

**Community Board Ten Board Meeting Attendance**  
**Shore Hill Community Room**  
**Monday, September 20, 2010 – 7:15 pm**

Board Members Present: 35

Greg Ahl  
Elizabeth Amato  
Allen Bortnick  
Robert Cassara  
Judith Collins  
Doris Cruz  
Ida D'Amelio  
Anna DeMetz  
Khader El-Yateem  
Siti Eschrich  
Ann Falutico  
Michael Festa  
George Fontas  
Barbara Germack  
Judith Grimaldi  
Stephen Harrison  
Robert Hudock  
Stella Kokolis  
Dino Lamia  
Nikolaos Leonardos  
Rhea McCone  
Rita Meade  
Mary Nolan  
Eleanor Petty  
Susan Pulaski  
Mary Quinones  
Dean Rasinya  
Susan Romero  
Jean Ryan  
Eleanor Schiano  
Joanne Seminara  
Joseph Sokoloski  
Lawrence Stelter  
Maureen Stramka  
Fran Vella-Marrone

Board Members Excused: 10

Ruth Berg  
Kevin Peter Carroll  
Michael Casale  
Ronald Gross  
Habib Joudeh  
Brian Kieran  
Scott Klein  
George Prezioso  
Dilia Schack  
Mary Ann Walsh

Board Members Absent: 4

Charles Elias  
Luigi Lobuglio  
Jeannie May  
Husam Rimawi

Ex-Officio:

Councilman Vincent

# IB10 Guest Sign In Sheet

Board meeting 9/20/10

<u>Name</u>	<u>Contact Info</u>	<u>Affiliation</u>
Neil Visok	1110 South Ave SE NY 10314	347-273-1356 Atty For Ibiza Bay Ridge
LINDA ORLANDO	260 65th # 23L	
Michael Cossetta	973-885-4451	Ibiza Bay Ridge
Luke DePalma	lukedepalma@brooklynbp.nyc.gov	IBK BOARD PRES
Kenneth Lazar		NYC DDB
SUS E. HALKAS	halkeiaskostas@gmail.com	CAWNY SOCIAL INC
Susan C. TIRROTTA	chulens@nysa.us	AM HYBR-SPRINT
Lichelle Bangert	michbangert@gmail.com	NY City News Service
Charles Claver - Mayor	eglaver@cityhall.nyc.gov	Mayor's CAJ
Michael Marinaki	michael@volmar.com	263 82nd
Danielle Marinaki	DEMARINAKIS@aol.com	" "
Eileen Kassab	<del>265-77th St Bklyn</del> e.kassab@brooklynpubliclibrary.org	LIBRARY
LINDA DIPIA		A.M. Brook-Library
Susan Kinato	265-77th St Bklyn	
Dennis Albo	265-77th St Bklyn	
APRIL CANADE	356 97th aprilcanade@gmail.com	
KRISTEW ESPOSITO	303 83rd ST	HESCH POSITO@live.com
THOMAS NEVE	7708 NEW UTRECHT AVE	REACHING OUT
HAROLD EGGEN	BR EAGLE 7410 STAN	Food Program BAY RINGS CAFE
PETER ZAHNMAN	536 73rd ST BKNY 11209	DESIGN 2 LLC
ALEX SMORODA	GALLERY SOCIAL@GMAIL.COM	
ROSA CASELLA	INFO@NIABKLYD.ORG	NIA
MICHAEL BOVE	"	NIA
Eileen DePuffa	Vegetation Academy	977 407 5656
Melissa Batha	Cong. Mike McMahon	Melissa Batha@mail.nade.gov
Jamil Johnson	519-76 St Bklyn	America Concert Society

CBIO Guest Sign In Sheet  
Board meeting 9/20/10

<u>Name</u>	<u>Contact Info</u>	<u>Affiliation</u>
Jaecquelyn Ray Jr	347-571-7369	Greenmarket
Justin Brannan PO TRISULTANA PO VENEZIA	BrannanJ@aol.com 68 PCT	ART ROOM

**COMMUNITY BOARD TEN BOARD MEETING**  
**September 20, 2010, Shore Hill Community Room**  
**MINUTES**

Chair Seminara called the meeting to order at 7:20 PM and introduced June Johnson, Community Volunteer, to lead The Honor of the Pledge.

Chair Seminara introduced Council Member Vincent Gentile who welcomed everyone back from summer break and spoke about several issues. His staff is currently putting together a Fall 2010 Student Guide to Volunteer Opportunities in Bay Ridge, Bensonhurst, Bath Beach and Dyker Heights.

The Councilman announced an information seminar on Small Claims Court and Housing Court, which will be held on Tuesday, October 5<sup>th</sup> at 7:00 PM at the Bay Ridge Library, 7223 Ridge Boulevard. Small Claims Court and Housing Court experts will be present to answer questions and give a presentation. He encouraged everyone to sign up for this free seminar.

Councilman Gentile announced that the mobile mammography van will be at his office at 8703 3<sup>rd</sup> Avenue on Thursday, September 30<sup>th</sup>. Appointments are required.

The MTA lawsuit he filed along with Senator Golden is going forward. The next court date is October 21<sup>st</sup>. They have not given up this fight with the MTA. We have all seen the damage that these changes have done to bus service, especially on weekends, and to those who are disabled. They are asking for feeder service to the nearest handicap accessible subway; express bus service on weekends and the restoration of some type of express bus service; a spur on the B70 to go to Lutheran Medical Center; and with regard to the daily express buses, they are asking for a dedicated downtown and midtown bus because that has frustrated many riders over the past month. He announced that the MTA meeting on the proposed fare hikes would be tomorrow night at the Brooklyn Museum on Eastern Parkway. Testimony begins at 6:00 PM. They are proposing an increase in bus and subway fares from \$2.25 to \$2.50, as well as the cost of the unlimited metrocard.

Councilman Gentile noted there are 11 days left to vote on the renaming of the Dust Bowl. He encouraged people to vote online on his blog. The names up for consideration are Quaker Parrot Park, The Parrot Bowl, and the Dust Bowl. The renaming will be in mid-October.

Finally, Councilman Gentile announced that he is the new Chair of the Italian American Caucus in the New York City Council and will be at the San Gennaro Festival this Saturday.

BM Bortnick asked the Councilman whether mammography would be available to men, as there has been a significant rise in breast cancer in males as well. The Councilman said he was unaware of this and that as of now they are prepared to do the traditional female mammography; however he would check it out.

Finally, the Councilman welcomed Bob Hudock, the newest member of Community Board Ten.

Chair Seminara invited Assembly Member Peter Abbate to speak. Assemblyman Abbate noted that since the board meetings are on Monday nights, several elected officials are unable to attend during the year. However, when they are home especially in the fall he tries to attend. He said that the work done by Community Board Ten makes his job and Councilman Gentile's job a lot easier. He cannot say how many

things he has worked on recently with Josephine and Dorothy and they are an asset to this community. He thanked them for everything they do for the community.

Assemblyman Abbate noted that during the summer they finally did approve a budget. Hopefully the revenue will be put in and we can get through March 31<sup>st</sup> without any more major cuts. There were two things he knows Councilman Gentile worked very hard on, and one very important issue was that they restored all the Title 20 money so there were no cuts and no closures to any of the senior centers in our area. They received the money to save St. John's Nutrition in Bay Ridge and the Narrows in Bensonhurst. Hopefully, they will be going back up to Albany next month to reappropriate money they received for health care from the federal government, and extra money for education. He is hopeful that they will go back to Albany and put that money back to work.

Assemblyman Abbate acknowledged Colonel Gould from the Fort Hamilton Army Base at the meeting. For the last two weeks he, along with Congressman McMahon and Councilman Gentile, has sponsored picnics for about 450 seniors at the Fort. There is one more to go next Monday. He thanked them for their hospitality.

BM Bortnick asked the Assemblyman if there was any possibility that he could push Sheldon Silver for a moratorium on fracking. The Senate has passed it and he is hopeful that the Assembly will pass it also. Assemblyman Abbate noted it is not Sheldon Silver who is holding it up. There is a majority of members in the New York State Assembly who are not satisfied yet with the process. They want more details on how it is going to take place and what the specifics are to protect especially New York City's drinking water. It's very close to the region there and he thinks it is being held up until they get a clarification and their assurances for water safety for New York City. He noted that if someone's well goes down in Pennsylvania that is one problem that can be solved. However, if something should happen to the New York City reservoir system, we will have 15,000,000 people to worry about. BM Bortnick said that basically that is the purpose of the moratorium; to delay it until May 2011. Unless they pass the bill, the gas drilling companies are going to move forward. The Assemblyman responded that the Assembly will not let them move forward.

Chair Seminara introduced Charles Glover, Brooklyn South Borough Director at the Mayor's Community Affairs Unit. For those who are new to the board, he noted that what CAU does is represent the Mayor in the community and provide a line of communication back to City Hall and the Mayor. They also work on quality of life issues and emergency response. If there is ever a disaster that involves victims who require city services, they go out and coordinate city agencies to make sure that the people who were a part of the process are being taken care of.

Mr. Glover announced that they have a citywide volunteer service program available called NYC Service. You can google "nyc service" and the first result will be the volunteer service site. You would sign up, enter your information, and they will link you to volunteer opportunities in the areas that you specify. The program is dedicated to service in the City. They just swore in a class of just under 200 people from all age groups, but mostly kids just out of college who are going to be working both in city government and different groups throughout the city to build up programs. For many of not-for-profit groups, these volunteers are going to be working for no money from them, but just a small stipend from the City. This will allow us to bolster the community based organizations in the City.

The second program he spoke about was the newly started supplemental program to augment the MTA cuts. As everyone knows, what happened is that we had a bus one day, and the next day we didn't have a bus. Especially in Bay Ridge it's very difficult to get to the hospital. They came up with a creative solution utilizing the private van companies. Right now they have a pilot program with two different routes in South Brooklyn and are hoping this program is a success. He invited people to speak with him at the back of the

room with any questions about the Mayor's programs or problems in their neighborhood. BM Ryan noted that these private vans are not wheelchair accessible.

At this point, Luke DePalma from the Borough President's Office, noted this question was an issue he wanted to speak about. He wanted to build upon what Councilman Gentile mentioned regarding his lawsuit with the MTA. The Borough President, along with Council Member Tish James and Assembly Member Joan Millman at South Brooklyn Legal Services filed a lawsuit against the MTA alleging their bus cuts, in conjunction with increased restrictions on Access-A-Ride, are in violation of the ADA. They know of many people both city wide and borough wide, and of Brooklyn residents who went from having a one hour commute on the X29 which no longer exists to having upwards of three hours because Access-A-Ride does not provide direct routes. The Borough President's specific focus with regard to public transit and the MTA has been and remains seniors and the disabled. Brooklyn has the largest population of both as many people face these issues, and this is something they have been fighting for. Hopefully, in conjunction with Councilman Gentile and Senator Golden's lawsuit and the commuter van, this will fill the gap. Chair Seminara stated that she will give this topic to the Traffic and Transportation Committee.

Susan Tirotta, representing Assembly Member Janele Hyer-Spencer, invited everyone to attend the MTA public hearing tomorrow, which Councilman Gentile spoke about. The Assembly Member will be testifying.

October is Domestic Violence Awareness Month. As a former legal director of a non-profit group that helps with domestic violence, this is an issue that is close to the Assembly Member Hyer-Spencer's heart. She will be participating in the Women Against Violence annual Run Against Violence in Bay Ridge on October 17<sup>th</sup>, and she urges us to participate. Please contact her office for more information.

She announced good news for city schools. New York State won the federal Race to the Top competition, which will provide city schools with over \$300 million over the next four years. Finally, as Assemblyman Abbate mentioned, the Assemblywoman will be going back to Albany next month to reappropriate money received from the Federal government for health care and education.

Chair Seminara invited Commander Michael Gould of the Fort Hamilton Army Garrison, to speak. Commander Gould said it was an honor to be here in New York City and that his welcome by the entire community has been absolutely fantastic. During the next couple of years, he will be working on doing a better job of opening up the Fort to more of the community, to do more things and be more involved in what goes on both outside and inside the gate, and to make Fort Hamilton a full partner in the community.

Chair Seminara invited Melissa Batha from Congressman Michael McMahon's office to speak. She updated everyone on bills that were passed during the summer. She invited anyone who wanted information on the bills to see her after the meeting. She mentioned that they are trying to push forward the 9/11 bill in Congress right now.

## **PRESENTATION**

At this time, Chair Seminara asked David Connelly, Chief Administrative Officer of SUNY Downstate, and liaison Val Henry to speak. Mr. Connelly thanked Chair Seminara and DM Beckmann for inviting them to speak about SUNY Downstate Medical Center. It's hard to believe that Victory Memorial Hospital has been closed for two years and over that time they have been renovating Victory Memorial. They have renovated the emergency rooms to a 24 hour, 7 days a week, urgent care center. They are staffed with board certified emergency care physicians and board certified emergency room nurses. They are capable of taking care of emergencies and they will transfer the patient to a hospital after they have been stabilized, which is a situation that has occurred over the past few months. He wanted everyone to know that they are here to

serve the community. They are in the process of finishing the renovation of the operating room suite. They have renovated all nine operating rooms from floor to ceiling and have changed all the equipment. They are expecting that will be open within the next few weeks. He then opened the floor to questions. BM Harrison asked if the operating rooms were for emergencies. Mr. Connelly responded that they are running what they call an ambulatory surgical center, which will be a full state of the art free standing ambulatory surgical center, which is separate from the urgent care center. BM Harrison asked if they intended to take over the entire building. The response was that the building is actually owned by Abe Lesser who won the building during the bankruptcy proceedings, and SUNY Downstate is renting 130,000 square feet of the total 350,000 square feet that's in the building. So Mr. Lesser does have space and he is looking for tenants.

Chair Seminara asked for a motion from the floor to adopt the Agenda with one small change to have the Traffic and Transportation Committee report prior to the Public Hearings on the BSA Special Permit Applications. Motion by BM Quinones; second BM McCone. Agenda adopted as amended.

Motion to adopt the Minutes from the July 27, 2010 Board Meeting by BM Sokoloski; second by BM Lamia. Minutes adopted as written.

Motion to adopt the Minutes from the June 21, 2010 Board Meeting by BM Grimaldi; second by BM McCone. Minutes adopted as written.

## **PUBLIC SESSION**

David Marangio said that he is working with members of the Bay Ridge Food Co-op to bring the Food Co-op to Southwest Brooklyn. They launched their membership drive one year ago and are celebrating their first anniversary on Wednesday, October 13<sup>th</sup> at 6:30 PM at Christ Church on 73<sup>rd</sup> Street and Ridge Boulevard. Flyers were at the rear of the room and he invited everyone to attend.

Thomas Neve spoke about Reaching Out Community Services, which is an emergency food program/social services organization that feeds 3,400 low-income families each month in the Brooklyn community. He announced their 2<sup>nd</sup> Walk for Hunger event, a two mile walk at Dyker Park leaving from the Knights of Columbus parking lot. Last year was to raise awareness, and this year is to save the organization because they have more demand than support for the program. He invited those who are conscious about families who are really struggling and are also curious about what the organization does, to hold your donations and go spend the day there to see that there are that many people and families who are really dependent on the food program. They are hoping that the walk will help. He thanked Community Board Ten who has really been there for the organization, and the 68<sup>th</sup> Precinct. He noted that though they are located on New Utrecht Avenue, they do service 16 diverse communities in the area. The walk is scheduled for October 16<sup>th</sup>, registration at 8:30 AM at the Knights of Columbus parking lot on 86<sup>th</sup> Street and 13<sup>th</sup> Avenue, and the walk will start at 10:00 AM.

Eileen Kassab from the Brooklyn Public Library wanted to clarify that there are three library systems in New York City. We in Brooklyn have our own library system, the Brooklyn Public Library. She works at the Dyker branch. They are alive and well right now because of the wonderful support from the community. She left a calendar of events and other flyers. She encouraged grandmothers, mothers or anyone taking care of a child to take them to the local library because every library has a pre-school program. They offer basic computer programs for seniors at every branch. Dyker has a knitting program and it's wonderful to see the knitters making things for charity and for the holidays. A question was asked whether they have a book club. Eileen noted that they do have a book club and the information flyer was in the rear.

Bob Muldoon, a resident at 94<sup>th</sup> Street and 3<sup>rd</sup> Avenue, gave an update on the issue of microstamping which is a very common sense bill on guns that he has previously spoken about. It requires that guns have a code on the firing pins so that when they are fired the shell casings have an identification marking on them. Senator Golden is a critical vote on this bill. They were not able to move it in the legislature. There is still time. If the Senator supported it tomorrow, they feel they can still get this bill passed. They will reach out to Senator Golden and he invited anyone who would like to join them to see the literature at the rear of the room. He then introduced Carol Checkett. She is a lifelong resident of Bay Ridge. Eighteen years ago, her son Jeff was murdered here in Bay Ridge. At that time, she remembers the police talking about the bullet casing shells. She believes this is an important bill and she asked everyone to support it.

Mike DiSanto spoke about the increase in crime that is going on throughout the district and what we can do about that as a community. He began talks with the National Sheriff's Association to create a neighborhood watch program throughout the district which will work in conjunction with the police department as well as civic associations. What they have come up with is four central hubs that will be located throughout the district: one in Bay Ridge; Dyker Heights/Bensonhurst; Gravesend; and Marine Park/Gerritsen Beach. It is purely volunteer and of course unarmed. He will be talking more about this during the next couple of months. He hopes that many of you will come on board and volunteer to help patrol our neighborhood, protect our neighborhood, and make sure that we reduce our crime rates.

Jacqui Roytman spoke about the Greenmarket on 95<sup>th</sup> Street and 3<sup>rd</sup> Avenue. Half of the Walgreens parking lot is transformed into a marketplace every Saturday from 8:00 AM to 3:00 PM. It is doing great this season. They have kids' activities, great farms, great foods, and she would love to see everyone there. She thanked everyone and invited them to come to the market.

Chair Seminara invited long time Board Member Jim O'Dea up for a presentation. Chair Seminara said she and Jim have been friends for awhile and it has been a pleasure having Jim as a Board Member. He has decided to retire from our midst and we are sorry to see him go. She wanted to say how much she has enjoyed working with him all these years. They met when they started working on the park across from the Telecommunications High School. Jim has been on Senior Issues, Housing and Health & Welfare Committee, and the Parks, Cultural Affairs, Communications, Public Relations Committee, and he has been a wonderful asset to this board. She thanked him for his many years of sustained and faithful service to this Community.

Jim O'Dea thanked Chair Seminara for the presentation and said he is very proud and honored to have served on this Community Board for the past 10 years. He served with Chairs Steve Harrison, Dean Rasinya, and currently with Joanne Seminara, and he has always been enthused about how wonderful every member of the Community Board has been and all the accomplishments they have made. Joanne mentioned the trailers at Leif Ericson Park which were supposed to be there for one year, and it took them 12 years to get them out of there. He thanked everyone on the Community Board for that and all the efforts they have done as well. As General Douglas MacArthur said in his farewell address, "old soldiers never die; they just fade away". Jim said he will fade away a little bit, but won't go too far.

Chair Seminara then presented Jim with a Certificate of Appreciation "for Outstanding Service to Community Board Ten issued this 20<sup>th</sup> day of September 2010."

## **COMMITTEE REPORTS**

### **TRAFFIC AND TRANSPORTATION COMMITTEE**

In the matter of a street naming request for “Angela Piccini Canadé Way” at 84<sup>th</sup> Street and Ridge Boulevard, Traffic and Transportation Committee Chair Cruz rendered the report. See Attached.

Members of the Canadé family gave an emotional presentation and thanked the Board for the opportunity. BM Rasinya asked the exact corner location for the proposed sign, as there is already another sign at that intersection. It was noted that the proposed sign would be on the northwest corner of 84<sup>th</sup> Street and Ridge Boulevard.

**Motion: To approve of a street naming request at the northwest corner of 84th Street and Ridge Boulevard “Angela Piccini Canadé Way.” All in favor; motion carried unanimously.**

## **PUBLIC HEARINGS**

In the matter of an application for a Special Permit to increase a portion of the perimeter wall height and floor at 1153 – 85<sup>th</sup> Street, BSA Cal. No. 130-10-BZ. Zoning and Land Use Committee Chair Harrison asked if the attorney for 1153 85<sup>th</sup> Street present. ZALUC Committee Chair Harrison rendered the Committee report. See Attached.

Paul Tocci, owner of 1157 – 85<sup>th</sup> Street, stated he has lived there for 23 years. He is against the approval of this Special Permit because the wall close to his home will crowd him and the building is too big for the community.

Sal Genovese, architect for Paul Tocci, also spoke against the approval of this special permit. He stated that his primary concern is that the bulk of the proposed addition will cause darkness for the neighbor. Raising the height from 21’ to 24’ further compounds the darkness between the two buildings creating a long dark corridor. Perhaps a more sensitive design could be figured out with this plan allowing the applicant to get his house the way he wants. The applicant is on a 60’ by 100’ lot, which is bigger than most on that block. Chair Seminara invited the applicant up to speak. Mr. Most, the owner’s attorney, wanted to make it clear that this a Special Permit application under the zoning resolution and this particular section allows for the enlargement of single family homes if certain criteria are met. For instance, in this application two things are being asked for permission to deviate from the general zoning laws. One is to make the building a little bit taller than they allow in the rules that are in place right now. The rules are 21’ for a perimeter wall height. You can go taller if your neighboring building is taller than 21’; you cannot go taller than your neighboring building. That is what they are proposing to do. Mr. Tocci’s house is slightly taller than 21’ and they propose to go the same height as Mr. Tocci’s house.

The other aspect is floor area. The maximum permitted floor area is .5 in this district. They are under built right now at .36. They are proposing a floor area ratio of .6, which is a very small amount compared to other Special Permits that have been granted in the Community Board. He researched Special Permits that were granted by Community Board Ten over the past seven or eight years, and the floor area ratio of homes that were granted a Special Permit was .936, 1.08, .87, .79, and .92. The floor area ratio being sought here is .6, barely over the .5. With that respect, Mr. Most stated the Special Permit falls well within the regulation that the zoning resolution prescribes.

As for the fact that the building is going to be built next to Mr. Tocci’s house, the yards will be compliant and the walls will rise only in the confines of the zoning resolution. No non-compliant yards are being created, and he noted they have gained support from several neighbors on the street. He will provide that information to Community Board Ten, along with the Special Permits that have been granted by Community Board Ten.

BM Amato asked if the owner would consider amending the plans. Mr. Most responded that they are asking for very little, just 2.9' on top. If for any reason it is not granted by the Board of Standard and Appeals, the applicant is going to go forward and build a building that from everyone's perspective is going to be indistinguishable from what would be built under the Special Permit. It is going to be almost the same except for this 2.9' differential in the front. He stated they are not ready to modify the plans at this point.

He went on to say that the ceiling heights are going to be between 6'-7' if they bring it down to the 21' compliant level, so they really do not have a lot of space. The architect wanted to state that this is a renovation of an existing building, and as an existing building, they have existing floor levels. The second floor is built to a certain level. For them to bring the new addition down to a level that would be compliant they would have to break up the second floor and the steps, and the height limitation is only 7' which is not desirable. In addition, the owner has installed a lift in the building to make the floors accessible. Now if they have to make the other floors at a lower level, it defeats the purpose of the lift. All these things are against the fact of dropping the height to 21'.

BM McCone asked if this was a multi-family dwelling, and was told that it is a one family home. She asked whether the work was being done and then there was a stop work order issued. ZALUC Chair Harrison responded that the building was approved in the complaint form. The owner felt that he didn't want the second floor height and decided to go for the Special Permit. The stop work order was issued because there were changes in plans on the second floor and the framing was not compliant. It had nothing to do with the actual building code. BM Cruz noted that this is a 23'9" house with a peaked roof, and with the set back and porch it is a very important visual streetscape. Mr. Most noted that there are very diverse houses on that street. There are several houses that have that form but there are many houses that do not have that form. Some houses have steep hills, steep sloping front yards with garages that grade, and a number of different building types are on that block. He noted this building is not all front at 21'. This was discussed at the committee meeting where there is a portion of the building that does come forward to the 18' front yard requirement, but there is also a significant portion next to Mr. Tocci's house that is set back about 24', which is significantly more than required.

BM Rasinya asked that the applicant reconsider and take a small break for 30 days, sitting with the committee and the people who object, and maybe coming up with something that they can support, because the Board prefers to support a project than not support it. He asked they take a break until the next meeting to see if they can come to some type of agreement. It seems to be a problem not with the FAR, but a little bit with the design. If they can overcome that in some way, we would be most happy to support the application. ZALUC Chair Harrison said that that is a great suggestion and in fact they had made that suggestion at the Committee meeting. They are hoping to sit down and come to some resolution that would be acceptable to everybody. It is clear that something is going to be built there, and we'd like it to be something that everyone will be happy with.

ZALUC Chair Harrison wanted to clarify one thing. They checked with Ken Lazar from the Department of Buildings, who was present, and apparently they have no indication of any kind of original BSA filing of the plans. BM Bortnick asked if perhaps a motion was in order to table this until next month. Chair Seminara replied that they are not doing that. BM Lamia asked if this project was started without permits. ZALUC Chair Harrison noted that apparently there is no record of a BSA filing. However, the permits were definitely issued in order to go forward. Mr. Most wanted to speak on that because there is a BSA filing. The only way to file a BSA application is to have a denial by DOB. This is an accepted application by the Board of Standards and Appeals. It has a denial in it. The BSA would not accept a case until they see the DOB denial. Chair Seminara noted that this is a true statement. From her experience, she knows you cannot file a BSA case if a DOB denial is not on record.

BM Fontas stated that he thinks if we are going to approve additional FAR's, there should be some real reason for it, for instance, that there is a hardship, or public value, and not just because someone started adding a section to his house wanting more FAR. ZALUC Chair responded that this Community Board has consistently and persistently stated that we do not agree with this particular Special Permit. Having said that, this specific Special Permit still exists and is the law. What it says is that if you meet the criteria, you are entitled to this provided it conforms with the surrounding community character. Our job as the Community Board is not to talk about the heights and bounds, but to comment on the character.

BM Germack noted that she was at the Committee meeting and they looked at the plans of the building, along with the schematic of the homes on the block. Most of the homes are in the middle of the building lot. This one went to the edge of the building lot. She thought it was just too big for the block.

BM Rasinya said that if they are willing to wait on the application, meet with the Board again, and meet with some of the people who object, he doesn't think we have to do anything. Short of that, he would like to make a motion to support the Committee.

Chair Seminara asked the applicant, with the permission of the Committee Chair, if he would consider another meeting with them if they are willing to further discuss this application, and if we can hold off for a vote until the next meeting. Mr. Most responded that they are willing to do that.

In the matter of an application for a Special Permit for a horizontal enlargement at 269 77<sup>th</sup> Street, contrary to ZR23-461(a), minimum required side yards; BSA Cal. No. 105-10-BZ. ZALUC Chair Harrison rendered the Committee report. See Attached.

Susan Rinato introduced herself and her husband, Dennis Albo, who have lived at 265 77<sup>th</sup> Street for 14 years. They have raised their three children there. While they have no objection to the applicant's plan to extend his kitchen, they are concerned about his plan to build a second story terrace. As it stands, if they build a terrace on their second floor, that terrace will be approximately 15' from her bedroom window and, because it is on the property line, will be a perch over her property leaving them no privacy. One of the main reasons they moved to Bay Ridge was that part of its character was that it is spread out. They value their privacy, and they value other people's privacy. They had the opportunity to build a deck but they never did because they did not want to impede on someone else. They approached the applicant and expressed disapproval about the terrace. She is basically saying that while she does not mind extending their kitchen, even though they would be seeing the brick wall extended out further than her house and her patio, she is definitely in objection of the second floor terrace. Other neighbors are also concerned because if one is built, others can be built, and they do not want their privacy infringed upon either. She tried to make it clear as nicely as possible, but the plans were put in together; not only the kitchen, but the kitchen with the terrace. She asked the applicant if they would take the terrace off, but apparently it has already been submitted. The terrace will allow a view into bedroom windows, her backyard and her children.

Dennis Albo noted that a lot of the neighbors did not originally have an objection to it because they were not aware of the terrace, as it was presented to them as an extension. They believe it is totally out of character for them to be in their backyard and start seeing porches perched over where people can look at them. When they moved to Bay Ridge, they enjoyed their privacy in their backyard. Privacy was one of the reasons they moved to Bay Ridge.

Chair Seminara invited the applicant's counsel, Eric Palatnik, to speak. Mr. Palatnik wanted to respond to the neighbor's concerns. They are not asking for the Board's permission to build a balcony, but the permission to build the first floor enlargement. It is true that they have plans to put a balcony on top of the enlargement and they have no objection to any position the Board would take on that balcony. However they

would hope we would support the enlargement, which is what they are here for today. The balcony would be for coffee on an occasional Sunday morning and not to sit out there all day and peer at anyone else's yard. They are not doing anything to increase any privacy concerns. He encouraged that any concerns we have be put in our resolution. Again he stated that they are not here to ask for permission for any balcony even though it is part of the design. They are only here to ask for permission for the enlargement for the kitchen which is an area of 4x8', 32 square feet.

BM Falutico asked how close the adjacent house is and was told it is 2'. BM Hudock asked if the balcony was shown on the existing plans. Mr. Palatnik responded that the balcony is on the plans that were originally submitted to the Board. Last week the Board of Standards and Appeals issued a notice and in their notes and comments asked them to remove the balcony and insert a note that says subject to approval by the Department of Buildings at a later point. So again, that is not part of this application. The plans which were filed with the DOB originally showed the balcony. Now they have been amended to remove the balcony, but the balcony is still part of the intention.

BM McCone said she knows that the Zoning Committee worked very long and hard to get the like for like housing. If someone sold a house and was building a new house, they would not be able to build this because like to like is, if you knock down a house that was this way, you can only build a house this way. Chair Seminara noted that it is an application for the Special Permit which is an extra thing. ZALUC Chair Harrison stated that the zoning keeps it to what it is right now, that is the law. But they may make this application.

BM Vella-Marrone wanted to clarify that the Committee is voting on the Special Permit just for the enlargement. The porch is not part of what they are voting on. ZALUC Chair Harrison wanted it to be clear that when Mr. Palatnik appeared he did tell the Committee, without any question, that there would be a deck. It was his understanding that they were voting on the enlargement, and he personally was of the understanding that the deck would be there. Mr. Palatnik is saying that it will come back to the Board in the future.

Mr. Palatnik noted that the application to the Board of Standards and Appeals is for the approval of the enlargement only and not the deck. That is not within the jurisdiction of the zoning law of the State of New York, nor is it in the jurisdiction of this Board. The BSA in its notes and comments asked them to remove the reference to a balcony and instead insert subject to DOB approval, thereby according to them, it is not subject to their approval either. It is only the bulk of the building that they are asking our approval of.

BM Romero said that if she understands this correctly, the concern here is that they are being very up front about presenting us what it is they are presenting to the BSA right now, which is nothing more than the small extension that fits within the FAR, which fits within all the rules. And so if the Board were to approve this extension itself, which is the only matter before us, it is fully compliant. However, they are up front that they are going to be making an application later to put back the balcony, so this Board is stuck between a rock and a hard place because we want to approve what the owner is really entitled to but not to infringe upon the life style of the neighbors, and that cannot really be taken separately. She said she thinks she is speaking for the Board that this is an obvious objection. ZALUC Chair Harrison disagreed with what BM Romero said. They would not need a Special Permit if there wasn't some non-compliance here. What he said was that the FAR was compliant. 99% of the time, that's what they come in for. In this particular case it was a side yard problem. This only comes out to the edge of the building which is already non-compliant. From that point, this is probably the smallest Special Permit we have ever had at 32 square feet. Mr. Palatnik is telling everybody here that this will not give them the right to put the balcony up, but they have also said they have already filed for the balcony.

BM Falutico said the Board could make a motion in favor the Special Permit for the extension with all other aspects of the construction to be in compliance with the zoning. The comment was made that if we didn't approve the extension, then they would not have the opportunity to put the balcony on it. BM Falutico made a motion to support the Special Permit application for the one story extension with all other aspects of the construction to comply with the zoning.

BM Ryan noted that she has lived next door to someone who had a balcony and all they have to do is be outside talking at night and she can hear everything, especially if it's teenagers or people in their 20's. If she is sleeping, it wakes her up especially if they come home at 4:00 AM. This can be a problem. The other issue is that if they are not in compliance because they are next to the house on one side, that's going to be a problem on that side especially.

BM Rasinya does not think this is going to be a problem if the applicant was willing to stipulate that they will not build the balcony or use the balcony. He thinks the idea is that they want to enlarge their kitchen, but there is a problem with the balcony. So if they would stipulate to that, he thinks we can move this along.

Mr. Palatnik stated that they would be happy to put in a stipulation that the Community Board is not approving any balcony. He understands our position and if the Board is going to vote against it on that basis, they will have to abide by that. BM Cassara suggested they modify the plan to put a pitched roof on the extension that precludes any possibility of a porch being built.

BM Fontas asked if all we were doing is commenting on the findings, and if part of our finding are that we believe the character, and if we believe that part of this project is the balcony, that it is outside the character. ZALUC Chair Harrison said he was a little confused and asked if we approve, are they going to go back and ask the Department of Buildings' permission, that if the roof is structurally sound, they can use it for a deck. Mr. Palatnik responded yes, that anyone who had a lower level roof available to them, can carve out a terrace or balcony.

Chair Seminara pointed out that if we approve their application, we are granting their permission to just get a permit as a matter of right for the deck. We are not going to be able to condition our approval on that because that's an "as of right" matter.

BM Falutico suggested that if we approve the application we place a restriction on building the deck. The architect commented that, not wishing to cause any disagreement intentionally, his client would not stipulate to that.

BM Rasinya made a motion to disapprove the application; second BM Amato. Discussion followed.

ZALUC Chair Harrison said the difficulty he has with disapproving this is that there are people all over who have a second story where they have a balcony, whether they be in the front or in the rear. He doesn't understand what's different about this than those that we see where people sit out in front or people who have windows that can look in your bedroom. They are talking about people sitting in the backyard talking and you can hear them, but you can hear them on the first floor also. BM Grimaldi responded that the difference between a second floor balcony and a balcony in a two family house is that the balcony on a two family house is adjacent to a living room, not a bedroom. In this situation, the balcony is going to be adjacent to their neighbor's bedroom. You are mixing uses, and she sees it as a public gathering space, a balcony, a terrace, an outdoor entertainment area, which should be on the lower levels or common living levels, not sleeping quarters, where it makes the sleeping quarters public space which would make it uncomfortable for your neighbors.

A roll call vote was taken. See Attached.

**Motion: To deny the application for a Special Permit for a horizontal enlargement at 269 77<sup>th</sup> Street, contrary to ZR23-461(a), minimum required side yards; BSA Cal. No. 105-10-BZ. 21 in favor; 11 opposed; 1 abstention; 2 recusals.**

In the matter of an application for a Special Permit at 158 – 85<sup>th</sup> Street for a proposed 260 square foot single story horizontal enlargement to existing kitchen at the rear yard of existing single family detached residence and open porch subject to DOB approval; BSA Cal. No. 152-10-BZ, ZALUC Chair Harrison rendered the Committee Report. See Attached.

Peter Zaharatos, a representative for the project, brought a model of the project to show the Board. He noted that the proposed enlargement of 260 square feet does not encroach the side yards or the rear yard. The enlargement would be 92 square feet over the maximum, which is relatively modest. The neighbor immediately to the left is twice the size and extends much farther than the extension they propose, and they have his permission.

BM Vella-Marrone made a motion to approve the application for a Special Permit at 158 – 85<sup>th</sup> Street; second BM Leonardos.

BM Kokolis commented that she liked the presentation because it gives a clear idea of the proposed enlargement. She also wanted to say that we live in a very distressed economy and everyone tries to extend and expand, and we should be a little more flexible on every issue that comes up. They do not have the money to buy a new home.

BM Grimaldi asked what the space is between the homes and the response was 11'. BM McCone asked if it is a 40x100 lot, and the response was that it is. The representative noted they would have a sloped roof to maximize light and sun shading. There will also be a reflecting pool which would help reflect light with the help of a solar tube, which is a tube that carries 10,000 volts of light into the basement windows.

**Motion: To approve the application for a Special Permit at 158 – 85<sup>th</sup> Street for a proposed 260 square foot single story horizontal enlargement to existing kitchen at the rear yard of existing single family detached residence and open porch subject to DOB approval; BSA Cal. No. 152-10-BZ. 48 in favor; 1 recusal – BM Stelter. Motion carried.**

BM Bortnick stated that he would like to make a motion to landmark all of Bay Ridge and Dyker Heights and do away with the nonsense. Chair Seminara said that is out of order.

**CHAIR'S REPORT – See Attached**

**DISTRICT MANAGER'S REPORT – See Attached**

**TREASURER'S REPORT**

In the absence of Treasurer Mary Ann Walsh, the Treasurer's Report was rendered by BM Schiano. See Attached.

**COMMITTEE REPORTS (continued)**

## POLICE AND PUBLIC SAFETY COMMITTEE

In the matter of SLA application for Ibiza Bay Ridge Inc., at 8214-16 Third Avenue, Kristen Esposito, a resident of 83<sup>rd</sup> Street, spoke in opposition of the application. She mentioned constant problems that residents had experienced with Level, the former establishment at that location. The new owners say they are going to be opening a family restaurant, and she does not believe it will be a family restaurant since it will have three bars and security. She feels we should consider the noise level and the element that will be coming to the establishment.

Danielle Marinakis, a resident of 82<sup>nd</sup> Street, also spoke in opposition of the application. The former establishment, Level, was opened as a restaurant and turned into a night club. She stated when Level was open there were many fights in front of her home. Her children, who are 2 and 4 years old, were woken up on Friday and Saturday nights from the fights, people bleeding on the streets, garbage cans turned over. They cannot sleep and they just cannot go through that again.

Lori Wilkes also spoke in opposition of the application. She feels it is inappropriate to have this drinking establishment, which is exactly what this place will be although they are trying to bill it as a family restaurant. It can legally fit approximately 210 people, they will charge a cover charge at the door, they will have three bars, bouncers and security. The kitchen will only stay open until 11:00 PM; they are requesting that the establishment stay open until 4:00 AM. She noted this would be 210 people drinking for five hours without any food. She does not want to go through the nightmare she's heard from other people; terrible fights, noise, drinking. She does not think it will be any different with this establishment because it is a large drinking establishment and it doesn't have a place on Third Avenue. As far as the stipulations she heard at the Committee meeting, the reality is that she does not believe these stipulations are going to help the people in the community for the simple fact that, once these 210 drunk people leave, you cannot stop them from going up the block, peeing on the lawns and fighting. Most importantly, it's very difficult to enforce these stipulations because you call 311 and the police department is overwhelmed, or the DEP who suggested she have someone come to her house at 3:00 AM to take a decibel reading. Part of the reason she's here is that she wants to be asleep at 3:00 AM. She really hopes the Board takes this seriously and votes against the application.

Police and Public Safety Committee Chair Pulaski rendered the Police and Public Safety Committee Report. See Attached. Discussion followed.

Neil Visoky, the attorney for Ibiza Bay Ridge Inc., stated his clients and himself have great sympathy for the residents. His clients have a lot of history in Bay Ridge and are very committed to doing the right thing. There are a lot of things his clients have agreed to do by agreeing to the conditions of the stipulations which he believes shows that they want to start off on the right track and continue in the right direction, and they want to build a beautiful business that's good for the surrounding community and presence. He does not know much about the former establishment, although he does know it was a big problem. It was a place with a lot of violence, noise, complaints and a whole list of problems which are very important to the surrounding residents. He has had extensive conversations with his clients over many hours discussing from a lawyer's perspective and from a police perspective as to how you can be a good tenant and a good neighbor to everyone in the community. He sat them down because he had the luxury of being in the Police Department's legal bureau and closed down several hundred locations under their Nuisance Abatement Law and he personally knows what this means to the community. There are a lot of things in the stipulations that his clients agree to just to show good faith and that they are willing to do the right thing for the residents. They have a strong conviction that it's going to be a good place if we just give them a little time to show their true colors and how good this place could be for the neighborhood.

BM Romero asked Mr. Visoky what stipulations the owners have not agreed to. He responded that out of 10 or 12 stipulations, he has made a minor modification on two of them. With regard to a promoter, he just wanted to make sure this is not confused with advertising. Basically, they would put ads in newspapers or maybe something on the radio or internet. The other modification was for no live music. Originally, it was to be limited to exclude bands, orchestras, and things of that nature. A lot of restaurants and lounges might have a karaoke night or on occasion a solo performer, with no band and no orchestra. They know that the noise is the big concern, and they don't see that there is much of a difference if there is a DJ. The last modification was regarding security. He wanted to stress that Thursday, Friday and Saturday nights they would have full security, but not in the afternoons. Security would be at night to show presence and to ensure that everyone entering the location is of the appropriate age. They would scan ID's, have security cameras, etc.

Chair Seminara noted that there is a motion by the Committee to deny the application except if they abide by the stipulations and Mr. Visoky brought before the Board some minor changes to the stipulations.

BM Grimaldi asked how these stipulations get enforced and asked if they appear as part of the license, and if you violate the license, then your license gets revoked. The response was that yes, they are part of the license and if you violate the license, the license is revoked. The Police Department can enforce them. BM Grimaldi said that she is puzzled by the need in the original request for bonded security. Mr. Visoky explained that it is going to be a restaurant that is open throughout the entire day for lunch and dinner for families, etc., and it is also going to be a lounge. So for late on Thursday, Friday and Saturday it made sense that a business of this nature had a presence where they can check ID's, or if they see someone is under aged, or if they see someone is not dressed the right way or the right demeanor, they can turn them away.

BM Quinones wanted to ask a question without sounding sarcastic which is not her intent, but wanted to know why a high scale family restaurant needs to be open until 3:00 or 4:00 AM. Mr. Visoky said to go by the establishment and take a peek inside. He responded that he has professional clients who want to run a top notch establishment. They put a lot of money into the place and know the ramifications and repercussions of not doing the right thing. So they are on notice to abide by the laws that are necessary. The riff raff will be turned away and that's what we are going to see.

BM Ahl asked if the neighbors agree with the stipulations that are proposed or do they want more. Chair Seminara said that they will open that back up once we have our discussion and then they'll get to the stipulations.

BM Cruz noted that one of the biggest problems is not the people going in; it's the people coming out. She is assuming the stipulations will help the residents and all of Bay Ridge with that issue. Mr. Visoky responded that the licensed security company handling security is Pinnacle. They are a very professional organization, licensed and bonded, most of their employees are former police officers, and they are going to disperse the crowd. Come late night everyone is going to be dispersed and leave the area.

BM Amato noted that they have agreed to no dancing, but they are going to hire an 80's music DJ, which is almost impossible to have music in a lounge with no dancing, and that is going to be very challenging. Mr. Visoky responded that basically, even upon entering, people would be told to pay attention that there is no dancing and they have no license for dancing. Enjoy the food, enjoy the music and enjoy the atmosphere. And once again the security guards would be walking around to stop anyone who is dancing.

BM Stelter asked if soundproofing was done in the establishment. The response was that there was soundproofing, as well as a brand new fire alarm system and security cameras.

BM El-Yateem wondered if he went to the family restaurant with his wife and children for a nice enjoyable meal, would his 16 year old daughter's ID be checked. The response was that checking ID's would not happen until 9:00 PM or so. BM El-Yateem asked what if he came after 9:30 PM. Mr. Visoky stated that the security guards would of course use their discretion, and it would be up to the bartender, waitress or server to make sure no one underage is drinking alcohol.

With regard to the issue of what happens to the people once they leave the establishment, BM Romero said that the bouncers who are checking ID's are not going to know who has a tendency to drink too much and get rowdy, unless they have seen them before. It seems obvious to her that there are going to be issues with a place that is in an area that is so residential and high end. The response was that everyone in the establishment throughout the night was going to be monitored. If it's noticeable that they are drinking too much, they will be cut off. They will also establish a rapport with the 68<sup>th</sup> Precinct and at nights they will drive around and be present in the area.

BM Falutico said that with 210 people in the establishment, there is the potential for a lot of noise and disturbance, which she feels is very possible because of its size.

Chair Seminara stated that we have a motion from the Committee that asks that the application be denied unless the applicant complies with certain stipulations, which they have agreed to. BM Fontas made a motion to accept the Committee recommendation. BM Cruz asked what would happen if we deny the application. Chair Seminara said it can still be approved without our stipulations.

BM Fontas wanted everyone to know that the Committee spent an incredible amount of time on this issue, and he thinks that what the Committee decided to do was to make sure that the property would operate the way they claimed they would operate. They did not believe the things they were hearing because it sounded a little skeptical – 200 people, ID's, etc. – which is why they added all these stipulations. If those all become part of the method of operations and if they are in violation, they could potentially lose their liquor license, and they know that. He is not advocating for them or against them, but he wanted to let everyone know what the Committee was trying to achieve in doing all the stipulations.

Police and Public Safety Committee Chair Pulaski wanted to mention that this comes up with every new applicant we have in an adverse history location. So we have to decide that this is a new applicant and maybe they will do things exactly the way they say they will. We have to factor that in. It's not a re-application; it's not someone coming back with an SLA renewal. It's a new applicant. For the last two years we have been putting in these stipulations. Before that we couldn't do that, but now the SLA has allowed us to do this. If we don't pass it with the stipulations, we don't have a chance.

BM Vella-Marrone stated that when we put the stipulations in and it goes to the SLA, they take what we say seriously and they have been accepting all the stipulations we have been submitting. So that is a good thing and that's comforting to us in that if we don't do this and we just vote it down, it can go before them without anything and we don't know what is going to happen. BM Fontas wanted to add to that saying that it will go to the SLA. If we vote in favor of disapproving on condition of these stipulations, they have already accepted the stipulations, so in essence we are voting in favor of the application. If we just vote flat out "no", we are voting against the application.

BM Grimaldi asked if we have any history that the SLA has acted on any of the stipulations to date. Committee Chair Pulaski noted that the first stipulation was for Crown KTV and we were right on target as to why we placed them and so far those stipulations have been used and they have violated them. BM Grimaldi asked what happened, and Committee Chair Pulaski responded that we would probably be hearing

about this in the future. Mr. Visoky said he reached out to an attorney who does a lot of liquor law in Manhattan and Brooklyn, and he said point blank that the investigators for the State Liquor Authority wait 15 minutes after they are supposed to stop serving and it's a \$2,500 fine with the State Liquor Authority. So the fines are tremendous.

BM El-Yateem said we need to be fair to the new owners who are doing this and the money they have invested in this place, and of course to the neighbors who are living around there. We should not judge them on the old establishment.

BM Rasinya wanted to clarify that when he was Chair at an SLA meeting where they approved an application with stipulations, the Chair of the SLA was very clear to the applicant and said "you understand if we approve this with these stipulations, the SLA, the Police Department enforces it, it is the law". The stipulations are the law. His second point is he thinks we should modify the motion because we are actually saying we'll approve it, but we should say we approve with these stipulations. Chair Seminara noted that we had contacted the SLA about how to word these motions, and they suggest we say we deny it unless they abide by the stipulations. The motion that is on the floor now is to deny the application unless the applicant abides by the list of stipulations that were detailed in our meeting.

**Motion: CB10 to accept the Committee's recommendation to deny the new SLA application for Ibiza Bay Ridge Inc., 8214-16 3<sup>rd</sup> Avenue unless the applicant abides by the following stipulations:**

- **The hours of operation are Sunday, Tuesday, Wednesday 11 AM to 12 Midnight and Thursday, Friday and Saturday 11 AM to 3 AM with last call one hour before closing time.**
- **Dining tables not be removed from their location.**
- **All doors and windows shall remain closed; doors only opened for ingress and egress.**
- **No velvet rope is to be used outside the establishment.**
- **No valet service is to be used unless a parking lot has been secured.**
- **No promoters shall be hired.**
- **There will be no live music.**
- **The rear alley (between the establishments and the residents of the block) shall be liter free and free of all patrons and employees.**
- **There will be no dancing and no filing of a Cabaret license.**
- **There shall be a sound limiter/governor installed on the DJ sound system to limit the decibel level to NYC compliance and is to be checked by the police department.**
- **Full -time licensed/bonded security personnel shall be employed.**

**47 in favor; 2 opposed – BM McCone, BM Cruz. Motion carried.**

In the matter of the new SLA application for Gallery Social Inc., 7915 3<sup>rd</sup> Avenue, Police and Public Safety Committee Chair Pulaski rendered the Committee Report. See Attached. Discussion followed.

Gus Halkias spoke on behalf of the applicant. They have agreed to the stipulations and just have one change with regard to the hours of operation. They had said at the Committee meeting that they wanted to be open until 1:00 AM Sunday, Monday, Tuesday and Wednesday, and on Thursday, Friday and Saturday from 11:00 AM to 3:00 AM. Chair Seminara asked if they were asking for another hour. He responded that BM Fontas had asked whether the hours of operation were final hours or last call hours, and then they corrected that in the initial hours that they said. So they just wanted to say 3:00 AM for Thursday, Friday and Saturday, and 1:00 AM Sunday, Monday, Tuesday and Wednesday. BM Fontas noted that they were increasing the hours because they had said 11:00 PM last call, and 12:00 AM closing. Mr. Halkias said it would be last call at 12:00 AM, close at 1:00 AM Sunday through Wednesday, and last call 2:00 AM, close at 3:00 AM Thursday, Friday and Saturday.

Chair Seminara asked if someone would like to make a motion to accept the Committee's recommendation. BM Fontas asked what exactly the Committee report said. Committee Chair Pulaski stated that they did not have a last call comment on the Committee report. The report said it was closing at 12:00 AM Sunday, Monday, Tuesday and Wednesday, and Thursday, Friday and Saturday it was closing at 2:00 AM. BM Fontas asked Mr. Halkias if they wanted to change that to last call times instead of closing times. Mr. Halkias stated that at the meeting he had understood those to be last call hours and not closing hours. Chair Seminara stated that we have them as closing hours and that's the recommendation of the Committee. She asked if someone would like to endorse the recommendation of the Committee. BM Fontas made a motion to accept the Committee's recommendations and not the amended recommendation that was made.

BM Rasinya asked if we just approved an application where last call was 2:00 AM. BM Fontas noted that was just for the weekend, Friday and Saturday. BM Rasinya questioned whether or not that was exactly what this applicant is asking for. BM Fontas noted that this applicant is asking for more time both on the weekend and during the week. They are trying to close later Sunday through Wednesday and the Board is recommending they close at midnight. The question was raised about last call and it was stated that last call is one hour before closing time. When asked why there was a difference, BM Fontas noted the first reason was a size issue. The other establishment is massive compared to this one. The second reason was that the other one had significant adverse history that we are responding to. And the third issue was that the former Level had wide spread opposition. Last call at Ibiza is 11:00 PM, and they close at midnight. With Gallery, we don't have last call; they just close at midnight.

**Motion: CB10 to accept the Committee's recommendation to deny the granting of this SLA application for Gallery Social Inc., at 7915 Third Avenue unless the following stipulations are agreed to:**

- **Hours of operation: Sunday – Wednesday 11 AM – 12 AM; Thursday – Saturday 11 AM – 2 AM.**
- **There is to be only recorded music.**
- **Noise is to remain below the legal limits as outlined in their lease: Decibels shall not exceed 45 or the legal limit whichever is less.**
- **No promoters are to be used.**

**The backyard stipulations are:**

- **Shall close at midnight.**
- **Lighting shall be subdued.**
- **There shall be no music.**
- **Shall only use non-metal furniture.**
- **Smoking will not be permitted.**

**All in favor. Motion carried.**

In the matter of the new SLA application for Milagros Bistro Latino LLC at 7215B Third Avenue, Police and Public Safety Committee Chair Pulaski rendered the Committee Report. See Attached.

Motion by BM El-Yateem to support the Committee's recommendation to approve this SLA application without stipulations.

**Motion: CB10 to approve the new SLA application for Milagros Bistro Latino LLC, 7215B Third Avenue without stipulations. All in favor. Motion carried.**

In the matter of the new SLA application for Los Pollitos Bay Ridge LLC, 7205 Third Avenue, Police and Public Safety Committee Chair Pulaski rendered the Committee Report. See Attached.

Motion by BM Grimaldi to support the Committee's recommendation to approve this SLA application without stipulations.

**Motion: CB10 to approve the new SLA application for Los Pollitos Bay Ridge LLC, 7205 Third Avenue without stipulations. All in favor. Motion carried.**

**SENIOR ISSUES, HOUSING AND HEALTH & WELFARE COMMITTEE**

Senior Issues, Housing and Health & Welfare Committee Chair Grimaldi rendered the informational report. See Attached.

**PARKS, CULTURAL AFFAIRS, COMMUNICATIONS, PUBLIC RELATIONS COMMITTEE**

Parks, Cultural Affairs, Communications and Public Relations Committee Chair Festa rendered the informational report. See Attached.

**OLD BUSINESS**

None

**NEW BUSINESS**

None

Motion made to adjourn. With no further business, Chair Seminara adjourned the meeting at 10:10 PM.

## **Traffic & Transportation Committee Report**

**Wednesday, Sept. 8, 2010**

The T&T Committee met at the district office to review the application to name the SW corner of 84<sup>th</sup> Street and Ridge Boulevard in honor of Angela Piccini Canade.

Angela Canade falls within the streetnaming guidelines of Community Board 10.

Angela Canada led a life of exemplary community service.

Many know her from her newspaper column in the Home Reporter which she wrote for 40 years. She was a graduate of Fontbonne Hall Academy and served on their executive board for many years. Angela Canade began her long career as a teacher. She later served as Director of Public Relations for Victory Memorial Hospital. She was active numerous organizations.

To name a few (but by no means all)

The Guild for Exceptional Children

Ragamuffin

Bay Ridge Festival of the Arts

Bay Ridge Professional Women

Bay Ridge Community Council

And she was the recipient of countless awards.

She was everywhere in Bay Ridge, and everyone has a story to tell about her.

And in addition to a life of community service, she was a devoted mother as was demonstrated to the committee by the emotional response of her family at the T&T committee meeting.

The family has a prepared statement that they would like to read which sums up Angela Piccini Canade's life, career and public service.

The application was unanimously approved.

That was the only agenda item.

Other items discussed for information only

Members of the public commented on the double parking at the nightclub Amnesia at 100<sup>th</sup> Street and Fourth Avenue.

There was also a suggestion to post speed limit signs in Bay Ridge.

The right turn permitted on red at Shore Road and Third Avenue is dangerous and has resulted in pedestrian accidents. This was referred to the Pedestrian Safety Committee.

The danger posed to bus riders and pedestrians when cars are parked in bus stops and passengers are discharged in the middle of the street was also discussed.

Judith Collins commented on the "countdown" traffic signals on 86<sup>th</sup> Street. Several more are planned for CB10.

Brian Kieran asked if the roadway changes to Shore Road Drive have resulted in a decrease in accidents, and yes they have.

Work is in progress at the 86<sup>th</sup> street subway station. There appears to be new concrete.

Private "Dollar Vans" are replacing eliminated bus service in parts of Brooklyn and Queens. None are considered for CB10, particularly the B37. Jean Ryan noted that a government agency cannot replace an existing handicap accessible service with a non-compliant service. They seem to be avoiding this by using licensed private service.

One member noted that 75<sup>th</sup> Street/Bay Ridge Parkway is dangerous with buses, double parked cars and heavy traffic.

Trucks are illegally parked on 7<sup>th</sup> Avenue near McKinley and Leif Ericson parks and along Poly Place.

Respectfully submitted  
JMB  
9/20/10

Community Board 10  
Zoning and Land Use Committee

Report Date: September 20, 2010  
ZALUC Meeting Date: September 15, 2010  
Subject: 1153 85<sup>th</sup> Street  
BSA Cal # 130-10-BZ

Good evening zoning fans.

ZALUC met without quorum on September 15 to consider an application for a Special Permit under ZR§73-622 on the premises. Present were DM Beckmann and the attorney for the applicant, Jonathan Most. Under the application the FAR would increase from the current .36 to .6. The current maximum FAR is .5. In gross terms this would increase the FAR from 2206 to 3647 sf, an increase of 1441 sf. Maximum permitted currently is 3000sf.

The applicant was actually in the process of building when a stop work order was issued. According to the applicant, at that time no work had been done on the non-complying portions of the building. As such they claim this to be an application for a new permit rather than an application for a legalization. However, upon studying the photos and plans it appears this representation may not have been accurate and the attorney representing the applicant agrees that may be so.

The neighbor to the east appeared and objected. He believes the permit should not be granted because the wall close to his home will crowd him and the building is too big for the community.

Provided the plans are consistent with the character of the surrounding community, a special permit under 73-622 almost automatically allows the owner to build about 10% larger than allowable under as-of-right zoning provided the owner stays within certain specs and the plans to not exceed any current non-compliance.

CB10's role is to comment upon character. The residence when completed will be significantly larger than other buildings on the block, both taller and occupying a larger footprint. Moreover, the style of the street wall appears more monolithic with no tiering characteristic of other homes there. One lot directly across the street has a home about the same size but with a more tiered appearance, consistent with the neighbors.

Those ZALUC members present unanimously believe the proposal does not meet the character of the surrounding community and recommend disapproval of the application.

Because there was no quorum, the motion must come from the floor

Respectfully submitted



Stephen A. Harrison  
Chair, ZALUC

Community Board 10  
Zoning and Land Use Committee

Report Date: September 20, 2010  
ZALUC Meeting Date: September 15, 2010  
Subject: 269-77th<sup>th</sup> Street  
BSA Cal # 105-10-BZ

Good evening zoning fans.

ZALUC met without quorum on September 15 to consider an application for a Special Permit under ZR§73-622 on the premises. Present were DM Beckmann, Chair Seminara, the applicant, and the applicant's attorney, Eric Palatnik.

Under the application the FAR would not increase above the as-of-right parameter. The current maximum FAR is .887, the existing is .69 and the proposal would bring it to .70. In gross terms maximum is 2268sf, current is 1504.2 and proposed is 1531. The increase in FAR is as-of-right.

The issue lies in the side yards. The house is pre-existing, non conforming. The current side yard requirement is for 2' on either side with a total of 10'. However, the house only provides one 4' side yard on one side of the house and nothing on the other side.

The two story building is essentially a rectangle with a small existing one story extension in the rear leaving one small open area in the rear that would have to be filled to complete the rectangle by filling in that small 26sf area. The degree of non-compliance in the side yards would not increase. The interior space would increase the size of the kitchen. The applicants would use the roof of the full width extension as a porch or deck with access from the second floor. At the meeting nobody appeared in opposition and the applicant advised that the neighbors had consented.

Provided the plans are consistent with the character of the surrounding community, a special permit under 73-622 almost automatically allows the owner to build about 10% larger than allowable under as-of-right zoning provided the owner stays within certain specs and the plans to not exceed any current non-compliance.

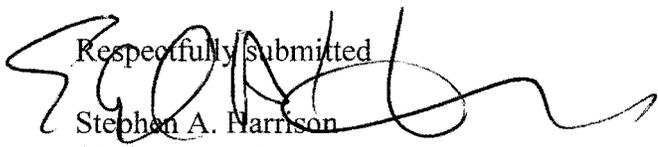
CB10's role is to comment upon character. The non-compliance proposed is minimal. It has no effect on the community character because it will be in the rear of the house and ZALUC rarely views rear structures as affecting community character from an aesthetic point of view.

Those ZALUC members present unanimously believe the proposal is consistent with community character and recommends its approval.

Because there was no quorum, the motion must come from the floor.

The ZALUC chair notes that after the vote was taken a neighbor did come in to express concern. Because the applicant had left already and could not respond to any objections or questions, the vote was not disturbed and the hearing was not re-opened. The complaint was advised to come to the full board meeting.

Respectfully submitted

  
Stephen A. Harrison  
Chair, ZALUC

**COMMUNITY BOARD TEN RECORD OF ROLL CALL VOTE**

**MEETING DATE** September 20, 2010

To deny the application for a Special Permit for a horizontal enlargement at 269 77<sup>th</sup> Street, contrary to ZR23-461(a), minimum required side yards; BSA Cal. No. 105-10-BZ.

**MOTION TOPIC**

MEMBER	FOR	AGAINST	ABSTAIN	RECUSE
Ahl, Greg	X			
Amato, Liz	X			
Berg, Ruth	ABSENT			
Bortnick, Allen		X		
Carroll, Kevin Peter	ABSENT			
Casale, Michael	ABSENT			
Cassara, Robert	X			
Collins, Judith		X		
Cruz, Doris		X		
D'Amelio, Ida	X			
DeMetz, Anna		X		
Elias, Charles	ABSENT			
El-Yateem, Khader	X			
Eschrich, Siti	X			
Falutico, Ann				X
Festa, Michael	X			
Fontas, George		X		
Germack, Barbara		X		
Grimaldi, Judith	X			
Gross, Ronald	ABSENT			
Harrison, Stephen		X		
Hudock, Robert		X		
Joudeh, Habib	ABSENT			
Kieran, Brian	ABSENT			
Klein, Scott	ABSENT			
Kokolis, Stella	X			
Lamia, Dino		X		
Leonardos, Nikolaos		X		
Lobuglio, Luigi	ABSENT			
May, Jeannie	ABSENT			
McCone, Rhea	X			
Meade, Rita	X			
Nolan, Mary	X			
Petty, Eleanor	X			
Prezioso, George	ABSENT			
Pulaski, Susan	X			
Quinones, Mary	X			
Rasinya, Dean	X			
Rimawi, Husam	ABSENT			
Romero, Susan			X	
Ryan, Jean	X			
Schack, Dilia	ABSENT			
Schiano, Eleanor	X			
Seminara, Joanne	X			
Sokoloski, Joseph	X			
Stelter, Lawrence				X
Stramka, Maureen	X			
Vella-Marrone, Fran		X		
Walsh, Maryann	ABSENT			
<b>TOTALS</b>	<b>21</b>	<b>11</b>	<b>1</b>	<b>2</b>

Community Board 10  
Zoning and Land Use Committee

Report Date: September 20, 2010  
ZALUC Meeting Date: September 15, 2010  
Subject: 158 85<sup>th</sup> Street  
BSA Cal # 152-10-BZ

Good evening zoning fans.

ZALUC met without quorum on September 15 to consider an application for a Special Permit under ZR§73-622 on the premises. Present were DM Beckmann, the applicant, Jeanne Kontoperakes and her architect, Peter Poruczynski.

Under the application the FAR would increase from the current .46 to .52. The current maximum FAR is .5. In gross terms this would increase the FAR from 2332 to 2592 sf, an increase of 260 sf. Maximum permitted currently is 2500sf.

The applicant desires the permit to add a kitchen addition. All work will be in the rear with none showing in the front. The addition is interesting. It is a cube-like structure, somewhat futuristic looking that was generally well received

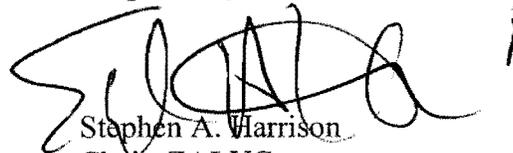
Provided the plans are consistent with the character of the surrounding community, a special permit under 73-622 almost automatically allows the owner to build about 10% larger than allowable under as-of-right zoning provided the owner stays within certain specs and the plans to not exceed any current non-compliance.

CB10's role is to comment upon character. The non-compliance proposed is minimal. It has no effect on the community character because it will be in the rear of the house and ZALUC rarely views rear structures as affecting community character from an aesthetic point of view.

Those ZALUC members present unanimously believe the proposal is consistent with community character and recommends its approval.

Because there was no quorum, the motion must come from the floor

Respectfully submitted



Stephen A. Harrison  
Chair, ZALUC

**Chair's Report**  
**Community Board 10, Brooklyn**  
**September 20, 2010**

Dear Board Members:

Welcome back. I hope you enjoyed some vacation time with friends and family this summer. While we did not have committee meetings this summer our Board work continued unabated. Special thanks for the great turnout we had at our emergency summer meeting. But last week was a busy one for committees and issues. I ask you all tonight to recommit yourself to attending our meetings. As you know the real fact finding and consideration work of the Board takes place at our committee meetings and as it happens we often do not have a quorum. Your attendance is important and a minimum requirement of your Board membership. If you do not attend our committee chairs have the burden of carrying the ball and they need your support. Please support our PCAP committee by making time to join us on Saturday, October 16, 2010 for a public mini-walking tour of a small part of our CB 10 district as we to learn to appreciate our history, architectural treasures and hang out together. Michael Festa will tell you all about it.

The next housekeeping topic involved Board-wide emails. We have made an attempt to limit the messages we send to Board members via internet to those that pertain to Board business. We have also accommodated some requests to pass the word about events and announcements from not-for-profit organizations and will use our discretion in forwarding these messages. Please understand that we will not use the internet for certain messages of a personal or business nature. Further, please be assured that our communications will not be used for politicking or partisan purposes. Out of respect for each other and our role in this community I would also ask that you use your discretion and refrain from sending board wide messages that do not reflect the interests of our work together or are partisan in any way.

I had the wonderful honor of being the guest speaker at the Fort Hamilton Army Garrison two weeks ago to address the topic of women's voting rights and how these rights relate to patriotism and thought I would share my remarks with you. I also greatly enjoyed attending the Arab Muslim American Federation 14<sup>th</sup> Annual Ramadan Welcome Dinner Iftar on August 19<sup>th</sup>.

I was joined at the Ft. Hamilton event by District Manager Josephine Beckmann, Dorothy Garuccio, our community coordinator and Board member Judy Collins, our liaison for military affairs. I was also pleased that my husband, Pierre Lehu, could join us.

The occasion lead me to reflect on the fragile nature of our democracy, the voting rights of women, and how CB 10 fosters these goals as a democracy organization. CB 10 has about 12 public meetings a month except in the summer – with lots of committees heading up various topics. Josephine and Dorothy spend every day all day answering calls and inquires, meeting with neighbors and government agencies and staff members, making demands of government to make sure we get what we pay for. We are a part of the government but serve as an informer of and about government as well as agent of change. And everything we do is public, open to the air of the scrutiny of public opinion. My goal in steering this small ship with the help of our incredible staff and you is to make sure all of you and the public are heard. We are a further agent of our great democracy as well invite the public to speak at our meetings and add them as non-Board members of our special committees.

I am embarrassed to say that I often take my right to vote for granted. As an attorney in private practice who asserts the rights of clients every day, I can hardly imagine living without it. So it behooves us to stop and remember that it was just 90 years ago that women were afforded the right to vote in the US and that this simple and basic right --which we exercise so casually and poorly as a nation -- was taken and given only because it was fought for with the blood, sweat and tears of women and men of courage and conviction.

Just a little history.

This right was made possible by efforts in 1848 when Elizabeth Cady Stanton and Elizabeth Mott organized the Seneca Falls Rights Convention. Susan B. Anthony and thousands of ordinary women joined the fight, staging large demonstrations and suffrage marches, scared I am sure -- hearts in mouths -- standing up for their own justice; some went to jail. During World War I when women took up jobs in factories to support the war, Carrie Chapman Catt took many opportunities to remind then President Wilson, and Congress that woman's war work should be rewarded with recognition of their political equality. In a speech on September 18, 1918, President Wilson stated: "We have made partners of the women in this war. Shall we not admit them only to a partnership of suffering and sacrifice and toil and not to a partnership of right?"

It was not for 70 more years after the Seneca Falls Rights Convention, in 1919, that the necessary 2/3 vote in favor of women's suffrage, the right to vote and run for public office, was finally mustered in Congress by passage of an Amendment to the Constitution which stated that "the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any States on Account of sex." Then the proposed amendment was sent to the states for ratification. By July of 1920, with a number of primarily southern states adamantly opposed to the amendment it all came down to Tennessee. It appeared that the amendment might fail by one vote in the Tennessee house but 24-year old Harry Burns surprised observers by casting the deciding vote for ratification. Burns had in his pocket a letter he had received from his mother urging him: "Don't forget to be a good boy and vote for suffrage." Women had finally won the right to vote. This right was fought for by courageous individuals in hundreds of halls state by state in the early 20<sup>th</sup> century. US Patriots all. That battle is still taking place today in other parts of the world. It was just in 1994 that black woman received the right to vote in South Africa, 1980 when women in Iran voted for the first time and 2008 when Bhutan gave women the right to vote. A movement for women's suffrage is currently being waged in Saudi Arabia.

I need to be reminded that it was just 1920, some 50 years after African American men were allowed by law -- but not necessary able to vote-- that the rights was to vote was extended to all women.

It is critical that our patriotism serve as the ideals of a democratic with a small "d" society. A democratic society requires that citizens recognize their common interests and that they fully and openly discuss their differing perspectives on issues related to these common priorities. It is far more than mere loyalty which is required of both fascist states and dictatorships. It requires engagement in civic and political life, and to the extent that we as citizens abdicate the responsibility to vote and participate more fully, by speaking out, showing up, protesting what we find wrong, writing blogs, suing the government (if necessary) to assert and define our rights, serving on Community Boards - the list goes on and on -- we end up with a less just and less representative democracy. Clearly we do not all agree on the huge and critical issues of the day. But agreement is not the point of course. Freedom and participation is.

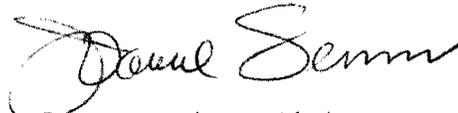
Patriotic citizens in a democracy must do more than talk about their allegiance and love of country or ways it could approve. For democracy to work, citizens must be willing to act outside the boxes of their own four walls. The work of America is creation of a society, schools, institutions, municipal governments, and neighborhoods that crosses the many artificial boundaries of race, culture, ethnic origin, class, and sexual orientation, however difficult. Our open, pluralistic society is our greatest strength and best defense. Indeed, when we fail to celebrate and incorporate our diversity by institutionalizing racism, sexism, and homophobia, by making judgments about people based on ethnicity or skin color we fail patriotism because we betray the fundamental values of America. It takes time to make real these values which come at a dear price that was paid by our forbearers who fought for racial justice and women's suffrage. Change came despite the many who said these things could not be done; today we look back on our voting rights as a given but they were won for us.

The words of our pledge of allegiance, "Liberty and justice for all" mean, among other things, clean air and water, freedom from sexual exploitation of children and women, which continues unabated throughout US and

here in NYC, economic justice and health care. And if we do not protect the environment and our people from heinous terrorist acts, we cannot ensure the liberty that is the bedrock of our democracy.

It is always a good time to remember the men and women of our armed forces who serve our great nation. We are engaged in two wars in Iraq and Afghanistan and the end chapters of these conflicts have not been written. I often force myself to read and absorb the tragic stories of loss of life and limb. As a mother and wife, I grieve these losses and celebrate the countless acts of our soldiers (large and small) of heroism, compassion and courage. They serve in places we scarcely know the names of and do not take the time to learn about. I ask you to remember them as patriots who continue to serve our country in countless and diverse ways and together with you make our democracy possible.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joanne Seminara". The signature is fluid and cursive, with a large initial "J" and "S".

Joanne Seminara, Chair

**District Manager Report**  
**September 20, 2010**

Good Evening Board Members:

I hope you all enjoyed your summer. We here at the District Office were quite busy but are very happy that the budget restoration enabled us to transition JoAnn Del Pin from her temp to part time position in the office. We welcome JoAnn to our CB 10 family.

I attended this month's September Borough Service Cabinet meeting at Borough Hall where Deputy BP Yvonne Graham was kind enough to provide us with a report provided by SUNY Downstate Medical Center on Brooklyn Community Health Report on Cancer. The report talks about new cases of major cancer categories and provides neighborhood breakdown. I found the report very interesting and will share it with Judie Grimaldi, our Senior Issues Housing Health and Welfare Chairperson and anyone who is interested can contact me at the District Office.

Brooklyn DMs also discussed the proliferation of illegal curb cuts and listened to a presentation by DOB. Other Community Boards are now experiencing the problem and lack on teeth in current regulations. I was able to brief them on efforts made by our very own Council Member Vincent Gentile and hopefully support changes to include a remedy.

Each day the District Office receives many emails and calls from local residents requesting that we verify new construction projects within the CB 10 area and we in turn contact the DOB and City Planning to make sure that new zoning regulations are being adhered to. Recently neighbors on 11<sup>th</sup> Avenue in Dyker Heights complained about self certified approved plans for a four story building. After a review of the Zoning Resolution and consultation with City Planning I forwarded my concerns to DOB and requested an audit of the plans. The audit failed. We will continue to keep a watchful eye when issues like this are brought to our attention.

Today, the 76<sup>th</sup> Street 500 block Association requested to participate in the Borough President's Tree Guard program received their new tree guards and the block looks magnificent. Tree guards have to be requested by a Block Association. Further information can be obtain from our office or the BPs office.

Budget Consultations for FY 2012 are scheduled for October 12th. As you know each year Community Boards meets with selected agencies to discuss needed service delivery improvements and capital restoration projects.

Also in October, Community Board Ten prioritizes Capital and Expense Requests for FY 2012. In a few weeks you will receive a copy of our current list. Our Chair and I will ask you to review the list and if you have any additions you would like to make please let us know. A public hearing will be scheduled in October.

I want to alert you to a scam brought to the attention of the District Office involving a local senior – walking near St. Anselms Church. A man approached the senior and asked if she had dropped the money behind her. What she observed was a wallet that clearly had what appeared to be a lot of money sticking out from the inside. The gentlemen asked the senior is she thought the money was real or counterfeit and asked her to walk with him to a lawyer's office to confirm the validity of the money. She was smart enough not to walk off with the gentlemen but asked that I share this story with the members of the Community Board Ten.

## **Upcoming Events**

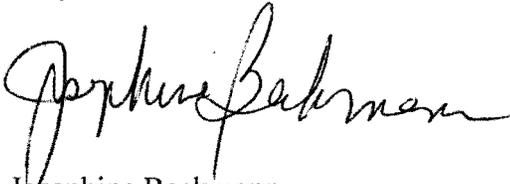
**Ragamuffin Parade** – Saturday October 2, 2010 @ 1:00 PM - Rain or Shine – This year's Grand Marshal is Paul Cassone, Executive Director of the Guild for Exceptional Children and Tom Early, Executive Director Health Plus is 2010 Person of the Year. The parade route runs along 3rd Avenue from 72<sup>nd</sup> Street to 92<sup>nd</sup> Street and the registration is between 11:30 AM to 12:15 PM between 68<sup>th</sup> Street and Bay Ridge Avenue.

**Third Avenue Festival** will take place on Sunday – October 3, 2010 from 10AM to 6PM along Third Avenue from Bay Ridge Avenue to 95<sup>th</sup> Street.

**The Guild for Exceptional Children** has extended an invitation to all Board Members for their 52nd Annual Dinner Dance which will be held next month on Friday, October 22, 2010 at the El Caribe. If anyone is interested in attending you can contact the Guild for further information. This year the Guild is honoring our very own Secretary, BM Eleanor Schiano. Congratulations to Eleanor on this wonderful honor.

The next General Board Meeting will take place on Monday, October 18, 2010 7:15PM at Knights of Columbus 1305 86<sup>th</sup> Street.

Respectfully Submitted,



Josephine Beckmann  
District Manager

COMMUNITY BOARD TEN

Fiscal Year: July 1, 2010 to June 30, 2011

Budget Appropriation for FY 11	<b>\$198,895.00</b>
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	7/31/10	8/31/10	9/30/10	10/31/10	11/30/10	12/31/10	1/31/11	2/28/11	3/31/11	4/30/11	5/31/11	6/30/11	Y - T - D
DISTRICT MANAGER	\$7,585.46	\$7,585.46											
COMMUNITY COORDINATOR	\$4,609.26	\$4,609.26											
COMMUNITY ASSOCIATE													
COMMUNITY ASSISTANT		\$360.24											
<b>Total Personal Services</b>	<b>\$12,194.72</b>	<b>\$12,554.96</b>	<b>\$0.00</b>	<b>\$24,749.68</b>									

ExpensesCode	Description	7/31/10	8/31/10	9/30/10	10/31/10	11/30/10	12/31/10	1/31/11	2/28/11	3/31/11	4/30/11	5/31/11	6/30/11	Y - T - D
10B	Telephone	188.71	193.34											
10X	Intra-City Supplies													
40B	Intra-City Telephone													
100	Supplies & Materials		50.64											
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												
332	Data Process Equipment													
337	Books													
402	Tel./Communications													
412	Rental/Misc./Equip	44.41	44.41											
417	Advertising													
431	Leasing Misc. Equip.													
451	Local travel expenditures													
602	Telecomm. Maintenance	43.40	21.70											
612	Office Equip. Maint													
613	Data Process Equipment													
615	Printing Supplies													
622	Temporary Services-contractual	1,080.00												
624	Cleaning Services	160.00	160.00											
<b>Total Other than Personal Services</b>		<b>\$1,651.52</b>	<b>\$470.09</b>											<b>\$2,121.61</b>
<b>TOTAL PS AND OTPS EXPENSES</b>		<b>13,846.24</b>	<b>13,025.05</b>											<b>26,871.29</b>

<b>TOTAL UNCOMBERED BUDGET BALANCE</b>	<b>\$172,023.71</b>
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Respectfully submitted,

*Eleanor Schiano*  
 Mayor Ann Walsh, Treasurer

*Eleanor Schiano*, Secretary

## Police and Public Safety Committee Report of September 20, 2010

The Police and Public Safety Committee met on Thursday, September 16th at the Community Board Office at 7:00 PM. We met to discuss new SLA applications for four neighborhood establishments all located on Third Avenue.

The committee met in quorum. Those in attendance were committee members Judith Collins, Michael Festa, George Fontas, Nikolaos Leonardos, Mary Nolan, Fran Vella-Marrone and Susan Pulaski, Chair. Also attending were Joanne Seminara, Chairwoman; Josephine Beckmann, District Manager; Stephanie Giovinco from Councilman Gentile's office; 68<sup>th</sup> Precinct Community Affairs P.O. Joe Trischetta and Mario Venezia; owners Michael Coscetta and Joseph Castellano, Anthony Dinato, contractor and father-in-law of one of the owners and their attorney Neil Visoky all of Ibiza Bay Ridge; owners Vladimir, Julia and Alex Smoroda and their attorney John Halkias represented by his brother Kostas (Gus) all of Gallery Social; owner Dennis Taveros of Milagros Bistro Latino and Los Pollitos and his attorney Kathleen Stathopoulos; and about 15 concerned residents.

**Item 1: SLA Application for Ibiza Bay Ridge Inc., at 8214-16 Third Avenue.** This location was the former Level Cafe, a 2-storefront establishment. The application is for a full liquor license. The attorney gave the presentation. It is to be a Mediterranean family restaurant/lounge, open 6 days a week: Tuesday & Wednesday 11 AM – 11 PM; Thursday, Friday and Saturday 11 AM – 4 AM, Sunday 11 AM to Midnight. It will be on 2 levels—the first floor consisting of two bars, dining tables and lounge and the basement with one bar, dining tables, lounge and kitchen resulting in 20 tables/130 seats/occupancy 202. There will be no outdoor café or backyard. The kitchen will close at 11 PM. It will cater to a mature, high-class clientele (women 23; men 25) bringing “NYC to Bklyn.” There will be a cover charge. There will be background music during the week with a possible DJ playing Disco type music (no hip hop; no rap) on Thursdays, Fridays and Saturdays. There will be no dancing; no promoters. There has been a large monetary investment made in the renovation of the space. Soundproofing has been added and the owners have had the decibel level checked already. They have a 10 year lease. There will be a bonded security system, security cameras, a scanner and ID's will be checked. They are looking to obtain a parking lot for their patrons.

Background of the principals is as follows: One owner has relatives that own two restaurants and are helping him with this place and the other owner is a long time consultant in the entertainment and restaurant business. Their attorney was with the police department for 20 years working with law enforcement in restaurants. They care about their neighbors and want to have a respectable, law abiding, family restaurant in Bay Ridge. There will be an SLA 500 foot hearing.

This location has an adverse history. Level, initially starting as a restaurant, essentially became a night club with many neighborhood complaints, fights, 2 SLA violations—one for underage drinking and one for disorderly conduct. The Board received two written complaint letters reminding us about Level's teenage patrons with drunken fights, urination, foul language, frightening residents, noise, litter, etc. The residents who attended our meeting expressed their dissatisfaction with having another tenant at this location. One stated, “Will this new place really be a restaurant or will it be a club, since the new owners are hiring security personnel and nearby restaurants operate without.

After deliberation, the committee made and passed unanimously, the following **Motion**: To disapprove the granting of this SLA application unless the following stipulations are met:

- The hours of operation are Sunday, Tuesday, Wednesday 11 AM to 12 Midnight and Thursday, Friday and Saturday 11 AM to 3 AM with last call one hour before closing time.
- Dining tables not be removed from their location.

- All doors and windows shall remain closed; doors only opened for ingress and egress.
- No velvet rope is to be used outside the establishment.
- No valet service is to be used unless a parking lot has been secured.
- No promoters shall be hired.
- There will be no live music.
- The rear alley (between the establishments and the residents of the block) shall be liter free and free of all patrons and employees.
- There will be no dancing and no filing of a Cabaret license.
- There shall be a sound limiter/governor installed on the DJ sound system to limit the decibel level to NYC compliance and is to be checked by the police department.
- A full-time licensed/bonded security personnel shall be employed.

**Item 2: SLA Application for Gallery Social Inc., at 7915 Third Avenue.** This location is the former Plush lounge. This application is for a full liquor license. It will be a local restaurant/bar with a quiet, romantic theme. There will be 7 tables/28 dining seats/1 bar with 20 bar seats/50 max occupancy and in the summer an additional 8 tables in the open backyard. There will be no dancing and only recorded music. The owner of building lives above the establishment and their lease stipulates that the music cannot exceed NYC decibel compliance. If it ever does, they would loose their lease. The owners have already checked the sound system and it is in compliance. There will be a SLA 500 foot hearing.

Background of the owners: This place will be run by the Smoroda family: Vladimir, the father, has 20 years experience in managing food stores and restaurants; his daughter Julia, has hostessed in Manhattan restaurants, and his son Alex has management experience; Vladimir's wife will also be present to help with restaurant duties.

There is an adverse history at this location, that of one SLA violation for disorderly conduct. There have been complaints for disorderly conduct, underage drinking, noise, backyard noise, etc.

After deliberation, the committee made and passed unanimously, the following **Motion:** To disapprove this SLA application unless the following stipulations are agreed to:

- Hours of operation: Sunday -Wednesday 11 AM – 12 AM; Thursday - Saturday 11 AM - 2 AM.
- There is to be only recorded music.
- Noise is to remain below the legal limits as outlined in their lease: Decibels shall not exceed 45 or the legal limit whichever is less.
- No promoters are to be used.

The backyard stipulations are:

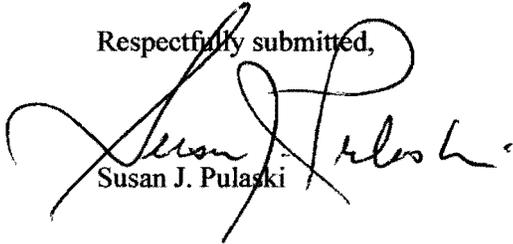
- Shall close at midnight.
- Lighting shall be subdued.
- There shall be no music.
- Shall only use non-metal furniture.
- Smoking will not be permitted.

**Item 3: SLA Application for Milagros Bistro Latino LLC, at 7215B Third Avenue.** This is the former location for Edible Art, Inc. a Japanese Sushi restaurant. This application is for a full liquor license. This will be a small (less than 700 sq. ft.) Latin restaurant of 14 tables/36 seats/1 bar/90 max occupancy with a backyard during the summer with family-style seating. The hours of operation are: Sunday – Wednesday 11 AM – 10 PM; Thursday – Saturday 11 AM – 11 PM. The kitchen will always remain open. There will be no dancing and only recorded music. There will be an SLA 500 foot hearing. The owner also owns Los Pollitos restaurant at 7205 -3<sup>rd</sup> Ave and formerly located at the corner of 73<sup>rd</sup> St. & 3<sup>rd</sup> Ave. He has a background as an advisor to restaurants owners. After

deliberation, the committee made and passed unanimously, the following **Motion**: To approve this SLA application without stipulations.

**Item 4: SLA Application for Los Pollitos Bay Ridge LLC, at 7205 Third Avenue.** This place has the same owner as Milagros. It was formerly a fast-food restaurant. Its application is for a full liquor license. This will be a small (less than 700 sq. ft.) Mexican restaurant of 9 tables/24 seats/50 max occupancy with a backyard during the summer with family-style seating. The hours of operation are: Sunday – Wednesday 11 AM – 10 PM; Thursday – Saturday 11 AM – 11 PM. The kitchen will always remain open. There will be no dancing and only recorded music. There will be an SLA 500 foot hearing. After deliberation, the committee made and passed unanimously, the following **Motion**: To approve this SLA application without stipulations.

Respectfully submitted,



Susan J. Pulaski

**COMMUNITY BOARD TEN REPORT**  
**SENIOR ISSUES, HOUSING AND HEALTH AND WELFARE**  
 September 20, 2010

The committee met on September 13, 2010. The meeting was conducted by Chairperson, Judie Grimaldi.

Attendance included: Committee Members: Anna DeMetz, Jeannie May, Eleanor Petty, Susan Romero, and Joseph Sokoloski. District Manager Josephine Beckman and BM Jean Ryan

Excused: Kevin Peter Carroll, Ida D'Amelio, Mary Quinones, Maureen Stramka

Absent: Michael Casale, , Stella Kokolis

Guests: Stephanie Giovino representing Councilmember Gentile. Residents- Eugene Batchov, Marianne Shanley

The committee addressed the following issues:

1. The continuation of the food drive for community food pantries
2. CB 10's support of the local Time Banking efforts
3. Follow up and status report on Hookah Bars and legislative effort.

FOOD PANTRY PROGRAM:

The committee agreed to continue to collect food donations for the neighboring food banks; and identified locations.

The following process was successfully used to collect the food in the past and will be repeated.

1. Each committee member will contact their assigned food bank to learn of the site's needs and the site's capacity to receive food donations
2. Each committee member will identify a local school or charitable group who will undertake to collect the food for the assigned food bank. The Board will provide a collection flyer for the school's use to publicize the food collection.
3. Each committee member will arrange for delivery of the collected food to the food pantry.

The selected food bank locations are:

<u>Food Bank</u>	<u>Committee Coordinator</u>
Narrows Senior Center (Catholic Charities site)	Ida D'Amelio/Maureen Stramka
St Andrews/OLA/Reaching Out <i>New 6 tread</i> <del>Thomas Nabb - Dykes Paul - closed 1st day</del>	Eleanor Petty/Mary Quinones OCT 16 830/10 13th Ave + St @ Knight of Columbus
Fourth Avenue Presbyterian Church	Susan Romero/Anna De Metz
Bay Ridge Center - Bethlehem Lutheran Church	Judie Grimaldi & Jeannie May

St Patrick's

Joseph Sokoloski

The St. Patrick's collection will be in honor of Helen Sokololski. The entire Board is invited to contribute food items to this collection by bringing donations to the next two meetings and providing them to Joseph.

### TIME BANKING

The VNS Time Bank team has been working hard to prepare for the "official" Bay Ridge launch this fall. A significant component of their expansion will be the satellite partnership which they are launching with Lutheran Medical Center. Americorps staff members will be trained in early October to handle the enrollment of new members by the VNS supervisory staff are in Sunset Park and Bay Ridge.

The Time bank staff requested the use of the CB 10 conference space for needed for enrollment sessions. Josephine is working through the scheduling details and the Community Board is being helpful.

Time Banking continues to request to help with planning the Time Bank's group activities and some additional volunteers are needed to so reference checks and interviews (including some bilingual people). They currently have 3 Americorps members who can assist through next June.

### HOOKAH BARS AND LEGISTATIVE ACTION

During the summer months Board member Jean Ryan compiled lists and locations of the hookah establishments in the community. The committee with the District Manager and the Council Member's office researched possible methods to regulate the establishments. At this time there are approximately 15 in the area. Complaints were received about the following sites:

1. Your House Café -6916-4<sup>th</sup> Avenue
2. 6715 Fifth Ave
3. The Village Restaurant 7902 Third Ave.

The committee learned that the current citywide enforcements options under the NY State Indoor Clean Air Act, the NYC smoking restrictions, NYC Department of Health, NYC Fire and Safety Codes, Building regulations and the NYC Department of Consumer affairs restaurant licensing or any other agencies did not apply to the Hookah lounges. None of the applicable regulations mention Hookah use and therefore there was no immediate solution to the governance or ban on smoking hookahs in the establishments investigated. The matter was referred to Council Member Gentile to draft new legislation since the existing laws and regulations proved not to be helpful. It is expected that legislation will be introduced in this fall.

The committee will pursue the following actions:

1. Continue to advocate with NYC agencies for enforcement by Police, Department of Health, Environmental and Consumer affairs of existing laws which to eliminate or reduce the following negative aspects of the hookah bars by calls and official letters to city agencies asking for relief from:
  - a. Second hand smoke affecting the environs.
  - b. Underage smoking in the establishments.
  - c. Permitting tobacco products to be used in the hookah pipes, improper labeling of tobacco products to avoid enforcement of the smoking ban.
  - d. Mixing hookah smoking with food service in the same establishment.
  - e. Permitting smoking in hookah retail units.
  - f. Improper ventilation of the lounge areas causing smoke accumulation and neighborhood complaints.
2. The committee will investigate air filtration options for the local hookah bars and provide education to owners on ways to improve the second hand smoke complaints. Training will also be provided to owners on tobacco smoking prohibitions, regulations of mixing food service with smoking and under age smoking issues. A meeting with the owners, the enforcement agencies, the elected officials and the residents affected and the community at large is proposed and will be planned.
3. Proposed NYC Legislation – Stephanie Giovino of Council Member Gentile’s office reported that the Council Member is drafting legislation to address this issue. The focus will be clear labeling of the Shisha which is the substance smoked in the hookah pipe. Research has shown that a majority of the products use tobacco but it is difficult to determine without testing each product as the labeling is not uniform and often mixed with other items such as fruit, herbs and or honey. Once the tobacco element is confirmed the smoking should automatically come under the Indoor Clean Air Act of 2003. The labeling of the products used in the hookah pipe must be clearly regulated and identified as tobacco based. This would prohibit hookah smoking in all indoor areas. The committee will continue to advocate with the elected officials to move this legislation forward in order to address the on going community concerns.

Respectfully submitted,



Judie Grimaldi  
Chair, Senior Issues, Housing & Health and  
Welfare Committee

The Parks, Cultural Affairs, Communications and Public Relations (PCAP) Committee met on September 15, 2010. Present were CB 10 Chairwoman Joanne Seminara, Committee Chair Michael Festa, and Committee members Greg Ahl, Scott Klein, Jean Ryan and Rita Meade. This is an informational report.

The first item on the agenda was a discussion of Owl's Head Park. The meeting was attended by a large group of community members who live around the park, and who use the park daily. The residents, each and collectively, spoke of the joy the park gives to the community residents, but also of the issues that they experience on a day-to-day basis. Some of the main issues brought up were:

**Safety and security:** Residents continue to be afraid to bring their kids into the park. A precinct meeting was held several months ago after the Senator Street shooting. Officers are spotted in the park only on occasion, with no noticeable presence of squad cars intermittently in the park. Homeless continue to sleep on park benches and under the trees.

**Trash collection / Maintenance:** Trash is not regularly collected. The park is not maintained in the manner the residents would like. Case in point: A sprinkler system was added and worked for three days. A resident took it on himself to contact the Parks Department, and now has taken on the responsibility to turn on and off the sprinklers. Parks lights are turned on before dark, and remain on past 6:00 am.

**Enforcement:** What are the rules as to the issuance of permits to large groups of school children brought over by bus? The buses idle all day in front of resident's homes. Residents receive tickets for parking infractions, but the buses are never ticketed. Large groups of people have parties and weddings, and of course, bbq-ing continues to be an issue.

**Updates as to construction:** What is being done? What is the timeline? What is in the pipeline for the future? How much resources have been allocated to the park?

**Park Employees:** What are their responsibilities?

We advised the attendees that as the Community Board, we are committed to addressing the concerns of our neighbors to the best of our ability. We discussed a condition survey of the park in the near future, inviting residents, community board members and Parks Department officials to walk the park and make note of the issues, perpetuating the concerns by photograph or video. But as a "take away" from this first of many future meetings, we asked the residents to discuss amongst themselves their community vision for the park, think creatively, and to bring that vision with them to the next meeting. We promised that the board, and this committee, will provide guidance, and will consider structuring a sub-committee to focus only on the park, with resident participation.

The second item on the agenda was the continuation of discussions pertaining to a historic tour of Bay Ridge. To refresh everyone's memory, the original idea was to communicate to our neighbors the function of the Community Board, while highlighting our neighborhood, and the many wonderful facets that makes it shine. We would choose locations, talk of history and stories connected to places, and

have speakers at each stop, perhaps by bike or by a bus tour. A walking tour would probably bring the most attendees, and we have tentatively scheduled the tour for Saturday, October 16 starting at 10:00 am. For the initial tour, we suggested the following stops:

**Narrows Botanical Gardens:** Start of walk, light breakfast and refreshments, speakers to discuss gardens

**Barkaloo Cemetery:** Second stop. Speaker to discuss history of cemetery

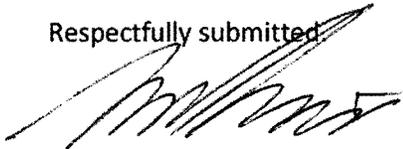
**Senator Street Historic District:** Block walk with residents

**Owl's Head Park:** End of walk, tour of block with historic discussion

We only ask that contribute to cover our costs for the breakfast. We will reach out to the board for volunteers to assist us for the walk. A "guide" booklet will be prepared, and we plan to discuss the advertisement of this walk.

Thank you once again to the Guild for Exceptional Children for graciously allowing us to use their meeting room space for our Committee meeting.

Respectfully submitted,



Michael J. Festa, Committee Chair

**STATE LIQUOR AUTHORITY – NEW APPLICATIONS & RENEWALS**

<u>Name/Address</u>	<u>Received at CB 10</u>	<u>Status</u>
*Milagros Bistro Latino LLC, 7215 B 3 <sup>rd</sup> Avenue	8-25-10	New Application
*Los Pollitos Bay Ridge LLC, 7205 3 <sup>rd</sup> Avenue	8-25-10	New Application
Mama Rao's Restaurant, 6408-11 <sup>th</sup> Avenue	9-3-10	Renewal
NY Hollywood Entertainment Inc., 834 62 <sup>nd</sup> Street (Application withdrawn 9/16/10)	9-7-10	New Application
Jimmy's Place Ltd., 7118 13 <sup>th</sup> Avenue	9-10-10	Renewal
PJ's Restaurant Inc., 7504 13 <sup>th</sup> Avenue	9-16-10	New Application
Per Tavern Corp., d/b/a The Kettle Black 8622 3 <sup>rd</sup> Avenue	9-17-10	Renewal
Petasos Restaurant Corp., d/b/a Emphasis Restaurant Café, 6820-6822 4 <sup>th</sup> Avenue	9-24-10	Renewal
Bangkok Tokyo Corp., 8318 3 <sup>rd</sup> Avenue	9-29-10	Renewal
8602 Pizza Corp., d/b/a Casa Calamari Pizza & Pasta, 8602 3 <sup>rd</sup> Avenue	10-6-10	Renewal
8812 Caffè Inc., 8812 3 <sup>rd</sup> Avenue	10-7-10	Renewal
Gutierrez & Ramirez Inc., d/b/a Castillo De Jagua Deli Restaurant, 6811 4 <sup>th</sup> Avenue	10-12-10	Renewal

\*Presented application to Police and Public Safety Committee on 9/16/10.