



THE CITY OF NEW YORK  
MANHATTAN COMMUNITY BOARD NO. 3

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Dominic Pisciotta, Board Chair

Susan Stetzer, District Manager

January 2010 Vote Sheet

Executive Committee

no vote necessary

SLA & DCA Licensing Committee

Renewal with Complaint History

- 1. Barbone (Taulant LLC), 186 Ave B (op)

**VOTE:** To deny the renewal of the full on-premise liquor license for Taulant LLC, doing business as Barbone, 186 Avenue B, unless the applicant agrees before the SLA to add as conditions of its license the following signed notarized stipulation that it will close its backyard to patrons at 10:00 P.M. weeknights and 11:00 P.M. Fridays and Saturdays.

- 2. Luca Bar (Dimapo Group Inc), 119 St Marks Pl (rw)

**VOTE:** To deny the renewal of the restaurant wine license for Dimapo Group Inc., doing business as Luca Bar, 119 St. Marks Place, unless the applicant agrees before the SLA to add as conditions of its license the following signed notarized stipulation that 1) it will close its façade at 10:00 P.M. every night, 2) it will post a sign in the lobby of the premise, as well as in its window, for no less than sixty (60) days, inviting neighbors to speak with the applicant about any outstanding noise issues in an effort to further mitigate any remaining noise complaints, and 3) it will speak with the Ninth Precinct about its 311 complaints in an effort to identify and correct outstanding noise issues.

Applications within Resolution Areas

- 3. Sigmund Pretzel Shop Inc, 29 Ave B (rw)

**VOTE:** To inform the SLA that Sigmund Pretzel Shop Inc. has withdrawn its application before Community Board #3 for a restaurant wine license at 29 Avenue B because its application was incomplete and to ask that the SLA not consider this application until the applicant reapplies to this community board with the requisite thirty (30) days notice to the SLA.

- 4. BKLYN Local Draft LLC, 14 Ave B (op)  
withdrawn

- 5. East River Restaurant Group Ltd, 174 Ave B (rw)

**VOTE:** WHEREAS, Eleven B, 174 Avenue B, between 10th and 11th Streets, is seeking for the fourth time to obtain a restaurant wine license to operate a "pizzeria-style" restaurant in a location which was never before operated as an eating drinking establishment and was previously operated as a clothing store; and

WHEREAS, this applicant had been previously denied by the SLA once for a full on-premise liquor license and three (3) times for a restaurant wine license, based in large part upon material misrepresentations found to have been made by the applicant during the application process, and had been denied by a New York State Supreme Court Judge in its Article 78 petition to challenge the SLA denial of its restaurant wine application; and

WHEREAS, during one of its previous hearings for a restaurant wine license before the SLA, a determination was made that the applicant had materially misrepresented his method of operation, in that he had omitted certain information from his application although advertising same, that being that he could accommodate more than one hundred (100) people, host parties and stay open until 4:00 A.M. although his Certificate of Occupancy allowed substantially fewer people and his reported closing hours were 12:00 A.M.; and

WHEREAS, although the applicant produced a substantial demonstration of support from neighborhood patrons who appeared and wrote letters to the community board, there has been demonstrated community opposition to this, as well as the previous, restaurant wine application from residents of surrounding buildings, the pastor of Father Heart Ministry, a church within one hundred twenty-five (125) feet of this location, the previous commanding officer of the Ninth Precinct of the New York Police Department and various elected officials; and

WHEREAS, residents and a representative of the Father Heart Ministry also appeared before the community board to speak in opposition to approval of this application based upon his long history of misrepresenting himself to the community, the community board and the SLA; and

WHEREAS, the applicant concedes that there are at least eleven (11) liquor licenses, six (6) of which are full on-premise liquor licenses, within five hundred (500) feet of this location and the residential tenants in opposition have counted thirteen (13) liquor licenses along Avenue B, between 10th and 12th Streets, eight (8) of which are full on-premise liquor licenses and five (5) of which are restaurant wine licenses, excluding retail licenses; and

WHEREAS, Avenue B has been plagued by overwhelming pedestrian and vehicular traffic, late night horn honking and overwhelming noise emanating from businesses and from patrons as they move between businesses as a result of so many licensed establishments within close proximity to each other, conditions which ultimately have resulted in community and precinct meetings to address them, and the installation of no horn honking signs to alleviate noise; and

WHEREAS, the local police precinct is still overwhelmed with the regulation and oversight of these existing locations and does not have the resources to monitor an increase in traffic congestion, people on the streets and address crime, as well;

WHEREAS, despite the extensive hearing process that it has already undergone, in which the circumstances of this immediate area were discussed at length and its application was denied on numerous occasions this applicant still apparently ignores the mandate of the SLA, in that one resident appeared before the community board and stated that she had observed patrons entering said premise carrying alcoholic beverages as recently as several weeks ago which demonstrates a consistency of behavior in this applicant who has had previous applications where photographs and testimony were submitted that he was allowing the service of alcohol at his establishment without a license; now

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the restaurant wine license for Eleven B, 174 Avenue B, as the applicant has had a history of serious misrepresentation before the community board and the SLA.

6. St Marks PHO Corp, 13 St Marks Pl (rw)

**VOTE:** To inform the SLA that St. Marks PHO Corp. has withdrawn its application before Community Board #3 for a restaurant wine license at 13 St. Marks Place (upper level) because its application was incomplete and to ask that the SLA not consider this application until the applicant reapplies to this community board with the requisite thirty (30) days notice to the SLA.

7. SPOT (ACO Bakery Inc), 13 St Marks Pl (rw)

**VOTE:** To inform the SLA that ACO Bakery Inc., doing business as SPOT, has withdrawn its application before Community Board #3 for a restaurant wine license at 13 St. Marks Place (lower level) because its application was incomplete and to ask that the SLA not consider this application until the applicant reapplies to this community board with the requisite thirty (30) days notice to the SLA.

**Alterations/Transfers/Upgrades**

8. Jin Bin Seafood Restaurant (New J&B Inc), 39-41 E B'way (alt/rw/change stips to allow for live music/DJ for special events)

withdrawn

9. 88 Orchard (Robusto NYC Inc), 88 Orchard St (alt/rw/extend license to sidewalk cafe)

**VOTE:** To inform the SLA that Robusto NYC Inc., doing business as 88 Orchard, has withdrawn its application before Community Board #3 for a restaurant wine license at 88 Orchard Street because the applicant could not appear and to ask that the SLA not consider this application until the applicant reapplies to this community board with the requisite thirty (30) days notice to the SLA.

10. Lan Restaurant (Leba of New York Corp), 56 3rd Ave (alt/op)

**VOTE:** WHEREAS, Leba of New York Corp., doing business as Lan Restaurant, located at 56 Third Avenue, between 10th and 11th Streets, is seeking an alteration of its full on-premise liquor license to extend its bar to thirty-five (35) seats and to reconfigure its seating and, although not proposed in its alteration application to the SLA, is also seeking a substantial alteration to its façade, to wit the installation of accordion doors; and

WHEREAS, its community board application also reflects an extension of its hours of operation from 5:30 P.M. to 11:00 P.M. weekdays and 5:30 P.M. to 12:00 A.M. Fridays and Saturdays to 11:00 A.M. to 2:00 A.M. Mondays through Wednesdays and 11:00 A.M. to 3:30 A.M. Thursdays through Saturdays although this location has not been in operation since August of 2009; and

WHEREAS, all of the proposed alteration to its façade, layout and hours of operation are the same as the alteration and hours proposed by John C. Slattery who last month sought approval from Community Board #3 to transfer the full on-premise liquor license from Leba of New York Corp. and whose application was denied by the community board based upon the proposed change in the method of operation and substantial community opposition (see motion attached hereto); and

WHEREAS, the area of 10th Street to 12th Street, from Third Avenue to Fourth Avenue, is already heavily populated with late night restaurants, bars and clubs, the cumulative effect of which has been a substantial increase in traffic and noise from people and vehicles, and, as a result of these conditions, there has been substantial demonstrated opposition to additional businesses whose hours of operation and method of operation will contribute to these conditions; and

WHEREAS, this applicant concedes that this alteration application is an effort to conform its layout, façade and seating configuration to the transfer and alteration application of the intended new owner, John C. Slattery and said alterations which have already begun are being overseen by John C. Slattery; and

WHEREAS, Community Board #3 believes that the proposed alterations are indicative of an intention to substantially change the method and hours of operation of this premise; now

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the alteration of the full on-premise liquor license for Leba of New York, doing business as Lan Restaurant, 56 Third Avenue, to wit extending its bar to thirty-five (35) seats, reconfiguring its seating, adding accordion doors to its façade and extending its hours of operation.

11. Urban Oak LLC, 503-505 E 12th St (trans/op) (currently Caleb LLC)  
withdrawn

12. Corp to be Formed, 14 Ave B (trans/op) (Butterfly Butterfly)  
withdrawn

13. Charley Group LLC, 339 E 10th St (trans/op) (Plan B)

**VOTE:** To deny the transfer of a full on-premise liquor license to Charley Group LLC, which consists of one of the partners of the existing business, for the premise currently doing business as Plan B, located at 339 East 10th Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will continue to operate as a tavern but will now also have an operating barber shop located at the premise, 2) its hours of operation will be from 11:00 A.M. to 2:00 A.M. Sundays through Tuesdays and 11:00 A.M. to 4:00 A.M. Wednesdays through Saturdays, and 3) it will play background music only, consisting of recorded music and the occasional employment of DJs.

#### **New Liquor License Applications**

14. Luke's Lobster (Lucas Holden), 93 E 7th St (eb)

**VOTE:** To deny the application for an eating place beer license for Luke Holden, doing business as Luke's Lobster, 93 East 7th Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a full-service seafood restaurant café, serving food during all hours of operation, 2) its hours of operation will be from 11:00 A.M. to 11:00 P.M. Sundays through Thursdays and 11:00 A.M. to 1:00 A.M. Fridays and Saturdays, 3) it will play ambient background music only, consisting of music from an iPod, and 4) it will post a sign inside its establishment asking that patrons not remove alcohol from the premise for consumption on the sidewalk.

15. South Brooklyn Pizza (122 First Pizza Inc), 122 1st Ave (op)

**VOTE:** To deny the application for a full on-premise liquor license for 122 First Pizza Inc, at 122 First Avenue between 7th Street and St. Mark's Place, with a proposed business name of South Brooklyn Pizza, because 1) while the applicant has represented that it will operate a pizza restaurant, its limited menu, proposed closing hours of 4:00 A.M. every night and intention to host parties indicates that it will operate differently from the method of operation proposed; 2) this location has not been previously licensed and the applicant concedes that there are at least twenty-eight (28) full

on-premise liquor licenses within five hundred (500) feet of this location; 3) the proposed backyard seating and rear facing windows which can be opened will contribute to the existing outdoor noise which has been the subject of repeated complaints from residents whose apartments face the interior of First Avenue; 4) the applicant failed to provide petitions with resident signatures for this building and the building adjacent to this building and to its backyard, as a demonstration of the community outreach and support required for this type of application by Community Board #3, 5) residents of this building appeared in opposition to the granting of a full on-premise liquor license to this applicant, as well as its proposed hours and backyard use; and 6) the granting of a full on-premise liquor license for a proposed pizza restaurant of this size would be unfair to the substantial number of existing business with the same method of operation and similar menus limited to pizza choices in the immediate area which operate with a restaurant wine license only.

16. Hung Ry America (Metacompany LLC), 401 E 13th St (rw)

**VOTE:** To inform the SLA that Metacompany LLC has withdrawn its application before Community Board #3 for a restaurant wine license at 401 East 13th Street because its application was incomplete and to ask that the SLA not consider this application until the applicant reapplies to this community board with the requisite thirty (30) days notice to the SLA.

17. Nadoori Restaurant Inc, 105 E 9th St (rw)

**VOTE:** To deny the application for a restaurant wine license for Nadoori Restaurant Inc., 105 East 9th Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a full-service Korean restaurant, serving food to within one (1) hour of closing, 2) its hours of operation will be from 11:00 A.M. to 11:00 P.M. every day, 3) it will have a closed façade, and 4) it will not seek to operate a sidewalk cafe.

18. Lamberti Tavola Calda (Luigi Iasilli), 36 E 2nd St (rw)

**VOTE:** To inform the SLA that Luigi Iasilli has withdrawn its application before Community Board #3 for a restaurant wine license at 36 East 2nd Street because its application was incomplete and to ask that the SLA not consider this application until the applicant reapplies to this community board with the requisite thirty (30) days notice to the SLA.

19. Rivington Wine & Cheese Inc, 95 Delancey St (op)  
withdrawn

**(SLA & DCA Licensing Committee)**

**32 YES 0 NO 0 ABS 0 PNV (Excluding Items: 2 & 5) MOTION PASSED**

**Item 2: 31 YES 1 NO 0 ABS 0 PNV MOTION PASSED**

**Item 5: 24 YES 8 NO 0 ABS 0 PNV MOTION PASSED**

**Parks, Recreation, Cultural Affairs, Landmarks, & Waterfront Committee**

1. CB 3 procedures for street fairs/block parties—review and possible changes

**VOTE:** To approve the following changes to Parks Committee procedures:

- To utilize the City’s new online application form in lieu of CB3’s application for sake of conformity
- To treat recurring block parties with no complaints as renewals
- To discontinue requiring petitions for the recurring ten annual street fairs based on the fact that the City will not allow any more new street fairs to be scheduled.
- To eliminate CB3 policy of not allowing more than two street fairs per avenue, since only the same ten recurring annual street fairs will be allowed. These street fairs will operate in the same traditional locations.

2. Basketball City –presentation by O.U.R. Waterfront of a community benefit agreement

**VOTE:** To re-convene the Waterfront Subcommittee as the proper oversight body reviewing stipulated agreement between Basketball City and CB3. Public wishing to participate will apply for public member positions under the discretion of CB3 Board Chair.

3. Presentation by O.U.R. Waterfront: People's Plan for the waterfront  
no vote necessary

4. New Museum request for support for proposed design of bicycle rack in front of museum, 235 Bowery

**VOTE:** To support the installation of a new bike rack in front of New Museum as per general design presented at committee meeting.

**(Parks, Recreation, Cultural Affairs, Landmarks, & Waterfront Committee)**

**32 YES 0 NO 0 ABS 0 PNV MOTION PASSED**

**Economic Development Committee**

- 1. HRA presentation regarding employment services  
no vote necessary
- 2. Update on Fellow's investigation into loss of retail and retail diversity  
no vote necessary
- 3. Greenwich Village Chamber of Commerce presentation on advantages of establishing a Chamber of Commerce  
no vote necessary

**Land Use, Zoning, Public & Private Housing Committee**

- 1. ULURP 100173HAM: 302-304 E 2nd St (B372,L49), disposition of Lot 49 from HPD to Houston Dee Realty to be combined with other parcels. Addition of this lot will facilitate the development of a 13-story mixed use building, tentatively known as Houston Dee, with approximately 166 residential units, of which 34 will be for low-income residents.  
**VOTE:** To approve disposition of Lot 49 with stipulations that the roof close at 10 pm seven days per week and that the developer make best faith efforts in local sourcing and local hiring through the LES local hiring network.
- 2. Report from Chinatown working group and support for 197A plan, a plan to develop and document ideas for planning in Chinatown  
no vote necessary
- 3. Discussion of development of Seward Park Urban Renewal Area  
no vote necessary
- 4. Special permit to allow a 1 story rear enlargement at NY Eye & Ear Infirmary at 310 E 14th Street  
**VOTE:** To support the special permit for a rear yard equivalent waiver for the 20' deep southern-most portion of the enlargement, containing two much needed surgical suites and an expanded post anesthesia care unit which encroaches in the required rear yard equivalent.
- 5. Intro 1089 Vacant Building Census - Establishing a yearly census of all vacant dwelling units in New York City  
no vote necessary
- 6. Intro 1068-2009 Multiple Dwelling Regulations - This bill will enable tenants of corporate/LLC-owned buildings to access contact information for the owning corporation's major partners. This information will improve transparency and will help tenants more easily resolve issues in their buildings. The bill will also require that landlords report the number of units in their buildings that have not been lawfully occupied in the six months prior to registering  
no vote necessary
- 7. Intro 1052-2009 Window Security Gates - Requiring the installation of security gates on windows that lead to fire escapes  
no vote necessary
- 8. Reso 2092 - Calling on the State to Create a New Affordable Housing Program - Resolution calling upon the New York State Legislature to pass, and the Governor to approve, legislation creating a Mitchell-Lama-type program for the 21st Century for buildings to be built on vacant lots owned by the City of New York and for vacant City owned buildings  
no vote necessary
- 9. Intro 1091 - Public Subsidies & Tenant Harassment - To amend the administrative code of the city of New York, in relation to prohibiting persons receiving public funds or subsidies to be placed in buildings with a history of tenant harassment  
no vote necessary

**(Land Use, Zoning, Public & Private Housing Committee)**

**32 YES 0 NO 0 ABS 0 PNV (Excluding item: 1 & 4) MOTION PASSED**

**Item 1: 21 YES 11 NO 0 ABS 0 PNV MOTION PASSED**

**Human Services, Health, Disability, & Seniors Committee**

no meeting scheduled

**Youth & Education Committee**

no meeting scheduled

**Transportation & Public Safety Committee**

- 1. "Committee for Better Transit" - Proposal to ask MTA for modified M21/M22 service. M21 would provide Houston St cross-town over to FDR, return by Delancey St & Columbia St. M22 would not extend to the FDR, but would turn at Montgomery/Pitt St/ Ave C up to the hospitals north of 23rd St at 1st & 2nd Ave

no vote necessary

- 2. Cooper Square Hotel request to extend loading zone on Bowery from 36 ft to 72 ft  
**VOTE:** CB3-Manhattan does not approve of the Cooper Square Hotel request to extend their loading zone on the Bowery from 36 ft to 72 ft at this time. There are community complaints regarding management and enforcement of the existing loading zone on the Bowery and adherence to agreements that there be no use of 5th Street for hotel business purposes. If Cooper Square Hotel returns with this request after a couple of months, we will evaluate the request based on improvement with their enforcement and compliance.

- 3. Request for traffic light study at Montgomery and Cherry Streets to ensure safety of children at PS 184M (Shuang Wen)

**VOTE:** CB3-Manhattan asks DOT to evaluate whether installation of a traffic signal at Montgomery and Cherry St is warranted. This location is the closest intersection to PS 184M (Shuang Wen). It is also where the FDR Drive South St exit feeds traffic into the neighborhood. CB3 understands that more than 90% of the children at PS 184M attend the Chinese after-school program, which ends at 5:30 pm. Although there are school crossing guards in the morning and at afternoon dismissal, there are none at 5:30 pm. Although there are clearly marked pedestrian crossings at Montgomery and Cherry Sts, traffic simply doesn't stop for the children in the pedestrian crossings.

- 4. Double Happiness Travel Inc & New Everyday Bus Tour Inc request for two passenger pick up and drop off locations, suggested locations: Pike St west curb (E B'way to Henry St, far-side), E B'way south curb (Pike to Rutgers Sts, mid block), E B'way north curb (Rutgers to Pike Sts, near side)

no vote necessary

- 5. Port Authority report on removal of small truck ban on Holland Tunnel

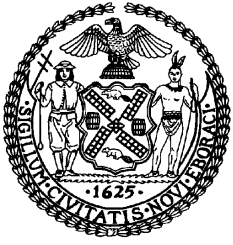
no vote necessary

**(Transportation & Public Safety Committee)**

**32 YES 0 NO 0 ABS 0 PNV MOTION PASSED**

**Environment Committee**

no meeting scheduled



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December 2009 Vote Sheet

Executive Committee

no vote necessary

Parks, Recreation, Cultural Affairs, Landmarks, & Waterfront Committee

1. Request for support for installation of temporary public art in Peter Cooper Park  
no vote necessary
2. NY4Parks report: Immigrants, Culture, and NYC Parks  
no vote necessary
3. New street fair/block party regulations  
no vote necessary
4. Basketball City—community benefit agreement  
no vote necessary

Economic Development Committee

1. Findings from survey of local reports/surveys on loss of local retail business  
no vote necessary
2. Draft template to monitor local hirings from LES local hiring network  
no vote necessary
3. Initializing discussions with agencies regarding local hiring for public construction jobs  
no vote necessary

Land Use, Zoning, Public & Private Housing Committee

1. Review of committee procedures regarding variances and proposals  
no vote necessary
2. Report from Chinatown Working Group  
**VOTE:** The Land Use Committee continues to support the CWG using the tools at their disposal to address the economic issues set forth in the principles.
3. 183 East Broadway: preliminary presentation regarding variance request for height and floor area for project  
no vote necessary
4. Special permit to allow 1 story rear enlargement at NY Eye & Ear Infirmary at 310 E 14th Street  
no vote necessary
5. Discussion re: Development of urban design for Seward Park Urban Renewal Area (SPURA)  
no vote necessary
6. Request for endorsement of "East Bowery Preservation Plan" to extend the low-rise zoning of west Bowery (in the Little Italy Special District & NoHo Historic District) to the east side  
**VOTE:** The CB3 Land Use Committee continues to support the rezoning of the Bowery (previously approved in September 2007). We support the principles laid out in the proposed E Bowery Preservation Plan to extend the low-rise zoning of West Bowery.
7. ULURP: N100139ZRY, Dept of City Planning zoning text amendment: Strengthen front yard planting regulations, improve quality of open space and preserve streetscape character in lower density residential districts; Restore original intent of the Zoning Resolution to preserve landscaped front yards and public on-street parking spaces in high-density residential districts; Introduce curb cut regulations in previously unregulated districts to preserve streetscape character and public on-street parking spaces; Add streetscape character finding and emphasize pedestrian movement finding for curb cut authorizations; Ensure provision of adequate parking for new dwelling units added to existing residential buildings and maintenance of adequate parking in pre-1961 buildings; and Clarify and update regulations pertaining to planting and parking in other sections of the Zoning Resolution  
**VOTE:** The Land Use Committee supports the proposal for the B neighborhoods. For the A neighborhoods, the rules should consider the needs of people with disabilities.

(Land Use, Zoning, Public & Private Housing Committee)  
30 YES 0 NO 0 ABS 0 PNV MOTION PASSED

## Human Services, Health, Disability, & Seniors Committee

no minutes submitted

## Youth & Education Committee

- School District 2—rezoning to create catchments area for 2 new schools at PS 397/Spruce Street School and PS 276/ Battery Place School, 55 Battery Place , which are in CB 1 but may impact students in CB 3
- no vote necessary

## Transportation & Public Safety Committee

1. DOT presentation of "Lower Manhattan Street Management Bus Layover Options Study Final Report." –Report considers alternative parking solutions for buses serving Lower Manhattan, including possible use of Pier 42.

### **VOTE: Resolution Re: Potential future uses for Pier 42 and Comprehensive Lower Manhattan Bus Study**

WHEREAS, the CB3-Manhattan Transportation was given a DOT presentation about the "Lower Manhattan Street Management: Bus Layover/Storage Options Study" Final Report (the bus study). The bus study focused on layover and storage needs for commuter buses serving Lower Manhattan. It, however, does not extensively analyze the intercity buses in Chinatown or tour buses, nor propose solutions. The bus study had proposed five solutions for further detailed analysis and possible implementation. NYCDOT has since revised the proposals to be pursued; and

WHEREAS, at the December 2009 Transportation Committee meeting, DOT confirmed that they are not going to pursue one of the strategies recommended in the bus study that would construct a bus parking facility underneath a green public space on the upper level of Pier 42, similar to that at Riverbank State Park; and

WHEREAS, The City had committed to long-term plans for the CB3 waterfront approved in the LMDC's 2007 Final Environmental Impact Statement (FEIS) titled "The East River Waterfront Esplanade & Piers Project." This FEIS covered a project that was based on the May 2005 waterfront concept plan "Transforming the East River Waterfront" developed by DCP, EDC, NYCDOT, and DPR, with funding from LMDC. As explained in the FEIS:

Without ... the Pier 42 Beach, the substantial land use benefits associated with the Proposed Action would be reduced. They would affect a smaller area and the linkages to other open spaces to the south and the north would not be improved. ... This alternative would be less supportive of public policies that call for increased open space and public access to the waterfront and the overall beneficial impacts would be substantially less with this alternative than with the Proposed Action.

Specifically, the City had also committed to reinforce the underpinning of Pier 42 (since implemented) and seek additional funding for the removal of the shed and construction of a new beach at Pier 42; and

WHEREAS, for many years, CB3 has supported the long-term plans for the CB3 waterfront, and in particular public access to Pier 42 along our waterfront. In fact, the FEIS project and the City's concept plan incorporated many of the ideas for improving the waterfront between the Brooklyn Bridge and East River Park contained in the "Charette Report and Design Principles" developed by the CB3 Waterfront Task Force and approved by CB3 in July 2004. In March 2009, CB3 passed a resolution regarding "Potential futures uses for Pier 42" (see attached), which "continued support for development of the Pier 42 area for passive, recreational, maritime-oriented, community use." The CB3 "Capital Priorities for Fiscal Year 2011" passed in October 2009 stated as our #1 priority: "Pier 42 -- reconstruction necessary to remove shed and maintain pier for public access for waterfront." Reconstruction and maintenance of Pier 42 is an important element in the plan to reclaim and revitalize our waterfront; and

WHEREAS, construction of a bus parking facility on Pier 42 would not be consistent with the Waterfront Revitalization Program (WRP). As required by the Federal Coastal Zone Management Act, any project within New York City's designated Coastal Zone Boundary must be assessed for consistency with the WRP, which is a 197-a Plan adopted by the City in 1999. A central policy goal of the WRP is to "Provide public access to and along New York City's coastal waters." As

the bus study itself points out, "It may also be difficult to gain approval from New York State Department of Environmental Conservation (NYSDEC) to construct a bus parking facility as it is not a water-dependent use"; and

WHEREAS, As the bus study itself points out, "Siting a bus parking facility in Community Board 3 for buses which had been laying over in Community Board 1 may raise environmental justice issues because the affected community is not the one benefiting from the location of the bus facility but the one bearing the environmental disadvantages"; now

THEREFORE, BE IT RESOLVED that CB3-Manhattan reiterates its continued support for development of the Pier 42 area for passive, recreational, maritime-oriented, community use -- what was publicized as the Lower East Side Beach -- and wishes to state its opposition to uses that are not perceived as "community friendly", including uses such as parking or storage on the Pier 42 parking area or pier for any transportation uses such as commuter buses or vans except for the previously approved staging use for the reconstruction of East River Park; and

THEREFORE, BE IT FURTHER RESOLVED that CB3-Manhattan expects DOT to come back as promised to the Transportation Committee before launching a comprehensive study of commuter, tour/charter, intercity/interstate and casino buses throughout Lower Manhattan, including the problems and needs in the CB3 district. On a separate front, the City is exploring legislation to better manage bus curbside activity. CB3 requests that DOT and the Mayor's Office coordinate work while conducting the comprehensive bus study and developing legislative needs for State action.

2. New TLC regulations  
no vote necessary

3. New Eastern Express application for new commuter van service to/from Chinatown at Bowery & Division

**VOTE:** WHEREAS, New Eastern Express proposes to operate a licensed commuter van service between the historic core of Chinatown in Lower Manhattan and the satellite Chinatown in Flushing, seven days a week from 6 AM - midnight; and

WHEREAS, There are 7 TLC-licensed commuter van operators in Chinatown and the proposed service by New Eastern Express would duplicated existing service provided by the MTA; and

WHEREAS, CB3-Manhattan believes that the location now being proposed at the Bowery and Division St is not more suitable than the location proposed in October (88 East Broadway), because both are very congested with vehicles, pedestrians and loading/unloading activity. Furthermore, New Eastern Express did not approach the local precinct to work on a more suitable location as requested in our October 2009 resolution; and

WHEREAS, there are many diesel buses and vans operating in the area, which causes traffic congestion and increased pollution, affecting the health and safety of residents and pedestrians; now

THEREFORE, BE IT RESOLVED, CB3-Manhattan disapproves of the application for a proposed new TLC-licensed commuter van service to be operated by New Eastern Express.

4. TransXpress Service renewal application for existing van service in CB3 north by Delancey St/Kenmare St from Lafayette St to Essex St, east by Essex St from Delancey to E B'way, south by E B'way from Essex St along Worth St to Centre St  
no vote necessary

**(Transportation & Public Safety Committee)**

**30 YES 0 NO 0 ABS 0 PNV MOTION PASSED**

**Environment Committee**

no meeting scheduled

**SLA & DCA Licensing Committee**

**Applications within Resolution Areas**

1. St Marks PHO Corp, 13 St Marks Pl (rw)

**VOTE:** To inform the SLA that St. Marks PHO Corp. has withdrawn its application before Community Board #3 for a restaurant wine license at 13 St. Marks Place because its application was incomplete, and to ask that the SLA not consider this application until the applicant reapplies to this community board with the requisite thirty (30) days notice to the SLA.

2. Tuck Shop (Tuck Shop Two Corp), 115 St Marks Pl (rw)

**VOTE:** To deny the application for a restaurant wine license for Tuck Shop Two Corp. 115 St. Marks Place, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a full-service Australian café restaurant, serving food during all hours of operation, 2) it will close at 10 P.M. Sunday; 2 A.M. Mondays through Thursdays and 5 A.M. Fridays and Saturdays but serve beer no later than 4:00 A.M. Fridays and Saturdays. Community Board #3 is approving this application although it is on a block heavily saturated with existing liquor licenses because 1) this applicant has demonstrated substantial community support by producing petitions in support of its application containing eleven hundred (1,100) signatures, one hundred eighty-three (183) of which are from this block and the majority of which are from the immediate neighborhood, 2) the block association has recommended approval of this application because the applicant has worked with it to raise money for locals schools, and 3) this applicant has operated a similar business on 1st Street between First and Second Avenue for four (4) years without complaints.

**Alterations/Transfers/Upgrades**

3. FNBS Corp, 231 1st Ave (trans/rw) (currently Vinny Vincenz)

**VOTE:** To deny the application for a restaurant wine license for FNBS Corp., 231 First Avenue, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a full-service Italian restaurant, serving food to within one (1) hour of closing, 2) it will not commercially operate any backyard area, 3) it will have a bar which can accommodate no more than six (6) bar stools.

4. Sahara East (Sahara East Restaurant Corp), 184 1st Ave (alt/rw/extend license to backyard)

**VOTE:** To deny the alteration application for Sahara East Restaurant Corp., 184 First Avenue, to wit extending its restaurant wine license to its backyard, because 1) this applicant who is currently commercially operating in its backyard and has erected a tent there to accommodate patrons, already has over one hundred (100) NYPD commercial noise complaints to 311 for this past year (attached hereto) which is evidence of its inability to manage its existing business, 2) the interior of said premise has an occupancy of twenty (20) patrons while the exterior has an occupancy of fifty (50) patrons and an extension of its license will more than double its capacity to serve beer and wine and will allow the predominant part of this business to be outdoors all year round given its existing tent in the backyard, 3) although the backyard of said premise is abutted by four (4) residential apartment building, the applicant has failed to provide resident petitions which reflect that he has attempted to contact the residential community which would be directly affected by his sale of alcohol outside their apartments windows and has furnished no more than nine (9) resident signatures in support of this expansion of its license from residents of First Avenue.

5. Heart of India (Triangle Four Corp), 79 2nd Ave (trans/rw) (currently The Madras Cafe)

**VOTE:** To deny the transfer of a restaurant wine license to Triangle Four Corp, for the premise currently doing business as Madras Café, located at 79 Second Avenue, because the applicant did not appear before Community Board #3 for review of its application or provide any application materials for review.

6. BG Bar Inc, 113 Ludlow St (alt/op/additional bar)

**VOTE:** To approve the alteration of the full on-premise liquor license for BG Bar, Inc., 113 Ludlow Street, to wit adding a standup bar in its basement and moving its kitchen from the mezzanine area to the ground floor.

7. Mitchell Banchik, 149 2nd Ave (trans/op) (currently Telephone Bar)

**VOTE:** To deny the transfer of a full on-premise liquor license to Mitchell Banchik, for the premise currently doing business as Telephone Bar, located at 149 Second Avenue, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a tavern, serving food during its hours of operation, 2) its hours of operation will be from 11:30 A.M. to 4:00 A.M. all days, 3) it will close and façade windows and doors at 10:00 P.M. every night, and 4) it will play recorded music only.

8. 277 E 10th St Rest LLC, 277 E 10th St (trans/rw) (currently Persimmon)

**VOTE:** To deny the transfer of a restaurant wine license to 277 East 10th Street Restaurant LLC, for the premise currently doing business as Persimmon, located at 277 East 10th Street, and alteration of said license, to wit adding a bar, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a full-service restaurant, serving "rustic European food" to within one (1) hour of closing, 2) its hours of operation will be from 10:30 A.M. to 12:00 A.M. Sundays through Thursdays and 10:30 A.M. to 1:00 A.M. Fridays and Saturdays, 3) it will play ambient background music, consisting of recorded music only, 4) it will not commercially operate the backyard, 5) it will not use the outdoor space in front of the location for seating and will not apply to operate a sidewalk café, 6) it will keep its façade windows closed at all times. Community Board #3 is approving this application because the applicant has entered into a Memorandum of Understanding (attached hereto) with the 10th Street A-1 Block Association stating that it he will not seek to extend his hours within the first six (6) months of operating, it will ask patrons to wait inside, it will have a manager or employee on duty during all hours of operation to respond to neighbor complaints and it agrees it will not seek to upgrade to a full on-premise liquor license.

9. Klimat Restaurant (7th Street Sushi Park Inc), 77 E 7th St (up/op, alt/hours of operation)  
**VOTE:** To deny the application to upgrade to a full on-premise liquor license for 7th Street Sushi Park, Inc, doing business as Klimat, 77 East 7th Street, and the alteration application for its hours of operation, changing them from 12:00 P.M. to 12:00 A.M. all nights to 1:00 P.M. to 12:00 A.M. Sundays, 3:00 P.M. to 12:00 A.M. Mondays through Thursdays and 2:00 P.M. to 2:00 A.M. Fridays and Saturdays, because 1) this applicant misrepresented himself at his February 4, 2009 renewal hearing before the SLA, in that he allowed his attorney to incorrectly inform the SLA that he was operating a sushi restaurant which needed to serve wine and sake while, in fact, he has operated a German wine bar at this location for almost three (3) years, and he allowed his attorney to misstate that complaints made against him were anonymous although he had appeared before Community Board #3 in October and December of 2008 at which at least six (6) identified residents of this block appeared to complain about the noise and smoke emanating from his business, 2) there are still numerous complaints from residents regarding the noise emanating from this business as well as from patrons on the sidewalk, these are the same types of complaints that were addressed by this community board in October and December of 2008 and many of the recent complaints are for hours later than 1:30A.M. during the week which is inconsistent from the closing hours of 12:00 A.M. weekdays and 2:00 A.M. weekends agreed to in December of 2008, and noting that at the SLA hearing on February 4 2009, the applicant was informed that it was supposed to be closed at 12:00 A.M. all nights, 3) the applicant has conceded that there are at least four (4) liquor licenses within two hundred (200) feet of it, two (2) abut this establishment on either side and in actuality there are at least thirty-four (34) full on-premise liquor licenses within five hundred (500) feet of this location, and 4) most of the complaints have been regarding noise emanating from a six (6) by six (6) foot garage-like door which comprises the majority of the façade of this business and which the applicant allows to remain open and which it allowed its attorney to mischaracterize as French windows to the SLA.
10. 56 3rd Ave NY Restaurant LLC, 56 3rd Ave (trans/op) (currently Lan Restaurant)  
**VOTE:** To deny the transfer of a full on-premise liquor license to 56 Third Avenue NY Restaurant LLC, premise currently doing business as Lan Restaurant, located at 56 Third Avenue, and alteration of said license, to wit changing its method of operation, its hours of operation and adding a bar, because 1) this is a transfer and alteration application for a restaurant tavern, specifically an Irish pub and restaurant, with proposed hours of operation from 11:00 A.M. to 2:00 A.M. Mondays through Wednesdays and 11:00 A.M. to 3:30 A.M. Thursdays and Fridays, an increased occupancy of one hundred twenty-five (125) people, with table seating for ninety-one (91) and a thirty-five (35) foot bar, while both of the previous businesses at this location were restaurants closing no later than 11:00 P.M. every night, with smaller occupancies and smaller bars and, consequently, the change in method of operation, hours of operation and occupancy for this proposed business are substantial, 2) it is unclear whether this is a transfer application or a new application given that the previous business has closed, its license is not in safekeeping and it has apparently not yet tendered a completed renewal application to the SLA, 3) the area within a two (2) block radius of this location is heavily populated with existing bars and restaurants and, while that would not impact the five hundred (500) foot rule if this location has been continuously licensed since 1993, the cumulative effect of the human and traffic congestion and noise from all of these businesses has resulted in the creation of a community organization within the past two (2) years, as well as numerous community meetings involving the businesses, residents, local precinct and community board, to respond to these complaints, and the addition of another business would overwhelm an already overburdened area.
11. Dona Gallo Inc, 126 St Marks Pl (trans/rw) (currently Why Curry)  
 withdrawn

**New Liquor License Applications**

12. 200 Allen Cafe Inc, 200 Allen St (op)  
 withdrawn
13. Luke's Lobster (Lucas Holden), 93 E 7th St (eb)  
 withdrawn
14. Corp to be Formed, 169 Bowery (op)  
**VOTE:** To deny the application for a full on-premise liquor license for Rhong-Tian @ Collective Hardware Corp., 169 Bowery, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a full-service Thai restaurant, serving food to within one (1) hour of closing, 2) it will install soundproofing as needed, 3) its hours of operation will be from 8:00 A.M. to 2:00 A.M. weekdays and 8:00 A.M. to 4:00 A.M. Fridays and Saturdays, 4) any windows will remain closed during its hours of operation, 5) it will play ambient background music, consisting of recorded music only, and will have no live music, DJs, promoted events, scheduled performances or events at which a cover fee would be charged, and 6) it will have an occupancy of seventy-four people and will have table seating for fifty-six (56) people and seating for ten (10) people at a bar.
15. Luna Pizza (Old New York Pizza Inc), 227-231 Park Row (rw)  
**VOTE:** To approve the application for a restaurant wine license for Old New York Pizza, Inc., doing business as Luna Pizza, 227-231 Park Row.

16. Theatre St. Marks Inc, 80 St Marks Pl (op)

**VOTE:** To deny the application for a full on-premise liquor license for Theatre St. Marks, Inc., 80 St. Marks Place, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will continue to operate as a theatre with the ancillary service of alcohol at its existing bar which seats nine (9) and tables which seat fourteen (14) in an area with an occupancy of seventy-four (74), 2) said bar area will continue to function as an area where patrons wait during the intermissions of performances, 3) there will be no amplified music in the bar area, and 4) its hours of operation will continue to be 12:00 P.M. to 2 A.M. Sundays through Thursdays and 12:00 P.M. to 4:00 A.M. Fridays and Saturdays.

17. Corp to be Formed, 180 2nd Ave (op)

**VOTE:** To deny the application for a full on-premise liquor license for Church and Louie, Inc., 180 Second Avenue, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a full-service Cajun restaurant and bar, serving food to within one (1) hour of closing, 2) its hours of operation will be from 4:00 P.M. to 2:00 A.M. Sundays through Thursdays and 4:00 P.M. to 4:00 A.M. Fridays and Saturdays, 3) it will close any façade doors and windows by 10:00 P.M. every night and maintain an open awning over its façade, and 4) it will play ambient background music, consisting recorded music only, and not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee is charged.

**(SLA & DCA Licensing Committee)**

**30 YES 0 NO 0 ABS 0 PNV (Excluding Items: 8, 10 & 14) MOTION PASSED**

**Items 8, 10 & 14: 28 YES 0 NO 2 ABS 0 PNV MOTION PASSED**

**Arts Task Force**

1. Manhattan CB Theater & Arts Task Force Initiatives Fall 09: a) Non-Profit Arts Incentiv for Community Facility Space (CB2 arts/institutions draft proposal); b) Theater Subdistrict Fund Grant Criteria (CB4 draft proposal); c) Other Common Manhattan Arts TF initiatives  
no vote necessary
2. Outstanding Support of the Arts Award  
no vote necessary
3. Future of the Arts in CB3? General Discussion  
no vote necessary
4. Update: Planning for CB3 Arts Education Workshop/Forum March 2010  
no vote necessary