



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

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David McWater, Board Chair

Susan Stetzer, District Manager

## June 2007 Full Board Minutes

Meeting of Community Board #3 held on Tuesday, June 26, 2007 at 6:45 at PS 20, 166 Essex Street.

### Public Session:

Deborah Elkan--Spoke as one of the founding members of Children's Liberation and is a volunteer there. She wants the full board to pass the committee's resolution.

Howard Nourieli- He wants Children's Liberation to return to PS 122 after the building renovation.

Thea Martinez- She also wants Children's Liberation to return to PS 122 after the building renovation.

Andres Puerta, Carpenters Union- The union has been trying to get the Pomerance Group, developers of the Allen St. Hotel, to negotiate area standard wages and benefits the non-union members deserve. He thinks they have been negotiating in bad faith. If the Pomerance Group does not agree to this, they will have protests and rallies to get them to support it.

Suriono Sananikone, Forward Building Condo--Concerned about construction of large mixed-use buildings on the Lower East Side, namely at 183 E. Broadway and 152 Henry St. He wants to know what can be done about this.

Noelle Richards Frieson, Lower East Side BID--There will be community fairs every Sunday from July 1-September 9 from 10:00 A.M. to 6:00 P.M. on Broome between Allen and Orchard. The vendors will have the traditional push carts.

Zella Jones, NoHo Alliance-- She objects to the sidewalk café application approval for the Bowery Hotel. She is submitting more than 200 signatures from both the East and West side.

Carol Putre-Cryz, representing Carol Joyce of 6th/7th St. Block Assoc.-- Opposed to Bowery hotel sidewalk application.

David Mulkins, E. 5th Street Block Association—He wants the Community Board to stop issuing more sidewalk licenses until we know what impact the hotels are having on the community.

Amirata Maraesa-- Supports the Children's Liberation Day Care Center staying where it is.

Amirata Margesa, 148 Suffolk St. #D—Spoke in support children's Liberation Daycare Center.

Pat DeAngelis—She spoke in opposition to "another booze license for the Bowery Hotel" with regard to the application that was actually for a sidewalk café license.

Morris Fajtelewicz- Spoke regarding the dangerous conditions at the FDR & Grand St. Orange barriers are needed to stop cars from making illegal turns.

Jean Standish, Coalition to Save the E. Village--Spoke in opposition to the development on the Bowery due to the noise, traffic, and congestion it will cause. She also wanted to add that NYU is planning on developing more buildings over the next 25 years. She wants DCP to perform an EIS to understand the impact on this community.

Travis Stabler--Supports additional parking for Edison on the Essex St. parking lot.

Paul Wilson-- He is asking for the board's support of the resolution for Children's Liberation Daycare Center to stay in its current location.

Elizabeth Azevedo--Wants to maintain the Children's Liberation Daycare Center's current location. She pointed out the chair of Performance Space has paid a lobbyist \$66,000 to advocate for the program staying in this space. CLDC is not leaving their home. She wants the elected officials to start standing up and demanding that the children stay there.

Peter Ramos-- He urges the board to insist that CLDC be able to come back to the space where they have been for the last 26 years.

Douglas Sarini, Edison Properties-- He is requesting that the board increase the spaces from 50 spaces to 96 in the Essex St. location. David McWater asked if the prices for the lot would fall back down to their original rates before the building was built if they get the spaces they are requesting. Joyce Ravitz clarified, through questioning

Mr. Sarini, that Edison Properties got rid of the spaces to build the building. Mr. Sarini said that they would add trees to the streetscape to make the lot more aesthetically appealing. David Crane clarified the correct address of the lot because it was not correct on the agenda. Susan spoke on the positive community minded experiences she has had with this company. She said that they responded appropriately to the attacks when they were under construction and they are probably going to be giving a sizable grant to a local community group.

David Wang, Eastern Travel--He is in support of the bus companies staying where they are. Every day they have 100 buses leaving different parts of Chinatown. He is against them moving to just one location at Pike & South St. because he thinks that it will create more traffic by having them concentrated in one spot, rather than having them spread out.

Connie Chan-- Believes that it will not benefit the tourists and store owners to have the buses centered in one location at South & Pike Streets because this location is too far from the stores and tourist destinations in Chinatown

Steven (translated by member John Leo)- Said that only recently since 9/11 has the Chinatown economy started to recover and improve and the buses have helped with this recovery. Changing where they operate could hurt the recovery.

Rob Shawliz/David Moon-- He disagrees with the stipulations attached with the approval of his sidewalk café at the corner of Rivington and Ludlow because they make them untenable. David Moon said that the real question should be how many irresponsible bars and cafés can we have.

Public Officials:

Mayor Michael Bloomberg, Lolita Jackson/Pauline Yu: Not Present

Comptroller William Thompson, Rafael Escano: Not Present

Public Advocate Betsy Gotbaum, Simeon Banister:

Tommy Ling has been able to come on the nights that Mr. Banister can't be here.

The Public Advocate's office is finding that the Administration for Children's Services is not serving children properly by performing basic child protective functions. The PA is calling on New York State to create an independent Office of the Child Advocate to provide permanent oversight of the child welfare system.

The advocate provided children's kits last month at Missing Children's Day.

David recommended that the Public Advocate get involved with the Children's Liberation issue since part of the problem is that the administration is not looking at the equity they have in the building.

Borough President Scott Stringer, Shaun Kahn:

A study was conducted of the most crowded intersections in the CB 3 district. Delancey St. and Essex is the most crowded pedestrian intersection in the district.

The Borough President wants people to vote on the merits of each candidate in the CB 3 race and not be subjected to external pressures.

Gregory Brender will be the new CB 3 representative.

Congressmember Carolyn Maloney, Victor Montesinos:

Rep. Maloney has introduced the Family & Medical Leave Inclusion Act to Cover Same-Sex Couples under FMLA. It would also cover grandparents, siblings, and in-laws.

She supports embryonic stem-cell research and its funding.

Congressmember Jerrold Nadler, Erin Drinkwater:

As the chair of the Committee on the Constitution, Civil Rights, Rep. Nadler interviewed Christine Todd-Whitman regarding the health and safety of 9/11 rescue workers. This was the first Congressional hearing that she has testified at with regard to the E.P.A.'s handling of the 9/11 clean-up.

He also held important hearings on habeus corpus and the NSA wiretapping.

Congressmember Nydia Velásquez, Iris Quinones:

The congressmember has been working on earmark requests for FY 2008.

The Rep. Velásquez supported the troops by voting on Speaker Pelosi's package to fund the troops.

She is pushing for increasing the supply of affordable housing in the City.

Assembly Speaker Sheldon Silver, Jessica Loeser:

Session ended last week. The Assemblymember helped push through the human trafficking legislation for passage.

Legislation to change the funding of NYCHA housing was also passed.

There are strict DWI penalties now.

The Assembly has strengthened rights of parents in mental institutions.

Congestion pricing--The Speaker is not sure that we are ready to change how we move in and out of the city. We need a better transportation system and need to think this through before we pass this comprehensive plan. In a related matter, they are working on staving off cuts to many of the bus routes that serve the LES and trying to bring back M8.

Assemblymember Deborah J. Glick, Gregory Brender:

Tuesday June 19, legislation was passed that attempted to bring marriage equality to NY State. She is thankful to the key legislators that sponsored this legislation. She also thanked the advocates who worked tirelessly to get this victory.

Her office presented testimony before the NYC Rent Guidelines Board. They believe that a huge rent increase will exacerbate the housing crises by making many apartments unaffordable and causing other apartments to be pushed out of the rent stabilization system through decontrol.

She has been trying to convince DOT to provide a protected bike lane on Houston St.

Her testimony at the public scoping hearing for the East Village/ Lower East Side Rezoning calls for anti-harassment and anti-demolition provisions in the new zoning, which it is currently missing.

Assemblymember Brian Kavanaugh:

This is his first chance to come to the Community Board since coming into office.

The assembly came to close last Friday. His biggest concern for action is the continued crisis in affordable housing. A bill to provide more housing was passed in the assembly, but not in the Senate.

Legislation was passed changing how the state reimburses NYCHA for people on public assistance living in public housing. It will increase by \$50-\$60 million dollars a year for the City's budget.

He wants rent stabilization for Mitchell Lama residents.

The assembly passed the marriage equality amendment and had a substantial majority, let alone without a court order.

He will be submitting testimony supporting the 197A plan as supported by this board.

He is working on the Children's Liberation move controversy.

State Senator Martin Connor:

They passed the 421A bill. Under the exclusion zone, developers will have to have 20% affordable housing in the location of the building and not spread out through the neighborhood.

A lot of bills were left on the table and left undone.

In terms of the SLA, the Governor has yet to move on changing the location of the SLA. The Senator has recommended that Commissioner Healy be reappointed. But they are trying to find a spot for the current chair before this can happen.

For Children's Liberation they are trying hard to work things out, but ACS has not been very cooperative. He agreed to write a letter in support of the day care staying at its current location.

A resident asked why ACS is not being held accountable for their actions on the Children's Liberation matter.

State Senator Thomas K. Duane, David Chang:

He is encouraging the DCP to add CB3's and the community suggestions to the rezoning plan.

He supports co-naming of the block between 1st Avenue and Avenue A on East 4th St. as Freida Zames Way, in honor of the late disability rights champion.

He is trying to preserve affordable housing through opposing rent increases and calling for a moratorium on Mitchell-Lama and affordable housing buy-outs.

Councilmember Alan Gerson, Michael Ragolia:

The FY 2008 NYC budget includes six-day-per-week schedule for the libraries.

Townhall meeting on the shootings that have occurred along Madison St. will take place on July 2nd at 6:30 at P.S. 134 at 293 E. Broadway.

Councilmember Rosie Mendez (review report):

The budget was approved early. They were successful in getting extended library hours. Expanded full-day universal pre-kindergarten. She got more funding for 36 non-profits in her district, capital funding for watering systems in five community gardens, able to fund fire alarm systems in schools.

She testified at the DCP Scoping Session in Support of CB 3's 11 point zoning plan. She wants to see 30% affordable housing in the plan and opposes the decision to not include a 3rd-4th Ave corridor in the rezoning.

As an out lesbian wants to give her thanks to Sheldon Silver, Deborah Glick, and Brian Kavanaugh for supporting the Same-Sex marriage bill.

She also supports co-naming block between 1st Avenue and Avenue A on East 4th St. as Freida Zames Way.

There is on-going discussion on Children's Liberation and she fears that they will not be able to return there.

Someone from the public asked if she has seen the plan. DCA has control of the building and she is trying to negotiate with them. There are a lot of legal questions.

Pia Simpson wants to know if there are permanent plans for Children's Liberation and also why is there a \$50 million deficit that ACS has. Rosie said she couldn't speak about the location of the new permanent location. In terms of the deficit, ACS says it's because of under-enrollment. There appears to be a disconnect between those parents that need space and can pay and ACS having a deficit.

Members Present at First Vote:

David Adams [P]	Herman F. Hewitt [P]	Lois M. Regan [A]
Paul Bartlett [A]	Bonnie Hulkower [P]	Richard F. Ropiak [P]
Mayra Cappas [P]	Carolyn Jeffers [P]	Estelle Rubin [A]
Wendy Cheung [P]	Anne K. Johnson [A]	Elizabeth Sgroi [P]
Pearl Chin [A]	Joel Kaplan [P]	David Silversmith [P]
Rocky Chin [P]	Sam Krueger [P]	Deborah A. Simon [A]
David Crane [P]	John Leo [P]	Pia Simpson [P]
Andrea Diaz [P]	Eden Lipson [P]	Arlene Soberman [P]
George Diaz [P]	Bernice McCallum [A]	Nancy Rose Sparrow-Bartow [P]
Harvey Epstein [P]	David McWater [P]	Elinor Tatum [P]
Morris Fajtelewicz [P]	Alexandra Militano [P]	David Weinberger [P]
Beth From [P]	Lillian Moy [A]	Nina Werman [P]
Rabbi Y. S. Ginzberg [P]	Thomas Parker [P]	Harry Wieder [P]
Gloria Goldenberg [P]	Dominic Pisciotta [P]	Samuel Wilkenfeld [A]
Alexander Gonzalez [P]	Barden Prisant [P]	Noah Yago [P]
Aurora Guzman [A]	Carolyn Ratcliffe [P]	Thomas Yu [P]
Guido Hartray [A]	Joyce Ravitz [P]	

Minutes:

Minutes of April 2007 were approved, as is.

Board Chairperson's Report:

Chairperson David McWater

Annual reports by chairs are due Friday in the afternoon. They only have to be two or three sentences.

David reiterated what the Borough President's Office stated and that if somebody is unduly pressuring you to vote one way or another in the 2nd vice chair contested race then you should let him know.

He was proud to announce that Jonathan Gonzalez who lived in Maserick Towers his entire life was drafted by the Dodgers for \$33 Million dollars.

District Manager's Report:

You have May minutes for first distribution.

There have been both robberies and aggressive incidents at Tompkins Sq Park. There have been arrests. Not everyone called 911 immediately—you should do so.

There have also been robberies in people's apartments from open windows.

Major capital projects that will be either in design or construction in FY 08—which starts next month is— Reconstruction of Astor Place, Pedestrian Improvements to improve bicycle circulation on Houston between FDR Drive and Second Ave., reconstruction of Chatham Square, and more reconstruction of catch basins and pedestrian ramps at various locations.

Commission on Human rights is enforcing ADA codes to ensure that property owners are in compliance. The commission does not enforce where it would impose undue hardship—but they will go through a property owners books to check this. If you would like to have a property checked –you can let the office know.

Pools will open June 29—and all sprinklers in parks are on. There are more programming parks this summer—we have events on CB website as well as our block parties.

Neighborhood Advisory Boards are responsible to identify service needs of low income residents. In the past these boards have not worked with Community Boards, but they will start working with us to also consider our priorities. NABs are under Dept. of Youth and Community Development and I have asked if there is some way they can be included in our budget consults.

Ps 61 at E 12 St is beginning exterior modernization –expected to End in July. There is asbestos and the work is being done by DEP and monitored carefully.

Committee chairs—I need to hand in annual reports to BP's office on Friday, which means I will need them by noon.

Also for committee chairs—a reminder to e-mails—I submit agendas for Sept budget consults on July 13—so please forward any agenda items to me by July 11. Please let me know if you would like any resource material or if you want to discuss the agendas or process. LMDC called this year to get a copy of our capital and expense priorities before issuing grants for the district and the council members used them for reference in preparing budgets. These are very important.

Committee Reports:

**Executive Committee**

No vote necessary

**SLA & Economic Development Committee**

1. FY'2009 District Needs Statement

No vote necessary

2. Request for City Council legislation to differentiate between bars and restaurants when issuing sidewalk café licenses

**Discussion:** Rocky asked about how we determine if loud music is enforceable. He wondered if we are getting too detailed in our stipulations. Alex said the reason that we ask for music stipulations is so that we understand exactly how the business is going to operate and to prevent them from changing their business once they get the license.

**VOTE:** WHEREAS, Community Board #3 recognizes that restaurant sidewalk cafés provide an amenity to New York residents and visitors, contribute to a vibrant street life and are the source of additional revenue for business owners and the City; and

WHEREAS, Community Board #3 generally supports the licensing of sidewalk cafés for restaurants consistent with the New York City Department of Consumer Affairs guidelines which describe such licenses as "license(s) and revocable consent(s) to use public space, needed to operate a portion of a *restaurant* on a public sidewalk" (emphasis added); and

WHEREAS, sidewalk cafés in the Lower East Side and East Village are licensed to occupy public thoroughfares utilized by pedestrians during all hours of the day and are often located below residential apartments; and

WHEREAS, a large number of sidewalk café licenses are now being issued to bars and lounges in the Lower East Side and East Village which are primarily using this outdoor space for the primary purpose of drinking alcoholic beverages outside, rather than for the incidental consumption of alcohol during dining; and

WHEREAS, Community Board #3 has observed that the extension of bars and lounges to outdoor space through the licensing of sidewalk cafés for said establishments has resulted in patron noise and

congestion on the sidewalks and has disturbed residents surrounding said cafés and in the surrounding community; and

WHEREAS, the existing and future New York City noise code inadequately addresses noise emanating from sidewalk cafés on the public sidewalks because it measures noise from real property rather than from a licensed portion of the sidewalk; and

WHEREAS, City agencies have insufficient resources to fully respond to all of the quality of life complaints made by the community residents regarding noise and congestion on the sidewalks attendant to the operation of said sidewalk cafés in this District; now

THEREFORE, BE IT RESOLVED, that in order to protect the quality of life of its residents and promote public safety on its sidewalks, Community Board #3 urges the New York City Department of Consumer Affairs to restrict the issuance of sidewalk café licenses to restaurants consistent with its guidelines; and

BE IT FURTHER RESOLVED, that Community Board #3 urges the New York City Council to create more specific legislation to restrict the issuance of sidewalk cafés to dining establishments.

**Sidewalk Café Application**

3. Panya, 10 Stuyvesant St

**VOTE:** To approve the application for a sidewalk café permit for five (5) tables and ten (10) seats for Panya, 10 Stuyvesant Street, because the applicant has signed a change agreement which will become part of his DCA license that it would have close the café at 8:30 P.M. every night, consistent with the hours of operation of its business

4. NYLA Café, 101 Rivington St

**Discussion:** Herman stated that he is opposed to any sidewalk café on Rivington right now.

**VOTE:**

**MOTION ASKING THE DEPARTMENT OF CONSUMER AFFAIRS TO DENY THE SIDEWALK CAFÉ APPLICATION OF NYLA, 101 RIVINGTON STREET**

WHEREAS, Community Board #3 has long held that the increase in nighttime venues has resulted in persistent and numerous complaints regarding increased noise as well as increased pedestrian and vehicular traffic in specific areas within this district and said complaints have evolved over time from complaints that were once only about specific rowdy businesses to complaints that are now about noise and congestion resulting from the sheer volume of eating and drinking establishments; and

WHEREAS, said conditions are prevalent in and around Ludlow Street between Houston Street and Delancey Street which currently has twenty-one (21) eating and drinking establishments and Rivington Street between Norfolk Street and Orchard Street which currently has eleven (11) eating and drinking licenses; and

WHEREAS, the Seventh Precinct has recently requested that Community Board #3 ask the New York City Department of Transportation to change signage on the west side of Ludlow Street between Houston Street and Delancey Street to "NO STANDING FROM 11:00 P.M. TO 6:00 A.M. FRIDAYS AND SATURDAYS" because the street has been overwhelmed by nighttime businesses and their attendant vehicular and pedestrian traffic and noise (Community Board #3 motion of November 2006 attached hereto); and

WHEREAS, said request has resulted in the New York City Department of Transportation changing signage and eliminating residential parking on the west side of Ludlow Street between Houston Street and Delancey Street in response to the overwhelming street and sidewalk congestion; and

WHEREAS, NYLA, located at 101 Rivington Street, on the southeast corner of Ludlow Street and Rivington Street, has now applied for a sidewalk café permit for twenty (20) seats with forty (40) seats, with sixteen (16) tables with thirty-two (32) seats to be located on Ludlow Street and four (4) tables with eight (8) chairs to be located on Rivington Street, and with proposed closing hours of 11:00 P.M. weeknights and 12:00 A.M. Fridays and Saturdays; and

WHEREAS, the applicant has inconsistently stated to this board that he believes there is no street and sidewalk congestion where his establishment is located although her has conceded that there is street and sidewalk congestion from eating and drinking establishments on both sides of Ludlow Street on the blocks north and south of his establishment and immediately opposite his establishment, as well as on Rivington Street; and

WHEREAS, the applicant submitted petitions of support from the surrounding community which he concedes consisted in large part of business owners rather than residents; and

WHEREAS, residents from buildings on Ludlow Street, both adjacent to and across the street from this location, appeared before the board to complain of existing noise and impassable sidewalks and streets because of too many people and cars, including the testimony of one walker-bound tenant from the adjacent

building, 124 Ludlow Street, that the sidewalks are currently too congested and dangerous for her to safely maneuver due to congestion from the patrons of existing businesses; and

WHEREAS, Community Board #3 had requested that the applicant, NYLA, agree by signing a change order to 1) decrease the size of his proposed sidewalk café to eleven (11) tables with twenty-two (22) seats on Ludlow Street, all of which would be flush against his façade to maximize sidewalk space for pedestrians, and 2) to close the sidewalk café at 10 P.M. every night, to minimize additional nighttime noise and congestion on Ludlow and Rivington Streets; and

WHEREAS, said applicant has refused to sign such an agreement or change order; now

THEREFORE, BE IT RESOLVED, that Community Board #3 urges that the sidewalk café permit for twenty (20) tables with forty (40) seats for NYLA, located at 101 Rivington Street, be denied given the longstanding and documented history by Community Board #3 of pedestrian and vehicular traffic and noise on Ludlow Street and Rivington Street and given the applicant's refusal to sign a change order decreasing the size and hours for his proposed sidewalk café.

5. Bowery F&B, 4 E 3rd St (Bowery Hotel)

**Discussion:** David McWater asked why there are stringent stipulations on NYLA Café's application versus the Bowery Hotel sidewalk. Elinor said that the size of the sidewalk is much wider. She also wanted to point out that none of the speakers during public speaking who said they live on 3rd St. are within one block of the establishment. Beth From said that also the hotel is able to bring in guests if there is congestion. Beth also said that the petitions submitted by Zella Jones had three pages of duplicates. Alex also brought up that the shelters themselves do not have any objection to sidewalk café.

**VOTE: This motion did not pass at full board.** To approve the application for a sidewalk café permit for eighteen (18) tables and forty-eight (48) seats for Bowery F&B, 4 East 3rd Street, because the applicant has signed a change agreement which will become part of his DCA license that it 1) will have an awning open over said café during all of its hours of operation, 2) will have patrons waiting to be seated remain in the hotel rather than on the sidewalk, and 3) will make its best efforts to control crowds and noise on the sidewalk.

**VOTE:** To deny the application for a sidewalk café permit for eighteen (18) tables and forty-eight (48) seats for Bowery F&B, 4 East 3rd Street.

**Renewal with Complaint History**

6. Horus, 93 Ave B (rw)

**VOTE:** To deny the renewal of a restaurant/wine license for Horus, 93 Avenue B, because the applicant did not appear before Community Board #3 for review of its application or provide any application materials to review and because this location has continued to receive resident complaints and police summonses for excessive noise and overcrowding.

7. Ajacks Restaurant/Big John's, 199 Orchard St (op)

**VOTE:** To approve the renewal of the full on-premise liquor license for Ajacks Restaurant a/k/a Big John's, 199 Orchard Street.

8. Heathers, 506 E 13th St (op)

**VOTE:** To deny the renewal of the full on-premise liquor license to Heathers, 506 East 13th Street, unless the applicant agrees before the SLA to incorporate as conditions of its license the following signed and notarized stipulation that it will 1) close all doors and windows on its facade at 10:00 P.M. every night.

**Alterations/Transfers/Upgrades**

9. Space Ship 8, 24 Pell St (trans/tw)

**VOTE:** To approve the removal application for a tavern/wine license for Space Ship 8, from 59 Canal Street to 24 Pell Street.

10. Diavolo, 199 Orchard St (alt/trans/op)

**VOTE:** To deny the transfer of the full on-premise liquor license to Diavolo, 199 Orchard Street, unless the applicant agrees before the SLA to incorporate as conditions of its license the following signed and notarized stipulation that it will 1) operate as a full-service Mexican-style restaurant, serving food to within one (1) hour of closing, 2) close any façade doors or windows at 10:00 P.M. every night, 3) have operating hours from 11:00 A.M. to 2:00 A.M. Tuesdays through Saturdays and 11:00 A.M. to 12:00 A.M. on Sundays and Mondays, 4) have no DJs or live music, except no more than five (5) times a year and no later than midnight during those times and only if the facade doors and windows are closed during any performance, 5) have no promoted events or events at which a cover fee is charged, 6) will attend the monthly 7th Precinct Community Council meetings, and 7) move the existing bar 10 feet to the rear of the establishment, create a service bar in the basement and move the front door to the northernmost corner of the façade.

11. Golden Flower, 9 Doyers St (trans/up/op)

Withdrawn

12. Triton, 45 Mott St (trans/rw)

Withdrawn

13. Birdies, 149 1st Ave (trans/rw)

**VOTE:** To approve the transfer of the restaurant/wine license to Birdies, 149 First Avenue, with the understanding that it will operate as a full-service takeout chicken restaurant providing actual and vegetarian chicken and serving food to within one (1) hour of closing.

14. 215 E 4th, 215 E 4th St (trans/rw)

Withdrawn

15. Borough Number Six, 211 Ave A (trans/op)

Withdrawn

**New Liquor License Applications**

16. ICA Group, 107 Eldridge St (op)

**VOTE:** To deny the application for a full on-premise liquor license to ICA Group LLC, 107 Eldridge Street, unless the applicant agrees before the SLA to incorporate as conditions of its license the following signed and notarized stipulation that it will 1) operate as a full-service Mexican-style restaurant, serving a tapas menu to within one (1) hour of closing, 2) keep any façade doors or windows closed at all times, 3) close no later than 2:00 A.M. Sundays through Wednesdays and 4:00 A.M. Thursdays through Saturdays, 4) open at 12:00 P.M. Saturdays and Sundays, 1:00 P.M. Tuesdays through Fridays, and closed Monday, 5) have no DJs, live music, promoted events or events at which a cover fee is charged, 6) install soundproofing as needed, and 7) employ security personnel to control crowds and noise outside of the establishment.

17. Giano, 126 E 7th St (rw)

**VOTE:** To deny the application for a restaurant/wine liquor license to Giano Inc., 126 East 7th Street, unless the applicant agrees before the SLA to incorporate as conditions of its license the following signed and notarized stipulation that it will 1) operate as a full-service Italian restaurant, serving food to within one (1) hour of closing, 2) close any façade doors or windows at 10:00 P.M. every night, 3) close no later than 11:00 P.M. Sundays through Thursdays and 1:00 A.M. Fridays and Saturdays, 4) close the backyard at 10:00 P.M. every night, 5) have no DJs, live music, promoted events or events at which a cover fee is charged and will play only ambient or background music and 6) not utilize the bar for service while backyard is open, consistent with its certificate of occupancy.

18. Terroir, 413 E 12th St (rw)

**VOTE:** To deny the application for a restaurant/wine liquor license to Terroir, 413 East 12th Street, unless the applicant agrees before the SLA to incorporate as conditions of its license the following signed and notarized stipulation that it will 1) operate as a wine bar, which will primarily serve food through the service of small plates, with the incidental service of alcohol with meals and serving food to within one (1) hour of closing, 2) close no later than 2:00 A.M. Mondays through Saturdays and not open on Sundays, 3) not have DJs, live music, promoted events or events at which a cover fee is charged and will play only ambient or background music, and 4) not have French doors or windows.

19. 58 2nd Ave Restaurant, 58 2nd Ave (rw)

**VOTE:** To deny the application for a restaurant/wine liquor license to 58 Second Avenue Restaurant, 58 Second Avenue, unless the applicant agrees before the SLA to incorporate as conditions of its license the following signed and notarized stipulation that it will 1) operate as a wine bar, which will primarily serve food through the service of small plates, with the incidental service of alcohol with meals and serving food to within one (1) hour of closing, 2) not have DJs, live music, promoted events or events at which a cover fee is charged and will play only ambient or background music, and 4) close all doors and windows no later than 10:00 P.M.

20. 47 Essex, 47 Essex St (op)

**VOTE:** To deny the application for a full on-premise liquor license to Essex Glatt Restaurant Corp., 47 Essex Street, unless the applicant agrees before the SLA to incorporate as conditions of its license the following signed and notarized stipulation that it will 1) operate as a full-service Kosher restaurant, serving food to within one (1) hour of closing, 2) close no later than 2:00 A.M. Mondays through Thursdays, 4:00 P.M. on Fridays, 3:00 A.M. on Saturdays and 2:00 A.M. on Sundays, 3) not have DJs, live music, promoted events or events at which a cover fee is charged and will play only ambient or background music, 4) not have French doors or windows, and 5) install soundproofing.

21. Original Christines, 208 1st Ave (rw)

**VOTE:** To approve the application for a restaurant/wine license for Original Christine's, 208 First Avenue, with the understanding that it will maintain the same method of operation as a full-service restaurant, serving Polish and American food, as well as maintain the same business name it has had for the past ten (10) or more years.

22. Quantum Leap, 203 1st Ave (rw)

**VOTE:** To deny the application for a restaurant/wine liquor license to QL Natural Inc., 203 First Avenue, unless the applicant agrees before the SLA to incorporate as conditions of its license the following signed and notarized stipulation that it will 1) operate as a full-service vegetarian restaurant, serving food to within one (1) hour of closing, 2) close no later than 11:00 P.M. Mondays through Saturdays and 10:00 P.M. on Sundays, 3) close all doors and windows at 10:00 P.M. at night, and 4) not have DJs, live music, promoted events or events at which a cover fee is charged.

23. 211 Ave A Restaurant, 197 2nd Ave (op)

**VOTE:** To deny the application for a full on-premise liquor license to 211 Avenue A Restaurant, 197 Second Avenue, unless the applicant agrees before the SLA to incorporate as conditions of its license the following signed and notarized stipulation that it will 1) operate as a full-service Scottish restaurant, serving food to within one (1) hour of closing, 2) close any façade doors or windows at 10:00 P.M. every night, 3) close no later than 2:00 A.M. Sundays through Thursdays and 4:00 A.M. Fridays and Saturdays, 4) will not have DJs, live music, promoted events or events at which a cover fee is charged and will only play ambient or background music.



24. New Museum, 235 Bowery (op)

**VOTE:** To deny the application for a full on-premise liquor license to New Museum, 235 Bowery, unless the applicant agrees before the SLA to incorporate as conditions of its license the following signed and notarized stipulation that it will 1) operate on the first and seventh floors of this newly constructed museum and will primarily function as two (2) cafes for museum patrons, as well as service for private events, and 2) close no later than 11:00 P.M. on Saturdays, 9:00 P.M. on Fridays and 6:00 P.M. on Wednesdays, Thursdays and Sundays, consistent with the operating hours of the museum.

25. Kanal 27, 27 Canal St (op)

Withdrawn

26. Third Avenue Hospitality, 55 3rd Ave (op/stips)

**VOTE:** To rescind the previous denial of the application for a full on-premise liquor license for Third Avenue Hospitality, 55 Third Avenue, because of its failure to provide the requested signed and notarized stipulations and to now deny the application for a full on-premise liquor license for Third Avenue Hospitality, 55 Third Avenue, unless the applicant agrees before the SLA to incorporate as part of its license the following signed and notarized stipulation that it will 1) operate from 8:00 A.M. to 4:00 A.M., serving breakfast, lunch and dinner daily, 2) serve food to within one (1) hour of closing and operate as a full-service restaurant, serving American bistro style cuisine, 3) close any and all doors and windows at 10:00 P.M. weeknights and 11:00 P.M. weekends, and 4) not have any "all you can drink" specials.

(SLA)

20 YES 15 NO 5 Abstention 0 PNV - MOTION DID NOT PASSED (SLA Item 5)

40 YES 0 NO 0 Abstention 0 PNV - MOTION PASSED (SLA excluding Item 5)

21 YES 13 NO 4 Abstention 0 PNV - MOTION PASSED (SLA Item 5)

**Art & Cultural Affairs Task Force**

1. FY'2009 District Needs Statement

No vote necessary

2. Task Force Goals, Objectives and Workplan

No vote necessary

**Parks & Recreation Committee**

1. FY'2009 District Needs Statement

No vote necessary

**Street Fair & Block Party Applications**

2. Bethel Chinese Assembly of God, 8/4, Eldridge St (btwn Grand & Hester Sts)

**VOTE:** To support the request by Bethel Chinese Assembly of God for a block party on August 4th on Eldridge St (Grand-Hester Sts).

3. 10th St Block Assoc., 8/11, E 10th St (Aves B&C)

**VOTE:** To support the request by 10th Street Block Association for a block party on August 11th on 10th St (Aves B-C).

4. Church of God Iglesia de Dios, 9/15, E 7th St (btwn Aves B&C)

**VOTE:** To support the request by Church of God Iglesias de Dios for a block party on September 15th on 7th St (Aves B-C).

5. Better Chinatown Society, 9/23, Mott St (btwn Canal & Bayard Sts)

**VOTE:** To support the request by the Better Chinatown Society for a block party on September 23rd on Mott St (Canal-Bayard Sts).

**197 Plan Task Force**

1. Continued discussion of zoning plan for 13th St to Houston/Delancey--Ave D to Bowery/3rd Ave

No vote necessary

2. Presentation by LES BID on zoning

No vote necessary

**200 Allen Street Hotel MOU Task Force**

▪ Labor Issues at 200 Allen Street

**VOTE:** WHEREAS, Community Board #3 is experiencing an incredible increase in new development within its district and, therefore, is profoundly concerned with the working conditions, prevailing wage scales and safety of all workers at existing construction sites within this community; and

WHEREAS, the Pomeranc Group has not allocated funds for a unionized workforce at its 200 Allen Street development site which is located within this district although Community Board #3 has long understood that the Pomeranc Group has incorporated funding for a unionized workforce in its other active developments in Tribeca and at 6 Columbus Circle; and

WHEREAS, Community Board #3 has asked the Pomeranc Group to attempt to revise its bid to provide for unionized labor with respect to carpentry work at its development site, 200 Allen Street; and

WHEREAS, Community Board #3 has asked that these negotiations be resolved prior to the commencement of any interior carpentry work at said site, which was originally scheduled for May of 2007; and

WHEREAS, representatives of the Pomeranc Group have now stated that it has, despite efforts, failed to successfully negotiate a union bid with respect to this component of its development and, further, that it will immediately begin interior carpentry work at its 200 Allen Street site; now

THEREFORE, BE IT RESOLVED, that Community Board #3 exhorts all developers to provide area standard wages and health benefits to construction workers who are working on development sites within this district; and

BE IT FURTHER RESOLVED, that Community Board #3 now expresses its profound disappointment with the Pomeranc Group for its failure to guarantee health benefits and area standard wages to the workers performing the interior carpentry at its 200 Allen Street site.

(200 Allen & Parks Committee)

40 YES 0 NO 0 Abstention 0 PNV - MOTION PASSED

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

1. Updates from Phipps, rent-up  
No vote necessary
2. Chinatown YMCA, update on programs & membership  
No vote necessary
3. University Settlement, program updates  
No vote necessary
4. Placement of signage at Christie St, Avalon Bay, Whole Foods  
No vote necessary

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

- Future goals  
No vote necessary

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

1. FY'2009 District Needs Statement  
No vote necessary
2. Pros & Cons regarding NYC Council Intro 119: local law to amend the administrative code of NYC, re: human rights law (Coop Disclosure Law)  
**VOTE:** To request that the City Council hold a hearing on the bill.
3. Cooper Square Committee, proposal to renovate 222 E 3rd St as 7 units of middle income housing  
No vote necessary
4. City Planning: Proposed zoning text amendment to Section 15-41, Enlargements of Converted Buildings  
**VOTE:** To support, with the proviso that DCP will closely scrutinize the modification to ensure that 1) it will be consistent with contextual zoning, and 2) it will not have any currently unforeseen adverse effects.
5. Request from Edison Co to increase parking spaces at 30 Essex St parking lot from 50 to original 96 using mechanical lifts. Plans include streetscape wall.

**Discussion:** David Crane made a friendly amendment. Harvey spoke about how he thinks that the parking will exacerbate the environmental impact. Harvey recommended a variance that would ask for cars for non-profits. Rocky is uncomfortable with making this as a quid pro-quo.

**VOTE: THIS MOTION DID NOT PASS IN COMMITTEE:** To support, with the proviso that the applicant plant as many trees as legally possible along the development's perimeter.

**VOTE:** WHEREAS, Edison is constructing a 23-story, 243-unit residential building (75% market rate, 20% low income, 5% middle income) known as The Ludlow at the southeast corner of Ludlow and East Houston Streets. Edison has proposed a revised plan that would provide a total of 96 spaces in the adjacent off-street parking facility at 30 Essex St.; and

WHEREAS, the construction of the new building displaced most of a parking facility at 30 Essex St that once provided 180 off-street parking spaces. The original plans provided only 50 parking spaces, resulting in a decrease of 130 parking spaces in the surrounding area. It is also expected that the residents of The Ludlow would bring about 49 additional vehicles into the area, since 20.2% of Manhattan households own a car according to the 2000 U.S. Census. Therefore, changes in parking supply and demand generated by Edison Co's original plans would lead to a net loss of about 179 parking spaces in the area; and

WHEREAS, many of the original parking spaces were utilized by people who live or work in the Community Board 3 area, and these people complained about the loss of the spaces to the Community Board; and

WHEREAS, one contributing factor for traffic congestion and pollution on the Lower East Side is the scarcity of parking spots. This results in people double parking or driving around the neighborhood looking for parking spots. The revised plans proposed by Edison would lessen these impacts of the construction of The Ludlow by adding 46 parking spaces at 30 Essex St. This would reduce the net loss generated by the project to 133 parking spaces; now

THEREFORE, BE IT RESOLVED, that Community Board 3-Manhattan supports the request from Edison to increase the parking spaces at 30 Essex St parking lot from 50 to 96 spaces using mechanical lifts. The plans include a streetscape wall to make the lot aesthetically pleasing for the community and trees in spaces where the city will permit trees on the property for which Edison is responsible.

6. Application requesting certification by MTA & City Planning as to whether transit easement volume is required for 14 Second Ave. in connection with proposed construction of hotel on land located entirely within the Special Transit Land Use District

**VOTE:** WHEREAS, Community Board #3 understands that the Metropolitan Transportation Authority is now seeking an easement to utilize part of the property located at 14 Second Avenue for the potential Second Avenue Subway line; and

WHEREAS, Evan Blum, the owner of 14 Second Avenue, is known to have engaged in unpermitted demolition to the building previously located at this address; and

WHEREAS, his illegal conduct resulted in the collapse and destruction of his building and near fatal damage to the adjacent residential apartment building, known as The Cube Building, located at 16 Second Avenue; and

WHEREAS, as a result of this illegal conduct, Evan Blum was prosecuted and convicted by the New York County District Attorney's Office and sued by the City of New York via Corporation Counsel; and

WHEREAS, as a consequence of the aforementioned circumstances, Community Board #3 has no confidence in the ability of this owner to safely develop this or any other site; and

WHEREAS, the developer has still not demonstrated responsible use of this property. He is currently not maintaining the property in a safe and clean manner. There have been complaints from the community and Community Board and violations issued this year for dangerous conditions illegal and unsafe fencing and there are complaints and violations regarding use of property for drug and alcohol abuse as current as the current month. It is also a dumping ground and is infested with rats; now

THEREFORE, BE IT RESOLVED, that Community Board # 3 urges the Dept of City Planning to use its agency where possible to prevent the granting of permits to allow development of this site by the present owner based on past history of irresponsible and dangerous development and maintenance of the property and to inform other city agencies of this history, and

BE IT FURTHER RESOLVED, that Community Board #3 urges the Department of City Planning to support the granting of the easement to the Metropolitan Transportation Authority because it will give needed access to the subway to the community.

40 YES    0 NO    0 Abstention    0 PNV - MOTION PASSED (Housing excluding Items 4&5)  
39 YES    0 NO    1 Abstention    0 PNV - MOTION PASSED (Housing Item 4)  
39 YES    1 NO    0 Abstention    0 PNV - MOTION PASSED (Housing Item 5)

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

1. FY'2009 District Needs Statement  
No vote necessary
2. Tree planting outreach, with Con Ed settlement funds  
No vote necessary
3. Update: Greening A Block & Asthma Free School Zone Proposals  
No vote necessary
4. Next Steps, Con Ed Settlement Funds  
No vote necessary
5. Dept of Design & Construction: replacement of catch basins at E Houston & Allen Sts, Delancey St & FDR, Delancey & Columbia Sts, Delancey St & Baruch Drive, Broome St & Bowery, Canal St & Bowery  
No vote necessary

6. Support for auxiliary officers assistance and improvement plan, which includes requests for protective equipment and legislation regarding safety, benefits, reporting, and training and restoration of Auxiliary Emergency Service Unit.  
No vote necessary

**Transportation Committee**

1. FY'2009 District Needs Statement  
No vote necessary
2. MTA presentation on Bleecker St-Broadway/Lafayette St Rehabilitation Project  
No vote necessary
3. Parks Dept request for 3 parking spaces on Monroe St off of Catherine S, next to Al Smith playground  
No vote necessary
4. Whole Foods request for parking meters: south side of E Houston btwn Bowery & Chrystie Sts & west side of Chrystie St btwn E Houston & Stanton. Additionally, DOT proposed east side of Chrystie btwn E Houston & Delancey & west side of Chrystie btwn Rivington & Delancey.  
No vote necessary
5. 7th Precinct request for "No Standing" signage on west side of Ludlow from Stanton to Delancey for Friday & Saturday night cabaret hours  
**VOTE:** To postpone until the July meeting. CB3 would like to hear a preliminary report from the 7th Precinct about the results of the existing pilot installation of the "No Standing" signage for weekend cabaret hours on Orchard St between Stanton down to E. Houston St. Based on that report, CB3 would consider an expansion of the pilot area down to Delancey St.
6. Progress report from Bus/Van Subcommittee  
No vote necessary

(Transportation)  
38 YES 0 NO 0 Abstention 0 PNV - MOTION PASSED

**Human Services & Seniors Committee**

- FY'2009 District Needs Statement  
No votes necessary

**Youth & Education Committee**

1. FY'2009 District Needs Statement  
No vote necessary
2. Administration for Children's Services: daycare plans for CB3  
No vote necessary
3. Support for Projects Arts funding  
**VOTE:** To support the Manhattan Borough President's resolution regarding Project Arts (Arts Restoration to the Schools). (see attached)
4. Children's Liberation Daycare - return to PS122 after building renovation  
**VOTE:** WHEREAS, Children's Liberation Day Care Center is a high quality, vital resource for families in the community, Community Board 3 believes that Children's Liberation Day Care Center should remain at its current site until written plans, Buildings Department permits, and a clear schedule of renovations is made public; and

WHEREAS, CB3 believes that CLDCC does deserve to have recognized equity in the PS 122 building and should be provided permanent residence, preferably in the building, if not, in the immediate vicinity; now

THEREFORE, BE IT RESOLVED, that Community Board 3 demands that if relocation is necessary, the Children's Liberation Day Care Center be re-located temporarily in a child-appropriate facility in the immediate neighborhood and that a definite promise of return to 150 First Avenue be made in writing; and

BE IT FURTHER RESOLVED, that Community Board 3 demands that Children's Liberation Day Care Center be part of all further planning and discussion regarding the renovation of the building.

(Youth)  
38 YES 0 NO 0 Abstention 0 PNV - MOTION PASSED

**Ethics, Bylaw & Procedures Committee**

No meeting scheduled

**Old Business:** There was no old business.

**New Business:** There was no new business.

Members Present at Last Vote:

David Adams [P]  
Paul Bartlett [A]  
Mayra Cappas [P]  
Wendy Cheung [P]  
Pearl Chin [A]  
Rocky Chin [P]  
David Crane [P]  
Andrea Diaz [P]  
George Diaz [P]  
Harvey Epstein [P]  
Morris Faitelewicz [P]  
Beth From [P]  
Rabbi Y. S. Ginzberg [P]  
Gloria Goldenberg [P]  
Alexander Gonzalez [P]  
Aurora Guzman [A]  
Guido Hartray [A]

Herman F. Hewitt [P]  
Bonnie Hulkower [A]  
Carolyn Jeffers [P]  
Anne K. Johnson [A]  
Joel Kaplan [P]  
Sam Krueger [P]  
John Leo [P]  
Eden Lipson [P]  
Bernice McCallum [A]  
David McWater [P]  
Alexandra Militano [P]  
Lillian Moy [P]  
Thomas Parker [P]  
Dominic Pisciotta [P]  
Barden Prisant [P]  
Carolyn Ratcliffe [P]  
Joyce Ravitz [P]

Lois M. Regan [A]  
Richard F. Ropiak [P]  
Estelle Rubin [A]  
Elizabeth Sgroi [P]  
David Silversmith [P]  
Deborah A. Simon [A]  
Pia Simpson [P]  
Arlene Soberman [P]  
Nancy Rose Sparrow-Bartow [P]  
Elinor Tatum [P]  
David Weinberger [P]  
Nina Werman [A]  
Harry Wieder [P]  
Samuel Wilkenfeld [A]  
Noah Yago [P]  
Thomas Yu [P]

Meeting Adjourned at 10:00 P.M.