

Community Board Ten Board Meeting Attendance
Shore Hill Community Room
Monday, January 28, 2013 – 7:15 pm

Board Members Present: 33

Greg Ahl
Liz Amato
Allen Bortnick
Jaynemie Capetanakis
Shirley Chin
Judith Collins
Ida D'Amelio
Khader El-Yateem
Ann Falutico
Michael Festa
Andrew Gounardes
Judith Grimaldi
Ronald Gross
Robert Hudock
Habib Joudeh
Brian Kieran
Jeannie May
Mary Nolan
Eleanor Petty
Susan Pulaski
Mary Quinones
Dean Rasinya
Susan Romero
Jean Ryan
Eleanor Schiano
Joanne Seminara
Joseph Sokoloski
Lawrence Stelter
Sandy Vallas
Mary Ann Walsh
Lori Willis
Tony Wu
Jonathan Yedin

Board Members Excused: 15

Doris Cruz
Anna DeMetz
Barbara Germack
Stephen Harrison
June Johnson
Katherine Khatari
Scott Klein
Stella Kokolis
Nikolaos Leonardos
Rhea McCone
Rita Meade
Husam Rimawi
Linda Sarsour
Dilia Schack
Fran Vella-Marrone

Board Members Absent: 2

Kevin Peter Carroll
Luigi Lobuglio

Ex-Officio:

Councilman Vincent Gentile

COMMUNITY BOARD TEN GUESTS

Date: January 28, 2013 - 7:15 PM

Subject: CB10 Board Meeting - Shore Hill Community Room

PLEASE PROVIDE AS MUCH INFORMATION AS POSSIBLE. THANK YOU.

Name/Address	Phone #	Fax #	E-Mail Address	Organization/Affiliation
JERRY A / KRED				Belmont Hall
John P. Murphy				
Nicholas Chambers	(718) 997-0127		michchambers2@gmail.com	Assemblyman Walt Halloran
Linda Lupia				Assemblyman Brook-Krasny
Kate Cucco				AIM Brook-Krasny
Andy Sullivan	(516) 522-4033			SULLIVAN FOR NYC Council 1
Katherine Walsh				
Brian Walsh	A			
Theresa Ciccone	718 6305277			Rep Grimm
Tom Casatelli				HOBART TACS THE KETTLE BLACK

COMMUNITY BOARD TEN GUESTS

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Name/Address	Phone #	Fax #	E-Mail Address	Organization/Affiliation
Ray Riley				Sen Golden
Linda Denny	917 497 2244	ladedenny@gmail.com		
LINDA ORLANDO 260 65th 23L	238 9135	238 9135	LINORLANDO@aol.com	
Will Bredderman 162 Scriber St	718 260 4507		wbredderman@ Cnglocal.com	Bay 12, L2, Courier
Heriberto Arroyo 1217 83rd Ave	718 751-8803			
Maruf Alam	718 4026334		ortizf@assembly state.ny.us	Assemblyman Felix Ortiz
Joe Bana	718 236 1764			Assemblyman Peter Assante

COMMUNITY BOARD TEN BOARD MEETING
January 28, 2013 – Shore Hill Community Room
MINUTES

Chair Seminara called the meeting to order at 7:20 PM and introduced Victoria Hofmo, Community Activist, to lead the Honor of the Pledge.

Chair Seminara asked for a motion from the floor to adopt the amended Agenda. Motion by BM Romero, second by BM Joudeh. Agenda adopted as amended.

Chair Seminara asked for a motion from the floor to adopt the Minutes from the December 17, 2012 Board Meeting. Motion by BM Quinones, second by BM May. Minutes adopted as written.

PUBLIC SESSION

Linda Lupia, representing Assembly Member Alec Brook-Krasny, announced comprehensive gun safety legislation. This law strengthens New York's existing assault weapon bans and bans all high capacity ammunition clips of more than 10 rounds. It also requires people purchasing ammunition to undergo a state background check and present state-issued photo identification. This law also adds first responders to the aggravated murder statute, ensuring that murderers of first responders get a life sentence without parole. The Assemblyman is also in the process of introducing legislation to strengthen penalties against those who partake in looting during times of declared state emergency. Linda proudly announced that the Assembly Member received the leadership position as Vice Chair of Majority Steering. The Assemblyman thanks the Bay Ridge and Dyker Heights communities for their strong voter turnout.

Council Member Vincent Gentile congratulated Assemblyman Brook-Krasny on his position of leadership in the Assembly. The Councilman announced that tonight the Department of Homeless Services would be conducting their City-wide survey of homeless in the five boroughs.

Councilman Gentile announced a presentation he is sponsoring for anyone who has questions about their property taxes with former Chair of Community Board Ten, Kirk Tzanides, who is now Commissioner of the NYC Tax Commission. This presentation will take place on February 11th at 7:30 PM in Our Lady of Angels Auditorium.

The Council Member noted that the issue of 93 Lounge and the Prince Hotel continues and Chair Seminara will speak about that further. The Councilman's office was able to get an order to vacate a building on 96th Street which was illegally converted from a three family home to a six family home, and two apartments in the basement, which was a serious fire hazard. His office will continue to try to do that with more and more illegal conversion locations they have been receiving reports about.

The Councilman discussed the Mayor's decision to pull all parking permits for Chairs of the Community Boards, which are 59 permits across the City, effective February 1st. It has been a courtesy that Chairs were given a parking permit by the Department of Transportation. The Councilman feels this is outrageous and a sign of disrespect by our Mayor toward the Community Boards. The Councilman has introduced a bill that would require the Department of Transportation to to at least give Community Board Chairs the opportunity to apply for those permits.

Councilman Gentile announced upcoming events. The BRACA "Embrace Winter" festival will be held on February 9th. The St. Patrick's Parade Meet and Greet was held yesterday, and the parade will be on Sunday, March 21st along 3rd Avenue. The Councilman put in \$3,500 to keep this parade going. Summer Streets is in the works for four Fridays in the summer, and the T&T Committee will be holding a meeting Tuesday night, February 5th. Finally, the Councilman noted that he has been informed by Borough Hall that many of the Board members have been negligent in returning their Community Board re-appointment applications. He reminded all Board members who have not returned their application to please do so.

BM Joudeh commented on the gun control issue saying he feels the problem is not the permitted guns, but the illegal guns in the city. Councilman Gentile noted that the previous day the Police Commissioner stated that the biggest problem he has in the city is handguns and that is the issue we have to address. That is not to say assault weapons are not a problem, if not in the city, elsewhere, and both issues have to be addressed. BM Joudeh noted that it took him three years to get his permit but that is not the case now.

Jerry Allred, representing Borough President Marty Markowitz, reminded Board Members that it is re-appointment time. Of the 25 Board Members up for re-appointment, only seven have applied so far. He encouraged those who have not yet re-applied to go online or stop in the office to get the forms. On behalf of the Borough President, he then invited couples married 50 years or more to reaffirm their vows at a free champagne reception on February 14th at the El Caribe Country Club.

Nick Chamberas, representing Assembly Member Nicole Malliotakis, noted that the Assemblywoman was reelected by the largest margin in the State, and he spoke about some of the issues she is working on this term. She has introduced legislation to prevent insurance companies from taking advantage during times of disaster. The good news in transportation is that the S93 will be going into the CSI campus, which is a huge issue for Bay Ridge based students. The Assemblywoman has not forgotten about the B37 bus and she is doing her best to make sure it is restored. With regard to the budget, she is fighting to protect seniors, education, and small businesses. He announced that the Assembly Member has been appointed to the Assembly's Ways and Means Committee. Finally, he encouraged anyone with questions or concerns to contact them at 718-987-0197, as they look forward to working with the community.

Katherine Walsh spoke in opposition of the BSA Special Permit Application at 45 76th Street. She lives next door to this residence and feels she would lose her line of sight due to the the proposed enlargement and addition of a 2nd story patio. She met the new owners of the home who asked her to sign a petition supporting the changes; however, she did not sign the petition. She has a backyard patio and garden, and feels with the addition of the 2nd story patio, the new owners would be able to look into her yard. Her garden would also lose sunlight.

Ray Riley, representing Senator Golden, announced that last week the Senate passed the Senator's sponsored bill to extend the coop and condo tax abatement. Their annual income tax preparation appointments start on February 10th and go through April 14th, every Sunday and Thursday. They will help anyone who earns less than \$35,000 annually do their taxes. Call their office to make an appointment. Finally, they have announced the Senator For A Day contest for students in 6th, 7th, and 8th grades. Students will write an essay on why they want to be senator for a day.

Brian Walsh spoke in opposition of the BSA Special Permit Application at 45 76th Street. He stated that his mother, Katherine Walsh, lives next door to the residence and he also feels the proposed enlargement will obstruct views and eliminate privacy. He checked the zoning resolution 73-622 guidelines for the application for single or two family home enlargement special permits. The applicant must address how the proposal will not change the character of the neighborhood. It also states the applicant must be requested by the Board to compare proposals of floor area, floor area ratio, building height and rear yard encroachment of surrounding buildings. He feels the plans are not in line with the BSA guidelines for special permits, and he feels there is credible reason in the BSA's own application guidelines to have the Board recommend not approving this special permit.

Allen Bortnick noted that five days ago, the Traffic and Transportation Committee met with the Department of Transportation and approximately 50 members of the public regarding changes to be made on 4th Avenue. DOT stated that there were no plans or ideas for what should be done on 4th Avenue and they were only there to gather ideas and information. Mr. Bortnick noted that they were given visual choices from pre-planned changes and were asked to pick from those. He asked if there was a way for people to give their own recommendations for changes and was told that the DOT would make notes, but they should choose from the pre-planned changes. He feels DOT wants to take away driving lanes and destroy a major artery. He is hopeful that through the Community Board we will be able to stop this. He feels safety is not a car or bicycle issue, but bad drivers and pedestrians.

PUBLIC HEARING

In the matter of a BSA Application for extension of term of variance for 576-80 86th Street (PC Richards) Application No. 543-91-BZ, Zoning and Land Use Committee Chair Falutico rendered the Committee report. See Attached. Discussion followed. Eric Palatnik, attorney for the applicant, noted that increasing the term of the variance from 10 years to 15 years would greatly help the owners who have worked very hard to keep PC Richards a part of the

community. Variance filing is a very expensive process, costing approximately \$20,000-\$30,000 every 10 years. If the Board would find to approve this extension, they would really appreciate it.

Committee Chair Falutico noted she failed to mention that the original riders attached to the original variance would remain: the two street trees located along 86th Street would be maintained; the garbage would be stored inside the building until immediately prior to pick up; there would be no sidewalk sale of appliances; graffiti would be removed from any of the building walls within 48 hours.

BM Grimaldi asked if this would set a precedent for other applications. Committee Chair Falutico replied that it might increase the likelihood and draw people to the idea that this is possible.

BM May said that when she passes the store she notices that they do have appliances outside. Committee Chair Falutico said that this was mentioned during the Committee meeting. Mr. Palatnik replied that he has seen this himself as he drives past and noted that the applicant is aware of this and has spoken with the General Manager of PC Richards, who has agreed to curb that.

Chair Seminara noted that the motion on the floor was to approve extending the term of the variance and further, to recommend to the BSA that the renewal term be increased to 15 years. Motion second by BM Romero.

BM Willis asked how long the lease is and was told it is 20 years. She then asked if the variance runs with the land or with the lease, and was told it goes with the land. The question was asked as to whether the variance is transferrable and it was stated that it is transferrable and goes with the property, but is limited to a use group. BM Willis asked why not extend the variance for 20 years, and was told 10 years is the rule of thumb for the BSA.

Motion: CB10 to approve the BSA Application for extension of term of Variance for 576-80 86th Street (PC Richards) Application No. 543-91-BZ, and further, to recommend to the BSA that the renewal term be increased to 15 years. 32 in favor; 1 Recusal – BM Stelter. Motion carried.

In the matter of BSA Special Permit Application at 1245 83rd Street for a straight line and vertical enlargement of an existing 2½ story and cellar detached single family home, Application No. 293-12-BZ, Committee Chair Falutico rendered the Committee report. See Attached. Discussion followed.

Eric Palatnik, attorney for the applicant, noted that the application is to enlarge the existing home with a Special Permit. The Special Permit was enacted in 1999 in New York City and entitles members of only three Community Boards in the City of New York - Community Boards 10, part of 14, and 15 – to go to the BSA for a Special Permit to enlarge their home.

Over the past decade there have been hundreds approved in the City of New York, but only a few in our Community Board. This Special Permit would allow them to increase the floor area from the current 3,200 square feet to 5,000 square feet. Mr. Palatnik gave a detailed summary of the work to be done and the proposed increases. They do not believe the owner is changing the character of the area.

BM Hudock noted that the FAR maximum permitted is 50% and this is exceeding that limit. Mr. Palatnik noted that most of the BSA permits that were approved over the years were one point over because the .5 was not enough. BM Hudock thinks that is a valid point however he feels it is dangerous for the Community Board to approve this, and feels it is smarter for us to engage in re-zoning.

BM Ahl feels there are always people who want to buy homes and then enlarge them. He asked why they are buying homes that are not big enough. Mr. Palatnik replied that the legislation is on the books and people are entitled to make the application.

BM Ryan said that Mr. Palatnik stated the distance matches the home on one side but did not mention the other side. Mr. Palatnik responded that it would come out about 3' further than the home on the other side. They will be jutting out from the home on the right, and he noted they are staying the same distance between the houses, not getting any closer.

BM Gross wanted to remind the Board that we had voted to remove ourselves from this special permit process. His question is whether we are going to vote for this special permit when we already said we do not want to approve special permits.

Chair Seminara noted that this was a public hearing and she invited the residents who signed in to speak. The residents who attended were opposed to approving the Special Permit as they feel the house will be an eyesore on the block. They asked Mr. Palatnik exactly how much the house would be extended forward, and he replied that it would be 6'4". Residents asked why two people needed 5,000 square feet when they could move to New Jersey. One resident asked for clarification on filling in the back area and was told they are filling in a 4' section in the rear and adding a proposed second floor on the rear and a second story in the front to the existing first story.

BM Hudock asked if there had been research done on the other houses on the block to see if they exceeded the FAR. Mr. Palatnik replied that most houses on the block ranged from .5 to .8 FAR.

Chair Seminara noted that the recommendation of the Committee was to reject the application.

Motion: CB10 to reject the BSA Special Permit application at 1245 83rd Street for a straight line and vertical enlargement of an existing 2½ story and cellar detached single family home, Application No. 293-12-BZ due to excessively large additional bulk being proposed, bulk significantly over the allowable floor area, also due to the shape of the

truncated roof not in keeping with the neighborhood and lastly due to the new location of the front street wall. 28 in favor; 1 opposed – BM Bortnick; 2 Abstentions – BM Romero, BM Yedin; 2 Recusals – BM Stelter, BM Wu. Motion carried.

In the matter of a BSA Special Permit Application at 45 76th Street for the enlargement of a single family home located in an R3-1 Zoning District, Application No. 324-12-BZ, Committee Chair Falutico rendered the Committee report. See Attached. Discussion followed.

Jordan Most, attorney for the applicant, stated that the maximum permitted floor area is .6. The existing house has approximately 1,271 square feet and the proposed enlargement is to add 655 square feet for a total of 1,926 square feet, which is still a relatively modest structure. The FAR would go from the existing .53 to .81; the maximum that is allowed is .6. The enlargement is twofold: pushing the building (first story and second story) back 8' into the rear yard; the enlargement of the attic space with a steeper peaked roof which would create more livable space.

BM Grimaldi asked whether this is a one family or two family home and was told it is a one family home. BM Vallas asked if they were also adding more roof space on the side. Mr. Most said there will be a dormer that will run across the building and the gable of the initial roof is getting steeper. He noted that the Committee's recommendation was to push back that initial gable to align with the enlargement of the building next door.

BM Pulaski stated that at the Committee meeting, Mr. Walsh did not say anything about the backyard and he has come here tonight to say something in opposition about that. BM El-Yateem asked if they were building a flat roof and was told that it was a recreational deck to the rear. Mr. Most noted that, looking at the back of the building, there is a railing, and the left side of the building is where the 8' enlargement is extending beyond the roof line. The lot is 23'9" by 17', so the deck is 8'x17'

BM Rasinya asked if the front was going to be pushed back as was requested at the Committee Meeting. Mr. Most replied that they have not made a decision as yet. BM Rasinya stated that although he supported the motion at the Committee Meeting, based on that statement he is withdrawing his support when voting tonight.

BM Amato commented that she lives on 81st Street off Colonial Road, where the houses are the same, and one did a renovation, which really changed the block and she is not happy about that.

BM Pulaski asked if the recommendation by the Committee to push back the usable space in the attic changes the nature of the objections of the neighbors. Committee Chair Falutico replied that probably not, since their comments were basically focused on the garden in the rear, the lack of light and the obstructed views. BM Pulaski asked if the obstructed views were created by the attic space or the extensions. Committee Chair Falutico noted that there is no pitched attic roof on top of the 8' rear extension; that is the portion they propose a flat roof with the recreational deck; and it is still zoning compliant. Mr. Most noted that if they wanted to

reallocate floor area on the property, the building could push out to 30' to create a 16' encroachment into the rear yard, and zoning would allow that.

BM Pulaski noted that the reason why they made that statement for acceptance is that when you walk down the street it kept the line of Dutch Colonial and the addition would be pushed to the back, so you would not see it when you walk down the street. Chair Seminara asked how much floor area they are taking from the application by pushing that back. Committee Chair Falutico responded approximately 80 square feet at the most of attic space.

BM Schiano said at the Committee meeting she brought up that if she lived next door, the extension out the back would bother her.

BM Rasinya wanted to speak against the motion because the attorney said that the applicant is not sure if they are willing to move it back, and he thinks that is a no. Based on his interpretation of them not willing to push it back, and the community members objecting, he thinks we should reject the approval and vote no on the application. BM Vallas feels we should reject this and send it back for further analysis.

BM Grimaldi reminded the Board of their prior stand that we do not believe in Special Permits and she knows they go case by case, but as a Board she thinks we have made a commitment that Special Permits were not going to be approved.

Chair Seminara noted that the Committee recommended that we approve this application with the modification of bringing the front wall back 8' so it is in line with the adjacent homes.

Motion: CB10 to approve the BSA Special Permit Application at 45 76th Street for the enlargement of a single family home located in an R3-1 Zoning District, Application No. 324-12BZ with the recommendation that the attic enlargement be set back such that the street front of the attic enlargement align with the street front wall of the neighboring attic to the east, in order to maintain a front roof line which is consistent with the front roof lines existing all along this street. 1 in Favor – BM Bortnick; 30 Opposed; 2 Recusals – BM Falutico, BM Stelter. Motion failed.

Chair Seminara stated that the vote was to reject the Committee's recommendation, and we will re-entertain this issue if the application comes back to us.

BM Rasinya made a motion to officially deny the application. Second by BM Sokoloski.

Motion: CB10 to deny the BSA Special Permit Application at 45 76th Street for the enlargement of a single family home located in an R3-1 Zoning District, Application No. 324-12BZ. 30 in favor; 1 Opposed – BM Bortnick; 2 Recusals: BM Falutico, BM Stelter. Motion carried.

CHAIR'S REPORT – See Attached

Discussion followed regarding human trafficking. BM Rasinya stated that this is a serious problem and none of us know how big it is. BM May asked what we might see to indicate this is going on. Chair Seminara replied that this goes undetected, and we can invite experts to come to speak with us about this issue.

DISTRICT MANAGER'S REPORT - See Attached

TREASURER'S REPORT – See Attached

COMMITTEE REPORTS

POLICE AND PUBLIC SAFETY COMMITTEE

In the absence of Police and Public Safety Committee Chair Vella-Marrone, BM Vallas rendered the Committee Report. See Attached.

With regard to the new SLA Application for Brooklyn Beet Company, LLC, the Committee's recommendation was to disapprove the application unless the stipulations were met.

Motion: CB10 to disapprove the new SLA Application for Brooklyn Beet Company, LLC located at 7203 3rd Avenue, unless the following stipulations are met:

- the backyard will not be used by patrons
- Community Board Ten must be notified of any change in Certificate of Occupancy or method of operation.

32 in favor; 1 Recusal – BM Joudeh. Motion carried.

With regard to the new SLA Application for Campania Brick Oven Pizza, Ltd., in the applicant's absence, the attorney noted that the establishment will be an asset to the neighborhood and a good neighbor. The Committee's recommendation was to approve this application. Second by BM Quinones.

Motion: CB10 to approve the new SLA Application for Campania Brick Oven Pizza, Ltd., located at 9824 4th Avenue. All in favor. Motion carried.

Discussion followed regarding the SLA Renewal Application for Mussels & More Ltd. It was noted that there are new stipulations, as the music restriction for acoustical only was removed, and to remain open for the sale of alcoholic beverages until the legal limit of 4:00 AM seven days a week. BM Romero asked for clarification regarding serving liquor until 4:00 AM. Chair Seminara noted that is now what the application is for. She noted that the Committee recommends disapproving the renewal until the stipulations are met, and the time is not included in the stipulations.

BM Ryan thinks that the owner is not a good neighbor because the front entrance is not accessible, the side entrance appears to be accessible however the door is locked, there is a huge planter that is not allowed by New York City law, and the whole sidewalk on 80th Street is broken.

BM May asked for stipulation clarification. DM Beckmann responded stating that there are over 200 licensed premises in Community Board Ten and they are permitted under ABC law to operate until 4:00 AM. The reason this establishment had a time restriction was due to adverse history of the previous establishment. There were no SLA violations or complaints in the two years the applicant has been operating, and he has been operating as a restaurant. We have received no complaints, and there has been no SLA or police activity. This has been discussed and lifting the time restriction is putting him with all the establishments in Community Board Ten that are allowed to operate until 4:00 AM. Because he is operating as a restaurant, he is able to operate as the ABC law allows him to. BM Pulaski noted that the applicant owns the building and his renters will not complain if the music is too loud.

BM Gross asked if we were not to agree with the stipulations and vote against the denial, what is that saying as far as how it is presented back to the agency. Chair Seminara replied that we might entertain a request for another motion, if the Board wants to make a change to what was recommended by the Committee.

BM Petty said she understands liking this man because he did well for two years. However, he did well for two years because he followed the rules. She goes there often and feels it is a nice, quiet restaurant with an outdoor area. She feels the music will be loud and all over the neighborhood. BM Nolan feels he has changed his tune and we should give him a break.

Chair Seminara reiterated the Committee's recommendation, and noted that the stipulation changes were the time of closing and the limitation on type of music, which was acoustical. BM May asked if he can now have amplified music, and was told yes. BM Yedin noted that he has soundproofed. BM Quinones stated that she remembers when the owner previously appeared at the Board meeting stating he was having a DJ booth because it was part of his décor but he would never ever have amplified music, and also that this would be a restaurant and not a bar. Now it appears he has changed.

Motion: CB10 to disapprove the SLA Renewal Application for Mussels & More Ltd., 510 80th Street, unless the following stipulations are met:

- **Windows and doors will be closed on Sundays through Wednesdays no later than at 12:00 AM and on Thursdays, Fridays and Saturdays no later than 1:00 AM**
 - **The owner will not utilize the services of an outside promoter and will not permit an outside promoter to rent out or use the establishment**
 - **Community Board Ten must be notified of any change in method of operation**
- 18 in favor; 14 Opposed. Motion carried.**

SENIOR ISSUES, HOUSING, HEALTH AND WELFARE COMMITTEE

Senior Issues, Housing, Health and Welfare Committee Chair El-Yateem rendered the Committee report. See Attached.

TRAFFIC AND TRANSPORTATION COMMITTEE

Traffic and Transportation Committee Chair Kieran rendered the Committee report. See Attached.

OLD BUSINESS

On behalf of her 92nd Street neighbors, BM Schiano thanked DM Beckmann who has worked tirelessly for them with regard to the 92nd Street sewer reconstruction. The project had come to a complete standstill. Thanks to DM Beckmann, who sent a wonderful email and spoke with the Commissioner, the following day the workers were back to working.

NEW BUSINESS

A motion was made to adjourn. With no further business, Chair Seminar adjourned the meeting at 9:25 PM.

ZONING AND LAND USE COMMITTEE

Community Planning Board #10/Brooklyn

January 16th 2013 @7:00 pm

January 23th 2013 @7:00 pm

Two meetings were held in January

ZALUC Committee Meeting was called to order @ 7:00 pm on January 16th 2013. Two applications were reviewed.

A quorum was met.

See attachment for attendees.

1st Subject: BSA Application for Extension of Variance at 576-80 86th Street (property currently known as PC Richards)

Presentation was made by Eric Palatnik of Eric Palalnik PC and also present was owner George Salamy

Salamy

General Description:

To extend the term of the Variance, originally granted 20 years ago for an increase in floor area. The standard interval for renewal of BSA variances is 10 years.

The applicant further requested, in writing, that the Community Board consider three possible further options:

1. To extinguish the variance entirely
2. To recommend a term longer than the usual 10 years
3. To require a renewal of the variance only if there is a change of use group

Given reliably and unobjectionable nature of the long-time tenant PC Richards and the lack of any complaints from neighbors, the committee puts forth the following motion.

Committee Action:

Motion was made in favor of extending the term of the variance and further, to recommend to the BSA that the renewal term be increased to 15 years.

Vote = All in Favor

Would the owner or representative like to offer comment?

Intro

2nd Subject: BSA Special Permit Application at 1245 83rd Street

Presentation was made by Eric Palatnik of Eric Palalnik PC

The building owner, and (4) neighbors on the block opposing the application, were also present

General Description:

To enlarge existing 2 ½ story two-family home in R3X zone

Enlargement consists additional floor area at the 1st and 2nd Floors and a reconfiguration of the attic to contain more floor area/ usable space.

The Special Permit is needed:

- for the increase in the floor area from 3,255sf to 5,087sf with an allowable floor area for the site being 3,600sf
- for the extension of the non-complying side yards (non-compliance is currently 2")

Amf 1/28/13 1 | Page

ZONING AND LAND USE COMMITTEE

Community Planning Board #10/Brooklyn

January 16th 2013 @7:00 pm

January 23th 2013 @7:00 pm

Committee Action:

Motion was made to oppose the application for Special Permit due to excessively large additional bulk being proposed, bulk significantly over the allowable floor area, also due to the shape of the truncated roof not in keeping with the neighborhood and lastly due to the new location of the front street wall. There was no opposition to the grandfathering of the non-complaint side yards.

Vote = All in Favor

Would the owner or representative like to offer comment?

ZALUC Committee Meeting was called to order @ 7:00 pm on January 23th 2013. One application was reviewed.

A quorum was met.

See attachment for attendees.

3rd Subject: BSA Special Permit Application at 45 76th Street

Presentation was made Mr. Jordan Most of the office of Sheldon Lobel PC

General Description:

To enlarge single family home in R3-1 zone

Enlargement consist of a two story extension in the rear and a reconfiguration of the attic to contain more usable space.

Special Permit is needed

- for the increase in the floor area by 655 square feet
- for the extension of the non-complying side yards

Committee Action:

Motion was made in favor of the application with the recommendation that the attic enlargement be set back such that the street front of the attic enlargement align with the street front wall of the neighboring attic to the east, in order to maintain a front roof line which is consistent with the front roof lines existing all along this street.

Vote = All in Favor with (1) recusal

Would the owner or representative like to offer comment?

Respectfully Submitted:

Ann Falutico

Committee Chair Zoning and Land Use Committee

Chair's Report
Community Board 10, Brooklyn
January 28, 2013

Happy New Year and welcome to the first general Board meeting of 2013.

This month we learned of the violent event that took place outside the 93 Lounge. The Brooklyn DA has just reported the indictment of 2 patrons of the lounge who mowed down several people on the sidewalk outside the "establishment" in the early morning hours. Our local elected leaders have pledged to advocate for the closure of this business whose liquor license applications we unanimously rejected more than once. For many reasons, this location is a magnet for more and more serious crimes and violations. Several weeks ago, we convened an important meeting with all elected leaders, the Brooklyn DA, top level SLA officials and local law enforcement to highlight the community's concerns about this location. It is difficult for us to understand how it is allowed to continue to operate. The building has no Certificate of Occupancy and more than 49 building code violations. We learned from neighbors on the block who were represented at our meeting that the business operates illegally as a cabaret without a license as well as reports about the use of promoters who attract the wrong kind of activity. We call on all law enforcement and DOB, the Department of Consumer Affairs, the SLA and every other agency with jurisdiction over this location to take immediate action to close this place until it is fully compliant. There is no excuse for inaction.

Now I want to discuss another serious scourge that merits our vigilance. This is an evil that is easy to ignore because it takes place tucked away behind the closed doors of residences and commercial establishments throughout NYC – as in many large and small cities. I speak of the horror of human trafficking. Particularly, as it involves children, mostly immigrant girls, who are hustled into and then enslaved by sex traders. I suggest that it is time that we open our eyes and take action to protect powerless victims and bring its perpetrators to the justice they deserve.

Human trafficking is shamefully common. Governor Cuomo, in his State of the State address, promised legislation to combat trafficking, many of whose victims are young teenagers desperate for our awareness and protection. This is a story that does make the headlines but *The Daily News* recently highlighted the shocking present day facts affecting human and child trafficking in New York City. The extraordinary courage of a few victims of this enslavement is making it possible to prosecute these crimes against humanity. Both the Manhattan DA Cyrus Vance and our own DA Charles Hynes are making this heinous "business" a priority and devoting considerable resources to it. But they need our eyes and ears, courage and common sense to be aware enough to report if and when we see evidence that it exists. Much of the trade involves Asian girls and women but the trade's victims also include Russian, Eastern European, Mexican and other Hispanic girls and women who may not be English conversant and have little contact with those who can help them. The trade is very difficult to investigate and prosecute because of the economic and emotional dependence of the victims, especially if they are young. Many traffickers prevent their victims from running away by taking away all their identification documents and threatening harm to their families who are often abroad.

According to the U.S. Department of Justice the average age of entry into the sex trade is 12 to 14 years of age. Trafficking rings reach into the poorest communities throughout the world whose innocent children are smuggled – many to the US and to NYC - by empty promises.

It is our moral imperative to help spread the message that there are safe places where victims can seek help. I urge you to join this effort and call the office if you have any information or see signs of this horrific activity anywhere. We will be learning more about this illegal activity from the Brooklyn DA's office and NYC law enforcement in the coming months and we have contact information at the CB office about ways you can help fight this inhumane crime.

As always, thank you for your service.

Respectfully submitted,



Joanne Seminara
Chair

DISTRICT MANAGER'S REPORT

January 28, 2013

Good Evening Board Members:

I am also happy to let you know that the City Council passed a MOD this week that restores each Community Board's PEG cut for FY13. Therefore, there will be no reduction for FY13; there is still a cut for FY14. We are grateful to Council Member Gentile who works hard to advocate for our Community Board and the entire Council who made this restoration to our small agency.

I was happy to join Parks Commissioner Jeffrey, Parks Committee Chairperson June Johnson and Council Member Gentile along with The District Manager of Community Board 11 to discuss repairs to Shore Road Promenade caused by Superstorm Sandy. Ten areas along the stretch of the seawall that sustained substantial damage will be restored. NYC Parks expects that repairs will be completed before Memorial Day. There were a total of 30 benches lost – large sections of rail and capstone – a large section of broken paved area; 2 six foot sections of the sea wall; portion of Bay 8th Street stairs and several sink holes will be back filled and repaved. We also discussed about the future of the sea wall and continued efforts by both Community Boards to advocate for long term funding to refurbish the entire length of the sea wall from the VZ Bridge to Caesars Bay. We will remain in contact with NYC Parks regarding the progress of the repairs and updates.

On January 17th I attended a meeting hosted by the Office of Film, Theatre and Broadcasting (OFTB) to discuss anticipated filming in 2013 due to the New York State 30% tax credit. Last year we noted an increase in the number of productions taking place within our Community Board. We look to balance the needs of film and television production with the concerns of residents and local businesses as it relates to parking, street impacts, etc.

Agency Announcements

NYC Parks Department has officially begun to recruit lifeguard candidates for our 2013 summer season. Parks lifeguards play a critical role in the city's 8 beaches and 54 outdoor pools. If you know anyone who may be interested information is available by calling 311 or can be found on our website at www.bkcb10.org.

Tonight, the New York City Department of Homeless Services will conduct its annual Homeless Outreach Population Estimate (HOPE). Thousands of volunteers will canvass parks, subways and other public spaces to survey the number of people living unsheltered in the city. This time of year is when the District Office typically receives complaints of homeless – please alert us if you notice any encampments or locations in need of Homeless Outreach.

Con Edison has reached out to our office to be sure that all users of life sustaining equipment or those with medical hardship are registered with them in the event of an emergency. For more information call 1-800-75-ConEd or register on line at www.coned.com. Copies of the registration survey are available at our office.

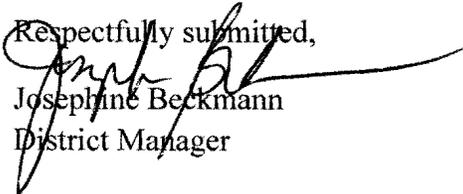
Community Board Ten's Traffic and Transportation Committee will host a public hearing regarding Summer Streets/Weekend Walks 2013 on Tuesday, February 5th from 7 to 9 PM at PS 102 211 72nd Street. This year the Merchants of Third Avenue have expanded their application to include 3rd Avenue between 68th and 90th Streets for the following dates: July 19th July 26th; August 9th and August 16th. Please help spread the word.

Siphon Project Update –

- excavation of the Brooklyn Shaft, which is 25' in diameter and approximately 155' deep, has been completed
- a concrete slab to seal the shaft pending the arrival of the tunnel boring machine (TBM) was installed at the bottom of the shaft on Tuesday, January 15th
- demobilization of the site, including removal of heavy equipment and trailers, installation of a long-term cover over the shaft, and cleanup of the site, is expected to be complete by the end of the month. The shaft will be covered by seven (7) timber mats, each comprised of five (5) 1' x 1' x 38' timbers that will be bolted together. Since each mat weighs approximately 5 tons, a crane would be required to move it. The shaft site, as well as the overall work zone, will remain fenced.
- replacement of a water main along Shore Road, in the vicinity of Fort Hamilton High School, will be done during the summer months; work is expected to begin in late June.

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The next General Board Meeting for Community Board Ten will take place on Monday, February 25th 7:15PM at the Knights of Columbus 1305 86th Street.

Respectfully submitted,


Josephine Beckmann

District Manager

**COMMUNITY BOARD TEN
TREASURER'S REPORT**

Fiscal Year: July 1, 2012 to June 30, 2013

Budget Appropriation for FY 13	\$206,895.00
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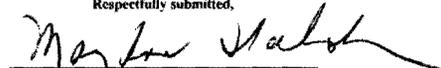
	7/31/12	8/31/12	9/30/12	10/31/12	11/30/12	12/31/12	1/31/13	2/29/2013	3/31/13	4/30/13	5/31/13	6/30/13	Y - T - D
DISTRICT MANAGER	\$7,575.10	\$11,378.19	\$7,585.46	\$7,585.46	\$7,585.46	\$7,585.46							
COMMUNITY COORDINATOR	\$4,602.96	\$6,913.89	\$4,609.26	\$4,609.26	\$4,609.26	\$4,609.26							
COMMUNITY ASSOCIATE													
COMMUNITY ASSISTANT	\$1,440.96	\$2,188.44	\$1,656.96	\$1,656.96	\$1,656.96	\$1,656.96							
Total Personal Services	\$13,619.02	\$20,480.52	\$13,851.68	\$13,851.68	\$13,851.68	\$13,851.68	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$89,506.26

ExpensesCode	Description	7/31/12	8/31/12	9/30/12	10/31/12	11/30/12	12/31/12	1/31/13	2/29/2013	3/31/13	4/30/13	5/31/13	6/30/13	Y - T - D	
10B	Telephone														
10X	Intra-City Supplies														
40B	Intra-City Telephone	196.62	198.91	196.62	201.45	196.37	193.64								
100	Supplies & Materials			128.84		99.60									
101	Printing Supplies														
117	Postage														
170	Cleaning Supplies														
199	Data Processing Supplies														
302	Telecomm. Equipment														
314	Office furniture														
315	Office Equipment														
319	Security Equipment	135.00		135.00			135.00								
332	Data Process Equipment														
337	Books														
402	Tel./Communications														
412	Rental/Misc /Equip	234.41	234.41	234.41	234.41		44.41								
417	Advertising														
431	Leasing Misc. Equip.														
451	Local travel expenditures						400.00								
602	Telecomm. Maintenance	21.70	21.70	21.70	21.70	21.70	21.70								
612	Office Equip. Maint.														
613	Data Process Equipment														
615	Printing Supplies														
622	Temporary Services-contractual		530.00												
624	Cleaning Services	160.00	240.00	160.00	160.00	160.00	160.00								
608	Iron Security Gate Maintenance														
676	Awning														
414	Water, Sewer, Utility														
Total Other than Personal Services		\$747.73	\$1,225.02	\$876.57	\$617.56	\$477.67	\$954.75	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00	\$4,899.30

TOTAL PS AND OTPS EXPENSES	14,366.75	21,705.54	14,728.25	14,469.24	14,329.35	14,806.43	0.00	94,405.56						
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TOTAL UNCOMMITTED BUDGET BALANCE														\$112,489.44
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Respectfully submitted,


 Mary Ann Walsh, Treasurer

**Community Board Ten
Police and Public Safety Committee
January 9, 2013**

The Police and Public Safety Committee met in quorum on January 9, 2013 to hear four SLA applications. The meeting commenced at 7:05 PM.

New SLA Application for Brooklyn Beet Company, LLC located at 7203 3rd Avenue.

The application is for a new liquor license. This is a new establishment at the former location of a food store. The maximum occupancy is 74 people with a proposed number of 34 – 45 seats. The method of operation is a restaurant. The hours of operation will be 12:30 PM – 11:00 PM Monday – Saturday and Sunday 11:00 AM – 10:00 PM. There will be recorded background music. This application is subject to the 500 foot rule and as such an automatic SLA 500 foot hearing will be held. The backyard will not be used for patrons. No one from the public was present to speak on the matter. The committee voted unanimously to disapprove the application unless the following stipulations are met:

- The backyard will not be used by patrons.
- Community Board 10 must be notified of any change in Certificate of Occupancy or method of operation.

New SLA Application for Campania Brick Oven Pizza, LTD located at 9824 4th Avenue

The application is for a new liquor license. This is a new establishment at the former location of a restaurant. The maximum occupancy is 50 people with a proposed number of 48 seats. The method of operation is a pizzeria/restaurant. The hours of operation will be 11:00 AM – 1:00 AM seven day per week. There will be recorded background music. This application is not subject to the 500 foot rule. No one from the public was present to speak on the matter. The committee voted unanimously to approve the application.

SLA Renewal Application for Tryst Lounge, Inc. located at 7724 13 Avenue

The applicant appeared at the request of the Community Board due to complaints received by the Community Board. There were 8 verbal complaints and one letter of complaint mainly focusing on noise. The owner of the establishment appeared before the committee and agreed to do all he can to be responsive to the complaints including ensuring that the doors to the establishment remain closed at all times and to continue to adhere to the stipulation agreement in place. In addition, he asked that if any member of the public has a complaint regarding his establishment that they should call him so that he may address same. He provided the Community Board with his phone number. No one from the public was present to speak. No vote was taken as there was

no action to be taken. This matter was only heard in an effort to be responsive to the complaints received by the Community Board.

SLA Renewal Application for Mussels & More Ltd. located at 510 80th Street

The applicant requested to appear before the committee to ask for the removal of the stipulations in place for his establishment.

The stipulations presently in place are as follows:

- Windows and doors will be closed on Sundays through Wednesdays no later than at 12:00 AM and on Thursdays, Fridays and Saturdays no later than at 1:00 AM.
- There will be no DJ and no Live Music other than "acoustical music". For the purposes of this stipulation music is defined as music produced without electronic amplification.
- "Last Call" to close (after which time no alcoholic beverages will be served) will be: on Sundays, Mondays, Tuesdays, Wednesdays no later than 2:00 AM and on Thursdays, Fridays and Saturdays no later than 3:00 AM.

The applicant stated that these stipulations were put in place due to the adverse history of the previous establishment and that since he has been operating his business there have been no problems. The applicant wants to have live music and remain open for the sale of alcoholic beverages until the legal limit of 4:00 AM seven days per week. He also stated that he has sound proofing and that he is the owner of the building as well. There have been no reported police complaints nor have there been any received by the Community Board. No one from the public was present to speak. The committee voted unanimously to disapprove the renewal application unless the following stipulations are met:

- Windows and doors will be closed on Sundays through Wednesdays no later than at 12:00 AM and on Thursdays, Fridays and Saturdays no later than 1:00 AM.
- The owner will not utilize the services of an outside promoter and will not permit an outside promoter to rent out or use the establishment.
- Community Board Ten must be notified of any change in method of operation.

The meeting was adjourned at 8:05 PM

Respectfully submitted,

Frances T. Vella - Marrone

Frances T. Vella-Marrone
Chairwoman, Police and Public Safety Committee

Community Board Ten
Senior Issues, Housing, Health and Welfare Committee

Meeting Held on
1/14/2013

Members Present: Khader El-Yateem (Chair), Ida D'Amelio, Judith Grimaldi, Katherine Khatari, Eleanor Petty, Mary Quinones, Jeannie May, Joseph Sokoloski, Josephine Beckmann.

Excused: Habib Joudeh, Anna DeMetz, Susan Romero

Absent: Michael Casale, Stella Kokolis, Husam Rimawi

Guests:

Jean Ryan, Ray Riley, Vanessa Moduffeni, Laurie Windsor, Cynthia Armijo, Diana Richardson, Msgr Marino, Fary Marreno, Poula Katinas.

The meeting was called to order at 7:15 PM.

The meeting agenda: A presentation regarding the newly opened Boys Town Family Home located at 1244-65th Street.

A presentation was given by Ms. Cynthia Armijo who is the president and the Executive Director of Boys Town – New York. Their mission is: Changing the way America cares for children, families and communities by providing and promoting an integrated continuum of care that instills Boys Town values to strengthen body, mind and spirit. Their motto is saving Children, Healing Families.

Their new home will be located at the convent of the Basilica of Regina Pacis located at 1244 65th Street, Brooklyn. The whole idea comes from the 1938 movie Boys Town. All the boys that join this program come from the court system. This program which was started in 1990 deals with boy's ages 11 to 17 years old. There are 12 boys in the home and they are there from 8 to 12 months. They will help the boys to live in an active and positive life style and like every other family.

They will live with a couple a husband and wife in some cases these couples have children of their own and they will live with the other boys. Also, they have staff 24/7 help the kids.

The church received positive feedback from the members about this program and they are very supportive of it.

The idea is that these boys need the help and this program provides it for them. These boys who come from the family court system are supervised, supported and given the best chance to change and rejoin society.

Respectfully Submitted,



Rev. Khader EL-Yateem

T&T REPORT

On Thursday the 24th of January an impressive number of hardy citizens braved the cold and attended the Borough President's 4th Avenue Task Force workshop. The CB 10 T&T Committee met in quorum at the workshop. The stretch of 4th Avenue from 65th Street to Shore Road was the topic of discussion. Changes to improve its safety, utility and aesthetics were debated. The design workshop was an opportunity to get information and discuss ideas to improve, change and beautify 4th Avenue.

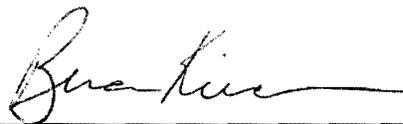
It was conducted in P.S. 264. The Task Force is a project of Borough President Marty Markowitz who believed we could build a grander version of 4th Avenue. Residents and DOT officials discussed safety, traffic and history in small groups. There will be a follow up meeting on February , 2013 at the same location at 7 p.m.

In the meantime everyone can and should utilize a DOT website to post comments or questions about what should be done to 4th Avenue. This is considered Phase 2 of the project. Phase 1 was a reconfiguration of 4th Avenue from 15th Street to 65th Street with input from CB 7. In CB 7, 4th Avenue was reduced by one lane in each direction and the lanes were widened and the striping around the center median was widened as well.

Discussions about safety revealed that the greatest safety increases may be accomplished by traffic reduction. However CB 10 has already addressed safety concerns at the most dangerous intersections in the Phase 2 portion of the roadway when we asked for turn restrictions and Lead Pedestrian Intervals (LPI) for the intersection of 86th Street and 4th Avenue.

The most dangerous interjections, in order of danger (data from 2006-2010), in the Phase 2 portion of the roadway are: 86th Street (52), 75th Street (42), 67th Street (42), 69th Street (37), Ovington Avenue (23), and 92d Street (20). Suggested improvements to the roadway included adding LPis, better painted striping, raised reflective markers, turn signals (an extra phase with a green arrow for turning), flexible delineators at crosswalks, curb extensions, improved lighting, flags/banners on street light posts, adding speeding cameras and designating this section of the roadway as a slow zone (20 m.p.h). A great deal of concern about speeding automobiles was voiced especially for the blocks from 69th Street to 86th Street.

Any major changes would require the approval of the City Council. There is no plan or framework for a "new" 4th Avenue in place. However this is the right time to insist that every simple safety addition as well as some complicated but sensible changes be implemented. I will keep you posted. Questions?



Brian Kieran

STATE LIQUOR AUTHORITY – NEW APPLICATIONS & RENEWALS

<u>Name/Address</u>	<u>Received at CB 10</u>	<u>Status</u>
J. J. Bubbles Inc., 7912 3 rd Avenue	1/18/13	Renewal
Greenhouse Café, 7715, 7717, 7719 3 rd Avenue	1/22/13	Renewal
Swedish Football Club, Inc., 725 65 th Street	1/22/13	Renewal
Shenandoah Valley Club, Inc., 8415/8417 7 th Avenue	1/23/13	Renewal
Arirang Hibachi Steakhouse, 8812-8814 4 th Avenue	1/28/13	Renewal
Giacomo's Wood Fired Pizza, 7902 3 rd Avenue	2/1/13	Alteration
Candela Restaurant Corp., d/b/a Red Oak, 8305 3 rd Avenue	2/1/13	Corporate Change
V&M Pizzeria Inc., d/b/a Vesuvio Pizzeria & Restaurant, 7303, 7305, 7307 3 rd Avenue	2/4/13	Renewal
Pipins Pub, 9701 3 rd Avenue	2/4/13	Renewal
*Wall Street Restaurant LLC, d/b/a Café Remy, 7110 3 rd Avenue (License #OP1155688)	2/6/13	*Renewal
*Wall Street Restaurant LLC, d/b/a Café Remy, 7110 3 rd Avenue (License #OP1155690)	2/6/13	*Renewal
Something Greek LLC, 7616 3 rd Avenue	2/7/13	Renewal
Bay Ridge Hospitality LLC, 8901 3 rd Avenue	2/11/13	**New Application (Liquor, Wine & Beer)
Inaka Japanese Fusion Corp., 8318 3 rd Avenue	2/11/13	**New Application (Liquor, Wine & Beer)

* Has been invited to present application at Police & Public Safety Committee Meeting in February 2013.

**Has been invited to present application at Police & Public Safety Committee Meeting in March 2013.