



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD NO. 3

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David McWater, Board Chair

Susan Stetzer, District Manager

January 2008 Full Board Minutes

Meeting of Community Board #3 held on Tuesday, January 22, 2008 at 6:45 at PS 20, 166 Essex Street

Public Session:

Gary Parker: is the new Director of Community Affairs at NYU. He is inviting everyone to an open house to meet with NYU staff so the community can share its concerns with NYU.

Police Officer Teo: is at the meeting to inform the public about how to get information about sex offenders.

Tony Tsai: is representing the Chinese Staff Workers Association. He is totally opposed to any upzoning that is taking place in Chinatown.

Sai Qin Chen: is a restaurant worker who is opposed to upzoning.

Cao Wu Cheng: is a restaurant worker who is opposed to upzoning.

Rob Hollander: is concerned about zoning on the Bowery. He is also concerned about the vulnerability of Chinatown residents. He made several zoning proposals which he thinks the city should adopt.

Wally Acevedo: is from the Felix Millan Little League. He is concerned about how much Corlears Park will be reserved for local residents and how much will be reserved for residents from other communities. He stated several other concerns.

Hoon Kim: is from NMASS. He is speaking against the upzoning plan.

Amelia Aviley: is from NMASS. She is speaking against the upzoning plan.

Andre Puerta: is an organizer with the Carpenter's Union. He is speaking regarding the construction of a 20-story building at 101 Ludlow. He states that the working conditions at the site resemble a sweatshop.

Public Officials:

Mayor Michael Bloomberg, Lolita Jackson: There is a large public project called the Waterfalls. Four waterfalls will be placed along the East River. One of the waterfalls will be in Community Board 3.

Comptroller William Thompson, Rafael Escano: n/a

Public Advocate Betsy Gotbaum, Simeon Banister: n/a

Borough President Scott Stringer, Gregory Brender: The Borough President is working with the NYU and the community to foster better communication between the two. The BP is spoke at the SLA meeting regarding the Cooper Square Hotel.

Congressmember Carolyn Maloney, Victor Montesinos: Victor related a statement from Congress Maloney in which she spoke about the economy about the economic slow-turn. She criticized President Bush for not doing more to help the middle class. Victor related some recent labor statistics.

Congressmember Jerrold Nadler, Erin Drinkwater: n/a

Congressmember Nydia Velazquez, Iris Quinones: n/a

Assembly Speaker Sheldon Silver, Zach Bommer: The Speaker addressed his chamber and asked them to embrace the vision of improving education and children's health. The Assembly address the sub-prime lending crisis. They obtained funding which will help home-owners who are the subject of foreclosure.

Assemblymember Deborah J. Glick, Bess Matassa: the assemblyman contacted the landmark commission concerning her support for landmarking 101 Ave A. She will be conducting a hearing on the future of the SUNY education system.

Assemblymember Brian Kavanagh, Yomayra Millan: n/a

State Senator Martin Connor, Eva Rippeteau: has mailed a congestion-pricing survey to members in his district. Eva stated that most responses were in favor of congestion pricing.

State Senator Thomas K. Duane, David Chang: testified in support of the CB3 resolution at the Cooper Square Hotel SLA hearing. David will be leaving the Senator's office after two years.

Councilmember Alan Gerson, Tammy To: n/a

Councilmember Rosie Mendez, Jessica Nepomiachi: n/a

Members Present at First Vote:

- | | | |
|--------------------------|------------------------|-------------------------------|
| David Adams [P] | Bonnie Hulkower [A] | Lois M. Regan [P] |
| Paul Bartlett [A] | Carolyn Jeffers [P] | Richard F. Ropiak [P] |
| Mayra Cappas [P] | 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 [P] |
| David Crane [P] | Eden Lipson [P] | Pia Simpson [A] |
| Andrea Diaz [P] | Bernice McCallum [A] | Arlene Soberman [A] |
| George Diaz [P] | David McWater [P] | Nancy Rose Sparrow-Bartow [P] |
| Harvey Epstein [P] | Alexandra Militano [P] | Elinor Tatum [P] |
| Morris Faitelewicz [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 [P] | Barden Prisant [P] | Samuel Wilkenfeld [A] |
| Alexander Gonzalez [A] | William Ramos [A] | Noah Yago [P] |
| Guido Hartray [A] | Carolyn Ratcliffe [P] | Thomas Yu [P] |
| Herman F. Hewitt [P] | Joyce Ravitz [P] | |

Minutes:

Minutes of November 2007 were approved, as is.

Board Chairperson's Report:

Chairperson David McWater

The budget cuts originally scheduled for every agency will not affect Community Board Three. It is still in effect for 2009. Next month's meeting will start 30 minutes early so CB3 can have a hearing on the Mayor's Budget. William Ramos has resigned his position on Community Board 3. Guido Hartray is not reapplying for another term. David McWater has not decided for he will run again for CB3 chair again. He would like the board to have choices for CB3 chair.

District Manager's Report:

Committee Reports:

Executive Committee

VOTE: To approve a letter of support for the Chinatown Manpower Project Business Outreach Center for a Small Business Administration grant to create a women's business center.

39 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Parks & Recreation Committee

- Proposal to designate Corlear's Hook Park diamond as Downtown Little League's home baseball field
No vote necessary
- Review of pilot dog run at Coleman Park
No vote necessary

197 Plan Task Force

- Review of subcommittee report
No vote necessary
- Update on DCP zoning plan
No vote necessary
- Discussion of development of Seward Park Urban Renewal Area
No vote necessary

Housing & Land Use Committee

- 710 E 9th St- land use designation & management/update from Loisaia & University Settlement
No vote necessary
- Community Center signage for east side of Avalon Chrystie building
No vote necessary

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

VOTE: WHEREAS, CB3 believes that the process leading up to the presentation of the recommended amendments did not allow for sufficient community input; and

WHEREAS, DCP should have conducted an EIS on behalf of the public to ensure that its effects do not run counter to CB3's and other Boards' zoning efforts; and

WHEREAS, while there may be merit to one or more of the proposed amendments, CB3 does not believe that it has been given the opportunity to fully study their ramifications; now

THEREFORE, BE IT RESOLVED, that CB3 requests that the AIA withdraw its application to allow for greater community input and analysis; and

BE IT FURTHER RESOLVED, that if it is not withdrawn, that CB3 rejects all of the proposals since the AIA has not studied their potential effects on CB3's planned rezoning.

4. PlaNYC 2030: review housing aspects of plan

VOTE: WHEREAS, PlaNYC fails to address a number of issues of key interest to CB3 which would arise from the increased development; now

THEREFORE, BE IT RESOLVED, that CB3 asks that a representative of the Mayor's Office in a position of authority come to the Housing Comm. to answer the following, and perhaps other, questions:

1. What tenant protections, including anti-harassment and anti-eviction provisions, will be instituted?
2. How will rent-regulated housing be protected?
3. Will the Mayor's Office push for the permanency of the affordable units?
4. How will the waterfront, among other regions, be developed without causing displacement?
5. Will the Mayor's Office lobby for the Urstadt Law to be repealed?

5. Manhattan Borough President's Office Community Planning Task Force: NYU Planning Principles

VOTE: WHEREAS, CB3 applauds the efforts of the members of the Manhattan Borough President's Office Community Planning Task Force; now

THEREFORE, BE IT RESOLVED, that CB3 approves the NYU Planning Principles and looks forward to receiving specific details (particularly as regards what benefits NYU can offer the community in the short term) in three months' time.

39 YES 0 NO 1 ABS 0 PNV MOTION PASSED

Public Safety & Sanitation Committee

1. Report from Con Ed Settlement Fund Subcommittee

No vote necessary

2. Report from Environmental Subcommittee

No vote necessary

3. CB3 membership in East Side Alliance- regarding crimes & quality of life and conditions from 14th to 3rd Streets

No vote necessary

Transportation Committee

1. Joint town hall w/Council Member Gerson regarding congestion pricing

No vote necessary

2. CB3 consideration of position on congestion pricing

VOTE: To postpone until February 2008.

3. Discuss further work of Bus/Van Subcommittee

No vote necessary

Human Services & Seniors Committee

1. Informational presentation by Nurse-Family Partnership program at Visiting Nurse Service of New York

No vote necessary

2. Community Board 3 delegates to hospital Community Advisory Boards

No vote necessary

Youth & Education Committee

No agenda items

Labor/Economic Development/Hotel Task Force

- Concerns regarding working conditions at construction at 101 Ludlow St

VOTE: WHEREAS, a 20 story, 80,000 sq. ft. building is being constructed at 101 Ludlow Street by the Charles Blaiichman Real Estate Development Corp. (Blaiichman Development) for use by the School of Visual Arts (SVA) as a residence hall; and

WHEREAS, community residents and members of the New York City District Council of Carpenters (Carpenters’ Union) have raised concerns regarding safety practices at the construction site together with the wages, benefits and training received by workers at the site; and

WHEREAS, in response to said concerns, a public meeting of the Labor/Economic Development Task force of CB3 (Labor Task Force) was held on December 17, 2007; and

WHEREAS, said meeting was widely publicized and representatives of Blaiichman Development and SVA were invited to attend; and

WHEREAS, notwithstanding vigorous efforts on the part of CB3 to secure their attendance, neither Blaiichman Development nor SVA chose to attend the subject meeting or offer any excuse for their failure to attend; and

WHEREAS, representatives of the Carpenters’ Union appeared thereat and offered reports alleging, in relevant part, that workers employed at the site were: inadequately trained; subject to unsafe and sub-standard working conditions; not provided with health benefits; and, receiving wages below the prevailing wage scale; and

WHEREAS, at said Labor Task Force Meeting, a worker previously employed at the construction site offered a first-hand account supporting the allegations made by the Carpenters’ Union; and

WHEREAS, in the absence of any appearance by either Blaiichman Development or SVA at said meeting or any response thereafter, the above allegations remain un-refuted;

WHEREAS, at its July 2007 meeting, CB 3 fully endorsed the standards set forth by the Manhattan Borough President’s Community and Labor Task Force (BP’s Labor standards) as standards to be met in the development of projects within the confines of CB3; and

WHEREAS, the BP’s standards seek, in relevant part, to promote the welfare of workers and the surrounding community by ensuring that contractors abide by all safety regulations and pay workers in accordance with current wage rates and provide appropriate benefits; and

WHEREAS, SVA, as an institution dedicated to higher learning and educating the youth of our City, should strive to maintain the highest ethical standards; and

WHEREAS, to promote the welfare of the workers employed at 101 Ludlow Street together with the welfare of the community, CB3 seeks to foster a dialogue between the relevant parties; now

THEREFORE, BE IT RESOLVED, that Community Board 3 urges Charles Blaiichman Real Estate Development Corp. and the School of Visual Arts to appear at the next scheduled meeting of the of the CB3 Labor/Economic Development Task Force, to be held on January 31, 2008, to substantively address the issues raised herein.

Ethics, Bylaw & Procedures Committee

No meeting scheduled

SLA & Economic Development Committee

1. Committee discussion regarding criteria for rehearing agenda items

No vote necessary

Renewal with Complaint History

2. Klimat, 77 E 7th St (rw)

VOTE: To approve the renewal of the restaurant wine license for Klimat, 77 East 7th Street.

3. Blue Owl, 301 E 12th St (op)

No vote necessary

4. Alphabet Lounge, 104 Ave C (op)

VOTE: To deny the renewal of the full on-premise liquor license for Alphabet Lounge, 104 Avenue C, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will continue to employ licensed security, and 2) it will make every effort to comply with Department of Consumer Affairs regulations governing cabaret restrictions. Said stipulation does not supersede any preexisting stipulation signed by this applicant but is an addendum to any preexisting stipulation.

5. Luca Bar, 119 St Marks Pl (rw)

VOTE: To deny the renewal of the restaurant wine license for Luca Bar, 119 St. Mark's Place, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will purchase and utilize an identification scanner to prevent the purchase of drinks by minors.

Applications within Resolution Areas

6. Cleopatra Café, 171 Ave A (rw)

Withdrawn

7. 188 Ave A Food Corp, 188 Ave A (rw)

VOTE: WHEREAS, the applicant, 188 Avenue A Food Corp., is applying for a restaurant wine license for 188 Avenue A to operate a restaurant bistro specializing in French foods, at a location which, although previously licensed, has been vacant for the past two (2) years, and

WHEREAS, Avenue A, although classified as an avenue, is a narrow street, running from Houston Street to 14th Street; and

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

WHEREAS, there are numerous existing licensed establishments within five hundred (500) feet of this location, contrary to the applicant's representation that there are only two (2) licensed establishments within said area; and

WHEREAS, this applicant cannot identify how this proposed business would benefit the community and there are already numerous French restaurants in this area, similar in character to this application, including one on Avenue A between 8th and 9th Streets and one on Avenue B between 10th and 11th Streets; and

WHEREAS, the applicant intends to install French doors on the Avenue A side of this location and apply for a sidewalk café permit, both of which evidences a disregard of the existing congested conditions on Avenue A; and

WHEREAS, the application tendered to this community board by the applicant was incomplete, incorrectly asserted that there were only two (2) licensed establishments within five hundred (500) feet of this location and failed to include any supporting petitions from neighboring residents; now

THEREFORE, BE IT RESOLVED, that Community Board #3 moves to deny the restaurant wine license for 188 Avenue A Food Corp., 188 Avenue A

8. 200 Proof LLC, 200 Orchard St (op)

No vote necessary

Alterations/Transfers/Upgrades

9. 146 Orchard Restaurant, 146 Orchard St (alt/add kitchen & bar café)

Withdrawn

10. Blue Seats, 157 Ludlow St (alt/add/op)

VOTE: To deny the application for an alteration for Blue Seats, 157 Ludlow Street, to wit to permit the service of alcohol at its front bar, because 1) when this applicant originally applied to Community Board #3, it averred that its method of operation would be as a restaurant and it has opened as and is operating as a sports bar with fifty (50) televisions, and 2) the licensing of an additional bar at the front of this establishment on Ludlow Street could be detrimental to the presently degraded quality of life on this street as a result of so many licensed establishments within close proximity to each other, overwhelming pedestrian and vehicular traffic, patrons congregating in the street itself, late night horn honking and overwhelming noise emanating from businesses and from patrons as they move between businesses because it would locate the service of alcohol at the front of this establishment.

11. Allen & Delancey, 115 Allen St (alt/hours)

VOTE: To deny the application for an alteration for Allen & Delancey, 115 Allen Street, to wit extending its hours, 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 2:00 A.M. all nights, 2) it will employ security, and 3) it will continue to make arrangements for patrons to vacate the area by expediting the provision of taxis or car services to them.

12. Florios Enterprises, 192 Grand St (alt)

Withdrawn

13. Seymour Burton, 511 E 5th St (trans)

VOTE: To deny the transfer of a restaurant wine license for Seymour Burton, 511 East 5th 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. Tuesdays through Thursdays and Sundays, 2:00 A.M. Fridays and Saturdays, and be closed on Mondays, and 2) there will be no French doors or windows. - **THE APPLICANT FAILED TO PROVIDE COMMUNITY BOARD #3 WITH SAID STIPULATION.**

14. 545 E 5th St (trans/rw)

Withdrawn

15. Brooklyn Bar, 158 Ave C (trans/op)

VOTE: To deny the transfer of a full on-premise liquor license to Brooklyn Bar, 158 Avenue C, 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 restaurant, serving food to within one (1) hour of closing, 2) it will close its accordion doors at 10:00 P.M. every night, 3) it will have only background music, and 4) it will close no later than 2:00 A.M. all nights.

New Liquor License Applications

16. Fifth Street Burger, 540 E 5th St (rw)

VOTE: To deny the application for a restaurant wine license to Fifth Street Burger, 540 East 5th 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 a full-service, locally sourced restaurant selling burgers and sandwiches to within one (1) hour of closing, 2) it will operate from 12:00 P.M. to 1:00 A.M. Sundays through Tuesdays and 11:30 A.M. to 3:00 A.M. Wednesdays through Saturdays, 3) the applicant will not apply to upgrade its license to a full on-premise liquor license for the life of the license, and 4) it will provide delivery service north to south from 14th Street to Delancey Street and west to east from Second Avenue to the East River.

17. FWC Café, 111 1st Ave (rw)

VOTE: To deny the application for a restaurant wine license to FWC Café, 111 First Avenue, 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 restaurant, serving Continental cuisine to within one (1) hour of closing, 2) it will install an awning over the backyard which will be extended during all hours that the backyard is open, 3) it will close no later than 12:00 A.M. all nights, 4) it will close the backyard at 9:00 P.M. all nights and cease operation of the backyard if there are any noise complaints from residents, 5) it will play ambient background music only, and 6) it will close any façade or rear doors at 10:00 P.M. every night.

18. Sultana Café, 128 E 4th St (rw)

VOTE: To deny the application for a restaurant liquor license to Sultana Café, 128 E 4th 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 12:00 A.M. all nights, 2) it will operate as a full-service Mediterranean restaurant, serving food to within one (1) hour of closing, 3) it will have only ambient background music, and 4) it will close any doors and windows at 10:00 P.M. every night.

19. Lantern, 311 2nd Ave (op)

Withdrawn

20. Sea, 104 2nd Ave (rw)

VOTE: That based on its eight (8) year history without complaint at 75 Second Avenue, to deny the application for a restaurant wine license to Sea, 104 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 operate as a full-service Thai restaurant, serving food to within one (1) hour of closing, 2) it will close no later than 11:30 P.M. all nights, and 3) it will close any doors and windows at 10:00 P.M. every night.

21. JES Karaoke, 39 Eldridge St (rw)

VOTE: To deny the application for a restaurant wine license to JES Karaoke, 39 Eldridge 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 karaoke lounge comprised of ten (10) rooms with alcohol service to rooms only, 2) it will close no later than 2:00 A.M. Sundays through Thursdays and 3:00 A.M. Fridays and Saturdays and will open at 3:00 P.M. Mondays through Saturdays and 1:00 P.M. Sundays, and 3) it will install soundproofing to accommodate its method of operation.

22. Daimyo, 207 2nd Ave (op)

VOTE: To rescind the prior month's motion To deny the upgrade to a full on-premise liquor license for Daimyo, 207 Second Avenue, because the applicant failed to provide the requested stipulation and to now deny the upgrade to a full on-premise liquor license for Daimyo, 207 Second Avenue unless the applicant stipulates 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.

(Labor/Economic Development/Hotel Task Force & SLA & Economic Development Committee)

42 YES 0 NO 0 ABS 0 PNV (Excluding 15,17,18) MOTION PASSED

41 YES 0 NO 1 ABS 0 PNV (Item 15) MOTION PASSED

41 YES 0 NO 1 ABS 0 PNV (Item 17) MOTION PASSED

41 YES 0 NO 1 ABS 0 PNV (Item 18) MOTION PASSED

New Business:

The MBP brought up the proposed code of conduct. The decision was made to postpone discussion of the code to a later meeting.

Members Present at Last Vote:

David Adams [P]
Paul Bartlett [P]
Mayra Cappas [P]
Wendy Cheung [P]
Pearl Chin [P]
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 [A]
Guido Hartray [A]
Herman F. Hewitt [P]

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

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

Meeting Adjourned