



THE CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD NO. 3

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David McWater, Board Chair

Susan Stetzer, District Manager

September 2006 Full Board Minutes

Meeting of Community Board #3 held on Tuesday, September 26, 2006 at 6:35 at P.S. 20, 166 Essex St.

Members Present At First Vote (roll call taken after public officials' reports):

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

Public Session:

Carol Anastasio – She has been with her partner for 18 years. She relayed a story about her partner getting hurt and ending up in the hospital where she wasn't treated as a spouse by some staff and it brought up the many issues that marriage provides to other couples that they don't have access to. She doesn't want to be treated as being special. She pays her taxes and believes she should therefore be treated equally. She brought up a friend dying from cancer and the complications of not being able to marry her partner that has arisen. She asked for the board members to support the marriage equality resolution.

Joseph Visci - Spoke asking for consideration in changing vote to deny the liquor license for Keltic Lounge. The lack of experience should not be a factor since their commitment to the community is strong.

John Cutillo--Spoke in favor of Keltic lounge

Unidentified person & Ron Diamonde-- from RAJU Bhagtani. Believes that he is making a better change.

M.J. Furman/Robert Prichard/James Glaser – Spoke about the Tompkins Scare Park daytime festival on 10/28. Ambient music at night. Kids stage and decorating during the day. There will be participatory art activities. Requesting the Community Board's support for the Parks permit.

Melissa Balbock—Spoke in support of the Zoning committee's NYU resolution and thanked the GVSHP for their hard work.

Andy Berg-- Spoke about having his children there and the need for protections that marriage could provide them if he was able to marry his partner. He spoke in support of the marriage equality resolution before Community Board 3.

Richard Lobel-- Representative of applicant applying for parking under the hotel in Chinatown. He asked for the Board's support on ULURP C050226ZSM, 61-63 Chrystie Street agenda item.

Kathy Gruber—Spoke on the status of the property on E. 3rd St. She stated that the Ryan-NENA community health center plans to expand its health services.

Kathy Marino and Ron Zacchi—Represented Marriage Equality New York and spoke in support of the marriage equality resolution. They thanked Community Board 3 for considering the resolution.

Jeanie Chin—Spoke in support of the Park Row Resolution. This has transformed the communities in a devastating manner. The NYPD's Draft Environmental Impact Statement report was pathetic and insulting.

Pat De Angelis--Requested to make public speaking session 1st on the agenda again. David McWater told her that we had voted during July to revert to this schedule starting tonight and it is now first.

Jeff Lawrence-- Broome & Eldridge Block Association. There is a horrible smell on Broome St. between Eldridge and Allen resulting from a live poultry store, idling trucks, and there is a lack of street lighting. Susan Stetzer asked him to call the Community Board office.

David Mulkins—Spoke in objection to the proposed winebar/restaurant at 225 E. 5th St., Bodega Winebar. They are very bothered by the bars that are there already.

Mark Taylor--Support for the parade permitting resolution coming out of the transportation committee. It should not be up to the NYPD to make their own rules on their own.

Joseph Ishi- No record available.

Joseph Cunin—Spoke on behalf of the resolution for marriage equality. It adds stability to families and makes marriages stronger. We need to take the same step as Massachusetts has.

Diane Wongprasent- Wants approval of the license at 85 Orchard St. She stressed that it is a very small place and it is her 5th restaurant.

Nicholas Ambrosio- 91 Clinton St., La Botica- Wants support for his restaurant concept, which focuses on using Mezcal. Wants a chance to show that he is a good community member.

Mayra Cappas- Spoke on Emergency Preparedness.

Public Officials:

Mayor Michael Bloomberg, Lolita Jackson--Not present

Comptroller William Thompson, Rafael Escano--Not present

Borough President Scott Stringer--Starting the graduate student urban planning institute in their office now. They're going to be able to help the District Managers. Estelle asked is they're getting a stipend, which they are.

They're going to be starting an Immigrant's Rights project in their office as well.

The Borough President has say in a couple of areas that he intends to take a more active role: Franchise and Review concession committee. IDA also needs to be looked at.

One of the residents asked about his support marriage equality. He responded that he will continue to march and fight and not let any politician off the hook for this.

He commended Rosie Mendez for doing such a great job in the council.

Congressmember Nydia Velazquez, Melissa Maldonado- Not present

Congressmember Jerrold Nadler, Jillian Youngblood
Danny Weisbeld will be at the full board meetings going forward.

The Congressman has sponsored the 9/11 health bill. The bill would help cover undocumented workers.

He supports the marriage equality resolution before the board tonight.

Congressmember Carolyn Maloney, Victor Montesinos--
Spoke about the loss of Stuyvesant Town and has called on congressional hearings to address the loss of urban low-income housing..

Announced a bill to use the tax code to put sex traffickers in prison. The legislation would authorize \$2 million to establish an office within the IRS to prosecute sex traffickers for tax law violations.

Assembly Speaker Sheldon Silver, Michael Chan & Jessica Loeser--
Legislation was passed recently that provides disability and death benefits to survivors of 9/11.

PS134/137 was under construction and wasn't done before the first day of class. Speaker Silver worked to get it cleaned up. Had the facility tested for VOCs.

The Speaker was very pleased that the SLA has instituted its own moratorium, in response to his legislation and request from Community Board 3.

NYPD's DEIS plan did not offer meaningful solutions for reopening Park Row and didn't address the impacts of its closure.

Harvey Epstein wanted to know what the position the Speaker would take on the death penalty if it comes up this year. Michael Chan responded that he would have to get back to him with an answer.

Anne Johnson asked about his position on the marriage equality act. He said he'd need to speak to the speaker about this first.

Assemblymember Deborah J. Glick, Gregory Brender--
Called for a safer redesign for Houston St. that would benefit pedestrians and bicyclists.

NYPD very quietly tried to change the parade permits, but community action has forced them to withdraw these plans.

Assemblymember Glick is sponsor of the Marriage Equality Act and they are hoping that a new governor will help in getting this law passed.

Assemblymember Sylvia Friedman, Anna Rivera--Not Present

State Senator Martin Connor—
The Senate's republican majority passed many new appointees.

Timothy's Law--Residential care for mental health services was passed unanimously.

Marriage Equality--proud to be a co-sponsor of the bill. He supports the resolution before the Community Board tonight.

The new commissioner from the SLA will be doing a walk through this Saturday night.

State Senator Thomas K. Duane, David Chang--
A letter from Sen. Duane was read that reiterated his steadfast support for the marriage equality resolution and his sponsorship of the bill in the Senate. He found it heartening and inspiring that CB3 Human Services committee has pushed for the resolution. CB3 has his full support for passing this resolution.

Prepare for emergencies. Over the next several months, he will be holding Emergency Preparedness Forums across the district.

Sen. Duane stated that it was an unfortunate ruling of the judge supporting the USPS sale of the Cooper Station air rights. He wants a proper review conducted.

Councilmember Rosie Mendez--
She applauded this board on all of its work on SLA and the resulting moratorium.

Co-sponsored Extell tenant's rights meeting with CB 3 and Cooper Square. She is working to make sure they get their repairs.

Landmarking—She is hoping that the Horse Auction Mart can be landmarked. We had a victory with CHARAS, but unfortunately the owner has stripped away the façade. She has introduced the legislation to close the loophole that allowed this to happen as a result of the DOB permit being issued before landmarking.

She is working closely with HPD on building violations and getting more inspectors in this district.

She's been working with many advocates on civil liberties issues. Testified at St. Mark's church against violation of NYPD in proposing parade permit changes.

In response to the Community Board's gay marriage resolution she stated that she believes in gay marriage and thinks that two people who love each other should be able to get married.

Estelle Ruben asked about whether the owner of CHARAS had to agree to the landmarking. Rosie said he could only testify for or against it.

Rosie spoke about what is happening in Stuyvesant town. She wants to see this board do something about what is happening there. Believes it will become a gated community.

Alex Gonzalez asked if they could use Local Law 79 to help tenants buy out the community.

Armando Perez--street co-named after him on E. 9th St. There will be a day of dancing and food in celebration on November 4. Probably from 10 A.M.-7 P.M..

Councilmember Alan Gerson, Luis Reyes--
PS 134--Remodeling wasn't done on time. They spent a lot of time pressuring the School Construction Authority to get the job done on time. Con Ed has had to use generators and they are required to do a lot of air quality testing.

Grand St. -- 51 Steel plates are causing a lot of noise.

The office has received free tickets for the 50+ Expo. Please contact the office if interested.

Betsy Gottbaum, Darren Bloch--
Came out to speak about the Public Advocate's support for Marriage Equality and the resolution.

Minutes:

Minutes of June, 2006 were approved, as is.

Board Chairperson David McWater's Report:

Eden Ross-Lipson is very ill and has been hospitalized. He asked for thoughts be with her.

Joyce Ravitz--80% back to normal and will hopefully be back soon.

Anthony Feliciano has resigned effective today.

David congratulated Susan Stetzer who received award for dedication and contribution to immigrants.

We had our annual budget hearing and many local non-profits attended. It was a successful meeting.

David will not be attending the walk through with the SLA commissioner.

District Manager Susan Stetzer's Report:

Susan claimed success with 311 now taking complaints for broken sidewalks. This change was brought about because of a Community Board 3 resolution—which shows that we can make change.

SLA has changed their format of the agenda for full board meetings on their website, which makes it easier to search.

Red Cross—Community Board 3 was awarded a second check for \$50,000 for work in Lower East Side and Chinatown. The project is for the Board to involve the community in decision making and planning. This is being implemented by bringing transportation issues to the community.

Budget priorities for fiscal year 2007 are in each board member's hands. This can be used for reference for priorities for fiscal year 2008. However, there have been many changes in agencies budgets. The board previous asked for many priorities for agency staff funding that are now funded. We will therefore want to ask for new priorities to maximize the money budgeted for our district.

The community board has received complaints regarding more homeless on the streets. The board is working with agencies and the 3rd Street Shelter to have a more coordinated outreach program to try to get more people in need to accept services. We are not sure why there are more people on the streets—it may be a shift in population because of gentrification and development—but we are not sure.

Committee Reports:

Executive Committee

No vote necessary

Human Services & Seniors Committee

1. Support for NYS Marriage Equality Act

VOTE: Whereas, Community Board 3 supports full legal protections and benefits for all families and,

Whereas, Community Board 3 is a composite of many different types of families and cultures including those who have Lesbian, Gay, Bisexual, and Transgender (LGBT) members and,

Whereas, Lesbian, Gay, Bisexual, and Transgender couples are denied access to civil marriage in the State of New York and they, along with their family members, are not afforded over 1,500 of rights and protections that result from this institution and,

Whereas, New York same-sex couples with domestic partnership or civil union arrangements are only recognized by jurisdictions where such partnership registries exist, these relationships, while a welcome step toward equality, they are not a substitute for civil marriage and are not portable in other jurisdictions thereby leaving themselves and their families with a lack of recognition and protections by the government and,

Whereas, on July 6, 2006 the New York Court of Appeals decided to devalue the need for important protections that civil marriage could provide to same-sex couples and their families and subsequently determined that only the New York State Legislature can create the legal right for same sex couples to enter into marriage and,

Whereas, there is legislation in the New York State Assembly and Senate that will provide the legal right for same-sex couples to enter into civil marriage and obtain all of the associated rights, benefits, and responsibilities that all other married couples currently enjoy and,

Whereas the Governor of New York can use his position to strongly advocate for and gain both legislative and public support for its passage, must sign the legislation to ratify it and,

Whereas, the majority of the delegation of state assembly members and senators who represent Community Board 3 have admirably signed onto sponsor or co-sponsor the marriage equality legislation.

THEREFORE BE IT RESOLVED that Community Board 3 supports the equal right to civil marriage for same-sex couples and urges the New York State Legislature, including our entire delegation of state assembly members and senators, to vote for passage of the marriage equality legislation during the 2007 legislative session and during any subsequent sessions until it is affirmed by a majority of the legislature, codifying this right for all of New York's LGBT's couples and,

We call on all elected representatives in the New York State legislature who represent Community Board 3 and its vibrant LGBT community with its many same-sex headed family households, to continue to sponsor, to join in sponsoring, and to help with moving the marriage equality legislation in the Assembly and Senate to the floor for a vote in 2007 and during any subsequent sessions until it is affirmed by a majority of the legislature and,

We also urge the Governor of New York to become a primary advocate of the marriage equality legislation by placing this at the top of his legislative agenda during the first legislative session of 2007 and during any subsequent sessions until it is affirmed by a majority of the legislature, garnering more sponsors in the State Assembly and Senate, as well as working to gain support from business, civic, religious, and political leaders throughout the state, including Mayor Michael Bloomberg, to expeditiously sign the marriage equality legislation upon its passage and,

We urge that this legislation provides full marriage rights equal to those granted to other civilly married couples, so that New York's same-sex couples and same-sex headed households will benefit from these same rights, benefits, and responsibilities and so their marriages will be portable to other states where there is recognition of out-of-state same-sex marriage licenses and,

FINALLY, we call on all New York City Community Boards to pass similar resolutions supporting marriage equality for same-sex couples and calling on their elected New York State representatives to support the passage of full marriage equality legislation in the New York State legislature in 2007 and during any subsequent sessions until it is affirmed by a majority of the legislature.

25 YES 3 NO 4 Abstention 0 PNV - MOTION PASSED

Youth & Education Committee

No vote necessary

Task Force on Religious Institutions and Land Use

1. Public forum preparation
No vote necessary
2. Religious institution survey
No vote necessary

Cooper Square Urban Renewal Task Force

1. Phipps Housing Management, Extra Place: written update on marketing of low income apartments
No vote necessary
2. Phipps Housing Management, Extra Place: written update on 30 year regulatory agreement with NYC to keep housing affordable
No vote necessary

3. YMCA: presentation on cost breakdown for providing additional no fee/low fee membership to neighboring residents
No vote necessary
4. YMCA/University Settlement: renaming of community center from the Houston Street Center, to the Cooper Square Community Center
Discussion: It was asked by a member, “Why was there ‘no vote necessary?’” Herman explained that the full board already voted on the name change and there was discussion already.
No vote necessary
5. YMCA/University Settlement/Avalon Bay Communities: lack of signage on the east side of the building (E Houston & Chrystie Sts)
No vote necessary
6. Avalon Bay Communities: update on Phase 2, and 3 developments
No vote necessary

Housing & Land Use Committee

1. Avalon Bay, request for site control, 271 Bowery (Block 427/Lot 14) (located next to Avalon Chrystie)
Discussion: Sam Wilkenfeld got them to agree to the same provisions in the Allen St. MOU letter.
No vote necessary
2. ULURP C050226ZSM, 61-63 Chrystie Street: to allow attended public parking garage on portion of ground floor and cellar of proposed 11-story hotel
VOTE: To approve with the understanding that the Hotel would make every effort to employ as many community residents as practicable.
3. Extell Development Corp – community concerns regarding purchase of LES buildings.

Discussion: Sam Wilkenfeld gave a brief history on this matter. Extell has bought up many buildings in the neighborhood recently. Many were concerned about their plans, especially since they had obtained a permit to demolish at one location. They showed up to address concerns at the committee meeting. They also stated that they withdrew the application to demolish. Subsequent to the meeting an attorney volunteered to help tenants with various matters and to address the demolitions.

It was moved and seconded that this be sent back to committee. Harvey brought up that we passed the motion for the letter in the committee and that procedurally this should be voted on. Sam countered that the wording on the resolution in committee was not specific and that it should have been passed with specific wording. Barden Prisant agreed. Alex Gonzalez stated that he really wants to see the letter before voting.

David Crane brought up the mistrust of voting on a letter lacking specific language considering the tone he perceives as being overly-emotional in the NYU letter. Sam understands the concern of voting on a letter sight unseen, but he countered that the feeling for NYU that night was one of frustration and disgust for NYU's actions. He had never seen the committee so united.

The motion failed.

VOTE: To confirm that the Board shall send a letter to Extell detailing tenant & CB3 concerns and that Extell shall respond to said letter, in writing, within 21 days of receipt. Thereafter, this item will be placed on a future Housing Committee agenda.

4. Ryan-Nena Orchard Alley Garden (non-green thumb land), 3rd St. (Aves C & D), land use for health facility and affordable housing.
No vote necessary
5. Memorandum of Understanding between CB3 and hotel at 200 Allen St
Discussion: Sam Wilkenfeld discussed the draft letter explaining the workforce development center and this new model for hiring local residents.
VOTE: To approve the 200 Allen Street Memorandum of Understanding (local hiring). (See attached MOU).
6. Proposed zoning text amendment to Section 74-743, General Large Scale Development: Special provisions for bulk modification in General Large Scale Development
VOTE: To disapprove this proposed zoning text amendment because: 1) it reduces the level of community oversight on potential development; 2) is inimical to our stated re-zoning goals; and 3) would likely lead to a reduction in open space and rear yards.
7. NYU letter regarding 12th St. Dormitory
Discussion: Harvey Epstein expressed that the level of disregard for the community’s concerns and efforts to work with NYU was appalling.

Estelle Rubin recommended that if NYU does not start cooperating with the community that we will need to start going to the legislators and asking that funding for NYU be withheld.

VOTE: WHEREAS New York University has failed to engage in a meaningful and constructive dialogue with this community regarding its plans to build a 26-story student dormitory on East 12th Street; and

WHEREAS this Community Board has previously expressed its strong opposition to the height and bulk of the proposed building; and

WHEREAS NYU has completely failed to adopt any of the recommendations made by community groups, CB3 and community residents and continues to rigidly adhere to its original building plans in the face of intense community opposition; and

WHEREAS NYU's actions appear to be part of NYU's continuing expansion wherein the interests and needs of this community are sacrificed so that NYU may continue its unabated growth; and

WHEREAS NYU has responded to community opposition to its plans, in part, by personally attacking the character and integrity of the executive director of a neighborhood preservation group, who is held in high esteem by this Board and Community; and

WHEREAS it is self-evident that NYU is an important part of our city and community, but that NYU must greatly improve its efforts to be both a good neighbor and a partner with our community;

THEREFORE, BE IT RESOLVED THAT:

1. The Community Board hereby expresses its extreme outrage over NYU's actions;
2. CB3 urges NYU to amend its plans for the 12th Street dormitory so as to address community concerns regarding the building's height, bulk and architectural design and to ensure that the building meets recognized national standard for a "green building";
3. CB3 decries NYU's personal attack on the character and integrity of a leader of a local neighborhood preservation group as completely untrue and unwarranted and urges NYU to remove any public material repeating such attacks and further refrain from such actions in the future;
4. CB3 urges NYU to initiate a discussion about expanding into other communities and reexamine its apparent decision to constrict its campus to our community;
5. CB3 urges NYU to truly "give back" to our community by adopting the following practices: committing to hiring community residents; maintaining and expanding open green spaces; maintaining affordable housing, especially in light of its representation about having 20% low income housing in its properties; to enter into restrictive covenants on its properties, so that should NYU sell its properties, they can only be sold to entities committing to provide low and moderate income housing;
6. CB3 asks NYU to provide a written statement detailing NYU's position on this Board's 197 rezoning plan, including its potential application to Third and Fourth Avenues;
7. We urge NYU President John Sexton to appear at a community board forum so he can actually see and, hopefully feel for himself, the extent of the deep community frustration caused by NYU's repeated refusals to cooperatively engage the community and begin a dialogue aimed at repairing the relationship between NYU and this Community; and
8. Should NYU fail to address these issues in a substantive fashion, within 30 days of NYU's receipt of this motion, CB3 shall rightfully assume that NYU does not wish to engage in a meaningful discussion with our community and that NYU's commitment to this community must be seriously questioned.

8. Improper use of rent regulated housing for hotel accommodations
No vote necessary

14 YES 13 NO 6 Abstention 0 PNV (move #3 back to committee) - MOTION DID NOT PASS
34 YES 0 NO 0 Abstention 0 PNV (excluding #2) - MOTION PASSED
33 YES 0 NO 1 Abstention 0 PNV (item #2) - MOTION PASSED

197 Plan Task Force

1. Update and continued discussion on current rezoning plan
No vote necessary

- 2a. Future potential areas for rezoning: Seward Park Urban Renewal Area
No vote necessary

- 2b. Future potential areas for rezoning: 3rd & 4th Avenues

VOTE: To recommend that the graduate/intern being assigned CB3 from the Manhattan Borough President's office be given the soft site analysis of the 3rd/4th Ave. potential rezoning area as a work priority, and that a working group to supervise this analysis be established.

33 YES 1 NO 0 Abstention 0 PNV (hand vote) - MOTION PASSED

SLA & Economic Development Committee

1. Responsibility campaign -- partnership among the community (CB3, et al), the City elected officials and police), the university (NYU) and local establishments to set a framework of responsibility and safety when it comes to university students engaged in nightlife

VOTE: To approve Community Board 3's participation in the NYU initiative, known as the "Responsibility Campaign," in an effort to engage in education and outreach regarding alcohol use and abuse in the community.

Renewals with Complaint History

2. Ragu Boy, 156 E 2nd St (renewal/ sidewalk café)

VOTE: To approve the renewal of a sidewalk cafe permit for Ragu Boy, 156 East 2nd Street, with the understanding that the licensee is going to make an increased effort to move waiting patrons off the sidewalk and to prevent its own wait staff from using the sidewalk outside the designated café perimeter.

3. Lava Gina, 116 Ave C (renewal/op)

VOTE: To approve the renewal of the full on-premise license for Lava Gina, 116 Avenue C, with the caveat that if this licensee receives any additional police summonses within the next year, Community Board 3 will ask that this license be revoked.

Sidewalk Café Application

4. Starbucks Coffee, 145 2nd Ave (new)

VOTE: To deny the application for a sidewalk café permit for Starbucks Coffee, 145 2nd Avenue, 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.

5. Dunkin Donuts, 166 2nd Ave (alt)

VOTE: To approve the modification to the sidewalk café permit for Dunkin Donuts, 166 Second Avenue, adding six (6) tables and twelve (12) seats within the existing café space.

Alterations/Transfers/Upgrades

6. Food in Italy, 337 E 10th St (alt)

VOTE: To approve a full on-premise liquor license for Food in Italy, 337 East 10th Street (the west side), with the understanding that the method of operation as a full-service Italian restaurant will remain the same.

7. Pizzanini, 133 2nd Ave (trans/rw)

VOTE: To approve the transfer of a restaurant/wine license to Pizzanini, 133 Second Avenue, with the understanding that the method of operation as a pizzeria and closing hours of 11:00 P.M. will remain the same.

8. Mitale East, 334 E 6th St (trans/op)

VOTE: To approve the transfer of the full on-premise liquor license to Mitale East, 334 East 6th Street, with the understanding that the method of operation as an Indian restaurant, its business name and its closing hours of 11:00 P.M. weeknights and 12:00 A.M. weekends will remain the same.

9. Cento Group, 160 2nd Ave (alt/add)

VOTE: To approve an alteration, adding a full on-premise license to the existing sidewalk café, for Cento Group, 160 Second Avenue, with the understanding that the method of operation as an Italian restaurant will remain the same and that outdoor umbrellas or a similar sound baffling structure be maintained as part of the sidewalk café to minimize noise heard by residential neighbors.

10. Keltic Lounge, 132 Ludlow St (trans/op)

Discussion: David McWater made a motion recommending sending this item back to committee since the way a transfer works is that if rejected, it would let the original owner hold the license and the applicant would have the option to buy stock into the corporation. Herman Hewitt expressed that he'd rather this so that they would learn the business. Dominic Pisciotta stated that he would rather see a new applicant with more restaurant and bar experience apply for a transfer.

The motion failed to carry.

VOTE: To deny the transfer of a full on-premise license to Keltic Lounge, 132 Ludlow Street, because 1) the applicant has no prior experience operating a licensed establishment, 2) the applicant appeared to be wholly unfamiliar with the neighborhood or the particular concerns regarding the oversaturation of licensed establishments, traffic and people on Ludlow Street, and 3) by the applicant's own account, there are currently five (5) on-premises licensed establishments already on that block.

11. Best Fuzhou Restaurant, 71 Eldridge St (trans/rw)

VOTE: To approve the transfer of the restaurant/wine license to Best Fuzhou Restaurant, 71 Eldridge Street, with the understanding that the method of operation as a Chinese restaurant and business name will remain the same.

12. 10 Degrees Corp, 121 St Marks Pl (trans/op)

No vote necessary - Withdrawn

13. 159 E Houston St Restaurant, 159 E Houston St (trans/op)

VOTE: To deny the application for a transfer of the full on-premise license to 159 East Houston Street Restaurant, 159 East Houston 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.

14. Bubby's Pie Co, 71 Clinton St (trans/op)

No vote necessary - Withdrawn

15. Silver Revolver, 210 Rivington St (trans/op)

No vote necessary - Withdrawn

16. Cho Bop, 116 E 4th (trans/rw)

VOTE: To approve the transfer of a restaurant/wine license to Cho Bop, 116 East 4th Street, with understanding that its method of operation as a sushi restaurant and its business name will remain the same and that the applicant will maintain the existing closing hour of 12:00 A.M. all nights.

17. 158 Ludlow Restaurant, 158 Ludlow St (alt)

- VOTE:** To approve the alteration to 158 Ludlow Restaurant, 158 Ludlow Street, adding an eight (8) foot bar to the back room, understanding that the purpose of this alteration is to keep patrons from migrating to the front of the establishment which is on Ludlow Street and because a foreseeable consequence is that less noise will emanate onto the street.
18. KHT Enterprises, 222 E 14th St (trans/op)
VOTE: To approve the transfer of the full on-premise liquor license to KHT Enterprises, 222 East 14th Street, provided the applicant furnishes a signed notarized stipulation that 1) the establishment will close at 2:00 A.M. Sunday through Wednesday and 3:30 A.M. Thursday through Saturday, 2) there will be no DJs or live music, 3) the existing method of operation as a tavern will remain the same and will employ doorman or security, as needed.
19. Rapture Café & Books, 200 Ave A (trans/op)
VOTE: To approve the transfer of a full on-premise license to Rapture Café & Books, 200 Avenue A, provided the applicant furnishes a signed notarized stipulation that it will 1) operate as a bookstore with the service of alcoholic beverages incidental to its operation as a bookstore, 2) maintain the layout of the attached diagram submitted by the applicant, with the predominant space being used for bookshelves, as shown, 3) have no live DJs and no live music, 4) close its backyard at 9:00 P.M. on all nights, and 4) it will close no later than 2:00 A.M. on all nights.
20. Detour, 349 E 13th St (trans/op)
 No vote necessary - Withdrawn
21. Clinton Gourmet Food, 63 Clinton St (trans/op)
VOTE: To approve the transfer of a full on-premise liquor license to Clinton Gourmet Food, 63 Clinton Street, provided the applicant furnishes a signed notarized stipulation that 1) the establishment will close no later than 1:00 A.M. Sunday through Wednesday and 2:30 A.M. Thursday through Saturday, 2) it will serve food to within one (1) hour of closing, 3) it will not have French doors or windows, 4) it will not have a backyard or sidewalk café, and 5) it will operate as a full service restaurant, serving a full menu of small plates.
22. East Village Singas Pizza, 176 2nd Ave (up/op)
VOTE: To deny the upgrade to a full on-premise license for East Village Singas, 176 Second Avenue, because 1) the issuance of an on-premise liquor license is wholly inconsistent with the method of operation of this establishment as a fast food pizza place, 2) the issuance of a license to this chain establishment is inconsistent from the service of only beer and wine or no alcohol whatsoever at all of the other businesses in this chain, all of which are located in Brooklyn and Queens, and 3) this is a new business with a new restaurant/wine license and this community has had an insufficient length of time in which to assess the operation of this business.
23. Peter Hoffman, 190-192 Ave B (trans/op)
VOTE: To approve the transfer of a full on-premise liquor license to Peter Hoffman, 190-192 Avenue B, provided the applicant furnishes a signed notarized stipulation that 1) the establishment will operate no later than 12:00 A.M. weeknights and 2:00 A.M. weekends, 2) it will serve food to within one (1) hour of closing, 3) it will operate as full-service restaurant, serving American cuisine, 4) it will close the backyard no later than 11:00 P.M. on all nights, and 5) it will not have live DJs or live music or promoted events.
24. Dish 165, 165 Allen St (alt)
VOTE: To approve the alteration to Dish 165, 165 Allen Street, adding a full on-premise liquor license to the second floor provided the applicant furnishes a signed notarized stipulation that 1) it will close no later than 12:00 A.M. weeknights and 1:00 A.M. weekends, 2) the upstairs will be used for a full-service restaurant, 3) the business will maintain its overall operation on both floors as a full-service restaurant, 4) there will be no live DJs, 5) there will be no French doors or windows in its proposed new façade and any other windows will close at 10:00 P.M. every night.
25. Fuzhou Restaurant, 84 Forsyth St (op) (THIS IS NOT A TRANSFER)
VOTE: To deny a full on-premise liquor license for Fuzhou Restaurant, 84 Forsyth Street, because this is a new not-yet constructed business which has failed to provide a completed application, including photographs, architectural plans and a proposed menu and, consequently, there is no way for this community board to make an informed decision about this application.
26. B Squared, 500 E 11th St (trans/op)
VOTE: To approve the transfer of a full on-premise liquor license to B Squared, 500 East 11th Street, provided the applicant furnishes a signed notarized stipulation that 1) the menu will be served during all hours of operation, 2) it will close no later than 2:00 A.M. Sunday through Thursday and 4:00 A.M. on Friday and Saturday, 3) any change to its hours requires that the applicant reappear before this Community Board 3 for approval, 4) the applicant will employ security, as needed, 5) the applicant will contact the 9th Precinct about its new business, and 6) its front door will be closed after 5:00 P.M every day except for use as an entry and egress.
- New Liquor License Applications**
27. Ramadan Milad Group, 89 E 2nd St (rw)
VOTE: To deny the restaurant/wine license for Ramadan Milad Group, 89 East 2nd Street, because 1) the applicant failed to provide a completed application for community board review, and 2) the location is an existing hooka bar, at which herbal tobaccos are served, with a menu limited to a few dessert items, hummus and drinks and, consequently, it is the belief of this community board that the service of alcohol would not be incidental to the service of food and would in fact be a primary source of income.
28. Sarita's Macaroni & Cheese, 345 E 12th St (rw)
 No vote necessary - Withdrawn
29. Pan Asian Restaurant, 141 1st Ave (rw)

- VOTE:** To approve the restaurant/wine license for Pan Asian Restaurant, 141 First Avenue, with the understanding that it will operate as a full-service Pan-Asian restaurant.
30. Jockey Hollow, 171 E B'way (rw)
VOTE: To approve the restaurant/wine license for Jockey Hollow, 171 East Broadway, provided the applicant furnishes a signed notarized stipulation that 1) the establishment will operate as a full-service vegetarian restaurant, 2) it will serve food to within one (1) hour before closing, 3) it will maintain its stated hours of operation, 9:00 A.M. to 11:00 P.M. weekdays and 9:00 A.M. to 4:00 A.M. weekends, and 4) there will be no live music or DJs or promoted events.
31. Lucky Store & Bakery, 127 E B'way (beer)
VOTE: To approve an eating-place-beer license for Lucky Store & Bakery, 127 East Broadway, a bakery/lotto store.
32. La Botica, 91 Clinton St (op)
VOTE: To deny a full on-premise liquor license for La Botica, 91 Clinton Street, because 1) the proposed establishment is within two (2) blocks of nine (9) licensed establishments and on a street already oversaturated with licensed establishments, 2) the proposed theme of this establishment is a menu crafted around the service of one (1) liquor drink called Mescal Tequila, and 3) the addition of such an establishment would be of no economic or other benefit to this community and would, in fact, be located in a space that has not been previously licensed and was previously a toy store.
33. NHA Trang One, 87 Baxter St (rw)
VOTE: To approve a restaurant/wine license for NHA Trang One, 87 Baxter Street, because this license was previously approved and there has been no change in the method of operation of this business.
34. Kim Bop, 167 1st Ave (rw)
 No vote necessary - Withdrawn
35. Ju Fen Yuan Restaurant, 68 Forsyth St (rw)
VOTE: To approve a restaurant/wine license for Ju Fen Yuan Restaurant, 68 Forsyth Street, with the understanding that it will maintain its method of operation as a full-service Chinese restaurant.
36. Orchard 85 Corp, 85 Orchard St (op)
VOTE: To deny a full on-premise liquor license for Orchard 85 Corp, 85 Orchard Street, because 1) the area surrounding this location already has four (4) businesses with restaurant/wine license and six (6) businesses with full on-premise liquor licenses and at least three (3) of these license are within 500 feet of this location, 2) the applicant did not present an accurate count of the existing licenses and their distances from the subject location, 3) the applicant failed to provide complete application materials, such as, photographs and signed petitions from residents of surrounding buildings showing support for this proposed license, and 4) area residents brought petitions (attached hereto) asking for the denial of this license based upon a loss of their quality of life due to the already tremendous increase in licensed establishments in this area over the past four (4) years.
37. Bodega Wine Bar, 225 E 5th St (rw)
VOTE: To deny the restaurant/wine license for Bodega Wine Bar, 225 East 5th Street, because 1) the proposed application is for a tapas bar, serving limited small plates that would either be brought in from an outside establishment or prepared in a small prep space, leads this community board to conclude that the service of food would be incidental to the service of beer and wine, 2) the character of this primarily residential street that only has licensed nighttime establishments on its corners is wholly incompatible with the placement of this licensed establishment in the center of the block, 3) the previous business, while possessing a retail wine license, was a primarily online business that brought little to no additional foot traffic to 5th Street, 4) there are more than ten (10) licensed establishments within 500 feet of this location, and 5) there are numerous residents of this block opposed to the issuance of this license as represented by the approximately twenty (20) people who appeared before this community board.
38. QQ, 59 Canal St (rw)
VOTE: To approve the tavern wine license for QQ, 59 Canal Street, because the existing location is a karaoke bar located in the basement of a building that is purely commercial and is sound-proofed.
39. Terrence Dunne, 26-30 1st Ave (op)
 No vote necessary - Withdrawn
40. We 3 Hospitality, 78-84 Rivington St (op)
VOTE: To approve a full on-premise license for We 3 Hospitality, 78-84 Rivington Street, provided the applicant furnishes a signed notarized stipulation that 1) the establishment will be a full-service restaurant, serving Cambodian food, 2) the method of operation will not change for the life of the license, 3) food will be served to within one (1) hour before closing, 4) the establishment will close no later than 12:00 A.M. on all nights, and 5) there will be no DJs or live music.
41. Spring Boy Fuzhou, 81 Allen St (rw)
VOTE: To approve an eating-place-beer license for Spring Boy Fuzhou, 81 Allen Street, provided the method of operation as a Chinese restaurant of ten (10) years remain the same.
42. Collaborative Group, 18 Orchard St (op)
VOTE: To deny the application for a full on-premise license for Collaborative Group, 18 Orchard 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.
43. Ethiopian Meskel, 199 E 3rd St (rw)
VOTE: To deny the restaurant/wine license for Ethiopian Meskel, 199 East 3rd Street, because the applicant failed to provide an application for community board review.

44. Sasha Petraske, 275 Broome St (rw)
No vote necessary - Withdrawn
45. Kitchen 212, 212 E 10th St (op)
VOTE: To deny the full on-premise liquor license for Kitchen 212, 212 East 10th Street, because 1) the applicant couldn't present architectural plans for this location which is new construction, 2) this is a primarily residential side street and this establishment would be located in the middle of this block, 3) the applicant failed to provide any residential petitions of support for this business, and 4) there are at least four (4) existing establishments with full on-premise liquor licenses within 500 feet.
46. Christine's Restaurant, 208 1st Ave (rw)
VOTE: To deny the application for a restaurant/wine license for Christine's Restaurant, 208 First Avenue, 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.
47. Yung City Fish Balls, 21 Eldridge St (rw)
VOTE: To approve an eating-place-beer license for Yung City Fish Balls, 21 Eldridge Street, provided its method of operation as a Chinese restaurant of five (5) years remain the same.
48. Cecyel, 82 2nd Ave (rw)
VOTE: To approve the restaurant/wine license for Cecyel, 82 Second Avenue.
49. Grill Art, 99 2nd Ave (rw)
VOTE: To approve the restaurant/wine license for Grill Art, 99 Second Avenue, provided the applicant furnishes a signed notarized stipulation that 1) its doors will be closed at 10:00 P.M. on all nights, 2) the applicant will not seek to obtain an upgrade of its license to a full on-premise liquor license, 3) the applicant will close the establishment at 11:30 A.M. weeknights and 12:00 A.M. Friday and Saturday, 4) the applicant will operate as a full-service Turkish restaurant, serving food to within one (1) hour before closing, and 5) there will be no DJs or live music.
50. Loma LLC, 345 E 12th St (rw)
VOTE: To approve the restaurant/wine license for Loma LLC, 345 East 12th Street, with the understanding that it will be a full-service Spanish restaurant, operating within the hours specified on its application, from 5:00 P.M. to 12:00 A.M. on Monday through Thursday, from 5:00 P.M. to 2:00 A.M. Friday and Saturday, and from 5:00 P.M. to 11:00 P.M. on Sunday.
51. The Twisted Burger, 430 E 14th St (rw)
VOTE: To approve a restaurant/wine license for The Twisted Burger, 430 East 14th Street, with the understanding that its method of operation will be as a hamburger restaurant.
52. Agua Clara, 202 Rivington St (trans/rw)
VOTE: To approve the removal of a restaurant/wine license from 744 Myrtle Avenue, Brooklyn, New York, to 202 Rivington Street provided the applicant furnishes a signed notarized stipulation that 1) it will maintain its operation as a full-service restaurant, serving predominately Spanish food, 2) it will operate no later than 11:00 P.M. all nights, 3) it will serve food to within one (1) hour before closing, 4) it will not have French doors or windows, and 5) it will not have DJs or live music.

17 YES 14 NO 3 Abstention 0 PNV (send #10 back to committee) - MOTION DID NOT PASS
32 YES 0 NO 0 Abstention 0 PNV - MOTION PASSED (item 1)
31 YES 1 NO 0 Abstention 0 PNV - MOTION PASSED (item 2)
31 YES 1 NO 0 Abstention 0 PNV - MOTION PASSED (item 3)
32 YES 0 NO 0 Abstention 0 PNV - MOTION PASSED (item 4)
32 YES 0 NO 0 Abstention 0 PNV - MOTION PASSED (item 5)
31 YES 1 NO 0 Abstention 0 PNV - MOTION PASSED (item 6)
31 YES 1 NO 0 Abstention 0 PNV - MOTION PASSED (item 7)
31 YES 1 NO 0 Abstention 0 PNV - MOTION PASSED (item 8)
31 YES 1 NO 0 Abstention 0 PNV - MOTION PASSED (item 9)
31 YES 1 NO 0 Abstention 0 PNV - MOTION PASSED (item 10)
31 YES 1 NO 0 Abstention 0 PNV - MOTION PASSED (item 11)
32 YES 0 NO 0 Abstention 0 PNV - MOTION PASSED (item 13)
31 YES 1 NO 0 Abstention 0 PNV - MOTION PASSED (item 16)
31 YES 1 NO 0 Abstention 0 PNV - MOTION PASSED (item 17)
31 YES 1 NO 0 Abstention 0 PNV - MOTION PASSED (item 18)
31 YES 1 NO 0 Abstention 0 PNV - MOTION PASSED (item 19)
31 YES 1 NO 0 Abstention 0 PNV - MOTION PASSED (item 21)
31 YES 1 NO 0 Abstention 0 PNV - MOTION PASSED (item 22)
31 YES 1 NO 0 Abstention 0 PNV - MOTION PASSED (item 23)
31 YES 1 NO 0 Abstention 0 PNV - MOTION PASSED (item 24)
32 YES 0 NO 0 Abstention 0 PNV - MOTION PASSED (item 25)
29 YES 1 NO 2 Abstention 0 PNV - MOTION PASSED (item 26)
32 YES 0 NO 0 Abstention 0 PNV - MOTION PASSED (item 27)
31 YES 1 NO 0 Abstention 0 PNV - MOTION PASSED (item 29)
31 YES 1 NO 0 Abstention 0 PNV - MOTION PASSED (item 30)
31 YES 1 NO 0 Abstention 0 PNV - MOTION PASSED (item 31)
31 YES 1 NO 0 Abstention 0 PNV - MOTION PASSED (item 32)
31 YES 1 NO 0 Abstention 0 PNV - MOTION PASSED (item 33)

31 YES 1 NO 0 Abstention 0 PNV - MOTION PASSED (item 35)
 31 YES 1 NO 0 Abstention 0 PNV - MOTION PASSED (item 36)
 31 YES 1 NO 0 Abstention 0 PNV - MOTION PASSED (item 37)
 31 YES 1 NO 0 Abstention 0 PNV - MOTION PASSED (item 38)
 31 YES 1 NO 0 Abstention 0 PNV - MOTION PASSED (item 40)
 31 YES 1 NO 0 Abstention 0 PNV - MOTION PASSED (item 41)
 31 YES 1 NO 0 Abstention 0 PNV - MOTION PASSED (item 42)
 31 YES 1 NO 0 Abstention 0 PNV - MOTION PASSED (item 43)
 32 YES 0 NO 0 Abstention 0 PNV - MOTION PASSED (item 45)
 32 YES 0 NO 0 Abstention 0 PNV - MOTION PASSED (item 46)
 31 YES 1 NO 0 Abstention 0 PNV - MOTION PASSED (item 47)
 31 YES 1 NO 0 Abstention 0 PNV - MOTION PASSED (item 48)
 31 YES 1 NO 0 Abstention 0 PNV - MOTION PASSED (item 49)
 31 YES 1 NO 0 Abstention 0 PNV - MOTION PASSED (item 50)
 31 YES 1 NO 0 Abstention 0 PNV - MOTION PASSED (item 51)
 31 YES 1 NO 0 Abstention 0 PNV - MOTION PASSED (item 52)

Public Safety & Sanitation Committee

- Presentation by Con Edison regarding noise abatement measures at 14th St plant
 No vote necessary

Transportation Committee

1. Use of waterfront as bus layover area and implication for bus layovers regarding South St reconstruction
 No vote necessary

2. Street co-naming guidelines, additional guideline regarding honoree and location

VOTE: To amend the CB3 Street Co-Naming Guidelines adopted in May 2006 to add the following sentence to the end of the third bullet point on the "General Guidelines", and to the end of the first paragraph of the "Street Co-Naming Request Instructions":

Ideally, there should be a strong association between whoever would be honored by the co-naming and the community where the co-named street is located.

3. Draft environmental impact statement for 1 Police Plaza/Park Row closure

Discussion: David recommended adopting the resolution tonight as amended over what was passed in committee.

VOTE: That CB3 adopt these comments as a **draft** of our official comments on the Park Row closure DEIS. This testimony is 95% complete -- there will be some elaborations of technical arguments, and some additional examples and statistics.

Community Board 3: Chinatown & the Lower East Side

- Community Board 3 covers the neighborhoods of Chinatown and the Lower East Side. These are predominately moderate, low income and poor neighborhoods, although so-called East Village section of the LES has under-gone rapid gentrification in the past 10 years.
- At the southern part of the community board district is Chinatown – the largest Chinese community in America. Since the changes in immigration policy in 1965, the Chinese community has grown dramatically – spreading north of Canal and along the corridors of the Bowery, Pike & Allen & East Broadway.
- At its southern edges where Chinatown abuts the Courts & government buildings, Chinatown has faced encroachment from government expansion – from the construction of the White Street Jail to the new Southern District Courthouse on Pearl. In both of these instances, Chinatown lost critical land upon which to build much needed parks or recreational facilities. Only after 15,000 Chinatown residents demonstrated against the jail did the City agree to provide senior citizen housing in back of the jailhouse.
- Canal Street, already a principal east-west transit corridor used by thousands of trucks and commercial track going to and from New Jersey and Brooklyn, was made even worse when New York's Republican Senator voted in the one-way Verrazano Narrows Toll (which now causes traffic regularly to inundate the Holland Tunnel).
- Add some more demographic data, etc.

Impact of 9-11 on Chinatown & the LES

- Loss of garment shops, impact on retail and restaurants in Chinatown
- Illegal Parking problems (more here?)
- No phone service to CT & LES, suspension of bus services, Park Row and other street closures
- Traffic congestion impact on emergency vehicles & pollution
- Smoke and fumes from fires burning at the WTC site after 9-11, communities of CB 3 in Zone 3.

- The economic impact upon Chinatown is documented in at least one research study by the Asian American Federation of New York entitled: "Chinatown After 9-11: An Economic Impact Study" and more recently, in an up-dated report to be released this year;

5 years after 9-11, the Closure of Park Row is an abuse of power – not a response to a present emergency

- Sometime after the attacks on 9-11, the NYPD closed Park Row and several other streets around the Police Headquarters complex.
- The NYPD stated at the time that these decisions were made unilaterally and without prior notice due to the 9-11 emergency.
- Few New Yorkers would dispute the wisdom of these precautions. We knew then – and we know now – that we live in perhaps the most target rich city in America, where terrorism is a constant and genuine threat.
- But while we have had to make many adjustments in our daily lives - we also have to struggle against excessive power – indeed, arguably abuses of power – conducted in the name of fighting the threat of attack.

Community response: protests & lawsuits

- The closures precipitated traffic disruption and attendant pollution and other dislocations in and around the Chinatown & Lower East Side communities of CB 3.
- For several years following the closure, community residents protested to the NYPD, Mayor and local elected officials. Residents and businesses in Chinatown sought in vain to have their concerns heard and responded to.
- As a result, lawsuits were brought against the City and the NYPD. Pursuant to these lawsuits, the NYPD was ordered in August 1, 2003 by NYS Supreme Court Justice Walter B. Tolub in Chatham Green Inc. et al vs. Bloomberg et al (Index No. 107569/03) to prepare an Environmental Assessment Statement (EAS) in January 2004.
- On May 2003, CB 3 passed a resolution which called upon the Mayor and the NYPD to Open Park Row, and criticized city officials for closing Park Row without any prior communications with local residents and with no mitigation offered to the community;
- Many of the recommendations in the resolution – especially relating to community participation – have not been fully implemented.
- In response to the concerns of the residents and businesses, CB 3 formed a Task Force on Transportation Issues in Chinatown to address illegal parking and other issues in and around Chinatown resulting from the closure of Park Row. The Task Force includes public members and is partially funded by a post- 9-11 recovery grant from the Red Cross;
- With the issuance of a negative declaration, a second lawsuit, Chatham Towers Inc. et al v. Bloomberg et al (Index No. 107761/04) was filed, and in an opinion dated Oct. 15, 2004, Justice Tolub found that the EAS did not take a "hard look" as required by law, specifically for the technical areas of community facilities and services, socioeconomic conditions, neighborhood character, traffic and parking, and transit and pedestrians. Justice Tolub directed the NYPD to prepare an Environmental Impact Statement (EIS).
- The consultant to the NYPD issued a "Draft EIS" for public comment on or about August 2006 and set public hearing on September 14 and October 4, 2006;

Perspective

- While there is no bright line with regard to these issues – we do believe residents must struggle to keep our communities from becoming fortified encampments.
- We believe that 5 years after 9-11, it is time to re-open Park Row.
- Because the Draft EIS states that the NYPD Headquarters must be have a hardened security perimeter (language?), if they do not believe Park Row should be re-opened, it is time that we re-think whether the Police Headquarters should be located in lower Manhattan – or re-located to another, safer and more secure part of the city. Indeed, by continuing to be located where it is, 1 Police Plaza poses a serious threat to all those adjacent to it: the residents of Chatham Green, Chatham Towers, South Bridge Towers & the New Ghery Towers; NYU Downtown Hospital, the Municipal Building and the Federal Court House; the Verizon Building and the Murray Burtram High School – all of these buildings, institutions, residences are arguably too close to the Police Headquarters....and many of them – in an of themselves – are potential security targets.

Critique of EIS

- Critique Methodology of the reports (snap shot is not accurate way to analyze impact over time, sample size and surveys problematic, lack of translation issues, failure to try to find alternative ways to get data – but simply says "no data exists" or sometimes making false comparisons.
- The report recommends some forms of mitigation for the impacts, but some of these are used to benefit the NYPD rather than the community. For example, under the ruse of "Urban Design", the EIS recommends that 40 parking spaces for "City Employees" be restored on Park Row. On a street that is controlled by the NYPD, 40 spaces for City Employees translates into 40 spaces for

the NYPD. Thus, rewarding the NYPD for extending its security perimeter nearly 600 feet into Chinatown

- The Draft EIS is wholly unsatisfactory. There are questions about the methods used and the analysis applied to reach its results. This particularly true in the areas of both traffic and economic/business impacts. These impact are felt not only in the "security zone," but well beyond the study area and affect the development of the entire Lower Manhattan.
- The NYPD's refusal to consider some of the recommended mitigation of impact and its continued stance of not working with the community to balance NYPD headquarter's security and with the well being of the community leads the Coalition to conclude that the only true mitigation of the security threat posed by One Police Plaza is the relocation of Police Headquarters.
- Conclusions that the closure has no significant adverse impact on pedestrian flow.
- How were noise measurements taken.
- Claims no real estate data available....but no effort to get this info.
- DEIS does not accurately measure impact upon businesses.
- DEIS does not analyze Chinatown bus and van services, these have proliferated since 9-11 and DEIS does not capture.

The need to assess the impact of rebuilding Ground Zero upon the neighborhoods of Lower Manhattan

- The advent of 9-11 has resulted in a massive construction site at Ground Zero where at least five huge sky-scraper buildings will be constructed in the next 10-20 years along with a major new transportation hub.
- The addition of hundreds of trucks carrying heavy equipment and materials as well as the addition of thousands of construction workers and other personnel entering into and leaving Ground Zero will have an impact upon the quality of air and traffic in and around the already clogged arteries of Chinatown and the neighborhoods of Lower Manhattan.
- While all New Yorkers understand the need for the Police and Mayor to address terrorism and develop security measures, Chinatown and other neighborhoods of Lower Manhattan should not be forced to bear an undue burden nor do they want their communities turned into fortresses.

CB 3 calls upon the NYPD and Mayor:

1. Open Park Row. If traffic can go under the UN – why not Park Row – especially since the road is not directly under the police headquarters building [check].
 2. Restore pedestrian access through Police Plaza and up Park Row. If the subways, Federal Plaza, the Empire State Building, and the Statue of Liberty are open to the public, there is no reason why Police Plaza shouldn't be.
 3. Implement fully the measures called for in the attached CB 3 resolution dated May 2003 regarding Park Row
 4. Study the impact of Ground Zero construction upon the health, traffic and economy of Chinatown and other neighborhoods of Lower Manhattan.
 5. Include residents from Chinatown and the LES regarding any measures by the Department of Transportation (DOT) and any other agencies addressing the Ground Zero construction including how the added traffic could impact these neighborhoods.
 6. Outline plans to mitigate pollution and address safety & traffic issues emanating from the Ground zero construction including what, if any, plans the city might have to open Park Row to construction traffic and if so, whether such traffic would cause back-up traffic on the Brooklyn and Manhattan Bridges and other avenues and streets which cut through Chinatown and the Lower East Side impacting the neighborhood.
 7. Commission an independent study to examine whether the central headquarters of the New York City Police Department should be located in Lower Manhattan or re-located, and hold public hearings to discuss the findings of that study and solicit input from the community board and the communities of Lower Manhattan. Consider relocating Police Headquarters to a site where the threat of attack can be properly mitigated without putting ten of thousands of civilians at risk.
 8. Implement a number of proposals to mitigate the impact of the closure of Park Row including but not limited to allocating funds to study and improve traffic circulation through Chatham Square.
 9. Establish a reasonable and well defined standoff distances instead of the "as much as we can take" distances that seem to vary and define current boundaries.
 10. Shut down the outdoor gas service station that the NYPD operates – in contradiction to the NYPD's claims that it is a "hardened target".
 11. Relocate barricades (i.e. points of attack) so that they are not situated directly under the windows of civilian residents.
4. Proposed police regulations regarding permit requirements for groups of bicyclist and pedestrians
- VOTE:** Whereas, having considered revisions to the parade permitting regulations proposed by the NYPD in August 2006, CB3 hereby expresses its opposition to any attempt by the NYPD to rewrite the City's parade permitting scheme and calls on the City Council to investigate the manner in which the NYPD has implemented NYC Administrative Code 10-110. CB3 believes the City Council -- not the NYPD -- has the authority to legislate and calls on the City Council to amend the Administrative Code to make it the public policy of the City of New York to assist, facilitate, and otherwise encourage the rights or persons to organize and participate

in peaceful assemblies in City public spaces as near as is practicable to the intended object of their expression so they may be seen and heard as they wish, subject only to reasonable time, place and manner restrictions narrowly tailored in each instance to cure a particular and articulated threat or threats to health, safety, persons or property using the least restrictive means as are practicable under the circumstances.

Parks & Recreation Committee

Parks Permit Application

1. Tompkins Scare Park, Tompkins Sq Park, 10/28

VOTE: To support the Parks permit application for Tompkins Scare Park on October 28th at Tompkins Square Park from 10am-8pm with a 4-hour limit on sound and with the results of the walk-through with the Parks Department available to CB#3 prior to the full board meeting.

Additional Parks Committee Items

2. Update on East River Park construction
No vote necessary
3. Update on Allen St model mall
No vote necessary
4. Landmarking for 126 E 13th St, former Van Tassell & Kearney's Horse Auction Mart
VOTE: To support the request for landmarking of 126 E 13th Street.
5. Community "visioning" session for Sara D Roosevelt Park
No vote necessary
6. Parks Dept notification to CB regarding large scale parks events that impact community
No vote necessary
7. Community Board 6 resolution: Awarding of Concessions in New York City Parks
No vote necessary

31 YES 0 NO 1 Abstention 0 PNV - MOTION PASSED (parks #4)
 31 YES 0 NO 0 Abstention 1 PNV - MOTION PASSED (parks #1)
 32 YES 0 NO 0 Abstention 0 PNV - MOTION PASSED (transportation & parks)

Members Present At Last Vote:

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

Meeting Adjourned

Memorandum of Understanding between 200 Allen Hotel/Pomeranc Group and CB3/University Settlement/Henry Street Settlement / Workforce Development

This Memorandum of Understanding (the "Agreement") dated this ___ day of September 2006 is by and between Community Board 3 ("CB3/US/HSS") and 200 Allen Hotel/Pomeranc Group ("200 Allen").

RECITALS

- A. CB3/US/HSS is committed to improving the capacities of individuals, organizations and institutions so that they can contribute more to their local communities, thus leading to the long term-health and sustainability of these communities; and
- B. 200 Allen has been organized as a for-profit corporation for the purpose of operating a commercial business, specifically a hotel; and
- C. CB3/US/HSS utilizes the *Workforce Development Center* (WDC), operating as a division of Henry Street Settlement, a New York non-profit corporation, for the purpose of providing comprehensive employment services to the LES community including; comprehensive intake and assessment, adult basic education, employment readiness training, vocational training, supportive services and life skills training, job placement and retention services. LES community residents come to WDC through neighboring community-based organizations and partners, government agencies, outreach presentations, word of mouth and other referral sources; and
- D. CB3/US/HSS and 200 Allen seek to establish a program model for community residents of the Lower East Side (LES) that connects qualified job seekers to employment opportunities, maximizes local resources, and provides for the long term sustainability of working community residents and the hotel; and
- E. To ensure the long-term sustainability of working communities of the Lower East Side, the parties seek to integrate the services of the *Workforce Development Center* to the 200 Allen hotel recruitment, hiring and retention mechanism;

NOW THEREFORE, the parties hereby agree as follows:

Overall Project Scope: In furtherance of the objectives of CB3/US/HSS *Workforce Development Center* initiatives and 200 Allen. This agreement is made with the understanding that both parties shall use its best efforts to establish a cooperative model for future employment service and business service opportunities in the Lower East Side.

1. Term: The term of this Agreement begins on the date set forth above and will automatically renew each year on the anniversary date, until and unless sooner terminated by either party in the manner described in this Section 2.
2. Termination: Either party may terminate this Agreement upon written notice to the other party in the manner described in section 3. Termination pursuant to this Section will be effective within thirty (30) days following receipt of such notice.

3. Notices: All notices required or permitted to be given under this Agreement must be in writing and sent by personal messenger or overnight mail.

4. CB3/US/HSS Responsibilities:
 - a. During the term of this Agreement, CB3/US/HSS, with assistance from the Workforce Development Center, shall develop a customized referral process to recruit and refer screened, qualified LES community residents as candidates for employment opportunities in response to job orders.
 - b. CB3/US/HSS shall use a best faith effort to provide 200 Allen with an array of business incentives and services including; tax credits, wage subsidies, facilitated access to government and non-government, free tax preparation, vocational counseling and training opportunities (including pre-apprenticeship training) for eligible employees (LES community residents and otherwise).
 - c. CB3/US/HSS will apply best efforts to monitor and report key data with regard to the number of community residents referred, hired and retained.
 - d. CB3/US/HSS agree to meet regularly with 200 Allen management to identify ongoing business needs and share best practices with respect to the recruiting, hiring and retention of staff.
 - e. CB3/US/HSS agree to discuss the development of a customized training curriculum to prepare workers to meet the business needs of the hospitality and tourism industry and 200 Allen, specifically to ensure a pool of qualified community residents to refer for normal business operations.

5. 200 Allen Responsibilities:
 - a. 200 Allen shall give preferential hiring treatment to residents of the LES and East Village. To coordinate these efforts, the hotel will provide a list, including job description and requirements, of all open positions to the Workforce Development Center and offices of local public officials for recommendations of qualified employment candidates.
 - b. 200 Allen will apply its best efforts to ensure that a significant percentage of its administrative and support staff is comprised of LES and East Village community residents (residents of CB 3) or served by CB3/US/HSS agencies throughout the course of normal business operations.
 - c. 200 Allen will agree to meet and communicate regularly with CB3/US/HSS program directors to identify ongoing business needs with respect to recruiting and hiring staff.
 - d. 200 Allen will provide employment verification information for hired LES community residents to the Workforce Development Center. Such information may include, but is

not limited to: job title, hourly/weekly wages, job start date, job end date, and number of hours worked. All requests for such information will be supported by release of information consent for all hired LES community residents.

6. Publicity: It is understood that both 200 Allen and CB3/US/HSS may include information about this Agreement in its periodic public reports and press releases. In addition, both parties will provide each other with a copy of press releases or any written publicity that is initiated or received regarding this agreement.

IN WITNESS THEREOF, THE PARTIES hereby agree to this AGREEMENT effective AS OF THE DATE AND YEAR FIRST WRITTEN ABOVE.

CB3/US/HSS

200 Allen

Signature: _____

Signature: _____

By: _____

By: _____

Name

Name

Title

Title