



# THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD NO. 3

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David McWater, Board Chair

Susan Stetzer, District Manager

November 2006 Full Board Minutes

Meeting of Community Board #3 held on Tuesday, November 28, 2006 at 6:45 at P.S. 20, 166 Essex Street

#### Public Session:

Jack Brown- Asked for CB 3 to support CB 6's resolution to obtain greater accountability in handling contracts for concessions in Parks. He asked for it to be placed on the Parks committee agenda.

Matthew Roth- Transportation Alternatives, asked for full board to support the study of the Lower East Side and Chinatown transportation study that the Transportation committee has voted for.

Michael Rosen- Asked for support for the Community Alliance Transportation Committee resolution.

Joseph Cunin-- Spoke on behalf of the Chinatown Partnership. Supports the transportation committee's resolution supporting the transportation study.

Elyse Cogan—A neighbor, spoke to oppose Kong, Inc from obtaining a beer/wine license at 271 E. 10<sup>th</sup> St.

Susan Howard-- Norfolk St. Block Assoc, she is opposed to 188 Norfolk/190 Norfolk/ 245 E. Houston liquor license application.

Lois Sturm-- Greening a Block, gave appeal to move forward with the Greening a Block plan due to the Community Board "dropping the ball." Paul Bartlett, CB3 member, responded explaining that Ed Loyd, the Board's attorney is negotiating with Con Ed and PSE. Elected officials have been involved as well. Susan Stetzer, District Manager, added that this process is slow.

Rocky Chin-- Announced a hearing on the Environmental Assessment hearing on the WTC Port Authority. Hundreds of busses will not have a facility for two years once the memorial is open. The community board should get involved.

Joe Hurly, 433 E. 6<sup>th</sup> St. Tenants Association, strongly opposes the new restaurant/bar in their building and its late-night operating hours. There is already a lot of bars open very late. He does not want their building to become another nightlife destination.

Keith Canton, Supports the SLA Committee's vote against Kong, Inc.

Natan Nhetll-- Bowery Hotel, 4 E. 3<sup>rd</sup> St. No notes were recorded.

Alla Capushelik--Little Hands Play Café-- Wanted to reiterate that the restaurant at 433 E. 6<sup>th</sup> St. will be a dinner place and they will move residents away as quickly as possible.

#### Public Officials:

Mayor Michael Bloomberg, Lolita Jackson-- Not present

Comptroller William Thompson, Rafael Escano

In the newsletter, readers will see that he has been working to retain affordable housing. He's also encouraging senior citizens to use direct deposit for social security checks.

Borough President Scott Stringer, Mary Cooley

The Borough President's Office, CB3 and GOLE are co-hosting a town hall next Wednesday at 6:30 at the Henry Street Settlement Playhouse at 466 Grand St.

Borough President along with District Attorney Morgenthau, received a \$900K grant to track domestic violence and to help with translations of victims.

Community Board applications are due by January 31.

If you are part of a community group or religious institution and want a presentation from their office on what community boards do, then please contact the Borough President's office.

Congressmember Nydia Velazquez, Melissa Maldonado spoke briefly.

Congressmember Jerrold Nadler, Daniel Weisfeld

Now that the Democrats have taken control of the Congress, we can try to continue cleaning up Lower Manhattan.

The Congressman is now on the Constitution committee.

Congressmember Carolyn Maloney, Victor Montesinos  
Wed., 11/1—Rep. Maloney protested the closure of the only walk-in Medicare health center in NY where seniors can get help.

Assembly Speaker Sheldon Silver, Michael Chan  
Silver opposes closing the Medicare center as well.

Speaker Silver held a Department of Education meeting with regard to PS 134 and is please to announce that now the roof, classrooms, and elevator were fixed.

He sent a letter to the DOT with his concern about adding bicycle lanes all over the Lower East Side. Morris Fajtelewicz, CB 3 Member, brought up that the Community Board had opposed and had areas of the plan pulled off the table. He would like other elected officials to have a community meeting regarding this.

Assemblymember Deborah J. Glick, Gregory Brender  
He spoke about the DHCR rule change that is clearly in the favor of the landlords.

The Assemblymember testified at a hearing about the rule changes for parades. The rule changes appears to be targeted at the Critical Mass rides.

Assemblymember Sylvia Friedman, Anna Rivera—Not present.

State Senator Martin Connor, Eva Ritteteau--  
The SLA Taskforce will have its final meeting next week. It will yield a comprehensive report on procedures, policies, and hopefully new legislation.

The Senator attended NYU's student responsibility campaign kick-off.

PS 137/134- Went to a meeting to discuss all of the problems plaguing the school during the renovations. Today the elevator is working.

He will be speaking to the League of Animal voters, an organization that is interested in fair treatment of animals.

State Senator Thomas K. Duane, David Chang--Not present.

Councilmember Rosie Mendez, John Fout--  
The Councilmember attended a forum on 110 E. 14<sup>th</sup> St. to discuss problems and frustrations with the Department of Buildings.

She is very concerned about the parade permitting rules change and believes that the changes would have a chilling affect on first amendment rights.

The Armando Perez Street naming was a wonderful event.

Councilmember Alan Gerson, himself--  
The Councilmember was in court to discuss Local Law 79, which is the right for the shareholders to give right of first refusal.

He is working on setting up an affordable housing trust fund.

LMDC--The first phase of the Challenger Space Science Center is now open. The district has the City's only space policy. The Center is located in M.S. 56.

There are two specific proposals that he would like support for that use LMDC funds. The first proposal is for a pulmonary treatment center, which includes: 1) Pulmonary and related departments in our neighborhood; 2) measures toxins in our community to see how they affect cells; 3) Infomatix system for doctors to share their impressions and clinical experiences to track trends in residents health; and 4) to have a reserve fund for miscellaneous things that may be needed.

The second proposal is for rehabbing the bathhouse. His office reached out to a youth organization to apply for partial funding for gaining money to fund this from LMDC. This would help him go to the Parks Department and City Council to get matching funds and it is his obsession to get this facility restored.

Harvey Epstein, CB 3 Member, asked for him to talk about 421-A for affordable housing and the new bill. There are three proposed changes: 1) expand the area where affordable housing is required, which includes the whole City including the Lower East Side; 2) proposal to expand the percentage from 20-30% and; 3) deepen the definition of affordability beyond median income. Over the next month the Council is going to vote on this and it will then go to the State.

Jason asked for him to talk about noise control. He discussed proposals for rules on installing and removing metal plates.

Morris brought up the bike lanes on Grand Street. He is disgusted by DOT sneaking this in against the Board's wishes.

Members Present at First Vote:

David Adams [P]	Herman F. Hewitt [A]	Richard F. Ropiak [P]
Paul Bartlett [P]	Carolyn Jeffers [P]	Estelle Rubin [A]
Rev. Joan Brightharp [A]	Anne K. Johnson [P]	Elizabeth Sgroi [A]
Mayra Cappas [P]	Joel Kaplan [P]	David Silversmith [P]
Wendy Cheung [P]	Eden Lipson [P]	Deborah A. Simon [A]
Rocky Chin [P]	Bernice McCallum [P]	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 Fajtelewicz [P]	Roberto Ortiz-Arroyo [P]	David Weinberger [P]
Beth From [A]	Dominic Pisciotta [P]	Nina Werman [P]
Rabbi Y. S. Ginzberg [P]	Barden Prisant [P]	Harry Wieder [P]
Alexander Gonzalez [P]	Carolyn Ratcliffe [P]	Samuel Wilkenfeld [A]
Carlos Juan Gonzalez [P]	Joyce Ravitz [A]	Thomas Yu [P]
Aurora Guzman [A]	Lois M. Regan [P]	
Guido Hartray [A]	Verina Reich [P]	

Minutes:

Minutes of September, 2006 were approved, as is.

Board Chairperson's Report:

Chairperson David McWater

The Holiday Party will be at the Magician again. It will be cash bar, but food will be provided.

Board members can not discuss issues on email with the entire committee or more than half of the committee. You can caucus among a few members. Lois Regan asked, "What if we approved a letter in principle at a meeting can this be emailed around to finalize it?" This is fine because it is information.

He encouraged everyone to attend the joint Town Hall meeting.

Sam Wilkenfeld will now be the vice-chair of the Housing Committee and Barden Prisant will be the new Housing chair.

Eden Lipson has been recovering nicely.

District Manager's Report:

October minutes for First distribution have been handed out..

The December calendar is final.

There has been an increase in car break-ins due to GPS devices being desired.

Copies of testimony Susan gave speaking against the parade permits rules change are available.

MOFTB is holding a summit next week to discuss concerns with the tremendous increase in filming and impacts on the community.

Increase in construction has left many unsafe walkways. Please contact the CB office if you see these problem walkways.

SLA Taskforce will have its last meeting next week. It will then issue a report and have meetings with Borough Presidents and CBs to talk about how to write binding stipulations and method of operation agreements.

Committee Reports:

Executive Committee

**VOTE:** To support the proposal coordinated by the office of Councilmember Alan Jay Gerson to provide \$16,929,637 in LMDC funding for the American Lung Association of the City of New York as a three-year project to serve the unique lung health concerns of Lower Manhattan residents and employees exposed to the toxic aftermath of September 11 to mobilize existing community health resources to treat, track and research the health impact of the World Trade Center disaster upon the resident and employees of Lower Manhattan. In partnership with New York Downtown Hospital, St. Vincent's Hospital, Bellevue Hospital/NYU and Gouverneur Healthcare Services the project will delineate the scientific basis for WTC-related illness and provide state of the art treatment to affected individuals.

(Executive Committee & Parks Committee)

34 YES 0 NO 2 Abstention 0 PNV - MOTION PASSED

Public Safety & Sanitation Committee

- Request to support to prevent the sale of the old Engine 15 firehouse station located at Henry Street by the City of New York

No vote necessary

Transportation Committee

1. Dept of Transportation, request to change current Alternate Day Parking on north side of Stanton St from Bowery to Chrystie St from N/P 8am-6pm, M,W,F

**VOTE:** To support changing signage on the north side of Stanton St from Bowery to Chrystie St by changing the current "No Parking 8am – 6pm M,W,F" to the appropriate alternate street cleaning regulations that would match what is currently in effect on the south side of the street.

2. Request from a community coalition for support for funding for an integrative pedestrian and bicycle study for community health, safety and commerce

**VOTE: Resolution in Support of a Community-Inclusive Transportation Study**

**WHEREAS**, the Community Board 3 district (the East Village, Lower East Side, and Chinatown) have high numbers of pedestrians and bicyclists relative to New York City as a whole; and,

**WHEREAS**, residents, businesses, and visitors all express the need for reduced traffic congestion; and,

**WHEREAS**, most streets in these neighborhoods are not designed and managed to optimize walking and bicycling; and,

**WHEREAS**, many sidewalks in busy commercial areas are too crowded for safe pedestrian movement, causing many pedestrians to walk into the streets and endanger themselves and others; and,

**WHEREAS**, sidewalks and curbs are sometimes in a state of disrepair, posing particular danger to senior citizens, children and disabled individuals; and,

**WHEREAS**, the CB3 district has a significantly large number of the most dangerous intersections in NYC, such that according to the State DMV crash data for 1995 - 2001, CB3 contains 5 of the top 10 most dangerous Manhattan locations for pedestrians measured by most fatalities, and 3 of the top 10 measured by highest combined injury & fatality counts, particularly on the Bowery, 3rd Ave, 1st Ave, Avenue A, Essex St, Mott St, E 14th St, E Houston St, Delancey St, Grand St, Canal St; and,

**WHEREAS**, many apartment buildings and residences, particularly near the East River, are poorly served by public transit; and,

**WHEREAS**, there are inadequate East-West public transportation options, such as no cross-town buses on Canal and Grand Streets; and,

**WHEREAS**, there are no adequate intra-modal transfer points, such as secure bike parking near popular bus stops and subway entrances; and,

**WHEREAS**, numerous cycling injuries and deaths along streets with high cycling traffic could be prevented with a network of protected bicycle lanes; and,

**WHEREAS**, many shoppers would choose to shop by bicycle if there were better bicycle parking and programs that provided incentives to shop by bicycle, such as Chicago's successful "Shop by Bike" program. Uniform bicycle policies and facilities would encourage greater use of bicycles and would free sidewalk space, improving pedestrian safety and movement; and,

**WHEREAS**, public spaces need to be renovated and public rights-of-way could be freed up to construct green streets and pocket parks; and,

**WHEREAS**, traffic enforcement could improve to facilitate proper street functioning; and,

**WHEREAS**, store owners and vendors on many streets encroach beyond their legally allotted sidewalk space; and,

**WHEREAS**, in some parts of these neighborhoods, streets and sidewalks are overrun by illegal parking, and in all areas double parking endangers pedestrians and cyclists; and,

**WHEREAS**, less than half of the adults living in the CB3 district meet physical activity recommendations (20 minutes of vigorous exercise 3 times a week or 30 minutes of moderate exercise 5 times a week); and,

**WHEREAS**, the federal transportation funding (TEA-21 and SAFETEA-LU) includes discretionary grants to help achieve locally determined goals such as improving transportation efficiency and reducing environmental impacts of transportation. Federal transportation moneys may be available to fund community-inclusive transportation studies that prioritize pedestrian safety and accessibility, improved public transportation, as well as bicycle network connectivity, and possible innovative solutions to re-invigorate public plazas and other public spaces (not including parks) that are underutilized and unsafe at present. The City DOT could reprogram federal funds already allocated by Congresswoman Nydia Velazquez, and there are remaining federal funds to allocate. Other sources of funding for community-inclusive transportation studies could come through the City Council, the State Legislature, or the next round of federal transportation appropriations (SAFETEA), which are now starting to be considered; and

**WHEREAS**, there is growing realization that these problems and others can be solved with innovative street design and management policies that improve street performance for residents and visitors alike.

**THEREFORE, BE IT RESOLVED** that Manhattan Community Board 3 supports a comprehensive, community-inclusive initiative to study, identify and build consensus around strategies to improve the safety and connectivity of walking, bicycling and public transportation in the CB3 district. The study will be coordinated with the New York City Department of Transportation, Congresswoman Nydia Velazquez, City Councilmembers Rosie Mendez and Alan Gerson, Community Board 3, Transportation Alternatives, the East Village Community Coalition, the Lower East Side BID, the Chinatown Partnership Local Development Corporation, GOLES, Asian Americans for Equality, and the Civic Center Residents Coalition.

3. 7th Precinct: Request to consider Ludlow & Orchard from Houston to Delancey removal of parking from one side of the street for weekend cabaret hours

**VOTE:** Because the area on Ludlow St between E Houston and Delancey St and on Orchard St between Stanton and E Houston St are oversaturated with nightlife businesses and their attendant vehicular and pedestrian traffic and noise, CB3 approves the 7th Precinct proposal for a pilot program to change the signage on the west side of Ludlow St between E Houston and Delancey St and on the west side of Orchard St between Stanton and E Houston St to "No Standing 11pm-6am Friday and Saturday."

CB3 requests that DOT expedite this signage so the pilot program can begin before the holidays. At the end of 3 months, CB3 could evaluate whether to extend the pilot program for another 3 months during the warm spring weather.

4. Review of traffic conditions on Grand St at Lewis St & the FDR Drive

**VOTE:** To ask DOT to evaluate additional safety measures at the FDR Drive exit onto Grand St, such as a row of plastic delineators to force the left lane of traffic coming off the FDR Drive to proceed onto Cherry St instead of turning onto Grand St. CB3 would like to hear about this proposal during the December meeting of the Transportation Committee.

5. Amend Resolution of May 3rd, 2006 which reads that the regulations on E 14th St btwn 3rd Ave & Irving Pl be changed from No Standing 10PM to 5PM to read instead that the regulations on E 14th St, south side, between 3rd Ave & Irving Pl to be changed from No Standing 6PM to 7AM to No Parking 6PM to 7AM

**VOTE:** To amend our April 2006 resolution to read as follows: To approve a change from "No Standing 10PM to 5AM" to "No Parking 6PM to 7AM " on the south side of E 14 St between Third Ave and Irving Place.

6. Support for Chinese Chamber of Commerce increase availability of public parking: Bayard St (south side Baxter to Mulberry Sts), Bayard St (north side Mulberry to Baxter Sts), East B'way (both sides from Catherine to Pike Sts)

**VOTE:** To support the Chinese Chamber of Commerce proposal to install muni-meter parking with a 2-hour limit on the east side of Baxter Street from Walker Street to Bayard Street (8am-7pm), the south side of Bayard Street from Baxter Street to Mulberry Street (8am-7pm), the north side of Bayard Street from Mulberry Street

to Bowery (8am-10pm) and both sides of East Broadway from Catherine Street to Pike Street (8am-7pm).  
Relocation of bus stop at 3rd Ave (6th-7th Sts) due to construction.

**VOTE:** To ask DOT to ensure that traffic stipulations for construction sites at 25-33 Cooper Square, 41 Cooper Square, 353 Bowery and 2 Cooper Square are monitored and enforced, and particularly that a well-paved pedestrian walkway sufficiently wide to accommodate a wheel chair and a passing pedestrian is maintained and that a barrier separating the walkway and traffic be maintained. The Community Board is particularly concerned that bus stops (M101, M102, M103) on Astor Place and the Bowery just north of these construction sites be accessible to residents. There is a senior center at Cooper Square and 5th Street where many senior and disabled people live who must travel daily past the construction sites and who use these buses.

CB 3 also asks the Council member to sponsor a community meeting with construction companies and city agencies to inform the community of plans and schedules and to hear community concerns regarding these sites. The Community Board would co-sponsor this meeting with the Council member.

35 YES 0 NO 1 Abstention 0 PNV - MOTION PASSED

### **Parks & Recreation Committee**

1. City Lore request for approval for a six month installation of historical signs in several Parks sites in the Straus Square area, installed as a "temporary public art project." The signs convey stories about places and people of the Lower East Side

**VOTE:** To support the request by City Lore for a six month installation of historical signs in several Park Department sites in the Straus Square area, installed as a "temporary public art project".

### **Street Fair/Special Events Permit Applications**

2. Asian American Activity Center, Forsyth St (Grand & Hester Sts), 2/16-17/07  
Withdrawn - No vote necessary

### **Additional Committee Items**

3. Hamilton Fish Recreation Center: recent decision to charge membership fee  
**VOTE:** To send a letter to the Parks Commissioner objecting to the fees recently implemented at the Hamilton Fish Recreation Center. (see attached)
4. Tompkins Square Park, one quiet weekend a month  
No vote necessary

### **Task Force on Religious Institutions and Land Use**

- Awareness hearing on Religious Institutions on Land Use, 2/07  
No vote necessary

### **Cooper Square Urban Renewal Area Task Force**

1. Avalon Bay request for site control 271 Bowery, B427 L14  
No vote necessary
2. Update on funding request breakdown from YMCA/University settlement  
No vote necessary
3. Update on the installation of Signage at East side on Chrystie/Houston Streets  
No vote necessary
4. Update on the renaming of Community center (Cooper Square Community Center) as voted on by Community Board 3, as requested by Community Residents  
No vote necessary

### **Housing & Land Use Committee**

1. BSA 266-06/C6QR: 4 E 3rd St (B458,L6), special permit to allow C6-1 boundary line to extend 25' into the R7-2 portion of the zoning lot  
**VOTE:** To approve the special permit predicated upon execution of the attached MOU, and to support the agreements drafted between the Hotel and its neighbors. (see attached)
2. Community Concerns, re: Bowery Hotel, 4 E 3rd St  
No vote necessary
3. Presentation by Housing Here and Now on Mayor's 421A tax credit plan for affordable housing.  
Developers building between 14th and 96th Streets are eligible only if they aside 20% of their housing as affordable housing  
**VOTE #1:** To write a letter to the Mayor, Councilmembers, and the Speaker of the Council in support of the recommendations of Housing Here and Now and to thank the Mayor for expanding the exclusion zone to include the Lower East Side. (see attached)

**VOTE #2:** To endorse the principles outlined by Housing Here and Now with respect to revisions of the 421a program. (see attached)

34 YES 0 NO 2 Abstention 0 PNV - MOTION PASSED

### **197 Plan Task Force**

- Community presentation by Department of City Planning regarding zoning plan for the area from the north side of East 13th Street, the west side of Avenue D, the north side of Houston Street, the west side of Pitt Street, the north side of Delancey Street, the east side of Essex Street, the north side of Grand Street, 100 feet in from the east side of Bowery and 100 feet in from the west side of Third Avenue.

No vote necessary

### **Human Services & Seniors Committee**

1. ASPCA: proposed legislation to create comprehensive animal care & control program in NYC  
Withdrawn - No vote necessary
2. Presentation by Beekman Downtown Hospital regarding Emergency Center and new hospital services  
No vote necessary

### **Youth & Education Committee**

No Items

### **SLA & Economic Development Committee**

#### **Renewals with Complaint History**

1. Ulli Restaurant, 178 Ludlow St (op)  
**VOTE:** To approve the renewal of the full on-premise license for Ulli Restaurant, 178 Ludlow Street.
2. Fort Green Baking Company, 29 Ave B (rw)  
**VOTE:** To approve the renewal of the restaurant/wine license for Fort Green Baking Company, 29 Avenue B.

#### **Sidewalk Café Applications**

3. Starbucks Coffee, 145 2nd Ave (new)  
**VOTE:** To approve the sidewalk café permit for Starbucks Coffee, 145 2nd Avenue, based upon the change agreement signed by the applicant stipulating that 1) cafe seating will be limited to eight (8) tables and fifteen (15) chairs, 2) its closing time will be 10:00 P.M. Sunday through Thursday and 11:00 P.M. Friday and Saturday, 3) the owner will seal the front windows, and 4) awnings will be open over the café while it is operating.

CB3 requests that Starbucks refrain from firing employees for legal union organizing activities and acknowledge their right to organize.

#### **Alterations/Transfers/Upgrades**

4. Star Foods, 64 E 1st St (alt)  
Withdrawn - No vote necessary
5. Miss Williamsburg Portavia, 228 E 10th St (trans/rw)  
**VOTE:** To approve the transfer of a restaurant/wine license to Epicure NY Corp, 228 East 10th Street, provided the applicant furnishes a signed notarized stipulation that 1) the business will close no later than 12:00 A.M. every night, 2) it will not operate a sidewalk cafe for the life of the license, and 3) it will not consider requesting an upgrade from this community board within the next two (2) years.
6. Little Hands Playcafe, 433 E 6th St (alt)  
**VOTE:** To approve the alteration to Little Hands Playcafe, 433 East 6th Street, installing a new façade and enlarging the existing bar to accommodate the addition of seven (7) bar stools, provided that the applicant furnishes a signed notarized stipulation that 1) the business will close no later than 1:00 A.M. Sunday through Thursday and 2:00 A.M. Fridays and Saturdays, 2) it will serve food to within one (1) hour of closing and operate as a full-service restaurant serving American and French plates, 3) it will install additional soundproofing, as needed, 4) it will not install or use French windows and any other windows or doors will be closed during all hours of operation.  
**Discussion:** This item was pulled for discussion. Barden Prisant brought up concerns of the residents that the ownership has changed, soundproofing has been added, suspicion that the method of operation has changed, and that the basement will be used. The office will ask the SLA to investigate if the ownership has changed.
7. Kate's Joint, 56-58 Ave B (alt)  
**VOTE:** To approve the alteration to Kate's Joint, 56-58 Avenue B, adding a three (3) foot service bar and thirty (30) seats, extending the hours of operation to 1:00 A.M. Sunday through Thursday and 2:00 A.M. Friday and Saturday and adding a handicap accessible bathroom, provided that the applicant furnishes a signed notarized stipulation that 1) it will not apply for or operate a sidewalk cafe and 2) it will continue to operate as a full-service restaurant, serving food to within one (1) hour of closing.
8. Sexy Bitch, 33 Ave B (trans/op)  
Withdrawn - No vote necessary

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

9. Xe Lua Restaurant, 86 Mulberry (rw)  
**VOTE:** To approve a restaurant/wine license for Xe Lua Restaurant, 86 Mulberry Street.
10. Norfolk St BBQ, 188 Norfolk St (op)  
**VOTE:** To deny the application for a full on-premise license to Norfolk Street BBQ, 188 Norfolk Street, because the applicant has failed to outreach to the community in any way, whether through contact with the block association or by obtaining petition signatures from the residents of this buildings or adjacent buildings, and because Community Board #3 believes that this location is within two hundred (200) feet of an active entrance to a school, to wit, P.S. 20 and appending letters from school, church, and resident petitions.

11. Super Good Group, 66 Mott St (rw)  
**VOTE:** To approve the restaurant/wine license for Super Good Group, 66 Mott Street, provided the applicant furnishes a signed notarized stipulation that 1) it will close at 10:00 P.M. every night and 2) operate as a full-service Chinese restaurant, serving food to within one (1) hour of closing.
12. Lower East Side Development, 103 Essex St (op)  
**VOTE:** To approve the full on-premise license for Lower East Side Development, 103 Essex Street, provided the applicant furnishes petitions of support from building residents and furnishes a signed notarized stipulation that 1) it will operate as full-service French restaurant, serving food to within one (1) hour of closing, 2) will operate no later than 11:00 P.M. Sunday through Wednesday and 12:00 A.M. Thursday, Friday and Saturday, 3) it will not operate the backyard commercially, and 4) it will install additional soundproofing, as needed.
13. Jia Li Fu Kitchen, 50 Eldridge St (rw)  
**VOTE:** To approve an eating-place beer license for Jia Li Fu Kitchen, 50 Eldridge Street, understanding that this is a Chinese restaurant, with five (5) tables and twenty (20) chairs, that closes at 9:00 P.M. every night.
14. Giovanetti & Banatti, 139 1st Ave (rw)  
**VOTE:** To deny the restaurant/wine license for Giovanetti & Banatti, 139 First Avenue, because 1) this is a location that has never been licensed, 2) there has been no community outreach by the applicant, as required by the Community Board #3 application, to inform residents that it proposes adding a licensed establishment to this block, and 3) this location was previously a car service and although the applicants have begun a gut-renovation of this location, they have not made it handicap accessible as required by law. CB3 notes that this applicant intends to reapply to CB3 and submit additional information.  
**Discussion:** There was a resubmission and they will be coming to the board with a new application.
15. Ethiopian Meskel, 199 E 3rd St (rw)  
**VOTE:** To approve the restaurant/wine license for Ethiopian Meskel, 199 East 3rd Street, understanding that this is a full-service Ethiopian restaurant which will close at 10:00 P.M. every night and that the applicant will establish a crowd control plan.
16. American Grill, 117 2nd Ave (op)  
 Withdrawn - No vote necessary
17. Top A Asian Bistro, 424 E 14th St (rw)  
**VOTE:** To approve the restaurant/wine license for Top A Asian Bistro, 424 East 14th Street, understanding that this will be a full-service Japanese restaurant closing at 11:00 P.M. every night.
18. Van Diemen Restaurant, 341 E 5th St (op)  
**VOTE:** To deny the application for a full on-premise license to Van Diemen Restaurant, 341 East 5th Street, for the following reasons: 1) this location has not been commercially used as evidenced by letters from residents attesting that it hasn't been used for at least the past thirty-five (35) years (appended hereto), 2) there is strong community opposition to the approval of any liquor license at this location as evidenced by the more than twenty (20) residents who appeared to oppose this license application and the resident petitions also submitted (appended hereto), 3) this is a small, narrow residential side street comprised of tenement buildings, a police precinct, angled parking on the north side and a schoolyard on much of the south side which is used by students during the day and open for community children in the afternoons and evenings, 3) the school itself is an alternative school for students with disciplinary and developmental issues, 4) there are already four (4) existing liquor licenses on this street, three (3) full on-premise licenses, one (1) retail liquor license, and one (1) restaurant/wine license, 6) the commanding officer of the 9th Precinct has submitted a letter (appended hereto) in opposition to an additional liquor license on this street, which houses his stationhouse, 7) the Department of Buildings previously ruled in 1990 that this location is not legally zoned for commercial use, and **8) the applicant did not appear before Community Board #3 for review of its application and did not furnish any application materials regarding its application.**
19. Huasheng Restaurant, 26 E B'way (rw)  
**VOTE:** To deny the restaurant/wine license for Huasheng Restaurant, 26 East Broadway, 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
20. Kong Inc, 271 E 10th St (rw)  
**VOTE:** To deny a restaurant/wine license to Kong Inc., 271 East 10th Street, based upon its lack of transparency with this community in that this application originally appeared before Community Board #3 eight (8) months ago to request a restaurant/wine license for a location that had not been previously licensed and, at that time, there had been no community outreach and residents of the block appeared in opposition. This applicant again appears proposing to open a café principally designed to serve breakfast and lunch and has again failed to notify residents of its reapplication in the form of public postings and signed petitions of support, including representatives from the block association and building residents and that given that this location has never been licensed there was an absolute necessity for community outreach and notice and, further, the establishment as described by the applicant and residents appears to have a disproportionately large bar for a proposed cafe.
21. Jin Holding Group, 252 Broome St (rw)  
**VOTE:** To approve the restaurant/wine license for Jin Holding Group, 252 Broome Street, provided that the applicant furnishes a signed notarized stipulation that 1) it will be a full-service Japanese restaurant, 2) it will operate no later than 11:00 P.M. Sunday through Thursday and 11:30 P.M. Friday and Saturday, 3) it will close any French doors at 9:00 P.M. every night, 4) it will not apply for an upgrade to a full-on premises license for the life of the application, and 5) it will create a crowd control plan, if necessary.

22. Ruben's Empanadas, 122 1st Ave (rw)

**VOTE:** To deny the restaurant/wine license for Ruben's Empanadas, 122 First Avenue, because, based upon the applicant's own admission, this business is primarily a small take-out storefront with twelve (12) seats and, thus, the service of beer and wine is not consistent with its current operation. Further, the service of beer and wine will not enhance this business since it has been successfully operating for two (2) years without a license and the applicant failed to provide resident petitions demonstrating support from the neighborhood for a new license for this take-out business.

**Discussion:** This item was pulled for discussion. Rocky Chin asked about the reasoning for denying this. Alex explained that as a predominately take-out establishment, the committee felt it was important to draw a line with granting licenses to take-out restaurants in order to avoid the precedent of issuing them to other take-outs.

(Excluding Items 6 & 22)

34 YES 0 NO 2 Abstention 0 PNV - MOTION PASSED

(Item 6)

32 YES 0 NO 4 Abstention 0 PNV - MOTION PASSED

(Item 22)

29 YES 1 NO 6 Abstention 0 PNV - MOTION PASSED

**New Business**

- Presentation by Councilmember Gerson to support proposal to rebuild the Bathhouse (aka the Madison Bathhouse, the Rutgers Bathhouse, the Whitehouse). Two organizations would partner to submit proposal to LMDC for \$25 million to rebuild this site as senior/recreation center. The center would include a pool and space for educational, cultural and recreational programs focused on youth and seniors.

36 YES 0 NO 0 Abstention 0 PNV - MOTION PASSED by Unanimous Hand Vote

**Members Present at Last Vote:**

- |                          |                          |                               |
|--------------------------|--------------------------|-------------------------------|
| David Adams [P]          | Herman F. Hewitt [A]     | Richard F. Ropiak [P]         |
| Paul Bartlett [P]        | Carolyn Jeffers [P]      | Estelle Rubin [A]             |
| Rev. Joan Brightharp [A] | Anne K. Johnson [P]      | Elizabeth Sgroi [A]           |
| Mayra Cappas [P]         | Joel Kaplan [P]          | David Silversmith [P]         |
| Wendy Cheung [P]         | Eden Lipson [P]          | Deborah A. Simon [A]          |
| Rocky Chin [P]           | Bernice McCallum [P]     | 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 Fajtelewicz [P]   | Roberto Ortiz-Arroyo [P] | David Weinberger [P]          |
| Beth From [A]            | Dominic Pisciotta [P]    | Nina Werman [P]               |
| Rabbi Y. S. Ginzberg [P] | Barden Prisant [P]       | Harry Wieder [P]              |
| Alexander Gonzalez [P]   | Carolyn Ratcliffe [P]    | Samuel Wilkenfeld [A]         |
| Carlos Juan Gonzalez [P] | Joyce Ravitz [A]         | Thomas Yu [P]                 |
| Aurora Guzman [A]        | Lois M. Regan [P]        |                               |
| Guido Hartray [A]        | Verina Reich [P]         |                               |

Meeting Adjourned at 8:50 P.M.

Commissioner Adrian Benepe  
NYC Parks Department

Dear Commissioner Benepe:

Manhattan Community Board #3 recently received a complaint concerning fees that were implemented at the Hamilton Fish Recreation Center.

We were given to understand that a public hearing was held concerning these fees. Unfortunately, these hearings were not widely advertised and were not held in the Community Board where the adverse changes were being implemented.

These “membership” fees were imposed on our adult population. These adults live in the Pueblo Nuevo, Gompers, Baruch, Marta Valle and Lillian Wald housing developments whose population is predominantly low income. Imposing fees on a low income population is unfair.

We have passed a motion objecting to the imposition of these fees and to the hearing process that did not include us. We further request that Parks explore funding sources other than those previously available.

We look forward to your response to these requests and especially to your rescinding the fees on our low income residents.

December 01, 2006

Hon. Michael Bloomberg, Mayor  
The City of New York  
City Hall  
New York, New York 10007

Re: Proposed changes to the 421a program

Dear Mayor Bloomberg:

Community Board #3, while pleased that 1) a Task Force has been convened to examine changes to the 421a tax abatement program, and 2) the exclusion zone has been expanded to include Lower Manhattan, feels strongly that the changes proposed do not go far enough. As the 421a program was originally established in the 1970's to provide incentives for developers to build in New York City, the current proliferation of development in and around the City militates in favor of a serious review of the requirements and benefits of the program.

With respect to how the 421a program is used in our community, the following recommendations were adopted by the Housing, Land Disposition, Zoning, & NYC Housing Authority Committee at their November 15, 2006 meeting and by the full Board on November 28, 2006:

- That all affordable apartments created under this program be affordable and deed-restricted in perpetuity;
- That the percentage of affordable units constructed in the exclusion zone be increased to 30% of the total number of units;
- That the 30% affordable units be available to those whose incomes are no greater than 60% AMI;
- That all affordable units created through the 421a program be located on-site; and,
- That the exclusion zone be expanded citywide beyond the recommendations of the Task Force.

These recommendations are consistent with a NYS bill introduced by Assembly Housing Chair Vito Lopez.

The Task Force is the first in 35 years to propose changes to this program, and it is unlikely that there will be a similar opportunity in the near future to propose any additional changes. Now is our opportunity to make this program work for all New Yorkers.

Sincerely,

David McWater, Chair  
Community Board #3

Barden Prisant, Chair  
Housing Committee

cc: City Council Speaker Christine Quinn  
City Council Member Rosie Mendez  
City Council Member Alan J. Gerson  
Senator Martin Conner  
Senator Thomas Duane  
Assembly Speaker Sheldon Silver  
Assembly Member Deborah J. Glick  
Assembly Member Sylvia Friedman  
Assembly Member Vito Lopez.  
Mary Cooley, MBPO

### Housing Here & Now Recommendations for Reform of the 421-a Program

1. **Developers throughout New York City should only receive a 421-a property tax break if they include affordable housing for low or moderate-income families.**
2. **For market-rate projects to receive 421-a benefits, more units must be made affordable and for a longer time frame than under the current 80/20 model. At least 30% of the units should be affordable** for families earning up to 50% of area median income (approximately \$35,000/year for a family of 4) **or a comparable income- tiered program.**
3. **421-a benefits should also be available for 100% moderate-income rental projects which commit to remain affordable and rent-regulated for at least the full-term of the benefits.** This benefit could be combined with the HDC New Housing Opportunities Program or other subsidies. This option would enable development of new housing in neighborhoods that do not yet support market-rate development.
4. **Where the market-rate units are insufficient to fully cross-subsidize the low-income units, the City of New York should provide the additional subsidy.** The NYC Department of Housing Preservation and Development would be able to determine how much subsidy is needed for each deal, so that the level of subsidy is appropriate for the neighborhood. This subsidy can be provided by the Battery Park City surplus, and by savings to the City from market-rate developers who choose not to opt for a tax break under the new rules.
5. **The program should require affordable units on-site, as part of the market-rate development, in order to create mixed-income communities.**
6. Where a developer opts to pay taxes instead of taking the 421a tax benefit, these taxes should be **dedicated to the City's Affordable Housing Trust Fund** to create or preserve affordable units around the city.
7. **Owners in buildings receiving property tax exemptions should be required to pay prevailing wages to their building service workers.** New York City should not subsidize the payment of substandard wages to building service workers. As was agreed by owners in the recent Greenpoint-Williamsburg and West Chelsea rezoning areas, building owners should pay prevailing wages to building service workers.