



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD NO. 3

59 East 4th Street - New York, N.Y. 10003
Phone: (212) 533-5300 - Fax: (212) 533-3659
www.cb3manhattan.org - info@cb3manhattan.org

David McWater, Board Chair

Susan Stetzer, District Manager

June 2006 Full Board Minutes

Meeting of Community Board #3 held on Tuesday, June 27, 2006 at 6:45 at PS 20

Public Officials:

Mayor Michael Bloomberg, Lolita Jackson—Not present

Comptroller William Thompson, Rafael Escano—Not present.

Borough President Scott Stringer, Mary Cooley—

Borough President Stringer released the first study of the Community Education Councils since their inception. It cites significant failures of the Department of Education and violations of state law as it pertains to their obligation to adequately provide support and training for the parent councils. The report's Executive Summary was provided.

An Independent Budget Office report questioning the ability of NYCHA's plan to preserve public housing was released by the B.P. Stringer. There are substantial risks with NYCHA's plan and "NYCHA will likely continue to face challenges in maintaining a balanced budget in years to come." B.P. Stringer believes the budget plan should not be approved and that NYCHA should "work cooperatively with experts, advocates, and residents to save our city's public housing before it's too late."

The results of a survey were released showing that 73% of tourists do not agree with the City's anti-terrorism funding being cut by the Bush Administration.

The Borough President and the Borough Board called for extending the walking Manhattan Rim Walkway.

Congressmember Nydia Velazquez, Melissa Maldonado

The Congressmember is working to provide help for the homeless. She also thanked CODA and the Granny's for Peace.

Congressmember Jerrold Nadler, Michael Kay

Michael Kay announced that he's leaving his position in July and introduced Jill, who is replacing him.

The Congressmember gave a statement against the resolution calling for an unlimited timetable on U.S. involvement in Iraq, which was pinned on the idea that it was retaining terrorism. He stated that "We should not continue pretending that by fighting the War in Iraq we are advancing the War on Terrorism."

The GOP used tactics to bring down his housing amendment that requires a Section 8 voucher for every unit of public housing that is demolished.

Congressmember Carolyn Maloney, Victor Montesinos

Congressmembers King and Maloney chaired the House Democratic Task Force on Homeland Security on June 1. They criticized the cuts to anti-terrorism money for New York.

Assembly Speaker Sheldon Silver, Michael Chang

Assembly Speaker Silver introduced and had four bills passed in the assembly that addresses stricter controls on the SLA and a crack down on bars where disorderly conduct and continuous noise repeatedly disrupt the surrounding communities. The Assembly Speaker has also written letters in support of the Community Board's denials of multiple SLA applications.

The 2006 Summer Reading Challenge is sponsored by Assembly Speaker Silver.

Assembly Member Deborah J. Glick, Gregory Brender

Reported on progress with the State Liquor Authority reform legislation.

Assembly Member Sylvia Friedman

This is the Assembly Member's first visit to Community Board 3 since being elected to her seat. She has been busy working on a number of reform bills. She worked on a new bottle bill. Her efforts failed to amend the Rent Guidelines Board law so that rent regulation laws are brought back to the City. Assembly Member Friedman also introduced Medicaid Part D legislation.

State Senator Martin Connor

Senator Martin Connor appeared before Community Board 3 to discuss his recent work. He has been asking the governor for an NYC appointee on the State Liquor Authority board and one has been appointed. The current

head of the board came down to the City for a quality of life summit on June 26 to meet with local politicians, law enforcement officials, community board members, and neighborhood association representatives. Sen. Connor also introduced a bill to extend protections for existing wetlands.

State Senator Thomas K. Duane

Senator Thomas Duane appeared before Community Board 3 to discuss his recent work in Albany. He recently voted against the expanded DNA database. There was good and bad in the recent passage expanding the statute of limitations for sex abuse including clergy. The bad part is that past victims can't bring civil suits under the expanded time frame. They will now have five years for bringing a civil suit and will have criminal redress. He was happy to announce that both houses of the legislature passed Timothy's Law for mental health parity, but this law unfortunately doesn't cover substance abuse.

Councilmember Rosie Mendez, John Fout

Council Member Mendez recently held a press conference to support a budget initiative of \$35 million for public housing. Her office is going to work with the Department of Buildings to make sure that nothing happens to PS 64 since it has now been landmarked. The Councilmember announced that she will introduce legislation to ban wild and exotic animals in entertainment. Councilmember Mendez is co-sponsoring legislation to keep Central Park car-free over the summer. The legislation creates a trial program to study the effects of closing the Park. She also supports the motion to provide funds to Greening a Block.

Councilmember Alan Gerson, Luis Reyes

Aside from sitting at the City Council's Finance Committee hearings, the Council Member has submitted his own budget initiatives to fund programs including the bathroom grip bars project and vision screening funding. He believes in continuing coverage for 9/11 recovery workers.

Members Present At First Vote:

David Adams [P]	Guido Hartray [P]	Richard F. Ropiak [P]
Paul Bartlett [P]	Herman F. Hewitt [P]	Estelle Rubin [P]
Rev. Joan Brightharp [P]	Carolyn Jeffers [A]	Eunice Samuels [A]
Roberto Caballero [A]	Anne K. Johnson [P]	Elizabeth Sgroi [P]
Mayra Cappas [A]	Joel Kaplan [A]	David Silversmith [P]
Rick Carman [P]	Eden Lipson [P]	Deborah A. Simon [A]
Rocky Chin [P]	Bernice McCallum [A]	Pia Simpson [A]
David Crane [P]	David McWater [P]	Arlene Soberman [P]
Andrea Diaz [P]	Alexandra Militano [P]	Nancy Rose Sparrow-Bartow [P]
George Diaz [P]	Lillian Moy [A]	Harold Stelter [P]
Harvey Epstein [P]	Jason Nagel [P]	Elinor Tatum [P]
Morris Faitelewicz [P]	Roberto Ortiz-Arroyo [P]	Steven Tin [A]
Anthony Feliciano [P]	Dominic Pisciotta [P]	David Weinberger [E]
Rabbi Y. S. Ginzberg [P]	Barden Prisant [P]	Nina Werman [A]
Alexander Gonzalez [P]	Joyce Ravitz [A]	Harry Wieder [P]
Carlos Juan Gonzalez [P]	Lois M. Regan [A]	Samuel Wilkenfeld [P]
Aurora Guzman [P]	Verina Reich [P]	

Minutes:

Minutes of April 2006 were approved, as is.

34 YES 0 NO 0 Abstention 0 PNV - MOTION PASSED

Board Chairperson's Report:

Chairperson David McWater announced that the ballots for executive offices of the Community Board were being distributed by Richard Ropiak. He was pleased to announce the unanimous vote by the Landmarks Commission to landmark CHARAS/PS 64. The Religious Institution and Land Use taskforce will meet on 7/10. He stressed that if anyone has issues of concern related to the District Needs statement or anything else that he/she should go to the committee meetings and do the work there as opposed to at the full board meetings.

District Manager's Report:

District Manager Susan Stetzer discussed the District Needs Statement. It is three pages too long. The statement's assessment of needs should be framed with long-term strategies.

She was pleased to announce that 311 is finally reporting complaints within the district back to the community. This reporting complies with Local Law 47. The statistics can be accessed through http://www.nyc.gov/html/doitt/html/about/about_311_local_law.shtml. There are few complaints in Community Board 3's jurisdiction, which impacts funding. Ms. Stetzer encouraged everyone to please call 311 with complaints.

Film scouts will no longer have parking space made available to them prior to shooting.

She asked that NYU busses that are observed to be using illegal routes and parking spots should be reported to the Community Board office.

There was a motion on tonight's agenda to call for a change in the zoning laws so that it would be illegal to use a backyard for a commercial use in a residentially zoned district if it has not been used for it before.

Ms. Stetzer said that Jennifer Hong, a new intern for the summer, works four days a week at the Board office. She is an urban planning graduate student. Her first project is tracking all liquor license applications to the Board since January 2005 regarding a change in the applications. Then she will track denials, e.g., as to whether they were approved, etc.

Public Session:

Darius Hatari- Owner of and spoke on behalf of Mundial and for the board to consider approving its application renewal for a liquor license.

Rob Hollander—Spoke in support of returning the public session at the community board meetings to first on the agenda.

Harden Williams

May Glow—Spoke in opposition to the proposal to place muni-meters on Division St. She cited a concern with fire truck access to the Confucius Plaza apartment complex.

Jeff Lawrence

Chai Chan

Caitlin Shea

Kenneth Diamondstone

Christopher Collins

Lois Sturn—Greening a Block, Spoke in support of the motion to approve the Greening a Block proposal.

Beth Flusser—Third Street Music School, name was on a request to speak form, but was not present.

Abe Ruiz—Haven Plaza, not present, name was on a request to speak form, but was not present.

Tina Santiago--Not present, name was on a request to speak form, but was not present.

Rebecca white--Not present, name was on a request to speak form, but was not present.

Collin Reid

Ilan Kaitlin

Patrick Duff

Peter Wong

Karl--Not present, name was on a request to speak form, but was not present.

Yori Yanover—Spoke with regard to staggering work on the E. River Park field.

Lisa Donlan—Spoke to request the board to support the motion calling on the Department of Parks & Recreation to stagger the construction on the E. River Park Field.

Jonathan Calney—Central Park Track Club, Spoke in opposition to the Department of Park's plans to close the track in the E. River Park during the summer months.

Michael Basen—Central Park Track Club, Spoke in opposition to the Department of Park's plans to close the track in the E. River Park during the summer months.

Thom Little—Central Park Track Club, Spoke in opposition to the Department of Park's plans to close the track in the E. River Park during the summer months.

David Paltz—Urban Athletic Running Group, Spoke in opposition to the Department of Park’s plans to close the track in the E. River Park during the summer months.

Bret Costain—Village Lion’s Rugby Football Club, not present, name was on a request to speak form, but was not present.

Reid Betz—Spoke in support of the motion to approve funding for Greening a Block.

Committee Reports:

Executive Committee

VOTE: To remove restraints on Con Edison Advisory Sub-Committee membership, and on the purpose of the subcommittee to make recommendations on how to spend money from the Con Edison settlement. This includes recommendations for the fuel switching account, as well as new proposals. The subcommittee will end when the oversight function of the fund expenditures and programs are complete.

34 YES 1 NO 0 Abstention 0 PNV - MOTION PASSED

197 Plan Task Force

- Discussion of priorities for future 197 plans

VOTE: That CB#3 pursue a 197 plan to include the 3rd avenue/Bowery Corridor, 4th Avenue and the Mid Blocks between 3rd and 4th Avenues.

Unanimous Hand Vote - MOTION PASSED

Human Services & Seniors Committee

1. FY'2008 District Needs Statement
No Vote Necessary

Youth & Education Committee

1. FY'2008 District Needs Statement
No Vote Necessary
2. Community Concerns re: transposition of police parking lot & PS 751 playground on 5th St (btwn 1st & 2nd Aves) Dept. of Education land
No Vote Necessary
3. Informational presentation by Ross Global Academy Charter School
No Vote Necessary

SLA & Economic Development Committee

Renewal with Complaint

1. Dallas BBQ, 132 2nd Ave (sidewalk café)
VOTE: To approve the renewal of the sidewalk café permit for Dallas BBQ, 132 Second Avenue.
2. Mundial, 503-505 E 12th St (op)
VOTE: To deny the renewal of the full on-premise license for Mundial, 503-505 East 12th Street because the business has been of no benefit to the community as it has received violations for selling alcohol to underage individuals as recently as this month (see NYPD SLA reports attached hereto) and because Community Board 3 has received numerous complaints regarding noise emanating from the front of and backyard of this business. Community Board 3 originally denied the application for this license (see motion attached hereto) because the applicant insisted on commercially using its backyard despite Community Board 3 informing it that there had been persistent complaints about noise emanating from the backyard when previously used, and because the applicant was clearly intending to operate a bar catering to soccer players when its application stated it would be a restaurant.
Discussion: Alex Militano explained the reason for the original denial of Mundial’s liquor license (see above motion). The precinct and residents have contacted on numerous occasions regarding the noise emanating from the backyard, however the office did not make direct contact with the owners.

Sidewalk Café Application

3. Cento Group, 129 2nd Ave
VOTE: To approve a sidewalk café permit for seven (7) tables with fourteen (14) chairs for Cento Group, 129 Second Avenue.
4. Max Brenner, 141 2nd Ave
VOTE: To approve the sidewalk café permit for Max Brenner, 141 Second Avenue, because the applicant furnished the following signed change agreement also signed by a representative of Community Board 3 which states that the applicant will 1) reduce the number of tables in said café to twenty-three (23) and the number of chairs to fifty-two(52), 2) install awnings above said café on both its Second Avenue and 9th Street sides, to reduce noise rising to residential apartments above business, and 3) keep windows on both sides of business closed while café is operating.

5. Full City Coffee, 409 Grand St

VOTE: To approve a sidewalk café permit for twelve (12) tables with twenty-seven (27) chairs for Full City Coffee, 409 Grand Street.

Alterations/Transfers/Upgrades

6. 63 Clinton, 63 Clinton St (trans/op)

VOTE: That although Community Board 3 denied the original license for this location because there are already too many licenses on this street, to approve the transfer of the full on-premise license for 63 Clinton Street, 63 Clinton Street, provided the applicant furnishes a signed notarized stipulation that 1) the method of operation as a full service restaurant serving Mediterranean food not change, 2) food will be served until within (1) hour of closing all nights, 3) the establishment will be open no later than 1:00 A.M. Sunday through Wednesday and 2:30 A.M. Thursday through Saturday, and 4) there will be no French doors or windows.

7. Fortunate Restaurant, 13 Eldridge St (trans/rw)

VOTE: To approve an eating place beer license for Fortunate Restaurant, 13 Eldridge Street, a Chinese restaurant.

8. Old Devil Moon, 511 E 12th St (up/op)

VOTE: To approve an upgrade to a full on-premise license for Old Devil Moon, 511 East 12th Street, understanding that the method of operation as a full service restaurant and its existing closing hours of 11:00 P.M. weeknights and 12 A.M. weekends will not change and the licensee will not extend its bar area.

9. Vincent Nardone, 180 Ave C (trans)

VOTE: To approve the transfer of and upgrade to a restaurant/wine license for Vincent Nardone, 180 Avenue C, understanding that the location which has operated as an eat-in, take-out pizzeria for 24 years will maintain the same method of operation and close at 11:00 P.M. weeknights and 12 A.M. Friday and Saturday.

New Liquor License Applications

10. Two Boots, 384 Grand St (op)

VOTE: To write a letter to the SLA informing it that the applicant, Two Boots, 384 Grand Street, has withdrawn its application for a full on-premise license before Community Board 3 and asking that the SLA not review this application until said applicant has reapplied to be heard by Community Board 3 and it has had an opportunity to comment on said application.

11. We 3 Hospitality, 78-84 Rivington (op)

VOTE: To deny the application for a full on-premise license for We 3 Hospitality, 78-84 Rivington Street, because the applicant did not appear before Community Board 3 for review of its application and did not furnish any application materials regarding its application.

12. 111 East 12th St Inc, 111 E 12th St (op)

VOTE: To write a letter to the SLA informing it that the applicant, 111 East 12th Street Inc., 111 East 12th Street, has withdrawn its application for a full on-premise license before Community Board 3 and asking that the SLA not review this application until said applicant has reapplied to be heard by Community Board 3 and it has had an opportunity to comment on said application.

13. Golden Dragon Restaurant, 7 Eldridge St (rw)

VOTE: To approve an eating place beer license for Golden Dragon Restaurant, 7 Eldridge Street, a Chinese restaurant.

14. Tinto Fino, 85 1st Ave (retail)

VOTE: To approve a retail wine license for Tinto Fino, 85 First Avenue, for the purpose of opening a Spanish wine shop.

15. Village Joint, 531 E 13th St (rw)

VOTE: To deny a restaurant/wine license for Village Joint, 531 East 13th Street, based upon 1) the inappropriate character of this business as a live performance space, showing three (3) to four (4) shows nightly, mid-block on a residential side street, 2) the lack of any plan to minimize noise from patrons or pedestrian and traffic flow issues between performances, 3) because this is a residentially zoned location that was only grandfathered for commercial use, previously had a store that sold used clothing and has never had a liquor license.

16. LLD3, 76 Orchard St (rw)

VOTE: To approve the restaurant/wine license for LLD3, 76 Orchard Street, provided the applicant furnishes a signed notarized stipulation that 1) the establishment will close at 11:00 P.M. every night, 2) that it will always operate as a full-service restaurant, serving Asian food, and 3) that it will never apply for an upgrade to a full on-premise license.

17. Berrilicious, 66 Mott St (op)

VOTE: To write a letter to the SLA informing it that the applicant, Berrilicious, 66 Mott Street, has withdrawn its application for a full on-premise license before Community Board 3 and asking that the SLA not review this application until said applicant has reapplied to be heard by Community Board 3 and it has had an opportunity to comment on said application.

18. First Down, 349 E 13th St (op)

VOTE: To write a letter to the SLA informing it that the applicant, First Down, 349 East 13th Street, has withdrawn its application for a full on-premise license before Community Board 3 and asking that the SLA not review this application until said applicant has reapplied to be heard by Community Board 3 and it has had an opportunity to comment on said application.

19. Zheng's Family Garden, 151 E B'way (rw)

VOTE: To approve a restaurant/wine license for Zheng's Family Garden, 151 East Broadway, a Chinese restaurant.

20. Place 2B Corp, 90 Ludlow St (op)

VOTE: To write a letter to the SLA informing it that the applicant, Place 2B Corp., 90 Ludlow Street, has withdrawn its application for a full on-premise license before Community Board 3 and asking that the SLA not review this application until said applicant has reapplied to be heard by Community Board 3 and it has had an opportunity to comment on said application.

21. NHA Trang, 87 Baxter St (rw)

VOTE: To write a letter to the SLA informing it that the applicant, NHA Trang, 87 Baxter Street, has withdrawn its application for a restaurant/ wine license before Community Board 3 and asking that the SLA not review this application until said applicant has reapplied to be heard by Community Board 3 and it has had an opportunity to comment on said application.

22. F&C Bari, 207-213 Allen St (op)

VOTE: To approve the full on-premise license for F&C Bari, 207-213 Allen Street, provided the applicant furnishes a signed notarized stipulation that 1) the establishment will close at 12:00 A.M. weeknights and 2:00 A.M. Friday and Saturday, 2) it will continue with the same method of operation as a Spanish restaurant and will retain the business name Oliva, 3) it will not have open windows while live acoustic music is being performed, 4) it will close its windows on both the Houston and Allen Street sides at 11:00 P.M. every night, and 5) it will have only acoustic music, if live.

35 YES 0 NO 1 Abstention 0 PNV (Excluding Items 2, 8, 22) - MOTION PASSED
34 YES 0 NO 2 Abstention 0 PNV (Item 2) - MOTION PASSED
34 YES 1 NO 1 Abstention 0 PNV (Item 8) - MOTION PASSED
34 YES 1 NO 1 Abstention 0 PNV (Item 22) - MOTION PASSED

Public Safety & Sanitation Committee

1. FY'2008 District Needs Statement

VOTE: To approve the revised Public Safety Sanitation Budget Priorities.

2. Vote on Greening a Block proposal

VOTE: Community Board No. 3 supports an initial funding allocation to launch the Greening a Block Project as outlined in the attached Implementation Plan for Phase I. This is an 18-month project for which Greening a Block is requesting an allocation of \$456,000 from the Con Ed Settlement Fund.

Additional funding, an estimated \$418,000 — is expected to be made available from state and federal energy-efficiency programs and from building owners who will benefit from the energy improvements.

CB#3 is requesting consent from all signatories of the settlement funds, Con Edison, NYPIRG, NYS Public Service Commission, and Mayor's Office for re-allocation of the settlement funds.

Discussion: Alexander Gonzalez asked the question as to whether or not any agreements had been made with the building owners to sign-up for the Greening a Block program. At this point there aren't any agreements and Herman Hewitt explained that this program does not require prior agreements. This is being run by the AEA program which has a good track record. Alex had concern that Haven Plaza may not participate, especially since the Arch Diocese owns it and they had not been contacted about making an agreement. There has however been a lot of community participation and political backing.

3. Vote on sponsoring the Asthma Free School Zone Program

VOTE: Community Board No. 3 supports an initial funding allocation to launch the Asthma Free School Zone Program as outlined in the enclosed attachment. This is a three year project for which Asthma Free School Zone, is requesting an allocation of \$50,000.00 from the Con Ed Settlement Fund.

The funds shall be used in year one to focus on PS 34, East Village, and Children's Workshops schools and in the second year to schools in close proximity to the plant. A total of 12 schools and 6 day care facilities will be helped at the end of the three year implementation program.

CB#3 is requesting consent from all signatories of the settlement funds, Con Edison, NYPIRG, NYS Public Service Commission, and Mayor's Office for re-allocation of the settlement funds.

Discussion: There was a call for the proposal to be geared toward the three schools closest to the Con Edison plant and for those schools to receive more funding in the first year.

33 YES 0 NO 3 Abstention 0 PNV (Excluding Item 2) - MOTION PASSED
31 YES 0 NO 5 Abstention 0 PNV (Item 2) - MOTION PASSED

Transportation Committee

1. FY'2008 District Needs Statement

VOTE: To approve the draft of the Transportation section of the FY07 District Needs Statement.

2. Dept of Transportation: installation of muni-meters on the south side of Canal St btwn Bowery & Baxter St

VOTE: To support the DOT recommendations for installation of muni-meters on the south side of Canal St between Bowery & Baxter St.

- Dept of Transportation: installation of single-space parking meters on the north side of Division St btwn Bowery & Market St.

VOTE: To support the DOT recommendation for the installation of single-space parking meters on the north side of Division St between Bowery & Market St excluding the area directly in front of the PS 124 school.

- Presentation on Ludlow Street by Hunter Roberts Construction Group-(for building at 215 E. Houston)
No Vote Necessary
- Review of New York University bus routes
No Vote Necessary
- Presentation by Dept of Transportation on Manhattan Bridge Rehabilitation of the Lower Roadway
No Vote Necessary

33 YES 1 NO 0 Abstention 0 PNV (Excluding Items 1, 3) - MOTION PASSED

32 YES 2 NO 0 Abstention 0 PNV (Item 1) - MOTION PASSED

32 YES 2 NO 0 Abstention 0 PNV (Item 3) - MOTION PASSED

Parks & Recreation Committee

- FY'2008 District Needs Statement
No Vote Necessary

Block Party Applications

- Henry Street Settlement, Gouverneur St (Madison - Cherry Sts), 8/19
VOTE: To approve the request from Henry Street Settlement for a block party on August 19th on Gouverneur Street (Madison – Cherry Streets) with amplified sound from 4 – 8 PM only.
- Suffolk Street Community Garden, Suffolk St (Houston - Stanton Sts), 7/29
No Vote Necessary - Application withdrawn by applicant
- Suffolk Street Community Garden, Suffolk St (Houston - Stanton Sts), 8/26
VOTE: To approve the request from Suffolk Street Block Association for a block party on August 26th on Suffolk Street (Houston – Stanton Streets) between 8 AM – 10 PM with no amplified sound.
- La Mama, E 4th St (2nd - 3rd Aves), 9/9
VOTE: To approve the request from LaMama ETC for a block party on September 9th on East 4th Street (2nd – 3rd Avenues).
- First St Block Association, E 1st St (1st - 2nd Aves), 9/16
VOTE: To approve the request from the 1st Street Block Association for a block party on September 16th on East 1st Street (1st – 2nd Avenues).

Additional Committee Items

- Complaint: Grace Church, 4th Avenue Street Fair
No Vote Necessary
- Complaint: Community concerns regarding closure of East River Park track during summer months
VOTE: Whereas, work to renovate parts of the East River Park 6th Street track and soccer field facility is to begin July 5th and last through mid November, 2006,

Whereas, the facility serves thousands of local residents who have very few other options for summer recreational activities,

Therefore, Community Board 3 requests that the Department of Education open the Murray Bergtraum High School track to the running community of all ages.

Also, Community Board, along with representatives from the community request that the Department of Parks stagger the renovation work in the following manner:

- Given that repair work on bleachers, field house, bathrooms and plaza require longer work time and must take place during the warmer months, this work should begin on the designated start date of July 5, 2006
- This early stage active work area should be fenced off from the soccer field and track area, creating a separate work area
- Access to the track and field facility should be maintained through a side entrance
- Work on the track/field to begin as late as possible in the season to permit maximum use and enjoyment by the larger community for as long as possible.

Community Board 3 requests that the Parks Department meet with the Community Board and representatives from community groups using the soccer field and track to plan better access to the field and track for the community.

Unanimous Hand Vote - MOTION PASSED

Cooper Square Urban Renewal Task Force

- Review of MOU, CB3 Task Force minutes & agreements with NYC (Housing Preservation & Development)

VOTE 1: To contact the City Council Representatives for the immediate and surrounding area, with respect to the original agreements made between the Community and the City of New York, and to begin a dialogue with the City. To contact University Settlement and the YMCA to have them provide details of the propose cost of providing the required "no fee" services as promised.

VOTE 2: That CB#3 supports the change of the name presently used for the center from "Houston Street Community Center" to "Cooper Square Community Center."

Housing & Land Use Committee

1. FY'2008 District Needs Statement

No Vote Necessary

2. Memorandum of Understanding between CB3 and hotel at 200 Allen St

No Vote Necessary

3. Status of number of variances issued by Dept of Buildings for after hours construction

No Vote Necessary

4. Proposal regarding use Group 6 (retail & service establishments that serve local shopping needs)

VOTE: Whereas eating & drinking establishments are prohibited in residentially zoned districts enacted under the City's 1961 Zoning Resolution (ZR), but are currently allowed to continue and expand under grandfather provisions within residentially zoned districts. ZR (Reference: Article V: Non-conforming uses and non-complying buildings, Chapter 2 – Non-Conforming Uses)

Whereas Community Board 3 has voted to request a zoning text amendment that will change criteria for Use Group 6 in the follow ways:

- 1) Not allow additional eating & drinking establishments in residential zoning districts, and not allow the expansion of existing eating & drinking establishments in R-districts
- 2) Not allow the re-introduction of eating & drinking establishment in residential zoning district locations where eating & drinking use has discontinued as an active use for more than two years
- 3) Not allow eating & drinking establishments in rear yards in residential districts and residential districts with commercial overlays.

Currently operating eating & drinking establishments in residential zoning districts are proposed to be allowed to continue, but not expand, as allowed by for by the current Zoning Resolution as legal non-conforming uses, provided they have a proper certificate of occupancy for such use and proper licensing under existing city and state laws.

WHEREAS: Community District 3, like other lower Manhattan areas is saturated with eating & drinking establishments that no longer serve primarily local needs, but serve a large regional market;

WHEREAS: Community District 3 has sufficient commercial zoning districts and residential zoning districts with commercial overlays to serve local needs for eating & drinking establishments;

WHEREAS: The purpose and intent of residentially zoned districts is for commercial uses with residential land use conflicts to migrate to commercial districts;

WHEREAS: Enforcement of noise, nuisance and other existing regulations of eating & drinking establishments and their clientele has proven difficult, inadequate and ineffective to meet community residential objections over the entire Community District;

WHEREAS: Eating & drinking establishments are commanding rents that are competing with and displacing other uses that serve local needs;

WHEREAS: Uses conforming to residential zoning districts are viable in Community Board 3;

WHEREAS: Community Boards are eligible entities to apply for such zoning text changes pursuant Section 200 and 201 of the City Charter, (Zoning resolution, applications for zoning changes and special permits);

THEREFORE BE IT RESOLVED: Community Board 3 requests the Zoning Resolution be amended pursuant Section 201 of the City Charter to eliminate grandfathering loopholes of eating & drinking establishments in residential districts, and to restrict rear yard use from eating & drinking establishments.

- 1) Not allow additional eating & drinking establishments in residential zoning districts, and not allow the expansion of existing eating & drinking establishments in R-districts
- 2) Not allow the re-introduction of eating & drinking establishment in residential zoning district locations where eating & drinking use has discontinued as an active use for more than two years
- 3) Not allow eating & drinking establishments in rear yards in residential districts and residential districts with commercial overlays.

Unanimous Hand Vote w/2 PNV (on motion on Cooper Square Urban Renewal Task Force) - MOTION PASSED

Old Business

1. Change the order of the public session in the Community Board's general meeting back to the original format of having the Public Session before the Elected Officials Reports.

VOTE: To change the order of the public session in the Community Board's general meeting back to the original format of having the Public Session before the Elected Officials Reports at the September, 2006 meeting.

16 YES 15 NO 1 Abstention 0 PNV - MOTION DID NOT PASS

New Business

VOTE: To bring Community Board 3's resolution to request a zoning text amendment to prohibit the expansion of eating and drinking establishments in residential zoning districts to the Manhattan Borough Board for further support

Unanimous Hand Vote - MOTION PASSED

Members Present At Last Vote:

David Adams [P]	Guido Hartray [P]	Richard F. Ropiak [A]
Paul Bartlett [P]	Herman F. Hewitt [P]	Estelle Rubin [P]
Rev. Joan Brightharp [P]	Carolyn Jeffers [A]	Eunice Samuels [A]
Roberto Caballero [A]	Anne K. Johnson [P]	Elizabeth Sgroi [P]
Mayra Cappas [A]	Joel Kaplan [A]	David Silversmith [P]
Rick Carman [A]	Eden Lipson [P]	Deborah A. Simon [A]
Rocky Chin [P]	Bernice McCallum [A]	Pia Simpson [A]
David Crane [P]	David McWater [P]	Arlene Soberman [P]
Andrea Diaz [P]	Alexandra Militano [A]	Nancy Rose Sparrow-Bartow [P]
George Diaz [P]	Lillian Moy [A]	Harold Stelter [P]
Harvey Epstein [A]	Jason Nagel [P]	Elinor Tatum [P]
Morris Faitelewicz [P]	Roberto Ortiz-Arroyo [P]	Steven Tin [A]
Anthony Feliciano [P]	Dominic Pisciotta [P]	David Weinberger [E]
Rabbi Y. S. Ginzberg [P]	Barden Prisant [P]	Nina Werman [A]
Alexander Gonzalez [P]	Joyce Ravitz [A]	Harry Wieder [P]
Carlos Juan Gonzalez [P]	Lois M. Regan [A]	Samuel Wilkenfeld [P]
Aurora Guzman [P]	Verina Reich [P]	

Meeting Adjourned