



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD NO. 3

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David McWater, Board Chair

Susan Stetzer, District Manager

December 2007 Full Board Minutes

Meeting of Community Board #3 held on Tuesday, December 18, 2007 at 6:45 at PS 20, 166 Essex St

Public Session:

Aaron Sosnick: of the East Village Community Coalition (EVCC). He is speaking in reference to the AIA zoning amendments. He believes the presentation did not allow enough time for accurate consideration by the Committee.

Michael Rosen: from EVCC. He is speaking in opposition to AIA zoning amendments.

Manny Rodriguez: of the Felix Millan Little League. He is speaking in regards to Corlears Hook Park. He would like the children of the Lower East Side to be able to play in the park. He believes CB3 should have received notice of the move.

Harry Rodriguez: of the Felix Millan Little League. He is speaking in regards to Corlears Hook Park.

Wally Acevedo: of the Felix Millan Little League. He is speaking in regards to Corlears Hook Park. He is upset that people of outside the community are taking over the playing fields of this community.

Louise Millman: wants denial in full of liquor license for the Cooper Square Hotel. She believes the community was not accurately informed of the plans for the hotel.

Romy Charlesworth: wants denial in full of liquor license for the Cooper Square Hotel

Carrie Schneider: wants denial in full of liquor license for the Cooper Square Hotel. Her apartment is 30" away from the outside terrace of the Cooper Square Hotel.

Angel Seda: from Good Ole Lower East Side (GOLES): telling the community about GOLES's Community Assessment Survey. GOLES is holding a "We Love Pathmark" rally to try and keep the Pathmark in the neighborhood.

Mark Levine: owners of the property known as Land's End at 257 South Street (city water tunnel). He is speaking in reference to the 2nd item on the Real Estate Committee. He would like CB3 to vote not to approve the ULURP.

Stuart Zamsky: representing the 5th St Block Association. He is concerned about the fact that the Cooper Square hotel has a lot of space which could have been used for more rooms. He wants a denial of their liquor license.

Hayes Greenfield: wants a denial of the liquor license for the Cooper Square Hotel.

Matthew Moss: he is the developer of the Cooper Square Hotel. He is looking forward to being a good neighbor of the community. He would like amendments on the second floor terrace as well as other areas.

Public Officials:

Assemblymember Deborah J. Glick: The Manhattan delegation met with Dan Doctoroff. Glick expressed to him that the city seems to be operating for tourists more than for the people who live here. She is glad that CB3 has an Arts taskforce. She has been working with the city about illegal hotels. She is not in support of automatic tuition hikes and differential tuition.

Mayor Michael Bloomberg, Lolita Jackson & Pauline Yu: N/A

Comptroller William Thompson, Rafael Escano: N/A

Public Advocate Betsy Gotbaum, Simeon Banister: N/A

Borough President Scott Stringer, Gregory Brender: MBP's office is now accepting application for the Community Board. Every board member whose term is expiring must reapply.

Congressmember Carolyn Maloney, Victor Montesinos: N/A

Congressmember Jerrold Nadler, Erin Drinkwater: N/A

Congressmember Nydia Velazquez, Iris Quinones: The Congressmember is working on an energy bill and a children's healthcare bill. She is supporting a bill that passed the house for a bill that called for a date-certain for a redeployment of troops.

Assembly Speaker Sheldon Silver, Michael Chan: The Speaker got \$1.5 million in support of a NYCHA pilot tenant Patrol Program security program. The office is conducting its last Medicare workshop.

Assemblymember Brian Kavanagh, Yomayra Millan: N/A

State Senator Martin Connor: The Senator has a newsletter about Congestion Pricing going out to constituents.

State Senator Thomas K. Duane, David Chang: The Senator has introduced legislation that would increase funding for the MTA. He has also introduced legislation concerning illegal hotels.

Councilmember Alan Gerson, Tammy To: discussed topics concerning Lower East Side Zoning. She spoke about the installation of grab bars in Senior Citizen bathrooms.

Councilmember Rosie Mendez, Jessica Nepomiachi: There are open universal pre-K spots in the community.

Members Present at First Vote:

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

Minutes:

Minutes of October 2007 were approved, as is.

Board Chairperson's Report:

The Chair went to a meeting of the NYU taskforce. He believes the BP's taskforce is moving in the right direction. Their will be a website concerning the taskforce up soon. They have put the proposed NOHO historical district in their plans. The CB3 holiday party is after the meeting tonight at the Magician.

District Manager's Report:

The tree mulch will be a Tompkins square park on Jan.5-6, 2008 from 10 AM to 2PM. EDC is sponsoring a meeting on Jan. 15th at 82 Rutgers Slip (the Community Room) from 6:30 PM – 9 PM. The agenda is to discuss community ideas for the programming of pavilions in CB3, and other programming along the esplanade.

The cuts to the CB3 budget looks like its going forward. The Community Boards have sent letters to the mayor trying to stress that the Community Boards are not able to make cuts.

Committee Reports:

Executive Committee

VOTE: To approve the Arts and Cultural Affairs Task Force holding a Town Hall meeting in January 2008.

197 Plan Task Force

1. Review of subcommittee report
No vote necessary
2. Update on DCP zoning plan
No vote necessary
3. Review of Seward Park Urban Renewal Area brainstorming session
VOTE: To authorize the chair to request from local universities and academic organizations technical assistance in developing plan for SPURA.

(Executive Committee & 197 Plan Task Force)
32 YES 0 NO 5 ABS 0 PNV MOTION PASSED

Housing & Land Use Committee

1. Support for Henry Street Settlement proposal for former Firehouse at 269 Henry St

VOTE: WHEREAS, Community Board 3 (CB 3) has consistently supported the Henry Street Settlement (Henry Street) and the valuable community services it provides; and

WHEREAS, CB 3 has previously supported Henry Street's efforts to acquire the unused fire house locate at 269 Henry Street (The Fire House); and

WHEREAS, Henry Street's acquisition of The Fire House will allow Henry Street to provide greater access to its facilities, including ADA compliant access to the Henry Street facilities located at 265 Henry Street and 267 Henry Street; and

WHEREAS, such increased access to Henry Street's facilities will enable Henry Street to provide services to an expanded base of community residents; and

WHEREAS, Henry Street requires additional space to allow for the expansion of its community services; and

WHEREAS, Henry Street has committed to preserving the architectural and historical integrity of The Fire House; and

WHEREAS, Henry Street's acquisition and development of The Fire House provides an optimal utilization of this space, as Henry Street's adjacent facilities will provide necessary support services; and

WHEREAS, Henry Street's development for The Fire House and adjacent buildings will serve as a model for bridging historical structures and contemporary needs; and

WHEREAS, given Henry Street's commitment to preserving the rich history The Fire House and increasing client access to its adjacent facilities, Henry Street's development of The Fire House will result in the expenditure of substantial funds by this non-profit community services organization; now

THEREFORE, BE IT RESOLVED, that CB 3 supports the transfer of the Fire House located at 269 Henry Street to The Henry Street Settlement; and

BE IT FURTHER RESOLVED, that such transfer shall be effectuated at nominal cost to the Henry Street Settlement.

2. ULURP 070212PCM: Acquisition of 257 South St (B246, L1) for use as a maintenance and construction staging area for city water tunnel 1

VOTE: WHEREAS, the NYC Department of Environmental Protection (DEP) seeks to ULURP the site located at 257 South Street (the Site) to serve as a maintenance and staging area for City Water Tunnel 1; and

WHEREAS, such action by DEP will help safeguard the purity of the water supply of The City of New York; and

WHEREAS, DEP's proposed use of the site includes the establishment of open green space and a children's playground thereat; and

WHEREAS, our community has longstanding needs for both open green space and children's play areas;

THEREFORE BE IT RESOLVED, that CB 3 supports DEP's proposal to acquire the site located at 257 South Street to serve as a maintenance and storage are for City Water Tunnel 1 and, in conjunction therewith, establish an open green space and children's playground at said site. And that it is maintained as a playground for all periods over the course of the project that construction is not taking place; and that DEP commits to funding the playground in perpetuity.

3. N080110ZRY (non-ULURP referral): Amendment of Zoning Resolution related to bulk regulation in commercial, manufacturing and residential districts

VOTE: To refer the motion to approve back to the Housing Committee with previous amendment.

4. N080135ZCM (non-ULURP referral): Application pursuant to zoning regulation section 95-04 for a certification by the City Planning Commission and the NYC Transit Authority as to whether a transit easement is required in the connection with the proposed construction of a new building at 8 Catherine St (B281, L4)

No vote necessary

5. N080149ZRY (non-ULURP referral): Stairwells Text Amendment to retain existing allowable floor area for apartments while accommodating the stricter fire safety standards for stairwells in tall residential buildings

VOTE: WHEREAS, the Department of City Planning (DCP) seeks a Stairwell Text Amendment that would enable builders of tall residential buildings to retain existing allowable floor area for apartments while accommodating stricter fire safety standards for stairwells; and

WHEREAS, said amendment does not, in any way, impinge on Local Law 58; and

WHEREAS, such amendment will foster the goal of greater public safety; now

THEREFORE, BE IT RESOLVED, that CB 3 approves of DCP's proposed Stairwell Text Amendment.

(Housing Committee)

22 YES 12 NO 3 ABS 0 PNV (Amendment to Item 3) MOTION PASSED

37 YES 0 NO 0 ABS 0 PNV (To send item 3 back to committee) MOTION PASSED

32 YES 3 NO 0 ABS 1 PNV (Item 2) MOTION PASSED

35 YES 1NO 0 ABS 0 PNV (Items 1 & 5) MOTION PASSED

Public Safety & Sanitation Committee

- Request for alternate side of the street cleaning with appropriate signage at Market St (Madison & Monroe)

VOTE: WHEREAS, Community Board #3 has received complaints that Market Street between Madison and Monroe Streets does not have alternate side of the street parking regulations to allow for street cleaning; and

WHEREAS, Community Board #3 has received complaints that Market Street between Madison and Monroe Streets is not cleaned properly because parking interferes with the NYDS's ability to clean around parked cars; and

WHEREAS, NYDS has confirmed that this location does not have alternate side of the street cleaning; now

THEREFORE, BE IT RESOLVED, that Community Board #3 requests that NYDS assign alternate side of the street regulations to this location so that it can be cleaned properly.

(Public Safety & Sanitation Committee)

36 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Transportation Committee

1. Review of contract between HPD and LES BID for parking lots bounded by Broome, Delancey, Norfolk, & Clinton Sts
No vote necessary
2. DDC: commencement of final design for reconstruction of East Houston St from the Bowery to the FDR Drive
Withdrawn
3. DOT: adopt a position on scrolling and video advertising on the new bus shelters
No vote necessary
4. PlaNYC 2030: adopt a position on congestion pricing
No vote necessary

Human Services & Seniors Committee

No meeting scheduled

Youth & Education Committee

No meeting scheduled

Ethics, Bylaw & Procedures Committee

No meeting scheduled

SLA & Economic Development Committee

Renewal with Complaint History

1. Cullen Restaurant, 118 St Marks Pl (op)

VOTE: To approve the renewal of the full on-premise liquor license for Cullen Restaurant, 118 St. Marks Place.

2. Candela, 92 2nd Ave (op)

VOTE: To deny the renewal of a full on-premise liquor license for Candela, 92 Second Avenue, because the applicant did not appear before Community Board #3 for review of its application or provide any application materials to review.

3. Club Midway, 25 Ave B (op)

Withdrawn

Applications within Resolution Areas

4. BK Kafe, 6 Clinton St (rw)

VOTE: WHEREAS, the applicant, BK Kafe, is applying for a restaurant wine license for 6 Clinton Street, between Houston Street and Stanton Street and did not appear before Community Board #3 for review of its application or provide any application materials to review; and

WHEREAS, Clinton Street is a small, narrow, one (1) lane residential street, only three (3) blocks long, running from Houston Street to Delancey Street, and which is one of the most heavily trafficked areas in the Lower East Side because it operates as a through street for traffic traveling north from the Williamsburg Bridge to the FDR Drive and Avenue B; and

WHEREAS, Clinton Street is presently overwhelmed by nighttime licensed establishments of all types, as well as vehicular and pedestrian traffic congestion attendant to the volume of these businesses; now

THEREFORE, BE IT RESOLVED, that Community Board #3 moves to deny the restaurant wine license for BK Kafe, 6 Clinton Street.

5. Georgia's Eastside BBQ, 192 Orchard St (eb)

VOTE: WHEREAS, Georgia's Eastside BBQ is applying for an eating place beer license for 192, Orchard Street, between Houston and Stanton Streets, to operate a barbeque restaurant in a location that was previously operated as a coffeeshop; and

WHEREAS Community Board #3 has an ongoing resolution prohibiting the approval of additional licenses on Orchard Street between Houston and Delancey Streets because Orchard Street is presently overwhelmed by nighttime establishments of all types, as well as incredible vehicular and pedestrian traffic congestion attendant to the volume of these businesses; and

WHILE, there are presently at least six (6) full on-premise licenses on this block, as well as one (1) restaurant wine license, the proposed method of operation of this applicant is as a barbeque restaurant, of which there are no others nearby, it has limited its hours of operation to be consistent with a restaurant, it is seeking to obtain the lowest class of liquor license available and it has a large delivery area as part of its method of operation, a much needed service on the Lower East Side; now

THEREFORE, BE IT RESOLVED, that Community Board #3 moves to deny the application for an eating place beer license for Georgia's Eastside BBQ, 192 Orchard Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a full service barbeque restaurant, 2) it will serve beer only to patrons purchasing food, 3) its hours of operation will be 12:00 P.M. to 11:00 P.M. Sundays through Thursdays, 12:00 P.M. to 12:00 A.M. Fridays and Saturdays and be closed on Mondays, 4) the applicant will not request to upgrade its license for the life of the license, and 5) it will continue to serve the community with its large delivery area, spanning from East Broadway to 14th Street, Third Avenue to Avenue C.

6. CDK Tavern, 35 Clinton St (op)

VOTE: To deny the transfer of a full on-premise liquor license to CDK Tavern, 35 Clinton Street, because ~~1) Community Board #3 has an ongoing resolution prohibiting the approval of additional licenses on Clinton Street between Houston and Delancey Streets because Clinton Street is presently overwhelmed by nighttime establishments of all types, as well as vehicular and pedestrian traffic congestion attendant to the volume of these businesses; 2) Clinton Street is a small, narrow, one (1) lane residential street which is only three (3) blocks long, running between Houston and Delancey Streets, and which is one of the most heavily trafficked areas in the Lower East Side because it operates as a through street for traffic traveling north from the Williamsburg Bridge to the FDR Drive and Avenue B; and 3) the applicant did not comply with the notice requirement of Community Board #3 because it posted the hearing notice provided by the community board but redacted the hearing address from it.~~

AMENDMENT: To strike 1) and 2) of the motion - MOTION PASSED

Sidewalk Café Application

7. Friends Tri, 145 E 13th St

VOTE: To approve the application for a sidewalk café permit for fourteen (14) tables and thirty-five (35) seats for Friends Tri, 145 East 13th Street, because the applicant has signed a change agreement which will become part of its DCA license that 1) it would close the café on both the Third Avenue and 13th Street sides at 11:00 P.M. every night; 2) it will install awnings over all of the areas of the sidewalk café, which will be extended during all hours of operation; and 3) it will close any façade doors and windows at 10:00 P.M. every night.

Alterations/Transfers/Upgrades

8. Café Brama, 157 2nd Ave (up/op)

VOTE: To deny the upgrade to a full on-premise liquor license for Café Brama, 157 Second Avenue, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will close no later than 12:00 A.M. Sundays through Thursdays and 2:00 A.M. Fridays and Saturdays, and 2) it will operate as a full-service Mediterranean restaurant, serving food to within one (1) hour of closing.

9. Taj Mahal, 112 1st Ave (trans/op)

Withdrawn

10. Florios Enterprises, 192 Grand St (alt)

Withdrawn

11. 210-212 Ave A (trans/op)

VOTE: To deny the transfer of a full on-premise liquor license to a corporation to be determined, located at 210-212 Avenue A, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will close no later than 1:00 A.M. Sundays through Tuesdays, 2:00 A.M. Wednesdays and Thursdays and 3:00 A.M. Fridays and Saturdays, 2) it will operate as a full-service Mediterranean restaurant, serving food to within one (1) hour of closing, 3) it will close all doors and windows at 10:00 P.M. every night, specifically all façade French doors, 4) any live music will consist only of an occasional singer and guitar player and all doors and windows will be closed while they are playing, and 5) it will not have any event at which a cover fee is charged, or have any scheduled performances.

12. Nish-Chen, 129 2nd Ave (trans/rw)

VOTE: To deny the transfer of a restaurant wine license to Nish-Chen, 129 Second Avenue, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) its hours of operation will be 12:00 P.M. to 2:30 P.M. and 5:30 P.M. to 11:00 P.M. Tuesdays through Sundays and it will be closed on Mondays, and 2) it will operate as a full-service sushi restaurant, serving food to within one (1) hour of closing.

13. Grill Art, 99 2nd Ave (up/op)

VOTE: To deny the upgrade to a full on-premise liquor license for Grill Art, 99 Second Avenue, because 1) when originally approved for a restaurant wine license one (1) year ago, the applicant agreed that it would not apply to upgrade its license (see attached stipulation), 2) by the applicant's own estimate, there are already twenty-two (22) full on-premise liquor licenses within five hundred (500) feet of this location, nine (9) of which are on Second Avenue between 5th and 6th Streets where this establishment is located, and 3) the method of operation of this business has changed within the past few months from a Turkish restaurant to a seafood restaurant and its business name has changed.

14. 14 Ave B (trans/op)

VOTE: To deny the transfer of a full on-premise liquor license to Jordan Novak, representative of a corporation to a corporation to be determined, located at 14 Avenue B, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) its hours of operation will be 10:00 A.M. to 1:00 A.M. Sundays through Wednesdays and 10:00 A.M. to 2:30 A.M. Thursdays through Saturdays, 2) it will operate as a full-service restaurant, serving "casual American cuisine," to within one (1) hour of closing, 3) it will close any doors and windows at 10:00 P.M. every night, 4) it will not have DJs, live music, promoted events, any event at which a cover fee is charged or scheduled performances, 5) it will have only ambient background music, and 6) it will immediately address any vehicular and pedestrian traffic issues.

15. Bosch Avenue, 93 2nd Ave (alt/op/add service bar)

Withdrawn

16. Japy Restaurant, 111 Ave C (trans/op)

VOTE: To deny the transfer of a full on-premise liquor license to Japy Restaurant, 111 Avenue A, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will close no later than 1:30 A.M. Sundays through Thursdays and 2:30 A.M. Fridays and Saturdays, 2) it will operate as a full-service French Caribbean restaurant, serving food to within one (1) hour of closing, 3) it will close all doors and windows at 10:00 P.M. every night, and 4) it will only have ambient background music.

17. Wesley Paton, 34 Ave A (trans/op)

Withdrawn

18. Revolver, 210 Rivington St (trans/op)

VOTE: To deny the transfer of a full on-premise liquor license to David Winestock, a representative of a corporation to be determined, located at 210 Rivington Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will close no later than 1:00 A.M. Sundays through Wednesdays and 3:00 A.M. Thursdays through Saturdays, and be closed on Mondays, 2) it will have DJs on weekends only and will locate them in the back of the establishment, 3) to address resident complaints of noise, the applicant will make efforts to minimize any noise emanating from the establishment and prevent patrons from congregating in front of the building.

New Liquor License Applications

19. Cooper Square Hotel, 25-33 Cooper Sq (hotel)

VOTE:

COMMUNITY BOARD RESOLUTION APPROVING THE HOTEL LIQUOR LICENSE FOR COOPER SQUARE HOTEL, 25-33 COOPER SQUARE, SUBJECT TO CERTAIN RESTRICTIONS ON USE

WHEREAS, the applicant, Cooper Square Hotel, is seeking to obtain a hotel liquor license for a twenty-one (21) story hotel, located on the northeast corner of 5th Street and Cooper Square, New York, New York, otherwise known as 25-33 Cooper Square; and

THE APPLICATION

WHEREAS, said application, in addition to its conceded primary method of operation of renting hotel rooms, includes the following proposed public uses:

- 1) an interior first floor dining space with twenty-three (23) tables with ninety-five (5) seats, including bar stools, with a closing time of 4:00 A.M. every night;
- 2) an interior first floor bar space with ten (10) tables with thirty (30) seats and an additional ten (10) barstools, noting that the combined capacity for both interior first floor spaces is two hundred three (203) persons;
- 3) an interior second floor restaurant and bar with a sixty-two (62) person capacity and with five (5) tables and twenty-three (23) seats and an additional seven (7) bar stools;
- 4) an exterior first floor dining terrace with a sixty-six (66) person capacity and with eight (8) tables and forty (40) seats;
- 5) an exterior second floor terrace with a seventy-seven (77) person capacity and with three (3) tables and thirty-two (32) seats, comprised of chairs and couches;
- 6) an exterior garden with a one eighty-seven (187) person capacity with twenty-five (25) seats comprised of a combination of couches, benches and chairs; and
- 7) a basement lounge and supper club with a one hundred thirty-six (136) person capacity with seventy (70) seats, comprised of fifteen (15) tables with fifty-nine (59) chairs and eleven (11) bar stools; and

THE AREA

WHEREAS, said hotel is to be located in a newly constructed building, occupying five (5) lots which were formerly comprised of small-scale mixed residential and commercial buildings and a private parking lot, and is constructed around an existing four (4) story residential tenement building, whose ground floor commercial space will be utilized by said hotel but which still maintains residential tenants on its upper floors; and

WHEREAS, said hotel is located at the corner of East 5th Street, which is only two (2) blocks long, being abutted by a large housing development on First Avenue and a dead end at Cooper Square, and Cooper Square, which is a two (2) block length of avenue where Bowery merges into Third Avenue and which physically narrows and curves at East 5th Street where the northbound lane is divided by an island from the southbound lane;

WHEREAS, said hotel is located adjacent to a six (6) story residential tenement building, located at 207 East 5th Street, constructed in 1910, and across the street from a fourteen (14) story assisted living facility, with one hundred forty (140) units, located at 200 E. 5th Street, and occupied by disabled and elderly residents whose median age is seventy-five (75) years old, and where there is an additional assisted living facility midblock on the south side of 5th Street; and

HISTORY OF APPLICATION

WHILE, Community Board #3 recognizes that the applicant appeared before Community Board #3 in January of 2007, to make a preliminary presentation regarding its method of operation, has participated without resolution in a taskforce with Community Board #3 and Henry Street Settlement in an effort to include local hiring as part of its method of operation, has engaged in series of conversations with residents of this community and the 5th Street Block Association in an effort to

construct an operating agreement compatible with this community and withdrew its application after appearing before this community board on April 16, 2007, to address outstanding issues regarding its method of operation, specifically regarding its outdoor uses, and understanding that, at that time, there was notable opposition to its proposed public uses, including but not limited to forty (40) people appearing in opposition to said application and tendered petitions of two hundred fifty-nine (259) people opposing said application; and

WHEREAS, there has been apparent agreement between the applicant and community residents about the following issues:

- 1) that, the entrance to the hotel which is located on Cooper Square, between 5th and 6th Streets, will be its primary entrance,
- 2) that, all loading and unloading of guests, service deliveries and garbage pickups will be effected on Cooper Square, rather than on 5th Street;
- 3) that, the easternmost entrance on 5th Street, directly adjacent to 207 East 5th Street, will be used as an emergency egress only;
- 4) that, the applicant will make efforts to prevent taxis or limousines from standing on 5th Street;
- 5) that, smoking will be prohibited in the second floor exterior lounge terrace, as it abuts residential windows;
- 6) that, an awning will be extended over the second floor exterior lounge terrace during all hours of operation;
- 7) that, exterior lights, whether in outdoor spaces or on the exterior of the building façade, will be at low levels and directed away from neighboring windows;
- 8) that, the applicant will make efforts to prevent patrons from loitering on 5th Street;
- 9) that, the applicant will not apply for a sidewalk café permit for seating on 5th Street;
- 10) that, the applicant will not apply for a cabaret license for its basement lounge; however

THERE REMAIN outstanding issues regarding the applicant's most recently proposed use of its outdoor spaces and the service of alcohol in said spaces, including:

- 1) the proposed closing hours of the first floor dining terrace, which are 10:00 P.M. Sundays through Wednesdays and 11:30 P.M. Thursdays through Saturdays, although this area abuts the residential apartment building located at 207 East 5th Street;
- 2) the proposed closing hours of the second floor lounge terrace, which are 9:00 P.M. Sundays through Wednesdays, 10:00 P.M. Thursdays and 10:30 P.M. Fridays and Saturdays, although the perimeter of this area is thirty (30) inches from the windows of the westernmost second floor tenants at 207 East 5th Street;
- 3) the proposed closing hours of the first floor garden, which are 10:00 P.M. Sundays through Wednesdays and 11:00 P.M. Thursdays through Saturdays, although this area abuts 207 East 5th Street at its easternmost edge and directly faces 200 East 5th Street;
- 4) the proposed use of its westernmost entrance to 5th Street, which traverses the first floor garden;

COMMUNITY BOARD POSITION

WHEREAS, Community Board #3 must recognize that, although it had the ability to do so, the applicant did not conform its development to account for the six (6) story residential tenement, whose windows are located thirty (30) inches from the perimeter of its second floor lounge terrace, or its first floor garden space, which directly faces a large-scale assisted living facility and is occupied primarily by elderly residents, including choosing to locate any outdoor terrace on a floor higher than the adjacent building to avoid disturbing neighbors, and

WHEREAS, Community Board #3 has worked closely with the Department of Buildings, the 9th Precinct and community residents regarding persistent complaints about noise as result of side and rear yard use and has recently submitted a motion to the City Council in pertinent part in support of restricting commercial outdoor use, in side and back yards and on rooftops and terraces; and

WHEREAS, side yard usage with respect to this location is particularly relevant as Community Board #3 has already received complaints from the residents of the assisted living facility, located at 200 East 5th Street, regarding traffic congestion and horn honking from taxis as a result of the existing nighttime establishments on the Bowery, as well as regarding noise emanating from surrounding nighttime establishments, particularly from the outdoor side yard of the Bowery Bar, located at the southwest corner of 4th Street and Bowery; and

WHEREAS, the proposed outdoor uses for 25-33 Cooper Square are a small physical percentage of numerous commercial amenities, including numerous indoor commercial spaces which will be open the maximum allowable hours, including a screening room, in addition to its primary use as a hotel renting rooms, therefore, Community Board #3 believes that restricting the hours or use of the three (3) outdoor spaces will have a *de minimis* economic impact on this large-scale business;

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the application for a hotel liquor license for the Cooper Square Hotel, 25-33 Cooper Square, unless the applicants agrees before the SLA to make as conditions of its license the following signed notarized stipulations, that

Generally, 1) the entrance to the hotel which is located on Cooper Square, between 5th and 6th Streets, will be its primary entrance, 2) to alleviate traffic congestion on 5th Street and prevent taxis and limousines from blocking ambulances or ambulettes which may have to access the two (2) assisted living facilities on said street, all loading and unloading of guests, service deliveries and garbage pickups will be effected on Cooper Square, rather than on 5th Street and, where can be prearranged by hotel staff, taxis and limousines will be directed to the entrance on Cooper Square; 3) the easternmost entrance on 5th Street, directly adjacent to 207 East 5th Street, will be used as an emergency egress only; 4) the applicant will make efforts to prevent taxis or limousines from standing on 5th Street, by assigning personnel whose responsibilities include monitoring hotel traffic; 5) exterior lights, excluding any on the Cooper Square façade, whether in outdoor spaces or on the exterior of the building façade, will be at low levels and directed down or away from neighboring windows; 6) the applicant will make efforts to prevent patrons from loitering on 5th Street; 7) the applicant will not apply for a sidewalk café permit for seating on 5th Street; 8) the applicant will employ an acoustical engineer to sufficiently soundproof all of the walls adjacent to 207 East 5th Street, as well as the cellar lounge area; 9) there will be ambient background music only in the first and second floor interior restaurant and bar spaces; 10) there will no music of any kind in the exterior garden or terraces; 11) there will be no service bars in the exterior garden or on any terrace; 12) its westernmost entrance on 5th Street will be accessible by key card to registered guests only and will be inaccessible as an entrance or egress after 9:00 P.M. every night; 13) the applicant will provide waiting areas within the hotel, rather than allowing patrons to wait outside, 14) the applicant will station security personnel at the ground floor entrance of the outdoor staircase located north of the lobby on Cooper Square and leading to the second floor terrace, to monitor people entering and leaving said staircase;

Specifically,

With respect to the basement lounge and supper club, 15) the applicant will not apply for a cabaret license for its basement lounge; 16) live music will only be offered as background accompaniment to the service of food and drink only and there will be no scheduled performances; 17) it will close no later than 2:00 A.M. Sundays through Wednesdays and 3:00 A.M. Thursdays through Saturdays; 18) patrons will be unable to access the first floor garden from the basement; 19) there will be food served during all hours of operation;

With respect to the first floor garden, 20) given its proximity to an assisted living facility and adjacent to a residential apartment building, it will close no later than 9:00 P.M. every night; 21) the regular use of the first floor garden will be as a quiet gathering space for patrons and guests; 22) if there are any special events held in the first floor garden, the closing hours of 9:00 P.M. will be maintained and there will be no music of any kind played in said garden, and security personnel will be assigned, during any event, to monitor and minimize noise emanating from the garden and patrons exiting onto 5th Street; 23) if approved by the Department of Health, any smoking area will be designated at the westernmost portion of the garden; and

With respect to the first floor exterior terrace, 24) it will open no earlier than 8:00 A.M. daily and its closing hours will be 10:00 P.M. Sundays through Thursdays and 11:00 P.M. Fridays and Saturdays; 25) its method of operation will be as a dining area serving food during all of its operating hours; and

With respect to the second floor terrace, because this terrace is separated from the windows of 207 East 5th Street by a mere thirty (30) inches, notwithstanding the proposed sound baffling wall of forty-two (42) inches, topped by potted plants, 26) it will open no earlier than 11:00 A.M. daily and close no later than 8:00 P.M. every night; 27) there will be food and alcohol service in this area but

the applicant will make substantial efforts to minimize the impacts of noise and noxious fumes from said service on the residents in the adjacent apartment building; 28) an awning will be extended over the area during all hours of operation, in addition to the proposed soundbaffling wall and potted plants, to further shield neighboring residents from noise; 29) candles, rather than any electrical lighting, will be used at night; and 30) smoking will be prohibited in the second floor exterior lounge terrace, as it abuts residential windows. The applicant has stated that it would apply to the Board of Standards and Appeals to obtain a variance to enclose this area and soundproof it from neighboring residents and Community Board #3 supports such an application as a means to alleviating any negative impacts this area may have on neighboring residents; and

FURTHER, should the applicant fail to agree to restrict the use of its outdoor space to accommodate the existing neighboring residential buildings, Community Board #3 asks the State Liquor Authority that any hotel liquor license approved for the Cooper Square Hotel, 25-33 Cooper Square, not be extended to include any outdoor spaces.

20. Kitchen 212, 212 E 10th St (rw)

VOTE: That this applicant having previously been denied a number of times, in pertinent part because the applicant repeatedly failed to provide any demonstration of support for its business from area residents and now having operated for one (1) year without complaint and having provided the requested petitions of support, to deny the application for a restaurant wine license for Kitchen 212, 212 East 10th Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a full-service Asian Vietnamese fusion restaurant, serving food to within one (1) hour of closing; 2) its doors and windows will be closed at 10:00 P.M. every night; 3) it will close no later than 11:30 P.M. Sundays through Thursdays and 1:00 A.M. Fridays and Saturdays; 4) it will have no DJs, live music or promoted events and will play only ambient background music.

21. E Ochi, 218 E 9th St (op)

Withdrawn

22. KiMama, 326 E 6th St (rw)

VOTE: To deny the application for a restaurant wine liquor license for KiMama, 326 East 6th Street, because the applicant did not appear before Community Board #3 for review of its application or provide any application materials to review.

23. FWC Café, 111 1st Ave (op)

No vote necessary

24. Ramadan Milad Group, 89 E 2nd St (rw)

VOTE: To deny the application for a restaurant wine license for Ramadan Milad Group, 89 East 2nd Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) its hours of operation will be from 12:00 P.M. to 12:00 A.M. every night, 2) it will operate as a full-service Turkish restaurant, serving food to within one (1) hour of closing, 3) it will only have ambient background music, and 4) it will no longer provide hookahs as part of its operation.

25. F&S Pizza, 328 E 14th St (rw)

VOTE: To deny the application for an eating place beer license for F&S Pizza, 328 East 14th Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a gourmet pizza restaurant, consisting primarily of delivery service, and will serve food during its hours of operation, and 2) its hours of operation will be 9:00 A.M. to 1:00 A.M. every day.

26. Arnold's Homemade, 124 1st Ave (op)

Withdrawn

27. Daimyo, 207 2nd Ave (op) THIS IS AN UPGRADE APPLICATION

VOTE: To deny the upgrade to a full on-premise liquor license for Daimyo, 207 Second Avenue, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will maintain its operation as a full service Asian American influenced restaurant, serving food to within one (1) hour of closing, 2) it will continue to close no later than 2:00 A.M. every night, and 3) it will close its doors and windows no later than 10:00 P.M. every night. - **THE APPLICANT FAILED TO PROVIDE COMMUNITY BOARD #3 WITH SAID STIPULATION.**

Old Business

28. Revitali Restaurant, 125-127 1st Ave (rw)

VOTE: To rescind the previous motion to deny the renewal of the restaurant wine license for Revitali Restaurant, 125-127 First Avenue, because the applicant had failed to provide the requested signed notarized stipulation and to now deny the renewal of the restaurant wine license for Revitali Restaurant, 125-127 First Avenue, unless the applicants agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate no later than 2:00 A.M. all nights, consistent with its original application, 2) it will operate as a full-service restaurant, serving French Moroccan cuisine to within one (1) hour of closing, and 3) it will not have DJs, live music or belly dancing.

(SLA Committee)

36 YES 0 NO 0 ABS 0 PNV (Excluding Items 5,6,14,16,18,19,20,24) MOTION PASSED
 31 YES 0 NO 5 ABS 0 PNV (Items 14,16,20,24) MOTION PASSED
 35 YES 1 NO 0 ABS 0 PNV (Item 5) MOTION PASSED
 35 YES 0 NO 0 ABS 1 PNV (Item 18) MOTION PASSED
 23 YES 4 NO 7 ABS 0 PNV (Amendment to Item 19) MOTION PASSED

3 YES 26 NO 6 ABS 0 PNV (Amendment to Item 19-To close Nov-March) DID NOT PASS
 27 YES 1 NO 7 ABS 0 PNV (Amendment to Item 19) MOTION PASSED
 33 YES 0 NO 1 ABS 0 PNV (Item 6) MOTION PASSED

Arts & Cultural Affairs Task Force

- Planning Meeting for CB3 Visual Arts Forum/Town Hall (tentatively January)
 No vote necessary

Parks & Recreation Committee

Street Fair Applications

1. Better Chinatown Society Firecracker Festival, 2/7, Chatham Sq
VOTE: To support the request by Better Chinatown Society for a Firecracker Festival on East Broadway (Park Row – Catherine Street) on Thursday, Feb. 7, 2007.
2. Better Chinatown Society New Years Block Party, 2/10, Bayard (Elizabeth - Mulberry Sts.)
VOTE: To support the request by Better Chinatown Society for a New Years Block Party on Bayard (Elizabeth – Mulberry Streets) on Sunday, Feb. 10, 2007.
3. United Fujianese of American Association Lunar Festival, 2/20, Market St (East Broadway – Henry St.)
VOTE: To deny the request by United Fujianese Association of America for a street fair on Market Street (East Broadway – Henry Street) on Wednesday, Feb. 20, 2007 due to nonappearance before the Community Board #3 Parks Committee.
AMENDMENT (Lois Regan): To change to approve with the stipulation that United Fujianese Association will not miss further meetings of the Parks Committee of Community Board Three.

Parks Committee Items

4. Proposal to designate Corlear's Hook Park diamond as Downtown Little League's home baseball field
VOTE: To send a letter to LMDC and the Parks Department concerning the recent proposal to designate Corlear's Hook Park as Downtown Little League's home baseball field.
AMENDMENT (Rocky Chan): Will the Parks department conduct a study if the extra parking will adversely affect the community surrounding Corlears Park?

Dear Chair Schick and Commissioner Benepe:

Community Board #3 recently became aware from reading the newspapers that LMDC has awarded a \$2 million dollar grant to create a baseball field in Lower Manhattan to serve as home field for the Downtown Manhattan Little League. The media states that this will be created in Corlear's Hook Park. Upon further research, we find that this field will be available for use by all Lower Manhattan residents.

The Community Board very much appreciates a grant to reconstruct and upgrade our parks. However, Community Boards were created to allow communities to participate in decisions for the communities. It is very disturbing that the Community Board became aware of this grant and a decision regarding a neighborhood park without any notification, transparency, consultation, or input. This may be a wonderful designation or it may be that there are other possibilities that would better suit this use. Since the Community Board/community has not been given any information, we cannot make a recommendation as to whether this designation should be supported or if other suggestions should be considered.

Further conversations between LMDC and the Community Board office have provided some clarification and commitment. LMDC will have a representative at the January 10th Parks Committee meeting. We have also been told that this designation of Corlear's Hook is not a final decision. There will be community outreach and a further LMDC Board meeting is required to finalize this specific location grant.

Community Board #3 looks forward to further dialogue with both LMDC and Parks to gain more information followed by community input. The Board requests that Parks Department also have a representative at the January 10th meeting who can provide information and answers regarding this designation. We have a list of questions that we believe are basic and would appreciate answers to help us make a knowledgeable recommendation. The questions are listed at the end of this letter. If we could receive some or all of these answers before the January 10th meeting, we could more efficiently discuss the issue at the meeting.

cc:s

Questions:

1. How many ball fields are there below 14th Street; where are they located?
2. How many teams currently use the ball fields (kids and adults); what are the teams and how many hours are assigned to each?

3. What does being a home baseball field mean? How many hours for this team and what does this entail besides hours? (any storage abilities, etc.?)
 4. What other sports will be played on the proposed field? During what seasons?
 5. LMDC grant says this field will be available to all. What is the process used to assign little league permits to make sure there is fair distribution? Are there any penalties for reserving fields and not using them without notice?
5. Request for the Mayor of the city of NY to preserve the existing Green Thumb Community Gardens and to set aside more parkland, open space, and vacant lots to be developed as permanent Green Thumb Community Gardens
- NOTE:** To support the continuation and preservation of 37 Community Board #3 Green Thumb Gardens predicated on the assumption that they continue to operate under the original rules and regulations concerning Green Thumb Gardens.
6. Parks Dept: update on Allen St Mall redevelopment
No vote necessary.

(Parks Committee)

32 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Labor/Economic Development Task Force

- Concerns regarding working conditions at construction at 101 Ludlow St
No vote necessary

Members Present at Last Vote:

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

Meeting Adjourned