a nuisance for parents and should be discontinued, accepted by BM Klein; second by BM Ahl. Lively discussion followed. BM Cassara questioned if we would be voting for allowing double parking, which is illegal. Chair Rasinya clarified that we are not voting on saying it is okay to double park. We are not taking a position on that. The Committee discussed the policy of NYPD for years and years to stay away from the schools at dismissal time because they know parents are picking up their children. They would stay away from schools because Police Officers would be observing a violation and would have to decide whether or not to issue summonses. If the issue was really safety, officers would get out of their patrol cars, go to the corner and help cross people. But that's not what is happening. Agents citywide are driving up to schools, jumping out of their vehicles, and issuing summonses with their electronic equipment. In a matter of 60 seconds they issue 3 or 4 summonses and they zoom away. He added that this is not our local precinct doing this. We are not talking about double parking we are talking about how the policy is being enforced. Currently it is generating revenue. It is not about safety. CPR – Courtesy, Professionalism and Respect – this policy meets none of those things.

BM Cruz disagreed with Chair Rasinya. She explained that she has heard this problem at this Board since Councilman Albanese's time. It is a drastic safety issue and not that long ago parents from Stepping Stones on 86th Street came before the Board and we said to them that they could not double park, too bad. Now we are reversing our policy and saying it is fine to double park. The corner of PS 185 is very well known with three schools there. It is so dangerous. She does not think we can say it is okay to double park, especially when the safety of children is involved.

BM Cassara stated that he lives on the block of St. Ephrem's School, and in the afternoon between 2:00 and 3:00 all the cars are double parked, parked in front of people's driveways, or actually parked in people's driveways. This occurs on 74th Street as well. They are not being very courteous either to the residents in the area.

BM Harrison stated that area residents have complained about parking issues both at public and at private schools and now we are sending the message that it is okay to double park, for enforcement to keep hands off. What do we

say to those residents when they complain? The laws are there. If we wanted to change the laws to do something about that, then that's different.

BM Prezioso stated that we shouldn't get hung up in the law. It comes down to common sense. There has been an evolution since the old days when the kids went home from school for lunch. Parents are more involved in dropping their kids off and picking them up. We are not saying double parking is okay, we are making an accommodation for 15 minutes. He stated that it's not perfect, but what are the parents supposed to do? Walking is not easy. We have to make the best of the situation with an accommodation for the children and for the parents.

BM Grimaldi suggested withdrawing the letter, but she acknowledged that the double parking just happens and admitted to remembering being terrified when she did it when her children were in school. She stated that if we condone it, then we will see triple parking with backups of three blocks. We know there is an accommodation, but to sanction it will give it license.

BM Bortnick suggested a possible solution to the problem. There is no reason on earth that back in angle parking cannot be set up for parents and for teachers who need parking spaces. The number of spaces is doubled and it's a much smoother way of getting it done.

BM Harrison appreciates what BM Prezioso said and agrees that there has been an evolution over time, but when you say we are getting hung up on the law, he has a problem with that. We have a law that must be respected. One of the things we can do is have the Committee go back and take a look at whether in fact we can ask the City Council to look at this situation and find out if there is a better way to accommodate our parents legally and make those changes. Asking the Police Department to ignore the law to a degree is an error. So maybe we can look at it one more time and see if there is some language we can use to accommodate parents citywide.

Chair Rasinya asked if there is a consensus that this issue should be sent back to Committee for further discussion. The consensus was unanimous and the issue is recommitted to the Police and Public Safety Committee.

Committee Chair Pulaski continued with the Committee Report regarding the proposed SLA self-certification process. The Committee Recommendation is to send a letter to the SLA stating that we do not support the self-certification process that SLA has proposed. Motion accepted by BM Petty, second by BM May.

Motion: To send a letter to the SLA stating that Community Board 10 does not support the self-certification process that SLA has proposed. All in favor; motion carried unanimously.

Committee Chair Pulaski continued with the Committee Report regarding an application from Xtreme Billiards and Bar, 823 65th Street to alter its licensed premises with installation of an additional stand-up bar. The Committee Recommendation is not to support the application by Xtreme Billiards & Bar to the SLA to alter its licensed premises with installation of an additional stand-up bar. Motion accepted by BM Joudeh, second by BM Harrison.

Motion: Community Board 10 will not support the application by Xtreme Billiards & Bar to the SLA to alter its licensed premises with installation of an additional stand-up bar. All in favor; motion carried unanimously.

Committee Chair Pulaski continued with the Committee Report regarding an update on noise complaints from nightspots including RJ's Lounge and Trace Bar. See Attached.

Committee Chair Pulaski rendered the final portion of the Police and Public Safety Committee Report regarding Crown KTV. The Recommendation of the Committee is to support a motion to approve a new application for an on premise liquor license for Crown KTV. Discussion followed. BM Cassara asked why the Board should support this request. BM Kieran answered and explained in detail the history of our approval for the initial application by Crown KTV for a beer and wine license. Prior to giving our approval, Crown KTV agreed to adhere to 12 stringent stipulations that were developed as a result of meeting with the attorney for the establishment. There is no adverse history since the establishment has had its license. Since this is a new application, we have asked if they would adopt the 12 point stipulations fully and make them part of the new license, which they agreed to do. BM Kieran summarized the 12 stipulations for Board Members' information. Crown KTV was asked at the Committee Meeting what they are willing to do to gain the Board's support, and they agreed to two additional stipulations: 1. They would hire a Manager to supervise the premises during the hours when the principals are not on site; and 2. They shall maintain soundproofing at their establishment that consists of 5/8 inch sheetrock, 1/2 inch of soundboard, and R30 insulation. The stipulations have now become 14 points and will be made part of the actual license. The Committee felt this might be the best we could get from these applicants, when in fact, the license would most likely be approved by the SLA. This would increase scrutiny on the business and keep them true to their promises.

BM Romero asked what the ramifications would be if Crown KTV did not adhere to these stipulations. She asked if the SLA would revoke their license, or would it come before the Community Board again. BM Kieran responded that in the process of relicensing, or if there are complaints to the SLA and there is a hearing to revoke their license, all these stipulations which are not violations of the law could be used to impact their license. BM Harrison asked if they are bound by these stipulations. BM Kieran answered that they are.

Chair Rasinya explained that BM Kieran made the initial presentation before the SLA. Chair Rasinya went to the second hearing. The SLA gave the applicant about 60 seconds to speak, and Chair Rasinya spoke for 5 – 6 minutes. At the end of the presentations, the Chair of the SLA specifically told the applicant that these 12 stipulations are binding. If they are violated, they could receive a summons. It is the same as any violation of law. So they know clearly from the Chair of the SLA that they are bound. He stated that he doesn't know if we could get much better.

BM Carroll asked if PS 69 was invited to the Committee Meeting, since they were a key player in this issue and brought all the discrepancies to the Board's attention. DM Beckmann responded that our Committee Meeting conflicted with the CEC meeting. She stated that she did attend a Leadership Meeting at PS 69 and brought Committee Meeting notices to them. The parents at the meeting are concerned. They were happy with the initial 12 stipulations included in the prior application. The establishment has been open for a month without incident, so there is really not much to judge by. A few parents expressed interest and called to find out what had happened at the meeting.

BM Bortnick added that he can see from experience that bar owners typically go for the easier to obtain license first, then change it to something else the first chance they get. Perhaps we should include in our stipulations that

for a fixed time period, 3 – 5 years for example, no changes or no upgrades of the license would be granted. BM Kieran explained that the nature of a stipulation is an agreement between two parties that do not agree or are unhappy with. It would be difficult to get a stipulation telling the establishment everything in it about how to run their business, when to run their business, in what way to run their business and promise everything in terms of the near and far future. He believes the establishment would rather take their chances with a hearing. Chair Rasinya stated that this is a futile discussion because there are only two licenses. They had the wine and beer license, now they are going for the full liquor license.

BM Cruz asked if we could move on. Chair Rasinya responded that we would take a couple of more questions.

BM Falutico suggested that in the future we lobby for changes in use groups. Chair Rasinya responded that it would be something to be looked at in Zoning.

BM Stelter inquired if construction is involved in the stipulations. Chair Rasinya responded that soundproofing is included.

Motion: CB 10 to support the application for an on-premise liquor license for Crown KTV, Inc., 848 64th Street, including the 14 stipulations that have been agreed upon. 42 in favor; 3 opposed – BM Joudeh, BM El-Yateem, BM Schack. Motion carried.

BM Kokolis commented that the Police and Public Safety Report was extremely lengthy, 45 minutes long. She asked if it would be possible to divide it in half in the interest of time. Chair Rasinya responded that the Police and Public Safety Committee has a lot of work to be done.

ELECTION OF OFFICERS FOR CALENDAR YEAR 2010

Chair Rasinya thanked the 2009 Nominating Committee. Members were Mary Nolan, Doris Cruz, Greg Ahl, Michael Casale, and Committee Chair Dilia Schack.

Chair Rasinya explained that we have four positions open, and three of them are uncontested. Those are Vice Chair, Secretary and Treasurer. The Chair position is contested, with the candidates being Ron Gross and Joanne Seminara. Chair Rasinya asked that the Secretary cast one vote for Vice Chair, Brian Kieran; Secretary, Eleanor Schiano; and Treasurer, Mary Ann Walsh. Secretary Gross cast one vote for these three positions.

Chair Rasinya invited Ron Gross and Joanne Seminara to the podium to address the Board. Chair Rasinya thanked each candidate, since they care so much about this community that they are willing to put themselves forward to run for the Chairmanship.

Chair Rasinya reviewed the procedure for voting. He read from the By Laws that were adopted on October 15, 2007 for CB 10 Election of Officers. He displayed the ballot and clarified that voting Members should circle one name only, Gross or Seminara, and sign on the bottom. All ballots must be deposited into the ballot box before any votes are to be counted. He invited Nominating Committee Chair Schack to distribute the ballots to Board Members along with District Manager Beckmann. After all ballots are submitted, they will be tabulated by Nominating Committee Chair Schack and District Manager Beckmann, and the results will be made public immediately.

Results – 44 ballots cast, 6 Board Members absent.

17 votes for Ron Gross, 27 votes for Joanne Seminara. Joanne Seminara wins. Tally sheet is Attached.

OLD BUSINESS

None

NEW BUSINESS

None

Chair Rasinya adjourned the meeting at 9:55 pm.

**Zoning and Land Use Committee Meeting
Community Board 10
December 7, 2009**

Committee Members Present: Joanne Seminara, Chair, Bob Cassara, Ann Falutico, Barbara Germack, Ron Gross, Steve Harrison, Dino Lamia, Susan Pulaski, and District Manager Josephine Beckmann.

Guests Present: Michael Sciaraffo, Councilman Gentile's office, Ernest Twomley, Paula Katinas, Angela Polito, Paul Sepe, Carmelo Sepe, Elaine Sepe, Bob Hudock, and Thomas Lopinto.

1. Unenclosed Sidewalk Café Request: Department of Consumer Affairs License #1338960 by Café Rustica, Inc. located at 8320 3rd Avenue, at the northwest corner of 84th Street.

This is a new application for an unenclosed café adjacent to the premises along 84th Street from the corner toward the mid-block consisting of 13 tables and 26 seats. Paul Sepe, Carmelo Sepe and Angelo Polito attended on behalf of the applicant. This café consists of a double row of small approximately one foot diameter tables with a middle aisle and some individual tables. The sidewalk is 15 feet wide and applicant shows an eight foot clearance for pedestrian access of the sidewalk. Upon questioning by the Committee, the applicant reported its regular business hours, 7:00 PM to 12:00 AM, 7 days a week, that it does not use valet parking, and operates a wine and beer café with simple Italian style food, no music or entertainment. The café is not handicapped accessible due to space constraints. Neighbor Ernest Twomley, who lives two houses away, spoke in favor of the establishment and the café due to the improvement to the block as a result of the new attractive construction. There have been no complaints made to the Community Board about this business. ZALUC cautioned the applicant concerning its plans to make holes in the sidewalk for its removable café barricades and was asked to adhere to the regulation concerning this. ZALUC voted unanimously to support the application.

2. Residential Streetscape Presentation Text Amendment N 100139 ZRY (Informational Report):

The Department of City Planning (DCP) is proposing an extensive citywide text amendment to the New York City Zoning Resolution (ZR) which seeks to preserve and enhance streetscape character in residential neighborhoods. The amendment seeks to clarify, revise and introduce new regulations for residential buildings that affect front yard planting, location of parking spaces and curb cuts. Comments and recommendations to the application must be sent to DCP by January 25, 2010. The text amendment amends more than 40 sections of the Zoning Resolution.

ZALUC reviewed elements of the amendment for almost two hours, focusing on the broad changes and selective changes in the text that affect the Community Board 10 catchment area and generally supports the changes which are very important to our district. The amendment addresses the growing proliferation of curb cuts and front yard parking which eliminates public parking spaces and mars our streetscapes by allowing front yard parking. ZALUC is particularly pleased that the amendment would prohibit front yard parking in front of row houses without a side yard in single and two-family zoning districts and reinforce the prohibition on curb cuts for

all buildings on lots less than 40 feet wide in R4B through R8B districts, including R4-1 districts, an issue which our Board addressed last year at the DCP level and before the BSA with respect to an application for a front yard parking space and curb cut on Josephine Beckmann's block, on 71st Street between Fort Hamilton Parkway and 8th Avenue. In fact, the text amendment appears to be addressed to the exact situation presented on that block. The amendment further addresses the underlying ambiguity left hanging by the 1989 Lower Density Contextual Zoning Text Amendment which allowed parking in a "side lot ribbon", which typically lies within a side yard, but as we learned could also exist on a lot with a fully attached home. The amendment recognizes the "disruptive" effect of allowing a parking pad directly in front of the residence without side yards. The Committee expressed some concern about the amendment's allowance of front yard parking in front of a garage located within the residence and will further consider this issue.

Due to the extensive nature of the text amendment and its importance to our neighborhoods, ZALUC decided to schedule two additional meetings on January 7th and January 15th, 2010 to study and propose recommendations regarding the amendment and propose a response to be presented to the full Board at its general January meeting. We hope to have a representative of DCP present at our January 7, 2010 meeting.

All Board members are urged to view the slide show and details of the text amendment on the DCP website and send comments or questions to the Committee.

3. ZALUC Curb Cut Study and Recommendations (for information only)

ZALUC members briefly discussed problems with curb cuts and illegal front yard parking and a presentation was made to the Committee by architect Bob Hudock, a community resident who has attended our meetings and volunteered his time and expense to the project. Mr. Hudock presented the results of his preliminary review in the form of a photographic presentation which we hope to include among the examples of illegal and/or noncompliant curb cuts in order to support our program of enacting citywide enforcement measures, including legislation, to address this problem. This project will continue in early 2010. Committee member Michael Festa also drafted a template to collect data on curb cuts to use for creating reports of particular locations.

Respectfully Submitted,



Joanne Seminara
Chair

CHAIRMAN'S REPORT

December 14, 2009

Dear Fellow Board Members and Guests:

As 2009 draws to a close and my chairmanship ends, it presents an opportunity to review and reflect upon our Board's activities.

As we all know it is the committee work which makes things happen and my last report as Chair would be incomplete without acknowledging some of the committee work which has been done.

The Education Committee has worked diligently in identifying potential sites for public schools in an ongoing effort to alleviate the overcrowding in our public schools. Working with the Community Education Council and the School Construction Authority a total of 3,450 new classroom seats have been added or are scheduled to be added to address this overcrowding situation.

The Environmental Committee continues to address sanitation issues and monitors the ongoing upgrade at the Owls Head Wastewater Treatment Plant.

Due in part to the efforts of our Parks Committee, I believe our local parks, playgrounds and ball fields are in better shape today than they were three years ago.

The Military and Veterans Affairs Sub Committee has produced a booklet offering Military Personnel at Fort Hamilton Army Base discount coupons to local restaurants and businesses and provides listings of schools, churches and local services which military families may want to use.

One of our most active committees, the Police and Public Safety Committee has done a tremendous job in addressing complaints which have come to the attention of Community Board Ten. Working with the 68th Precinct, the State Liquor Authority, other government agencies and local merchants and residents, Community Board 10 has been diligent in addressing and following up on the various complaints which have been brought to our attention.

Our Senior Issues Committee conducted a long and fruitful project, working with our local schools, collecting food and toiletries for many of our local food pantries. When the city administration proposed redevelopment of our senior centers, Community Board Ten was the only Community Board to attend and present testimony at the Brooklyn Borough Hall Public Hearing.

The Traffic and Transportation Committee has worked hand in hand with the Department of Transportation in making our streets safer for pedestrians and motor vehicle operators. Due to the efforts of this committee and the specific requests it has made regarding street signage, pavement markings and traffic control signals, I believe we have had fewer motor vehicle accidents and lives have been saved.

The survey which the committee did regarding our local subway stations led to specific improvements at a number of subway stations on the R and N line.

One of our busiest committees, Zoning and Land Use, has continued to be exemplary in the work they do. Following up on the major rezoning of Bay Ridge, the committee worked in partnership with the Department of City Planning and our elected officials in the development of the downzoning of Dyker Heights.

The month to month activities of the committee regarding specific requests from home owners and developers has been instrumental in ensuring the spirit of our zoning text is adhered to. The committee has

reviewed and made proposals regarding specific zoning text amendments, which not only benefitted Community Board Ten, but has had citywide application.

As a result of many years of attention and being the recipient of some good timing, the efforts of the Sub Committee on Homeland Security were fruitful and at long last, high quality tamper proof security fencing was installed along the railroad cut beneath the Bay Ridge Towers. Additionally, the MTA Police increased safety patrols and efforts to remove homeless individuals encamped on MTA property. The Buckeye Pipeline Company installed new valve cover lids and locks and fencing around the pipeline valves in order to increase safety and security.

Community Board Ten has been successful in addressing the complex and not so complex issues by partnering with our local and state wide agencies and our elected officials. Our success is due in part to the diligence of our elected officials. I would like to thank our Congressional Representatives Jerrold Nadler and Michael McMahon, our State Senate Representatives Martin Golden and Diane Savino, our State Assembly Members Felix Ortiz, Dov Hikind, Alec Brook-Krasny, Janele Hyer-Spencer, and of course Peter Abbate, and our City Council Members James Oddo, Sara Gonzalez and our very own Vincent Gentile.

I would also like to thank two individuals who work with the Board on a weekly and sometimes daily basis. Deputy Inspector Eric Rodriguez, the Commanding Officer of the 68th Precinct and Tobias Russo, a former Community Board Ten Member who is currently Governor Paterson's representative to our community. Both of these individuals have been extremely helpful in addressing the daily concerns which are brought to our attention by local residents and merchants.

My wife Helen not only has supported my efforts these past three years, as she always does, but on occasion has become the Board's unofficial proof reader.

In order to do them justice, I would need more time than practicality allows to thank Josephine and Dorothy and JoAnn for all they do. While we all know how much Josephine and Dorothy do, some members may not realize that JoAnn has the same work ethic and fits right in with Jo and Dorothy. Working with Dorothy has proven to be a wonderful experience. No one could have done more in supporting the Board and assisting the Chair.

While Josephine and I have different titles, I feel as if we work as one in everything we do related to Community Board Ten. Josephine manages to stay a few steps ahead and always has everything prepared in advance for me. Whether it's a meeting, a community issue or paper work, Josephine always has things in place for Board Members and Committee Chairs. I have been extremely lucky to have had such a great partner.

Not only have Dorothy and Josephine served the Board so well, but I think of them as good friends.

As I have said before, I can't believe how fast these three years went by. Thanks to each and every Board Member, I can say I have enjoyed every moment of my chairmanship. Each of you has been extremely supportive and kind to me during these three years. I want to thank each of you for your dedication, hard work and many hours each of you gives in service to our community.

Respectfully submitted,



Dean Rasinya
Chair

DR:dg

District Manager Report
December 14, 2009

Good Evening Board Members,

Two weeks ago Mayor Bloomberg announced further cuts to all city agencies. Community Boards are severely hard hit by the proposed cuts. What I feel is important to keep in mind is that the OTPS budgets for Community Boards have not been raised in over 19 years according to OMB... so as other agencies received gains over the years, Community Boards did not. These cuts are devastating and Community Boards citywide will be organizing once again to protest these cuts to the New York City Council and the Mayor. A look at the numbers is very, very grim.

Our Current FY 2010 will be reduced from \$206,895 to \$197,030 which is a cut of \$9,865. The proposed budget for FY 2011 sets the Community Board baseline budget to \$160,437. This is a reduction of \$46,458 or about 22 percent!!

Cuts projected for FY 2011 were calculated against both an agency's funding, and the related fringe benefits that are also funded by the agency. Since fringe benefits are not funded in the Community Board budgets, rent was added to the base because it is paid for the boards without any impact on our operating budget resources. We were informed by OMB that adding rent to the boards' base, in lieu of fringe benefits, was done in order to achieve some measure of consistency in the way all City agencies were treated during this round of cuts. Since rents will not be renegotiated there will not be a cut to rent --the cut is proposed to be applied to the board's operating budget allocation – a cut that will devastate all Community Boards – who operate on very small budgets.

These cuts would directly affect our PS budget and it will be the first order of business for our new Chairperson next year as we will need to discuss the impact here at the office.

Now for some good news on the impact that Community Boards have...as you all recall, many residents contacted the Community Board Ten District Office regarding accidents along Shore Road Drive – the winding roadway off Exit 1 on the Belt Parkway..Residents complained about accidents on the wet surface. In response – we had an onsite visit with Commissioner Joseph Palmieri and our T&T Chairperson Brian Kieran and DOT has installed rumble strips and reflectors along the winding roadway to slow traffic down making the turns safer during inclement weather.

There has been much in the local news regarding food vendors – the newest location is near Fort Hamilton High School. The district office has received many calls and emails regarding the food vendor truck that appeared in front of Fort Hamilton High School that is parked on 85th Street. We have been in contact with Charles Glover, from the Mayor's Community Assistance Unit who has assisted with the agency investigation. I am aware that 85th Street residents have been calling all of our elected officials to complain. We were informed by the NYPD that the vendor was in compliance; we were also informed that the Department of Health issued four violations to the same vendor last week. Residents' complaints are based on the size of the truck that is placed on wooden planks along the parkside. We have also asked NYC Parks to investigate to see if additional NYC Parks permits are needed for vending to take place along the parkside of the Fort Hamilton Athletic Field which is part of Russell Pedersen Playground. The vending truck has a grill and generator that operates from 5AM to 9PM.. Residents complain that the truck is creating noise and exhaust. They also complain that the lights of the trucks are left on continually. Residents assert that a food vendor truck of this size should not be permitted to operate in a residential district. I could not find any

current regulations that prohibit this type of vending. At a recent Borough Service Cabinet meeting I did learn that many District Managers throughout Brooklyn have similar issues regarding vendor policies that were last amended many years ago. The bottom line is that it appears that food vending is permitted in a residential district as long as the proper licenses are obtained and visible. The vendor is allowed to hire employees to work in addition to the licensed vendor.

I want to thank all Board Members who contributed to last month's food drive in memory of Board Member Helen Sokoloski and for all those who contributed tonight to the battered women's shelter. Thank you to Greg Ahl who transports our donations each year to the shelter.

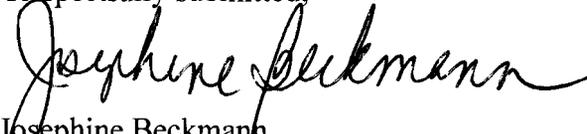
Mulchfest 2010 will take place on Saturday and Sunday, January 9 & 10 from 10am to 2pm. The nearest sites to our area to bring your Christmas Tree include Sunset Park on 44th Street and 6th Avenue and Greenwood Cemetery 25th Street and 5th Avenue.

The 2010 Meeting Halls Schedule is available for all Board Members. Please take one before you leave this evening. There was already a change to the January meeting. Please note that the January meeting will take place on Tuesday, January 19, 2010 – 7:15PM at the Shore Hill Community Room – 9000 Shore Road.

Last but not least, since this is the last time I will follow Chairperson Dean Rasinya, I want to take a moment to publicly thank Dean for his leadership, patience and dedication to the neighborhoods that make up Community Board Ten. I would also like to add my appreciation to his wonderful wife Helen for putting up with us as well.. As is our tradition, I would along with the officers of the Board like to present this plaque to Dean.. and unveil the updated CB10 Chairpersons plaque.

On behalf of Dorothy and myself, we would like to wish to all of you who are celebrating -- a Merry Christmas, Happy Hanukah and a healthy and prosperous New Year.

Respectfully submitted,

A handwritten signature in black ink that reads "Josephine Beckmann". The signature is written in a cursive style with a large, looping initial "J".

Josephine Beckmann
District Manager

**COMMUNITY BOARD TEN
TREASURER'S REPORT**

Fiscal Year: July 1, 2009 to June 30, 2010

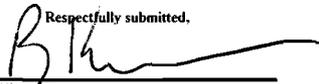
Budget Appropriation for FY 10	\$206,895.00
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	7/31/09	8/31/09	9/30/09	10/31/09	11/30/09	12/31/09	1/31/10	2/28/10	3/31/10	4/30/10	5/31/10	6/30/10	Y - T - D
DISTRICT MANAGER	\$6,269.46	\$12,860.90	\$6,781.06	\$6,781.06	\$6,781.06								
COMMUNITY COORDINATOR													
COMMUNITY ASSOCIATE	\$4,000.86	\$4,000.86	\$4,000.86	\$4,000.86	\$4,000.86								
COMMUNITY ASSISTANT													
Total Personal Services	\$10,270.32	\$16,861.76	\$10,781.92	\$10,781.92	\$10,781.92	\$0.00	\$59,477.84						

ExpensesCode	Description	7/31/09	8/31/09	9/30/09	10/31/09	11/30/09	12/31/09	1/31/10	2/28/10	3/31/10	4/30/10	5/31/10	6/30/10	Y - T - D
10B	Telephone	190.00	185.32	187.28	189.19	189.04								
10X	Intra-City Supplies													
40B	Intra-City Telephone													
100	Supplies & Materials													
101	Printing Supplies													
117	Postage													
170	Cleaning Supplies													
199	Data Processing Supplies													
302	Telecomm. Equipment													
314	Office furniture													
315	Office Equipment													
319	Security Equipment		135.00	135.00										
332	Data Process Equipment													
337	Books													
402	Tel./Communications													
412	Rental/Misc./Equip		18.02	107.41	44.41	571.66								
417	Advertising													
431	Leasing Misc. Equip.													
451	Local travel expenditures													
602	Telecomm. Maintenance	21.70	21.70	21.70	21.70	21.70								
612	Office Equip. Maint.													
613	Data Process Equipment													
615	Printing Supplies													
622	Temporary Services-contractual		500.00		1,000.00									
624	Cleaning Services													
Total Other than Personal Services		\$211.70	\$860.04	\$451.39	\$1,255.30	\$782.40	\$0.00	\$3,560.83						

TOTAL PS AND OTPS EXPENSES	10,482.02	17,721.80	11,233.31	12,037.22	11,564.32	0.00	63,038.67							
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TOTAL UNCUMBERED BUDGET BALANCE	\$143,856.33												
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Respectfully submitted,

 Brian Kierga, Treasurer

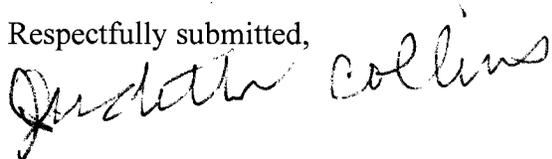
**Community Board 10
Health and Welfare Committee Minutes
November 17, 2009**

The Health and Welfare Committee Meeting took place on November 17, 2009 at 7:00 PM in the Community Board 10 office. The subject of the meeting was the H1N1 virus. Judith Collins, Committee Member, chaired the meeting for Jeannie May, Chairperson, who was excused. Persons present were: Tammy Lee Christiansen from the Department of Health, and representatives from Fort Hamilton. They were as follows: Scott Humphery, Career Counselor at Fort Hamilton and Fort Wadsworth, his wife, Barbara Humphery, and Lisa Sheehan, employed as a Team Leader who acts as a liaison between the local schools and the Army base.

Ms. Tammy Lee Christiansen explained her power point presentation on the H1N1 virus and brought Department of Health brochures on the subject of Flu Prevention. She gave an overview on influenza and the new influenza virus, the City's effort to track the H1N1 outbreak from the spring of 2009, as well as the ongoing surveillance through the fall/winter 2009-2010. The Department of Health's objectives are to track citywide patterns of illness and monitor for increasing severity. The presenter explained that due to the unpredictable aspect of this H1N1 virus, data is constantly changing. She advised the group to check for updates at www.nyc.gov/flu. At the time of the meeting, the closest weekend vaccine clinic was PS 186 on 17th Avenue.

Ms. Christiansen answered questions on the vaccines. Guests from Fort Hamilton look forward to sharing the information with the military and their families.

Respectfully submitted,



Judith Collins
Acting Chair
Health and Welfare Committee Member

Police and Public Safety Committee Report of December 14, 2009

The Police and Public Safety Committee met on Wednesday December 9, 2009 at the Community Board Office on Fifth Avenue at 7:00 PM. We met to discuss five items, namely an application for Xtreme Billiards & Bar Inc. to the State Liquor Authority to alter its licensed premises located at 823 65th Street with installation of an additional stand-up bar; a new application for an on premise liquor license for Crown KTV located at 848 64th Street, which differs from the beer/wine license originally applied for; an update on noise complaints at JR's Lounge located at 8812 Third Avenue and at Trace located at 8814 Third Avenue; the proposed SLA self-certification process; and lastly, the NYPD policy of visiting schools at dismissal time and issuing parking summonses.

Those in attendance were committee members Judith Collins, Anna DeMetz, Nikolaos Leonardos, Mary Nolan, Michael Quinones, Mary Ann Walsh, Susan Pulaski, Chair of the committee; Brian Kieran, Treasurer, Dean Rasinya, Chair and Josephine Beckmann, District Manager. Also in attendance representing the 68th Precinct were Police Officers Joe Trischetta and Marco Venezia; Stephanie Giovinco representing Councilman Gentile's office; Ilene Saccio, president of the 68th precinct council; Helen Klein, reporter from *The Courier*; owner, Michael Gee, and attorney Alan J. Gardner from Xtreme Billiards; owners Yun Wu Guang and Alvin Zheng and attorney Glenn Wright from Crown KTV; owner Mr. Aiello from JR's and owners George Kabbez and Robert Facel from Trace; and over thirty concerned community residents, with standing room only.

We did not address the items in the order presented, but worked in reverse order, with the items that required less time for discussion being addressed first. So, the first item discussed was the **NYPD policy of visiting schools at dismissal time and issuing summonses**. In today's world, many parents drive to schools to pick up their children at the end of the school day. Most of the cars double park due to the lack of available parking at this time. As we all know, double parking is not legal, but in the past it was overlooked by the NYPD because picking up children by car has become customary in today's society for a short time each day. Now, summonses are given out daily at our schools and the NYPD, in rotation to the various schools, manages to reach each school several times each month giving out tickets. In our committee discussion, it was pointed out that the issuing of tickets appears to be used as a form of revenue generation for NYC. While noting that this practice is not legal and at times might not be one of safety, it is almost impossible to train parents to find parking blocks away from the school, park their cars and walk to the school to pick their children. This policy creates a hardship and is a nuisance for parents.

Therefore, our committee passed the following motion unanimously: To recommend that the Board write a letter to the NYPD stating that we want to go on record concerning their present policy of visiting schools at dismissal time and issuing parking summonses that this inflicts hardship and creates a nuisance for parents and should be discontinued.

The next item that was addressed is the **proposed SLA self-certification process**, a process to speed up the obtaining of liquor licenses. At present, we don't have official

information on this topic other than an article that appeared in *The New York Times*. The article stated that it usually takes up to eight months to obtain a liquor license from the SLA. Six weeks ago the new chairman, Dennis Rosen, decided to put in place a new streamlining procedure, i.e. a self-certification process that allows applicants' lawyers to legally vouch for important licensing information that used to take months for the agency to verify and approve. This process will cut the time down to 4-5 weeks. The processing time had increased due to the fiscal crisis with the resulting of understaffing. The article stated that "the effort is intended to cut through red tape engineered by the authority's 26 page application. By certifying information, applicant's' lawyers are vouching for it, making examiners' verifications unnecessary. Lawyers who submit improper filings face criminal penalties." Some establishments don't file through lawyers due to the cost, but he felt that the process would speed things up for these people also. In addition, self-certification will cost restaurateurs more, because their lawyers will bill them for the verification time.

Our committee noted that the Board hasn't heard from the SLA on this subject and that we should be notified of this important change. We also brought up the fact that we have observed first-hand how the self-certification process works in other areas in NYC by creating bad experiences for us and this is not what we want to see happen in our Board area in the issuing of liquor licenses. Therefore, we passed the following motion unanimously: Send a letter to the SLA stating that we do not support the self-certification process that the SLA has proposed.

Next we addressed the application for **Xtreme Billiards & Bar Inc.** located at 823 65th Street to alter its licensed premises with an installation of an additional stand-up bar. To give you some background information, back in March 2007 our committee addressed an amusement gaming café application from this bar. Our Board raised objections to this application because of our concern for the ability of the vendor to control the establishment's plans for four separate businesses in the same location of 8,000 sq. ft., namely a billiard parlor, internet café, a bakery with a retail component and a full service bar in a location where teenagers are targeted to participate in the activities of the establishment. Our Board voted not to support their application for an on-premises liquor license. However, the SLA granted the license they requested. Then, in November 2007, Xtreme Billiards made an application to the DCA (Department of Consumer Affairs) for an arcade license. Our Board voted to deny the applicant's request for the same reason. The DCA approved the license.

Xtreme Billiards has removed its billiards, internet, arcade and bakery components and operates only as a bar under the name of F1. It has two SLA violations, namely the first one issued 12/08 for opaque windows and that came with a \$1,000 fine. The second one issued 1/09 for serving to underage and that came with a \$2,000 fine. Then on October 27, 2009 they were served with a ten day suspension notice because they had not paid the \$3,000 fine.

Then on December 6th, the NYPD closed Xtreme Billiards because it was operating not as Xtreme Billiards, but under the assumed name of at F1. Also, there have been up to

three arrests for underage drinking over the last 4-6 weeks and one again on Friday, Dec 4th. The NYPD was notified by the SLA that a promoter was expecting 700 people on the night of December 6th and wanted the place closed down.

The attorney Alan J. Gardner and owner Michael Gee from Xtreme Billiards attended our meeting and expressed their distress with this action. The attorney addressed the officers stating that the license had been taken away and had not yet been returned. At this point the officers enumerated the reasons for the closing.

Then we heard from the angry neighbors who attended our meeting—there were about 30 of them. Many of them had signed the 60 person petition that was delivered to the Board. Also in attendance was Mr. Chan, the owner of the building. He had sent a letter of complaint to the Board earlier. He spoke listing the complaints, those of excessive noise; sleepless nights; dirty sidewalks; bad language from patrons; fights; loitering outside; vomiting from drunken kids (they appeal to a young crowd).

The attorney said that an owner is always present during the hours of operation, that the building was sound proofed; that another bar was needed due to the increase in business; and that they would be applying for a cabaret license. Our committee stated that our worse fears of 2007 have come true, namely that this would not be a well-run establishment.

Our committee passed a motion unanimously stating our non-support for an application of Xtreme Billiards & Bar Inc. to the SLA to alter its licensed premises with installation of an additional stand-up bar.

The next item was the addressing of noise complaints emanating from nightspots in the area. In September and in November, our committee addressed noise complaints at our meetings. This month we are addressing the noise complaints of two Third Avenue nightspots: **RJ's Lounge and Grille** at 8812 and **Trace Bar**, next door, at 8814.

Note that there were 42 registered noise complaints to the Community Board since August 2009—just from eight families residing on Third Avenue. These calls were made to our office in the early morning hours as a result from the suggestion that Dean Rasinya made to the frustrated residents who came to our committee meeting in September. There were also several complaints and two memos that went directly to Commanding Officer Eric Rodriguez regarding noise complaints at RJ's. Also note that the noise from RJ's is louder than noise coming from any other establishment in the area. RJ's has avoided responding to our invitation to come to our meetings to address the noise complaints, but owner, Mr. Aiello, did come to our committee meeting this month.

To give some background on RJ's, it was opened as Caffe Bocca in February 2008 and its application stated that they would be serving light fare: pastries, coffee and a having a liquor license for patrons who want to order coffee containing alcohol. The music listed on the application was light jazz, with some pop and the hours of operation were Wednesday to Friday 8PM-11PM and Saturday 8PM to 12 midnight. Caffe Bocca did not

have problems and neither did their predecessor, Harry Gratin's. [Correction: Trace is the former Harry Gratin's.]

In March 2009 changes were made to Caffe Bocca and it became RJ's. This is when the noise problems started. It is no longer a restaurant; no food is served and the kitchen was removed. A live band was added playing on weekends until 4AM. So, the noise has no buffer and it travels directly out the back door. In October 2009, a notice of corporate change was made, but it did not require Board action. Items, such as hours of operation were never added to the change. The owner stated that he is having his attorney make the appropriate corrections of these changes on his application, since he realizes that these changes do not adhere to the initial application.

Those residents living nearby spoke, once again, about the noise. The owner stated that by having the back door remain open the noise does travel outside; the neighbors also stated that bottles are thrown into the yard, so both the music and the crashing bottles create a situation that results in sleepless nights. Police respond to a call; go by; sound drops and then comes back up later on. Note that RJ's has no violations with the running of their business, only noise complaints. It has never been closed down.

The owner also agreed to asking the bands to play lower, to turning off their base and to sound proofing the establishment. The sound proofing work will be done during the day this month and will be finished in two weeks. The sound proofing will design the speakers to deflect the music so it won't project outside of the bar as easily. He agreed to send the Board a letter from the sound proofing firm stating that this work has been done. He also invited the committee members to come and visit his bar to check out the work.

Trace is a relatively new establishment and owners George Kabbez and Robert Facel attended our meeting. It has received only six complaints in the past three weeks. Their SLA application indicates that they would not have any music in the bar. However, they have a live band. The owners, who came to the meeting, stated that somehow the notation was incorrect and that they had always intended they would have music; they intend on changing this on their application as well as the hours of operation. They also said that they would limit their sound amperage. They put in "parapet" walls when they built the space in order to contain the sound. They said that they had brought in their own sound testers to make sure that they were in compliance with the law. An owner is always on the premises. Neighbors who live above Trace complained at the meeting about the noise.

In response to the lack of cooperation from owners with the noise complaints, Josephine mentioned the following: In looking over the problems we have had with noise, the owners of the bars state that nearby residents have to realize that they live near a bar, should expect the noise and get used to it. It was noted by Josephine that Third Avenue is zoned as an R6, which is a residential district, with a C1-2 commercial overlay, i.e. C1-2 is a commercial overlay IN a residential district. SO, the commercial street exists to SERVE the local retail needs of the surrounding residential neighborhood and as such should most definitely be responsive to the complaints of the surrounding residents.

We discussed at our September and November meetings in having the DEP schedule sound meter readings, since our precinct didn't have any sound meter or personnel who were trained to use it. However, following our November meeting, Eric Rodriguez informed our office that our precinct does have a sound meter and two officers trained to use it. Since November's meeting, the officers did go out and take readings at RJ's and Trace, but did not issue summonses because the readings did not violate sound regulations. Note that the sound readings were taken at 10PM and all of our complaints are for noise between 1-4AM. It was also noted by our police officers that many times "noise" is not the noise level itself, but the vibration that the noise creates that reverberates inside one's body.

We also mentioned in November Section 24-244 of the Administration Code on the Unreasonable Noise Summons Rule that gives police the ability to give a summons for noise without using a meter. The police department and our Board were to look in to this further to see if we can use this code. The Board has learned that this code is subjective, but that it can be used if the noise is deemed unreasonable. Josephine said that if residents can't sleep, the sound is excessive even though it doesn't register this way on the meter.

Lastly, **Crown KTV** at 848 64th Street has been a focus of our committee meetings several times this year. They applied last year for a restaurant wine/beer license. Nowhere on the application did they state that the use of the space would be for a karaoke bar. So, when a sign went up on the outside of the site in March 2009 stating "music club," P.S. 69 which is across the street, took notice and called our office. This then led to the first meeting with the owners where we received a "virtual tour" on the computer of the premises. Seeing the private rooms, and a design for a full-service bar, our committee had questions concerning the use as a restaurant. Because its use was inconsistent to its application, our full Board voted at our March meeting in opposition to their application for a wine/beer license. At their SLA hearing in August, Brian Kieran presented our concerns, in person, at the hearing. Then, in September, our committee under the guidance of Brian outlined a list of stipulations we felt appropriate that the owner adhere to for the premises being run as a karaoke bar, namely adding a security component, etc. The owners agreed to our list of 12 stipulations. The full Board reconsidered the motion at our September meeting and voted to support the motion to approve the application for a restaurant wine/beer license. The establishment opened on October 17th and approximately one month later they have applied for an upgrade to a liquor license.

The owners known as principals, there are four of them, and two, Mr. Yun Wu Guang and Mr. Alvin Zheng, attended the meeting along with their attorney Glenn Wright. They are asking for this upgrade due to the hardship. They feel that since the competition in the area serve liquor, they will be losing business by not doing so also, i.e. customers leave when they find out that they do not serve liquor. They also cited that because of the Board's "intervention" with the opening date of their business, that the Board has impacted their ability to make a profit.

Our concern of the committee over this past year has been what has appeared to us as “inconsistencies” in what the mission of this establishment is, i.e. their business model. They have been making changes throughout the entire process. The Board questioned the simple fact that what appears on their application did not reflect what appeared on the initial sign on the property and what was inside of the premises. We mentioned that an outside sign should reflect the purpose of the establishment; the description on the application should reflect the use inside the place. If this simple rule had been followed, a lot of questions would have had immediate answers. Mr. Wright said that the description on the application wasn’t necessary. He also stated that the owners were not aware of the Community Board and its recommendation process.

A lively and lengthy dialogue ensued between Glenn Wright and Brian Kieran on the history of changes made in this establishment. Brian said that all the Board wants is transparency, to be well-informed and to have our questions answered.

Brian asked if all the previous stipulations that the owners agreed to from the wine/beer license would also be adopted by the liquor license. He went over each one. He then wanted to make sure that the place was sound proofed. It is because of the private rooms all playing different music. He also asked about the background of the principals: one has experience in running a diner; another has experience with karaoke. They also agreed in having an employee become the manager on the premises each day from 8PM until 4AM. He also asked why a liquor license wasn’t applied for initially. Mr. Wright said that it is common practice in Manhattan that a wine/beer license is applied for first and then a liquor license. A liquor license is easier to obtain this way.

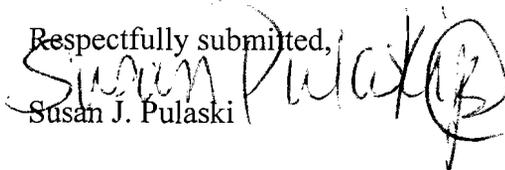
We discussed the closest competitor, namely V Lounge on 62nd Street between 8th and 9th Avenues. They have a liquor license, but no security system and have had several fights at the place. Crown KTV is in a better situation, because of all the stipulations they have agreed to and they have a security system in place.

Josephine noted that “an applicant can apply for a change in class of their license at any time. There is no waiting period required to upgrade or downgrade a license. If there is community objection, the application must go to the members of the SAL for determination even if it is only to upgrade the exiting license.” Also, “a restaurant/wine license isn’t subject to the 200’ rule, but on premises liquor license would be prohibited from being issued within 200’ of a school, church or place of worship. In this instance the applicant answered ‘no’ to the question regarding if they were within 200’ of a school or church.”

Our committee unanimously voted to support a motion to approve a new application for an on premise liquor license for Crown KTV.

Respectfully submitted,

Susan J. Pulaski



COMMUNITY BOARD TEN RECORD OF ROLL CALL VOTE

MEETING DATE December 14, 2009

MOTION TOPIC Vote Tally for CB 10 Chair

MEMBER	Gross	Seminara	ABSENT
Ahl, Greg		✓	
Amato, Liz		✓	
Berg, Ruth			✓
Bortnick, Allen	✓		
Carroll, Kevin Peter	✓		
Casale, Michael			✓
Cassara, Robert		✓	
Colasuonno, Thomas		✓	
Collins, Judith	✓		
Cruz, Doris		✓	
D'Amelio, Ida		✓	
DeMetz, Anna	✓		
Elias, Charles	✓		
El-Yateem, Khader		✓	
Eschrich, Siti		✓	
Falutico, Ann		✓	
Festa, Michael		✓	
Fontas, George		✓	
Germack, Barbara	✓		
Girgenti, Salvatore			✓
Grimaldi, Judith		✓	
Gross, Ronald	✓		
Harrison, Stephen		✓	
Joudeh, Habib		✓	
Kieran, Brian		✓	
Klein, Scott		✓	
Kokolis, Stella	✓		
Lamia, Dino		✓	
Leonardos, Nikolaos			✓
May, Jeannie		✓	
McCone, Rhea	✓		
Nolan, Mary	✓		
O'Dea, James		✓	
Petty, Eleanor	✓		
Prezioso, George		✓	
Pulaski, Susan		✓	
Quinones, Mary		✓	
Quinones, Michael	✓		
Rasinya, Dean		✓	
Rimawi, Husam			✓
Romero, Susan		✓	
Ryan, Jean	✓		
Schack, Dilia	✓		
Schiano, Eleanor	✓		
Seminara, Joanne		✓	
Sokoloski, Joseph	✓		
Stelter, Lawrence		✓	
Stramka, Maureen			✓
Vella-Marrone, Fran	✓		
Walsh, Maryann		✓	
TOTALS	17	27	6

STATE LIQUOR AUTHORITY – NEW APPLICATIONS & RENEWALS

<u>Name/Address</u>	<u>Received at CB 10</u>	<u>Status</u>
Secota Mano, Inc., 7312 13 Avenue	12-7-09	New Application (upgrading to full liquor lic.)
Secota Mano, Inc., 7312 13 Avenue	12-7-09	Renewal
Tanino's Brick Oven Pizzeria Restaurant Corp., d/b/a Zio ToTo, 8407 3 rd Avenue	12-8-09	Renewal
Mo & Yeo Corp., d/b/a Kimchee Korean Cuisine 9324 3 rd Avenue	12-8-09	Renewal
Rosangem Res Inc., d/b/a Casa Pepe Restaurant 112-116 Bay Ridge Avenue	12-9-09	Renewal
S&S Wines and Liquors Inc., 7112 Ft. Hamilton Pkwy.	12-17-09	Renewal
L, N, M & P restaurant Corp., 9011 3 rd Avenue	12-23-09	Renewal
Areo Restaurant Corp., 8422-8420 3 rd Avenue	1-5-10	Renewal
Gennaro's Catering Hall, 6602 13 th Avenue	1-6-10	Renewal