



THE CITY OF NEW YORK  
MANHATTAN COMMUNITY BOARD NO. 3  
59 EAST 4TH STREET - NEW YORK, N.Y. 10003  
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HARVEY EPSTEIN, BOARD CHAIR

MARTHA DANZIGER, DISTRICT MANAGER

MINUTES

Meeting of Community Board #3 held on Tuesday, January 27, 2004, 6:30PM, PS 20, 166 Essex Street

MEMBERS PRESENT AT TIME OF ROLL CALL:

David Adams [P]	Anne Johnson [L]	Estelle Rubin [E]
Joan Brightharp [E]	Joel Kaplan [E]	Raul Russi [A]
Mayra Cappas [P]	Lisa Kaplan [E]	Eunice Samuels [P]
Manuel Cartagena [A]	Doreen Leon [A]	Deborah Simon [P]
David Crane [P]	Kee Lin [A]	Pia Simpson [A]
Elizabeth Cruse [P]	Bernice McCallum [A]	Arleen Soberman [A]
Andrea Diaz [E]	David McWater [A]	Nancy Rose Sparrow-Bartow [P]
George Diaz [P]	Alexandra Militano [P]	Mark Stein [P]
Harvey Epstein [P]	Katrina Monzon [P]	Harold Stelter [P]
Morris Faitelewicz [P]	Lilian Moy [E]	Susan Stetzer [P]
Anthony Feliciano [P]	Roberto Ortiz-Arroyo [P]	David Weinberger [P]
Carlos Juan Gonzalez [P]	Barden Prisant [P]	Harry Wieder [P]
Rafael Guzman [A]	Joyce Ravitz [P]	Samuel Wilkenfeld [P]
Gregory Heller [L]	Lois Regan [P]	Echo Waisan Wong [P]
Herman Hewitt [E]	Verina Reich [A]	William Yates [P]
Carolyn Jeffers [E]	Richard Ropiak [P]	

(Note: There was a major snowstorm that evening.)

PUBLIC SESSION:

1. May Lee, Warren Lee, David Wiesner, Jennifer Lee, Gail Goldsmith all oppose angle parking in east side of Forsyth Street south of Delancey Street. Rationale against angle parking on the west side of Forsyth Street involved risk of accidents due to jaywalking, but these residents expressed concern that trucks backing into curb on the east side hit trees, endanger pedestrians, particularly children and are more likely to speed. Jennifer Lee said that she witnessed an accident on the corner of Forsyth and Broome Street as a result of the new parking situation. Ms. Goldsmith came with photographs to illustrate the problems.
2. Dennis Diaz, Bruce Zides and Lisa Welter addressed their opposition to the sex and porno shop on 239 East 14th Street. Mr. Diaz noted that it was 315 feet away from school and was next to bus stop and it negatively influences children. Mr. Zides noted that he is a visitor in the area, not a resident or worker, but felt that it was bad for his children, particularly since it was visible from the street. Ms. Welter mentioned that she lived in the building next door.
3. Gunnar Hellekson spoke about the electrocution of Jodie Lane outside of Veneiro Pastry Shoppe at East 11th Street. Recommended that all 650 boxes be looked at and that all the hot spots be taken care of by Consolidated Edison.
4. Frank Morales, M. Shanker, Jason Smith, all from the Campaign To Demilitarize the Police, plus Tim Becker and Joel Meyers all opposed Congressperson Carolyn Maloney's sponsorship of HR. 3439, which weds the activities of the CIA with local law enforcement in ways that may further infringe on our civil liberties and is in violation of a 1949 CIA law. Mr. Shanker requested that Maloney hold a public hearing. Maloney purported was taking another look at the law and was considering holding the requested hearing. Mr. Meyers noted that Maloney did not put her sponsorship of the bill and believed that she may have omitted it because she wanted to put her support under the radar since she knew that her constituents would oppose it.

5. Mark Williams, Utilities Worker Union (Consolidated Edison) felt that salt was not the problem involving the electrocution of Ms. Lane. He believed that it was the overcrowding of the utility box plus lack of maintenance. He said he tried to get Consolidated Edison to solve the problem without any results.
  6. Morris Fajtelewicz, wearing his volunteer emergency service hat, was asking Community Board #3 to support the immediate passage of legislation to eliminate the fear of civil liability in donation of trucks to the emergency team, which thereby inhibits such donation.
  7. Israel Perez, resident of Baruch Houses, complained of crime in the area and no proper response from his elected officials.
  8. Jeff Hunter, City Year—Americorps, expressed interest in giving information regarding this partnership to increase visibility in the Lower East Side. Mentioned many activities including using volunteer to improve services such as upkeep and maintenance of playgrounds. Announced that there was an open house on February 5th, 5 - 7PM.
  9. Andrew Flamm, Lower East Side Business Improvement District (LESBID), asked the board to support expansion of the boundary. LESBID's revenue is based on property assessment of local owners. LESBID services over 400 businesses. Activities include district beautification, street clean-up, planting, gardening, snow removal, marketing promotion, shopping and neighborhood guides.
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Lawrence Morrow, Project Manager of the Parks Department, presenting discussion on East River Promenade from Battery Park to the length of the East River. At East River Park to preserve area to designated construction of structures, including the renovation of a collapsed deck. Trees were being preserved. Abandoned fuel lines were being dealt with. Removal of meters in the area. Project was probably the largest Parks Department had ever done. Estimated cost is 50 million dollars. Lois Regan wanted to know if they would come back to the Parks Committee. Timeline for completion up to 2006. Walkway will be accessible to pedestrians and bike traffic in 2005. No division planned on promenade between runners and bikers. Bottleneck at the top of the park near the Consolidated Edison plant, which will be dealt with jointly by the Department of Transportation and Con Ed, as per the legal settlement. Periodic update to the board was requested by members. A board member noted that the Sara Delano Roosevelt Park had bathrooms but were always closed. The Parks Department said that they were opened from 8AM to 5PM, but were closed at other times to lower crime.

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#### ELECTED OFFICIALS:

1. NYS Assemblymember Steven Sanders, no rep.
2. NYS Senator Deborah Glick, no rep.
3. NYS Assemblymember Sheldon Silver, Jessica Aschenberg, rep. Handout out the report and mentioned highlights from it.
4. NYS Senator Martin Connor, no rep.
5. NYS Senator Thomas K. Duane, no rep.
6. US Congressperson Carolyn Maloney, Victor Montessinos, rep. She invited everyone for the celebration of Susan B. Anthony Day on February 8th from 2 - 4:30PM at the Museum of the City of New York. Urged public to contact her office.
7. US Congressperson Jerrold Nadler, Leah Kane, rep., mentioned the Bush Administration's attack on abortion rights. She also noted that the federal court struck down a portion of the Patriot Act.
8. US Congressperson Nydia Velasquez, no rep.
9. Mayor's Community Affairs Unit, no rep.

At this point the minutes were discussed and approved by the board, with Harvey Epstein first noting that Harry Wieder, the absent-minded minutes taker, mentioned him as Harvey Hewitt.

10. NYC Councilmember Margarita Lopez, Joseph ,rep. read from the handout and mentioned issues regarding mentally disabled homeowners, the taxi medallion issue and the legal services strike. He answered Israel Perez's concern over a rape incident at Baruch Houses and said that Councilmember Lopez is looking into it.
  11. Borough President C. Virginia Fields, Bradford Sussman, rep. Gave out handout regarding her Chinese New Year's Celebration, whereby Harvey Epstein noted that the State of the Borough was conducted on the day of the Chinese New Year period where the Chinese take off from all work-related activities. Other board members express strongly identical concerns. Brad Sussman said that the Borough President chose that date with the agreement of some Chinese leaders.
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David DeMott of Consolidated Edison addressed the Veneiro's Hot Spot/Jodie Lane electrocution issue. Suggested that Con Ed should be called if someone is shocked. They are going through a thorough inspection process of all such areas. Harry Wieder asked the union to address the union's complaint of excess electrical load in area. Demott believed that that may not be the problem since electrical load is "tight but adequate". Everyone had their own manhole structure: Verizon, Con Ed, et cetera. There were cases of 109 animal shocks reported. Carlos Juan Gonzalez was concerned about a large substation hole at Avenue C. Demott said that the work in the area will be ending this year. Mark William, the Utility Workers Union rep, wanted to know if salt could have caused the problem, whether with a new wire with new casing or with an already damaged wire. Demott was unsure.

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## EXECUTIVE SESSION

### CHAIRPERSON'S REPORT

1. Daisy Delgado Rodriguez had already step down from the board and Gregory Heller was scheduled to step down at the end of the current full board meeting. He thanked both of them for their services.
2. In December it was stated that there would be a January party for Martha Danziger, but it would be delayed for a couple of months.
3. Borough Board spoke about new Conflict of Interest rules
4. Seward Park Task Force was in development and Epstein wanted anyone who wanted to join to come forward.

### DISTRICT MANAGER'S REPORT:

Martha Danziger, District Manager, thanked G. Heller for upgrading and networking the office. She reported that the November 2003 minutes are still not done but the December minutes were distributed tonight and will be approved in February. She noted that more discussion is needed on basketball city. Draft list of committee member list was distributed. Tour dates of DoITT's 311 Center were announced for interested board members. Mayor's Street Activity Permit Office (SAPO) announced a moratorium on all street permits, due to the Republican Convention, from the end of August to Sept. 9th however this is subject to review by same office, i.e., it is proposed but not available in writing so community groups and the board members are planning around the possibility. District Service Cabinet meeting included discussion of enforcement by 9th pct on Industry at 539 East 6th St., DEP rep ate in place and "heard no problems" -DM told him to contact complainants, Con Ed gave report with map on district-wide street openings - DM asked for list of locations for PSC/TRNSP Committee, Parks Dept. stated that Con Ed completed work on along FDR section of East River Park so work can start on esplanade. Parks is meeting with Dept of Homeless Services to restore yard around Smith Family Shelter which will reduce danger from traffic. 5th Pct. was asked to check on safety concerns stemming from new angle parking changes on Forsyth Street and on vehicles using lawn area around Catherine Street Shelter -they had not been notified by DOT or by DHS. 02/10/04 SLA hearings are scheduled on 02/10/04 for Mama Bear; 34 Avenue B,

OMR LLC; 339 E. 10th, 247 Corp.; 247 Eldridge, DSPNY; 503-05 E. 12th. New wording from SLA's 500' hearing notice was read because it advised applicant and lawyer that non-appearance and cancellation would result in denial. This is welcome change for frustrated members of board, board staff and/or community who have to go to hearings which, in the past, were cancelled on very short notice. Now that SLA is located on 125th Street, the trip is longer in time and distance and therefore harder for the public to accommodate cancellations, etc. The Municipal Arts Society has a new mapping program which they agreed to use for our SLA licenses. It will ready, they hope, by the end of February. DOB is holding a code revision meeting on the 28 and 29 of January at Bowling Green from 9am -5 PM. Manhattan Boro Pres Fields is holding Second Avenue Task Force on 2/3, 8:30 AM. MTA Citizens Advisory Meeting is holding a series of public meetings. LMDC is holding meeting on partial plan on 2/21. NYSA Sanders Education Committee is holding hearing on new governing structures on 2/5. NYC Board of Ed is holding hearings on same.

#### EXECUTIVE COMMITTEE:

Epstein stated that #2 should be taken out and that #1 gave Executive Committee to decide fully on the hiring. Anne Johnson wanted to know what the board's by-laws said about that procedure. Epstein said that the by-laws were silent. Morris Faitelewicz said that based on the past history of the board, the full board should do the ratification. Gregory Heller noted that the full board did not have knowledge of all the factors taken up by the executive committee with regard to hiring. Harvey Epstein noted that there was a three step hiring process: 1. The search committee with appointed members, excluding Epstein. 2. Second level of review of twelve candidates, with Epstein included. 3. Full executive committee review of 4 candidates in the final deliberation.

#### PARKS COMMITTEE:

REPORT: Regarding Committee Vote

(See attached)

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NYC Councilmember Alan Gerson, Luis Reyes, rep. Reported on health funding, particular on the issue of Hepatitis B; Seward Park Urban Renewal Town Hall to aim for a consensus, in late February.

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#### HOUSING COMMITTEE:

REPORT: Regarding Committee Vote

(See attached)

DISCUSSION: Boys' Club, a not for profit, where the committee took a position condemning its ultimate need to tear down the building and sell 85% of the site at market rate rather than to sell to another non-for-profit, as CB#3 originally requested. Barden Prisant also explained problems with Lower Manhattan Development Corporation's (LMDC) Partial Plan #6, which would pour millions of dollars for housing, but no low income units are planned. There is a February 21 deadline to speak before the full board.

#### ECONOMIC DEVELOPMENT:

REPORT: Regarding Committee Vote (No quorum)

(See attached)

SLA COMMITTEE:

REPORT: Regarding Committee Vote

(See attached)

DISCUSSION: William Yates chaired committee meeting. Alexandra Militano explained draft as prohibition on additional liquor license application in oversaturated zones in the community.

TRANSPORTATION/PUBLIC SAFETY:

REPORT: Regarding Committee Vote

(See attached)

MEMBERS PRESENT AT LAST VOTE:

David Adams [P]	Carolyn Jeffers [E]	Richard Ropiak [P]
Joan Brightharp [E]	Anne Johnson [P]	Estelle Rubin [E]
Mayra Cappas [P]	Joel Kaplan [E]	Raul Russi [A]
Manuel Cartagena [A]	Lisa Kaplan [E]	Deborah Simon [A]
David Crane [P]	Doreen Leon [A]	Pia Simpson [A]
Elizabeth Cruse [P]	Kee Lin [A]	Arleen Soberman [P]
Andrea Diaz [P]	Bernice McCallum [A]	Nancy Rose Sparrow-Bartow [P]
George Diaz [P]	David McWater [A]	Mark Stein [E]
Harvey Epstein [P]	Alexandra Militano [P]	Harold Stelter [A]
Morris Fajtelewicz [P]	Katrina Monzon [P]	Susan Stetzer [P]
Anthony Feliciano [P]	Lilian Moy [P]	David Weinberger [P]
Carlos Juan Gonzalez [P]	Roberto Ortiz-Arroyo [P]	Harry Wieder [P]
Eunice Samuels [P]	Barden Prisant [P]	Samuel Wilkenfeld [P]
Rafael Guzman [A]	Joyce Ravitz [P]	Echo Waisan Wong [P]
Gregory Heller [P]	Lois Regan [P]	William Yates [P]
Herman Hewitt [E]	Verina Reich [A]	

MEETING ADJOURNED: 9:15PM



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HARVEY EPSTEIN, BOARD CHAIR

MARTHA DANZIGER, DISTRICT MANAGER

**JANUARY 2004 FULL BOARD VOTES**

**Executive Committee**

1. Hiring of next District Manger for CB#3

**VOTE:** To authorize Executive Committee to hire the next District Manager for CB#3 based on results of interview process approved by CB#3 in 12/2003.

**BOARD VOTE: 20 YES 8 NO 0 ABS 0 PNV MOTION PASSED**

2. Hiring of Martha Danziger as a consultant to CB#3

**VOTE:** To approve hiring of Martha Danziger as a consultant to CB#3 to assist in the transition period of hiring a new District Manager.

**THIS MOTION WAS OMITTED BY BOARD CHAIR.**

**Parks Committee**

1. Parks Permit Application: Chinese Consolidate Benevolent Assoc, 01/25/04, Columbus Park

**VOTE:** To approve pending Chinese Consolidated Benevolent Association appearance at Executive Committee on 01/21/04.

2. Parks Permit Application: Ella Baker School, 05/07/04, ERP

**VOTE:** To deny due to non-appearance.

3. Parks Permit Application: East River Music Project, 05/22/04, 06/28/04, 7/22/04 ERP

**VOTE:** To approve.

4. Parks Permit Application: 3 Farms, 06/06/04, 06/05/04, 06/19/04 ERP

**VOTE:** To approve.

5. Parks Permit Application: P.S. 64, 06/11/04, ERP

**VOTE:** To deny due to non-appearance.

6. ERP Reconstruction update

**VOTE:** To express continuing support of promenade reconstruction project.

7. Tompkins Square Farmers Market

**VOTE:** To table Council on the Environment request for Tompkins Square Farmers Market until February Parks Committee meeting for additional information.

**BOARD DISCUSSION: #1 WAS CHANGED FROM "PENDING" TO "APPROVED" BECAUSE APPLICANT APPEARED AT EXECUTIVE COMMITTEE MEETING. #7 WAS CHANGED TO POSTPONE.**

**BOARD VOTE: 28 YES 0 NO 0 ABS 0 PNV MOTION PASSED**

**Housing Committee**

1. Boys' Club Milliken Clubhouse (135 Pitt St) Sale Update

**VOTE:** To condemn the Boy's Club's decisions to 1) sell 85% of the Pitt Street site at market rate without restriction, and to 2) ignore CB#3's resolution asking that they sell the building to another not-for-profit (at a reduced rate) which could provide services to the youth of our community at that site.

2. 99 Suffolk St: 421a application

**VOTE:** To deny the 421a application, based upon the long-standing CB#3 position against granting 421a tax exemptions to developments which only provide market rate housing.

3. 90-96 Clinton St: 421a application

**VOTE:** To deny, based upon the long-standing CB#3 position against granting 421a tax exemptions to developments which only provide market rate housing.

4. 47 E 3rd St Eviction

**VOTE:** To support the members of the 47 E 3rd Tenant Association in their efforts to 1) maintain their long term homes, and to 2) fight the obviously contrived claim of the current owner that he/she is evicting them in order to occupy the entire property for personal residence; further, to request that our Elected Officials carefully review the law to craft amendments which would eliminate this "personal occupancy claim" loophole.

**BOARD VOTE: 28 YES 0 NO 0 ABS 0 PNV MOTION PASSED**

### **Human Services Committee**

**NO VOTES: COMMITTEE DID NOT MEET DUE TO INCLEMENT WEATHER**

### **Youth Committee**

**NO VOTES: COMMITTEE DID NOT MEET DUE TO INCLEMENT WEATHER**

### **Economic Development**

1. DCP: Amendment to zoning text to allow Sidewalk Cafés in the M1-5A & M1-B Districts of SOHO & NOHO: Small Sidewalk Café

**VOTE:** To approve proposed changing in zoning text to allow for small sidewalk cafes along Orchard Street, but deny similar changes along Delancey Street due to the nature of commercial space along that street (high volume, single-use buildings) and high pedestrian traffic, which contributes to the character of the street.

2. LES Bid Expansion

**VOTE:** To support the expansion of the LES BID, as presented on January 13th, 2004, and to write a letter of support to DCP stating the Community Board's support. Furthermore, request that the LES BID send, at a minimum, quarterly updates to the Committee re: progress of expansion.

**BOARD VOTE: 28 YES 4 NO 0 ABS 0 PNV MOTION PASSED**

### **SLA Committee**

#### **Liquor License Renewal Applications:**

1. Katz's Deli, 205 E Houston St

**VOTE:** To approve.

2. KCR Inc, 40 Bowery

**VOTE:** To approve.

3. New Restore, 126 E 7th St

**VOTE:** To deny due to non-appearance.

4. 78-80 E 4th St Rest, 78-80 E 4th St

**VOTE:** To approve.

5. Cyclo Restaurant, 203 1st Ave

**VOTE:** To deny due to non-appearance.

6. 510 E 11th St Corp, 510 E 11th St

**VOTE:** To approve.

7. Princess S Lounge, 59 Bayard St

**VOTE:** To deny due to non-appearance.

8. Thailand Café, 95 2nd Ave

**VOTE:** To approve.

9. Tara Thai, 137 1st Ave

**VOTE:** To approve.

- 10. St Dymphnas, 118 St Marks Pl  
**VOTE:** To approve.
- 11. Paquito's Restaurant, 143 1st Ave  
**VOTE:** To approve.
- 12. Dolphins, 35 Cooper Sq  
**VOTE:** To approve.
- 13. Shiki Kitchen, 135 1st Ave  
**VOTE:** To deny due to non-appearance.
- 14. Tsampa, 212 E 9th St  
**VOTE:** To approve.

**Alterations/Transfers/Upgrades:**

- 1. 12 Inch Bar, 179 Essex St (trans/rw)  
**VOTE:** To approve, provided that applicant sign stipulation that he will not open before school across street is dismissed for day, keep interior noise to an acceptable level, and close French doors by 11:00 p.m.
- 2. Open Air, 121 St Marks Pl (add/op)  
**VOTE:** To deny due to lack of agreement with block association required by moratorium on block.

**New Liquor License Applications:**

- 1. Maradona, 188 Allen St (rw)  
**VOTE:** To approve.
- 2. Karahi, 508 Broome St (rw)  
**VOTE:** To approve.
- 3. Ludlow Café, 87 Ludlow St (rw)  
**VOTE:** To deny due to non-appearance and existence of moratorium on block.
- 4. Menkulitei, 65 Cooper Sq (rw)  
**VOTE:** To approve.
- 5. New Hao Ke, 115 Madison St (rw)  
**VOTE:** To approve.
- 6. ERE 3rd Ave Corp, 23 3rd Ave (rw)  
**VOTE:** To approve provided that applicant sign stipulation that he or she will run the business as described in application.
- 7. 130 St Marks Pl Restaurant LLC, 130 St Marks Pl (op)  
**VOTE:** To deny unless applicant reaches agreement with block association; request that Board office always provide applicants and their counsel with current contact information for block associations in areas in which moratoriums have been declared.
- 8. N&D Restaurant Corp, 175 2nd Ave (rw)  
**VOTE:** To approve for an RW license provided that applicant run business as described in application.
- 9. Oyama, 188 1st Ave (rw)  
**VOTE:** To approve.
- 10. E B'way Restaurant, 94 E B'way (rw)  
**VOTE:** To deny due to non-appearance.
- 11. Raymond Tung, 30 Mott St (op)  
**VOTE:** To deny due to non-appearance.

**BOARD DISCUSSION: UNDER ALTERATIONS, #1 IS CHANGED FROM "PROVIDED" TO "BECAUSE APPLICANT SIGNED". UNDER NEW LICENSES, #6 IS CHANGED FROM "PROVIDED" TO "BECAUSE APPLICANT SIGNED", #7 IS CHANGED "UNLESS" TO "BECAUSE APPLICANT DID NOT".**

**BOARD VOTE: 28 YES      0 NO                      0 ABS 0 PNV MOTION PASSED**



### **Public Safety and Sanitation Committee**

1. Zero Waste legislation in City Council

**VOTE:** [SEE ATTACHED - PAGE 07]

2. NEW BUSINESS: resolution regarding accidental electrocution of community member by corroded Con Edison cable

**VOTE:** [SEE ATTACHED - PAGE 08]

### **Transportation Committee**

1. DCP: Presentation of Existing Conditions, Delancey Street Transportation Study

**VOTE:** To write to the DCP Commissioner expressing our dismay that no DCP representatives came to either the December 2003 or January 2004 meetings to present their study of existing conditions for the Delancey Street Transportation Study. We had postponed the presentation from December to January at DCP's request, and members of the public showed at both meetings. Please confirm by February 6, that someone will attend our February meeting, and explain why they failed to attend in January.

2. DOT: Revisit Forsyth Street Parking Change

**VOTE:** To request changes in the parking configuration through the length of Forsyth Street in the following manner:

- (1) To restore parking on the west side of Forsyth Street, with a pedestrian zone adjacent to the park wall defined by a row of flexible delineators. This would encourage drivers to walk to the corner to cross Forsyth Street, addressing DOT's safety concerns.
- (2) South of Delancey Street, to revert back to parallel parking on both the east and west sides of the street, with the return to alternative side parking rules to as they were prior to the change to angle parking.
- (3) North of Delancey Street, to shift the 60 degree angled parking to the west side of the street with cars and trucks forwarding to the curb (or delineators) with the trunks of vehicles facing the street. Note is given to the fact that there are no fire hydrants or driveways on the west side of Forsyth Street, thereby allowing for approximately 25 more parking spaces for commercial and residential vehicles. Return the parking rules on the east side of Forsyth Street, north of Delancey Street, to as they were prior to the change in angle parking.
- (4) Restore the "No Standing Except Trucks Loading and Unloading Zone, 6AM to 6PM", opposite Wah Kee and Yi Cheng at 170 Forsyth Street to two spots, as it was prior to the change in angle parking.
- (5) Remove the safety striping that created a safety zone in front of the entire length of 174 and 186 Forsyth Street, between Rivington and Stanton Streets, since it nullifies the intent of the "No Parking Anytime" sign which permits persons with handicapped plates or Parking permit for Persons with Disabilities (PPPD) decals to park where there are 60 units or housing for the deaf and other persons with disabilities.
- (6) To ask DOT to study the feasibility of converting Forsyth Street to one-way. The reason is for safety, since Forsyth Street is not wide enough to safely accommodate angle parking, a two-way street and loading/unloading on the west curb.

3. Parking on Sidewalks and Intersections by School Safety, FDNY, NYPD and by nursing home employees from Home of the Sages at 25 Willett Street

**VOTE:** To ask the Commanding Officers and Community Affairs Officers of the 5th, 7th and 9th Precincts to meet with representatives of CB3/Manhattan to discuss community concerns. (Harvey will attempt to arrange this.)

4. Subway handicapped accessibility: E'Bway & Delancey

**VOTE:** [SEE ATTACHED - PAGE 09]

5. DOT/9th Pct: Illegal Parking Signage, 104 St Marks Pl

**VOTE:** To ask DOT to restore the "No Parking, 7AM to 4PM, School Days" signage at 104 St. Marks Place, because this signage was changed to "No Standing" without review by CB3/Manhattan. The "No Standing" regulations do not allow people with disabilities that have appropriate permits to park there.

6. MTA: holding public meetings in space appropriate for accommodating the public

**VOTE:** To postpone until February.

7. Con Ed backs off on donation of vehicle to Ground Zero volunteers

**VOTE:** [SEE ATTACHED - PAGE 10]

8. TLC: Golden Dragon Limo, 112 Madison St

**VOTE:** To deny the license renewal application from Golden Dragon Limo, at 112 Madison St. Since the applicant failed to appear at the meeting of the Transportation Committee, Board members did not have an opportunity to discuss quality of life issues including, but not limited to, traffic congestion, sidewalk congestion and noise.

**BOARD DISCUSSION: SECTION #6 OF VOTE #2 FOR TRANSPORTATION WAS AMENDED TO INCLUDE "FORSYTH STREET BETWEEN GRAND AND DELANCEY.**

**BOARD VOTE TO APPROVE PUBLIC SAFETY AND TRANSPORTATION COMMITTEE REPORT**

**27 YES 0 NO**

**0 ABS**

**0 PNV**

**MOTION PASSED**

**\* D R A F T \***

**RESOLUTION PROHIBITING ADDITIONAL LIQUOR LICENSE APPLICATIONS FOR CERTAIN AREAS WITHIN COMMUNITY BOARD THREE**

WHEREFORE, the increasing proliferation of liquor licensed establishments, to wit bars, clubs, lounges and restaurants, within Community Board #3 is apparent and well documented, with Community Board #3 having reviewed *several hundred* liquor license applications for bars, clubs, lounges and restaurants within this past year alone and having approved more than one hundred fifty (150) of those applications; and

FURTHER, as this district is predominantly residential and the increase in nighttime venues, that being the above-stated liquor licensed establishments, has resulted in persistent and numerous complaints regarding increased noise as well as increased pedestrian and vehicular traffic and said complaints have evolved from those regarding specific rowdy locations to complaints about noise and congestion resulting from the sheer volume of liquor licensed establishments in a given area; and

WHEREFORE, it has further become increasingly apparent that the existing moratoria imposed by Community Board #3 on already oversaturated and overtaxed areas within this community board district, to wit St. Mark's Place between First Avenue and Avenue A, Sixth Street between Avenue A and Avenue B, Avenue A between Houston Street and Fourteenth Street, Ludlow Street between Houston Street and Stanton Street, Clinton Street between Houston Street and Delancey Street and 12 St. Mark's Place, have been an inadequate means of communicating to the New York State Liquor Authority the deteriorating residential conditions at said locations as a result of said liquor licensed establishments; and

FURTHER, the above-stated moratoria contain provisions for Community Board #3 to set aside said moratoria and to engage in a review of applicants who have constructed operating agreements or Memoranda of Understanding with block associations, thereby allowing consideration by Community Board #3 of cooperative applicants, and, said provisions have become a vehicle by which applicants have demanded Community Board #3 circumvent said moratoria where block associations have failed to negotiate agreements despite the efforts of applicants; and

WHEREFORE, Community Board #3 is now comprised of geographic areas where the vast number of liquor license establishments operating within those areas has greatly diminished the quality of life of Community Board #3 residents, those areas, including areas within existing moratoria, being as follows:

- 01. Ludlow Street between Houston Street and Delancey Street which currently has nine (9) liquor licenses, six (6) of those between Houston Street and Stanton Street and three (3) between Stanton Street and Delancey Street;**
- 02. St. Marks Place between First Avenue and Second Avenue which currently has fourteen (14) liquor licenses;**
- 03. 12 St. Marks Place, for which there have been persistent community complaints throughout its history as a licensed establishment;**
- 04. Clinton Street between Houston Street and Rivington Street which currently has fifteen (15) liquor licenses, seven (7) located between Houston Street and Stanton Street and eight (8) located between Stanton Street and Rivington Street;**
- 05. Sixth Street between Avenue A and Avenue B which currently has seven (7) liquor licenses, three of which are adjacent and have been the source of persistent community complaints;**
- 06. Avenue A between Houston Street and Fourteenth Street, which currently has thirty-seven (37) liquor licenses;**
- 07. Rivington Street between Norfolk Street and Orchard Street which currently has**

- eleven (11) liquor licenses, including one (1) hotel license which will contain a lounge, a club and a 5,000 square foot restaurant, all of which will be open to the public and accessible through their own street entrances;**
- 08. Avenue C between Houston Street and Fourteenth Street which currently has twenty-one (21) liquor licenses;**
  - 09. First Avenue between First Street and Second Street which currently has nine (9) liquor licenses;**
  - 10. Orchard Street between Houston Street and Rivington Street which currently has eight (8) liquor licenses; and**
  - 11. St. Mark's Place between Second Avenue and Third Avenue which currently has thirteen (13) liquor licenses as well as two (2) pending applications.**

WHEREFORE, the New York State Liquor Authority has failed this community by ignoring the personal, historic and geographic experience of Community Board #3 and its residents who have heretofore advised the New York State Liquor Authority, through moratoria, complaints and motions, about the detrimental effects of continuing to grant licenses within certain Community Board #3 areas, inclusive in those enumerated above; and

FURTHER, the New York State Liquor Authority continues to approve licenses in areas where the existing number of operating licensed establishments within five hundred feet exceeds three (3) as proscribed by statute where there is no economic benefit to the community; and

THAT, the New York State Liquor Authority will find economic benefit to approve additional licenses within said areas despite the increasingly deleterious effects of so many licensed nighttime businesses on the quality of life of Community Board #3 residents; and

BE IT RESOLVED, that all of the existing moratoria are to be repealed and henceforth any new liquor license application or any application for an upgrade in license class or any alteration application which would result in the physical expansion of an existing business, will not be reviewed by Community Board #3 if said application is for any location within the above-stated areas; and

HEREAFTER, the receipt of any of the above-referenced applications by the Community Board #3 district office will cause a letter, on Community Board #3 letterhead, to be sent to the New York State Liquor Authority, stating that Community Board #3 denies said application without review because said area already contains a designated number of licenses, that being enumerated, and it is the belief of Community Board #3 due to the numerous existing licenses that the addition, upgrade or expansion of any license within said area is unequivocally against any community benefit as required by existing statute.

**ZERO WASTE RESOLUTION**

WHEREAS, the placement of materials in waste disposal facilities, such as landfills and incinerators, causes damage to human health, wastes natural resources and wrongly transfers liabilities to future generations; and

WHEREAS, taxpayers and consumers are currently forced to assume the high financial costs, which have skyrocketed with the closure of Fresh Kills Landfill, of exporting and disposing of waste; and

WHEREAS, the current operation of private waste transfer stations are unsustainable, detrimental to public health, inefficient and inequitably distributed throughout the City; and

WHEREAS, the elimination of specified types of waste for disposal, also known as disposal bans, will protect states from waste importation from other states and nations; and

WHEREAS, a resource recovery-based economy will create and sustain more productive and meaningful jobs; and

WHEREAS, increasingly, United States and international governments and organizations are adopting policies of extended producers responsibilities, establishing that the financial responsibilities of collecting, recycling and disposing of materials belongs to the producer of goods; and

WHEREAS, the producers should design products to ensure that they can be safely recycled back into the marketplace or nature; and

WHEREAS, the government is ultimately responsible for establishing criteria needed to eliminate waste, so that manufacturers produce and businesses sell products that can be safely recycled or composted; now

THEREFORE, BE IT RESOLVED, that Community Board #3/Manhattan calls upon the City Council to adopt zero waste legislation and move forward with a zero waste policy.

**RESOLUTION REGARDING TRAGIC DEATH OF JODIE LANE  
BY ELECTROCUTION FROM CORRODED CON EDISON CABLE**

WHEREAS, because of the tragic death of a member of our community from electricity from a corroded Con Edison cable; and

WHEREAS, there are currently "hot spots" of electricity that are believed to be dangerous to the community; and

WHEREAS, salt used to melt the snow is believed to contribute to the corrosion of the cables; now

THEREFORE, BE IT RESOLVED, that Community Board #3/Manhattan urges Con Edison to test all facilities for electricity in the CB#3 area as quickly as possible and report the results to the Board; and

THEREFORE, BE IT ALSO RESOLVED, that Community Board #3/Manhattan also requests that Con Edison develop a safety plan to eliminate the hazard of electricity from corroded cables or other malfunctioning equipment and present the plan to the Board; and

THEREFORE, BE IT ALSO RESOLVED, that Community Board #3/Manhattan urges Con Edison and our City Councilmembers to investigate the possibility of less corrosive alternative methods to melt snow.

**RESOLUTION IN SUPPORT OF SUBWAY STATION ACCESSIBILITY**

WHEREAS, the current agreement between state and federal government agencies and the Eastern Paralyzed Veterans Association and Disabled in Action calls for 100 key subway stations to be made fully accessible by 2020 (out of 468 stations in New York city); and

WHEREAS, the criteria for a key station is prescribed by the Federal Transit Administration as: ridership volume exceeds the system average; the station includes multi-platform transfers which require movement up or down; station serves as an inter-modal transfer point to bus, commuter rail or ferry; station is the terminal point on the line; the station is proximate to key destination points such as schools, hospitals, recreational facilities, airports, etc.; and

WHEREAS, the designation of key stations does not take into account the rapid development and changes of neighborhoods in New York City; now

THEREFORE, BE IT RESOLVED, that Community Board #3/Manhattan calls for the MTA and appropriate government agencies to create a task force to develop a comprehensive concrete plan and timetable to make New York City's subway system fully accessible. The plan should include a complete report of all stations that cannot be made fully accessible for physical or economic reasons. The commission should include engineering experts and a diverse group of people with disabilities and elected officials; and

THEREFORE, BE IT ALSO RESOLVED, that Community Board #3/Manhattan, in addition, requests that the Delancey/Essex Street and East Broadway stations be renovated to become fully accessible by the time of the completion of the Seward Park Redevelopment area. These stations should be in addition to those currently planned. Community Board 3 does not want to compete with other communities' needs. The revitalization of the nearby waterfront area also makes the full accessibility of these stations necessary so that all members of our community are able to fully participate in the enjoyment of our public spaces.; and

THEREFORE, BE IT ALSO RESOLVED, that Community Board #3/Manhattan urges all other Community Boards to make motions to support this request and to also identify stations in their neighborhoods that should be added to the key station list. We also request our elected officials to actively support this motion.

**RESOLUTION IN SUPPORT OF LEGISLATION FOR EMERGENCY VOLUNTEERS**

WHEREAS, New York State has recently enacted the Good Samaritan Volunteer Firefighters' Assistance Act in 2003 that would limit the liability of fire departments and districts that donate surplus equipment to rural or needy volunteer fire companies; and

WHEREAS, the Good Samaritan Volunteer Firefighters' Assistance Act also removes the civil liability barriers for a person who donates qualified fire control or fire rescue equipment to a volunteer fire company; and

WHEREAS, there are also volunteer ambulance services and volunteer Rescue Squads both in rural areas and cities that could benefit and greatly enhance their services in this post-9/11 era from similar donations such as the NYPD Auxiliary Police APSU/AESU/Rescue Services, an original Civil Defense Unit created in 1950, who served with the NYPD Emergency Services Forces at Ground Zero with distinction for close to 9 months; and

WHEREAS, the NYPD Auxiliary Police APSU/AESU/Rescue Services were honored for their service by the New York City Council on September 12, 2002; and

WHEREAS, the Good Samaritan Volunteer Firefighters' Assistance Act does not address the donation of equipment by other bodies such as civic-minded corporations such as Consolidated Edison Company of New York, Inc. that would also donate to needy volunteer agencies such as the aforementioned if civil liability barriers and the fear of same were removed; now

THEREFORE, BE IT RESOLVED, that Community Board #3/Manhattan calls upon our elected officials, and for other Community Boards to call upon their elected officials, to sponsor and actively support appropriate City and State Legislation to immediately enact similar protection as the Good Samaritan Volunteer Firefighters' Assistance Act for volunteer ambulance services and volunteer Rescue Squads in addition to the removal of civil liability barriers and the fear thereof for corporations wishing to donate to any form of volunteer emergency response services.