



THE CITY OF NEW YORK  
 MANHATTAN COMMUNITY BOARD NO. 3

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David McWater, Board Chair

Susan Stetzer, District Manager

November 2005

Meeting of Community Board #3 held on November 29, 2005 at 6:45 at P.S. 20, 166 Essex Street

MEMBERS PRESENT AT FIRST VOTE:

- |                          |                          |                               |
|--------------------------|--------------------------|-------------------------------|
| David Adams [P]          | Herman Hewitt [P]        | Joyce Ravitz [A]              |
| Michael Auerbach [A]     | Keisha Hogans [A]        | Lois Regan [P]                |
| Rev. Joan Brightharp [P] | Carolyn Jeffers [P]      | Verina Reich [P]              |
| Roberto Caballero [A]    | Barbara Jeter [A]        | Richard Ropiak [P]            |
| Mayra Cappas [P]         | Anne Johnson [A]         | Estelle Rubin [P]             |
| Rick Carman [P]          | Joel Kaplan [P]          | Eunice Samuels [A]            |
| David Crane [P]          | Lisa Kaplan [P]          | Deborah Simon [A]             |
| Elizabeth Cruse [P]      | Jennifer Lim [A]         | Pia Simpson [A]               |
| Andrea Diaz [A]          | Bernice McCallum [P]     | Arlene Soberman [P]           |
| David Diaz [A]           | David McWater [P]        | Nancy Rose Sparrow-Bartow [P] |
| George Diaz [A]          | Alexandra Militano [P]   | Harold Stelter [P]            |
| Harvey Epstein [P]       | Lillian Moy [P]          | Steven Tin [A]                |
| Morris Fajtelewicz [P]   | Jason Nagel [P]          | David Weinberger [P]          |
| Anthony Feliciano [A]    | Roberto Ortiz-Arroyo [P] | Harry Wieder [P]              |
| Rabbi Y.S. Ginzberg [A]  | Dominic Pisciotta [P]    | Samuel Wilkenfeld [A]         |
| Carlos Juan Gonzalez [P] | Barden Prisant [P]       | Michelle Withim [A]           |

PUBLIC SESSION:

1. Sophia Truslow- spoke as trustee of the Marble Cemetery located adjacent to the property seeking a variance at 26 E. 2nd Street. She stated that the cemetery is not either in support or against the variance request of the building.
2. Alex de Jong- representing a non-profit which works with disaster survivors and which has a new center with additional services downtown. The organization has space in the new center to sublet.
3. Diana Laris – expressed her concerned about public health and the failures of the distribution of information to citizens.
4. Jodi Ham and Francesca Romeo – managers of Ratner’s stated their concern that some people are offended by a go-go dancer in their window. She would like to find out more about who complained and so that she can work out the problem.
5. Rob Hollander- concerned that the CB#3 SLA Committee is under attended and this committee has an important responsibility to the community which must be conscientiously upheld.
6. Charles Komanoff – of the Greening-a-Block project provided an update saying that the draft feasibility study is complete, but will require a few more months before it is made public. When it is, it will be presented to the Con Ed Task Force and the Public Safety Committee for support.
7. Susan Howard- felt that the CB#3 SLA committee was not well attended last month and that meeting was not representative. She also opposed the Element’s license that is currently under consideration by the Board.
8. Neal Johnson- neighbor of the variance application at 26 E. 2nd Street. He is opposed to that variance, and feels like there no real hardship to justify the reduction in his light and air.
9. Dr. Meiser of the NYC Dept. of Health presented public service information regarding the Avian Flu. Currently people are coming down with this flu in Asia, but is not in the west at this time and is not currently spreading from person to person. If it does begin to transmit this way in the future it could be very dangerous. With regard to regular flu there is vaccine available, but is not as easily accessible as they would like at this time. However, anyone who does want the vaccine can get it by calling DOH or going to the Chelsea Clinic.
10. Rosie Mendez- Introduced herself and announced that she will be taking office Jan. 1, 2006 as the new councilwoman for the 2nd District. She thanked the community board members for their hard work on the Board. She also honored the memory of Carmen Rubio, GOLES staff member, who recently passed away.
11. Eden Ross Lipson- adjacent property owner stated her opposition to the variance at 26 E. 2nd Street and her feeling that the hardship the applicant is claiming is self-imposed because of lack of maintenance.
12. Will Morgan-also a neighbor of 26 E. 2nd St., is opposed to the variance because it would negatively impact his ability to develop his lot to residential use in the future.
13. Douglas Brenner-who is the owner of the property is in favor of the variance for the extension at 26 E. 2nd. He explained that the extension is in the rear and will have very little effect on the neighbors. It will allow families to live in the building because there will be bigger apartments.
14. A resident of 131 Chrystie Street, spoke for the tenants as a whole who do not now oppose the full liquor license in the building. All the tenants feel they can work together with the owner of the new establishment and they have entered into an MOU with him.
15. Richard Lobel- 26 E. 2nd attorney stated his belief that the exceptions the applicant is requesting will not negatively affect the character of the community.
16. Howard Chin - architect/builder for the owner at 26 E. 2nd Clarified that in 2004 the building was in danger of collapse and the variance request is in response to this serious situation.

17. Tom Weiss – concerned about the proliferation of bars in the neighborhood but supports the application of a literary venue with a liquor license.
18. Elizabeth Glass – thanked the SLA committee for denying the alternation request of the Box Car lounge.
19. Theresa Abreu– neighbor of 26 E. 2nd St, spoke in opposition to the 26 E. 2nd Street variance. Does not feel that the changes will be consistent with neighborhood character.
20. Harvey Epstein – invites the Board members to meet folks at the Neighborhood School and to attend the Holiday Fair sponsored by the school.
21. Alida Morgan- is part of the Bowery Mission and is very grateful for CB#3’s position against the Mission Club. She stated her support for restaurants, more family oriented services, more police patrols, not more bars.

**PUBLIC OFFICIALS:**

1. US Rep. C. Maloney – V. Montesinos reported that Rep. Maloney issued a statement about her great pleasure at the passage of the Transportation Bond Act passage to fund the 2nd Ave Subway. She is looking for the federal government to fully fund it the new Subway along with the MTA. This is one of her highest priorities.
2. US Rep. N. Velazquez – Melissa Maldonado had to leave due to illness, but wanted CB#3 to know that the Congresswoman funded \$100,000 reported for the Chinatown YMCA and University Settlement for new services for at-risk youth.

**MINUTES:**

Minutes of September 2005 were approved, as is.

**BOARD VOTE**

29 YES 0 NO

City Councilmember Gerson – Luis Reyes reported that this is a good time for input from the community so feel free to call him. The Councilman is beginning a campaign to improve the Baruch Bathhouse with funds from LMDC.

**BOARD CHAIRPERSON'S REPORT:**

David McWater announced that at this month’s Borough Board voted unanimously to bring home rule back to NYC. He also expressed concern about the low attendance at all Board meetings and especially at the most recent SLA meeting. He announced that might have to assign people to committees based on need not on personal preference. He called for all board members to fully step forward and meet their responsibilities. No one has planned the holiday party, so anyone interested should speak with him after the board meeting.

**DISTRICT MANAGER'S REPORT:**

October minutes have been distributed.

The NYPD is permanently closing streets surrounding the Con Edison facility at 14th Street. These streets were closed after 9/11 - and the city wants to keep them closed for security reasons. Community Board 3 has taken a position against this closure and we filed comments to the environmental assessment statement. The City's has answered our comments by saying that they do not agree that there is a negative impact.

As part of the process, the NYPD must hold a public forum for community input regarding the street closures. The hearing will be December 13 from 6 - 9pm at PS 104 at 330 E. 21st Street. Enter on the E. 20th entrance and bring a photo ID.

I was recently looked at the traffic tie-up getting off the FDR with new Commanding Officer of the 9th precinct. The increased traffic at Houston exit of the FDR because the 14th Street exit has been closed is just one example of the negative impact on our community.

This forum is our last opportunity to make our voices heard and go on record against this plan.

**Executive Committee**

No Votes Necessary

**Housing & Land Use Committee**

1. Draft MOU for hotel at 200 Allen St concerning local hiring and other issues of concern to the community  
**No Vote Necessary**
2. BSA 313-05-BZ, 26 E 2nd St (enlargement of a residential building)  
**VOTE:** To deny the application for a zoning variance.

**197 Plan Task Force**

**VOTE:** To have a small group of committee members meet with City Planning for further information.

Motion on Housing and 197 a Task Force items

**BOARD VOTE**

30 YES 1 NO (Yeses include 5 split votes)

**Human Services & Seniors Committee**

No Votes Necessary

**Youth & Education Committee**

No Votes Necessary

**SLA & Economic Development Committee**

- 1. Request for SLA to post 500-foot hearings on SLA website

**VOTE:** To approve with amendment "... any applicant which will be heard at said hearing and include the Community Board number where the establishment is to be located." (see below)

WHEREAS, because of the dense population of liquor licensed premises within the Community Board 3 area, the State Liquor Authority routinely engages in 500 foot hearings as part of the application process for new licenses; and

WHEREAS, it is of vital importance to the residents of Community Board 3 that they have notice of said hearings so that they, as parties who would be directly affected by the issuance of new liquor licenses within Community Board 3, may have an opportunity to speak before the State Liquor Authority on behalf of or against such licenses; and

WHEREAS, the present means of community notice is a monthly notification from the State Liquor Authority to the Community Board 3 office of scheduled 500 foot hearings, which includes only the corporate name of a liquor license applicant and the borough or county in which that applicant is seeking to hold a liquor license; and

WHEREAS, Community Board 3 lacks the resources to fully and appropriately disseminate such notice to the residents of its area;

THEREFORE, BE IT RESOLVED, that Community Board 3 asks that the State Liquor Authority post its notice of upcoming 500 foot hearings on its own website every month and, further, that said notice include the exact address of any applicant which will be heard at said and include the Community Board number where the establishment is to be located.

**Complaints:**

- 2. Vote to revoke license - Mission, 217 Bowery

**VOTE:** To approve revoking license for Mission at 217 Bowery given the vast history of complaints as well as criminal activity.

**Liquor License Renewals w/Complaint History:**

- 3. Untitled LLC, 16 1st Ave (op)

**VOTE:** To table pending response from SLA regarding renewal being given without proper notification to the Community Board.

**Economic Development:**

- 4. ULURP N 050331 ECM - McDonald's, 104 First Ave

**VOTE:** To approve renewal of ULURP N 050331 ECM for a sidewalk cafe with the signed notarized stipulation to put garbage out no earlier than 11:30 PM Monday through Saturday and will make a best attempt to pick-up litter within one block in each direction.

- 5. ULURP N 050356 ECM - A& B Lobster King House, 1-3 Mott St. It was announced that CB#3 received new information today from DCA, that DCP inspected the site and found that it was not in compliance with submitted plans, but there was no further information about the nature of the non-compliance.

**VOTE:** To approve renewal of ULURP N 050356 ECM for a sidewalk cafe for A & B Lobster King House at 1-3 Mott St.

**Cabaret License Application:**

- 6. Youth Palace, 11-13 Doyers St

**No Vote Necessary**

- 7. Element, 225 E Houston St

**VOTE:** To deny license given that establishment has not opened under new ownership and no record to base approval for application of cabaret.

- 8. Libation, 137 Ludlow St

**Item Withdrawn**

**Alterations/Transfers/Upgrades:**

- 9. 205 Chrystie St Restaurant, 205 Chrystie St (alt)

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

- 10. Buck Quinones Assoc, 210-212 Ave A (trans/op)

**VOTE:** To approve the transfer of application with the signed notarized stipulation that 1) all doors and windows be closed at 10:00, 2) food will be served to within one (1) hour of closing, and 3) there will only be unamplified music which will be played no later than 10:00 P.M. Sundays through Thursdays and 12:00 A.M. Fridays and Saturdays.

- 11. LC DeLara, 99 Ave B (alt)

**VOTE:** To approve alteration of plans to reflect that bar was constructed on different wall from original plans.

- 12. LES2 LLC, 120 Orchard St (trans/op)  
**VOTE:** To deny the transfer based on failure to supply the stipulation that one of the owners remain on premises at during hours of operation.
- 13. Oops of NY, 168 Ave B (alt/op)  
**VOTE:** To deny alteration based on lack of evidence from a sound engineer that sound barrier erected has mitigated noise from the back yard garden.
- 14. Banjo Family, 700 E 9th St (trans/op)  
**VOTE:** To approve with the signed notarized stipulation that 1) applicant will provide contact information, 2) any promotions will be conducted by proprietors and not by an outside organization, and 3) applicant will install additional soundproofing.
- 15. Mug, 446 E 13th St (up/op)  
**VOTE:** To approve upgrade of Mug to a full liquor license.
- 16. JCNV Realty LLC, 17 Stanton St (trans/op)  
**VOTE:** To approve transfer with the signed notarized stipulation that 1) garden be closed Sunday-Thursday at 10:00 P.M. and Friday and Saturday at midnight.
- 17. Vanel on First, 95 1st Ave (trans/up/op)  
**VOTE:** To approve with the signed notarized stipulation that 1) all doors and windows be closed at 11:00 P.M. Sunday - Thursday and 1:00 A.M. Friday and Saturday and 2) applicant will serve food until closing.
- 18. 199 Bowery Rest Group, 199 Bowery (add/op) renewal  
**VOTE:** To deny due to non-appearance.

**New Liquor License Applications:**

- 19. Global Cocktail Rooms, 301 E 12th St (op)  
**VOTE:** To deny based on the failure to supply the stipulation that owner remain on premises during hours of operation.
- 20. New Good Taste, 41 Monroe St (rw)  
**VOTE:** To approve application.
- 21. Sigiri Sri Lanka, 91 1st Ave (rw)  
**VOTE:** To approve application.
- 22. Grand World Food Court, 4 Eldridge St (rw)  
**VOTE:** To deny based on the failure to supply the stipulation that the restaurant will not be open later than 2:00 A.M.
- 23. New Best Fuzhou, 71 Eldridge St (rw)  
**VOTE:** To approve application.
- 24. Vegetarian Din Sum House, 24 Pell St (rw)  
**VOTE:** To deny due to non-appearance.
- 25. TLS Inc, 131 Chrystie St (op).  
Since the committee meeting, the tenants met with the owner and came to an agreement regarding soundproofing on all windows, the floor above the establishment and the vestibule. Also the doorman will keep the outside orderly and quiet. With that the tenants have withdrawn their objections.  
**VOTE:** To approve granting full liquor license based on the existence of a signed Memorandum of Understanding between the building residents and the owner of the applicant regarding soundproofing on all windows, the floors and the vestibule, and also with regard to the doorman keeping the outside quiet during hours of operations.
- 26. Robert Livingstone Wines Inc, 131 Chrystie St, 2nd Fl (op).  
**VOTE:** To deny because the applicant appeared but did not provide any application materials regarding the proposed establishment for the community board to review and failed to withdraw said application in a timely manner.
- 27. PJC Inc, 80 E 7th St (rw)  
**VOTE:** To approve application.
- 28. Sushi Park, 77 E 7th St (rw)  
**VOTE:** To approve with the signed notarized stipulation that 1) hours of operation are 12:00 P.M. - 12:00 A.M. Sunday-Thursday and 12:00 P.M. - 2:00 A.M. Friday and Saturday and 2) applicant will not have live music, DJ, or promoted events.
- 29. NHA Trang One, 87 Baxter St (rw)  
**VOTE:** To approve application.
- 30. East Seafood Restaurant, 17 Division St (rw)  
**VOTE:** To approve application.
- 31. Imagine Bar and Grill, 112 1st Ave (op)  
**VOTE:** To approve with the signed notarized stipulation that 1) there will not be a D.J. or live music or any event at said location at which there will be a cover charge and 2) that the backyard will be closed at 1:00 A.M. Friday and Saturday and 11:00 P.M. Sunday - Thursday.

Motion to approve all items except for #4, #5, and #25, which will be voted on separately.

**BOARD VOTE**

29 YES 0 NO 3 ABSTENSION (Yeses include 3 split votes)

Motion on #4 (ULURP N 050331 ECM)

28 YES 0 NO 6 ABSTENSION

Motion on #5 (ULURP N 050356 ECM)

23 YES 4 NO 7 ABSTENSION

Motion on #25

31 YES 2 NO 1 ABSTENSION

### **Public Safety & Sanitation Committee**

1. Temporary storage of salt pile at Pier 35 for one season on OEM property

**VOTE:** That Community Board #3 understands that the NYDS was planning to enclose the salt pile at Pike Street/South Street so that it would not be a dangerous area for children and also to prevent salt from leaking onto the sidewalk. However, when excavating for this enclosure, NYDS discovered gas tanks at this former gas station site that have not been certified for proper removal by the NYDEC. It is therefore necessary to obtain the proper environmental approvals and to ensure that the soil in the area is safe.

NYDS therefore finds it necessary to store the salt pile for the 2005 – 2006 winter on OEM property. This specifically is the OEM parking lot at Pier 36. The salt pile will be kept at a minimum level, approximately 1500 tons and will be refilled as necessary during the winter. The salt pile will be kept at a distance from the bike path and will have cinder blocks around the boundaries for safety.

The Department of Sanitation has made every effort to keep the Community Board informed. The Board understands the necessity to have an unenclosed salt pile on the OEM parking lot for this one year ending April 2006 and looks forward to a presentation of the design of the enclosure located at Pike/South St. before it is erected.

2. 421-423 E 13th St & 400 E 14th St - Brownfield cleanup and development

**No Vote Necessary**

### **Transportation Committee**

1. Request for study to change Avenue B to one-way traffic

**VOTE:** To postpone until December, posting notices around the neighborhood explaining that the Transportation Committee meeting will vote on whether to recommend changing Avenue B from 2-way traffic to 1-way north.

2. Request for taxi loading zone on Avenue B

**VOTE:** To table.

3. Manhattan Bridge - request for support from DOT for art commission

**VOTE:** To reject the DOT proposal for a flagpole on the colonnade entrance to the Manhattan Bridge, since it isn't historically accurate and it doesn't fit esthetically.

4. RDS Delivery, 436 E 11th St - motion to amend previous resolution for a 30ft "Loading/Unloading Zone" from 8AM-6PM to a 40ft "Loading/Unloading Zone" from 8AM-9PM

**VOTE:** To approve the request for a 30 40 ft. "Loading/Unloading Zone" from 8am to 6pm 9pm in front of 436 E 11th St. We would like there to be a 3 hour limit for any individual vehicle for such loading/unloading.

5. Support for co-naming E 7th St btwn Aves C & D - O'Donnell Way - motion to amend resolution against co-naming

**VOTE:** WHEREAS, May O'Donnell (1906-2004) was a modern dance pioneer who gained unusual prominence as a member of the Martha Graham Contemporary Dance Company, and who maintained a 60-year career as a choreographer with more than 100 works now performed in colleges, universities and companies in the United States and Europe;

WHEREAS, Ms. O'Donnell taught at the High School for the Performing Arts and at her studio on 10th Street, where she developed famous performers including Ben Vereen, Robert Joffrey, Dudley Williams and many others;

WHEREAS, Ms. O'Donnell and her composer husband, Ray Green, purchased five townhouses on East 7th Street in 1978 where they lived (at 263 East 7th Street) until their passing, and created The O'Donnell-Green Foundation for Music and Dance to give grants to young, emerging musicians and choreographers;

WHEREAS, Mr. Green devoted his time from 1963 to 1970 to rehabilitate the buildings, gave two buildings away (one to a needy family), sold two buildings, and kept the three-story building which now continues as The O'Donnell-Green Foundation;

WHEREAS, this portion of 7th Street was highlighted in two film documentaries and a CBS special, lauding the cultural and artistic presence and contributions of O'Donnell/Green, their work and their foundation's work, with five performing arts libraries requesting copies of her programs, photos and reviews for their archives, including the Library of Congress in Washington DC;

WHEREAS, the contribution of May O'Donnell and Ray Green to our community (in a time when it was disadvantaged and less than "desirable") provided a stable site for artistic support in an area outside the high-profile arts communities at Lincoln Center and other parts of the City, her work provided encouragement (even food for some of the needy students), training and opportunity for reaching their dreams of a performing career;

WHEREAS, the O'Donnell-Green Foundation continues to provide support to young musicians and choreographers through the assets received by the sale of two of the original five houses;

WHEREAS, many of the residents of East 7th Street have signed a petition in support of the proposed co-naming;

THEREFORE, BE IT RESOLVED, that Community Board #3 supports the co-naming of East 7th Street, between Avenue C and D, as O'Donnell Way, with a signpost on Avenue C.

6. Request for change construction of intersection of Grand and FDR from 3 entry ways to 2 entry ways on to Grand from FDR, and request for change to synchronization of the lights on Grand and the FDR Drive and Grand and Madison Street to prevent accidents, and request for change to the lane widths on Grand between the FDR and Madison Street to prevent car scraping

**VOTE:** That CB3 send the following letter to DOT:

CB3 understands that DOT is studying how to correct the dangerous situation at the intersection of Grand St and the FDR Drive. There has been a number of slight-to-serious accidents on that corner, and CB3 urges DOT to remedy the situation explained in this letter before we face an actual fatality. Please coordinate with Assemblyman Silver's office and consider the recommendations given in the DOT/DCP Delancey Street Transportation Study.

Before 9/11, the Grand Street exit off the FDR Drive connected to the service road, closer to Delancey Street, near the foot of the bridge. After 9/11, the exit was blocked. Then it was reopened, with three sources of traffic:

- From the FDR into Grand and Cherry St.
- From the FDR service road into Grand and Cherry St.
- From Grand St into the FDR and Cherry St.

The intersection is governed by a 3-way traffic light. Cars entering from the Drive speed up, instead of slowing down, in order to catch the green light before it changes. Then, as they make the turn into Grand, they spot the next green light, speeding up yet again to make it there in time.

In bad light conditions, such as dawn, dusk and rainy days, children and the elderly who are not as quick to respond to oncoming cars, are in jeopardy. The two accidents we've just experienced have occurred against a background of numerous near-misses. Also, there have been complaints of oncoming cars sideswiping parked cars on Grand, tearing off side-mirrors as they try to wiggle towards the green light in the next intersection.

Motion on the Public Safety/Sanitation and Transportation Committees

BOARD VOTE:

34 YES      0 NO    1 ABSTENSION (Yeses include 8 split votes)

**Ethics Committee**

No Meeting

**Parks & Recreation Committee**

No Meeting

**MEMBERS PRESENT AT LAST VOTE:**

David Adams [P]	Herman Hewitt [P]	Joyce Ravitz [P]
Michael Auerbach [A]	Keisha Hogans [P]	Lois Regan [P]
Rev. Joan Brightharp [A]	Carolyn Jeffers [P]	Verina Reich [P]
Roberto Caballero [A]	Barbara Jeter [A]	Richard Ropiak [P]
Mayra Cappas [P]	Anne Johnson [P]	Estelle Rubin [P]
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David Crane [P]	Lisa Kaplan [P]	Deborah Simon [A]
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Andrea Diaz [P]	Bernice McCallum [P]	Arlene Soberman [P]
David Diaz [A]	David McWater [P]	Nancy Rose Sparrow-Bartow [P]
George Diaz [A]	Alexandra Militano [P]	Harold Stelter [P]
Harvey Epstein [P]	Lillian Moy [P]	Steven Tin [A]
Morris Fajtelewicz [P]	Jason Nagel [P]	David Weinberger [P]
Anthony Feliciano [A]	Roberto Ortiz-Arroyo [P]	Harry Wieder [P]
Rabbi Y.S. Ginzberg [A]	Dominic Pisciotta [P]	Samuel Wilkenfeld [A]
Carlos Juan Gonzalez [P]	Barden Prisant [P]	Michelle DeFreitas [A]

MEETING ADJOURNED