



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD NO. 3

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David McWater, Board Chair

Susan Stetzer, District Manager

June 2008 Full Board Minutes

Meeting of Community Board #3 held on Monday, June 24, 2008 at 6:45 at IS 131, 100 Hester Street

Presentation of Gouverneur Healthcare Services by Mendel Hagler, Executive Director:

Mr. Hagler gave a presentation of the services provided by and the future of Gouverneur Healthcare Services. Gouverneur is at 227 Madison Street. It will have new buildings containing new facilities. Mr. Hagler discussed the new Modernization Project of Gouverneur Healthcare Services. He stated that Gouverneur Healthcare Services cares for more than 100,000 patients a year. He stated that Gouverneur Healthcare Services serves the area of lower Manhattan and surrounding areas. Gouverneur Healthcare Services has a wide diversity of patients. Mr. Hagler went over the objectives of the Modernization Project. Among the many aspects of the Modernization project include doubling the available space on Gouverneur's lower floors where outpatient services are provided. New healthcare services such as a kidney dialysis unit and CT imaging will be available.

Presentation from Mashi Blech regarding the Time Bank:

The Time Bank is a type of volunteer service provided by the Visiting Nurse Service of New York.

Public Session:

Ted Reich: Ted is speaking on behalf of CODA. Ted would like the rezoning plan to include all of the Lower East Side. Ted would like CB3 to modify the rezoning plan for the LES.

Arek Tomazsevski: Arek is from the National Mobilization against Sweatshops (NMASS). Arek is against the rezoning plan. He expressed his concerns regarding the ramifications of the rezoning plan.

Juan Kim: he is here to say "shame on you" to the Community Board for approving the "racist rezoning plan."

Susan Howard: is from the Coalition to Protect Chinatown/LES. She is against the rezoning plan.

Celia Correa: she is from NMASS. She is against the Rezoning Plan and is worried about the future of the community.

Nika Nagasaki: she is against the "racist rezoning plan."

Quentin Maidment: He is a volunteer for the Chinese Staff Workers Association (CSWA). He is against the rezoning plan.

Carol Puttre: Carol is speaking in support of Met Foods achieving a fair price for their lease.

Elissa Schlick: She is representing the NYC Council of Dog Owners. She wants the City to address late-night noise and use of the Stanton St. dog run. She would like a high fence and a gate to protect the dog run. She also wants the dog run to set standard hours.

Amy Hobby: She is speaking in support of keeping the Stanton St. Dog run open.

Pat De Angelis: She is inviting people to attend the July 8th meeting of the local/CB3 Environment

Suzanne Travers: Suzanne is speaking in support of keeping the Stanton St. dog run open.

Colin Knight: He is speaking in support of keeping the Stanton St. Dog run open and the raising of a fence to keep out late-night noise and late-night use.

Kenneth Nieves: He is speaking in support of the dog run. He spoke of how large the voting constituency dog owners are and instructed the Community Board not to incur their wrath.

Eric Ablett: Eric is speaking in support of the Dog Run and of putting up a fence to keep out late-night noise and late-night use.

Amikole: She is from the Children's Liberation Day Care Center. She is speaking in support of the relocation of the CLDCC.

Marian Osmond: Marian is speaking in support of Met Foods achieving a fair price for their lease. She is asking the Community Board to vote in favor of a resolution supporting Met Foods achieving a fair lease.

Morris Fajtelewicz: Morris is speaking in support of David Weprin's 10 point plan to restore to duty the Auxiliary Police Rescue Unit.

Lela Chapman: is at the meeting to announce the opening of the neighborhood farmers market.

Martha Danzee: she is speaking in opposition to the full OP liquor license for Joe Doe's, at 45 East 1st St. She believes the block is already saturated with too many bars and clubs.

Tom Parker: spoke about the upcoming Hudson River Park Arts Festival. He also spoke of the beauty of the waterfalls that are visible from Pier 36. Tom also introduced the new intern Eliza.

Public Officials:

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, Greg Kirschenbaum: Albany legislators presented two bills that the MBP worked on regarding vacant lots above 110th St. The MBP also put out a "block the box" report. The MBP also held a Community Board Orientation meeting on June 23. The MBP also has a new project regarding the greening of the LES.

Congress member Carolyn Maloney, Victor Montesinos: read statement by Congressmen Maloney regarding the anniversary of Title Nine.

Congress member Jerrold Nadler, Erin Drinkwater: N/A

Congress member Nydia Velazquez, Iris Quinones: N/A

Assembly Speaker Sheldon Silver, Zach Bommer: Zach spoke about Assemblyman Silver's attendance at the graduation of the Chinatown's Head Start project. Assemblyman Silver participated in the Hispanic Federation's second annual family celebration "Vive tu Vida get up! Get Moving!" The Assemblyman initiated a free biking program for lower Manhattan.

Assembly member Deborah J. Glick, Matt Gordon: The Assembly member helped pass GENDA.

Assembly member Brian Kavanagh, Paula Castro: Paula spoke regarding the new "Block the Box" legislation sponsored by Assembly member Kavanagh.

State Senator Martin Connor, Eva Rippeteau: Senator Connor introduced legislation clarifying the 200-foot rule. Eva announced the appointment of Jinick Green, a down-stater to the SLA. Senator Connor was able to secure funding for the Lower East Side Girls Club. Senator Connor supports Governor Patterson's recognition of same-sex unions from other states.

State Senator Thomas K. Duane, Romeo Ymalay: Senator Duane is outraged by the Rent Guidelines Board's (RGB) increases. Senator Duane will be marching in the Pride Parade. The Senator will be hosting two forums on financial literacy.

Council member Alan Gerson, Matt Viggiano: The Council member is asking the City Council to restore the Bath House which has gone unused for decades. The Council member is also seeking restoration of the Campaign Fiscal Equity money due from the state. The Closing of the NYCHA Senior centers are completely unacceptable to Council member Gerson. Council member Gerson appropriated \$550,000 to the Space and Science center in the Lower East Side. The Council member is also fighting for the reversal of the Community Board budget cuts.

Council member Rosie Mendez, Lisa Kaplan: The Council member is outraged by the cutting of services from NYCHA. The Council member and Alan Gerson are working to get more of the 11 points of the Community Boards plan adopted.

Members Present at First Vote:

David Adams [P]
Paul Bartlett [P]
Michael Byrne [P]
Wendy Cheung [A]
Pearl Chin [A]
Rocky Chin [P]
David Crane [P]
Andrea Diaz [A]
George Diaz [A]
Harvey Epstein [P]
Morris Faitelewicz [P]
John Fout [P]
Beth From [A]
Edward Garcia [P]
Rabbi Y. S. Ginzberg [P]
Gloria Goldenberg [P]
Herman F. Hewitt [P]

Bonnie Hulkower [P]
Carolyn Jeffers [P]
Anne K. Johnson [P]
Vaylateena Jones [P]
Meghan Joye [P]
Joel Kaplan [P]
Sam Krueger [A]
John Leo [P]
Eden Lipson [P]
Bernice McCallum [P]
David McWater [P]
Alexandra Militano [P]
Ilene Morales [P]
Thomas Parker [P]
Dominic Pisciotta [P]
Barden Prisant [P]
Carolyn Ratcliffe [P]

Joyce Ravitz [P]
Lois M. Regan [P]
Richard F. Ropiak [P]
Lawrence Rosenblatt [A]
Elizabeth Sgroi [P]
David Silversmith [P]
Deborah A. Simon [P]
Arlene Soberman [P]
Nancy Rose Sparrow-Bartow [P]
Elinor Tatum [P]
David Weinberger [P]
Harry Wieder [P]
Samuel Wilkenfeld [P]
Douglas Witter [A]
Noah Yago [P]
Thomas Yu [P]

Minutes:

Minutes of April 2008 were approved, as is. David Adams abstained on the vote regarding minutes.

(April 2008 Minutes)

VOTE: 42 YES 0 NO 0 ABS 0 PNV MINUTES APPROVED

Election:

Candidates for 2nd Vice Chair:

Anne Johnson spoke first. Noah Yago spoke second.

Board Chairperson's Report:

Chairperson David McWater: This is David's last meeting as Chair. He stated that being Chair has been the greatest honor of his life. He thanked Susan Stetzer, and various elected officials. David spoke of his success regarding Chinatown outreach and the success regarding the State Liquor Authority. He also spoke about the success regarding the rezone.

District Manager's Report:

Susan spoke to new police graduates about community police relations. Susan spoke about the law revision commission regarding the State Liquor Authority. Susan also gave an update on the situation regarding Construction accidents in the neighborhood.

Committee Reports:

Executive Committee

- Support for Gouverneur Hospital modernization project

VOTE: To support the Gouverneur Health Services modernization project and to urge Governor Paterson to promptly approve the Diagnostic and Treatment Center (#C72124-C) and Nursing Facility (#C072130).

(Executive Committee)

VOTE: 42 YES 0 NO 0 ABS 0 PNV MOTION PASSED

(Unanimous Hand Count)

Human Services & Seniors Committee

1. FY'2010 District Needs Statement
no vote necessary
2. Support for Gouverneur Hospital modernization project
no vote necessary
3. Project Renewal, Kenton Hall: complaints about needles in cemetery
no vote necessary

Youth & Education Committee

1. FY'2010 District Needs Statement
no vote necessary
2. Support for CB3 to join LES Girls Club's *Silence is Violence*: LES Anti-Violence Coalition
VOTE: That the Board joins the LES Girls Club's *Silence is Violence*: LES Anti-Violence Coalition.
3. Children Liberation status update
VOTE: That the Board sends a letter to ACS requesting that Children Liberation Day Care Center be allowed to move in the Houston or Suffolk Street site. If approved, we would like for ACS to assist them with their move. (see separate letter)

4. JHS 122 Community Center, status of renovations and programs planning
no vote necessary

(Youth Committee)

VOTE: 42 YES 0 NO 0 ABS 0 PNV MOTION PASSED
(Unanimous Hand Count)

Ethics, Bylaw & Procedures Committee

no meeting scheduled

SLA & Economic Development Committee

1. FY'2010 District Needs Statement
no vote necessary

Renewal with Complaint History

2. Frank's, 88B 2nd Ave (op)

VOTE: To deny the renewal of the full on-premise liquor license for Frank's, 88B Second Avenue, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation, responding to resident complaints, that 1) it will close all of its doors and windows at 10:00 P.M. every night, and 2) it will make concerted efforts to keep waiting patrons from congregating on the sidewalk in front of the restaurant, including dedicating a staff member to disperse crowds.

Sidewalk Café Application

3. Belcourt, 84 E 4th St (unenclosed)

VOTE: To approve the application for a sidewalk café permit for twenty-two (22) tables and forty-four (44) seats for Belcourt, 84 East Fourth Street, because the applicant has signed a change agreement which will become part of its DCA license that 1) twelve (12) tables and twenty-four (24) seats will be located on the Second Avenue side of the establishment, eight (8) tables with sixteen (16) seats will be located on the Fourth Street side of the establishment and two (2) tables with four (4) seats will be on the corner, 2) its hours of operation will be from 11:00 A.M. to 11:00 P.M. Sundays through Thursdays and 11:00 A.M. to 12:00 A.M. Fridays and Saturdays, and 3) it will have an awnings extended over its café during its hours of operation to baffle any noise which might be heard by the residential tenants.

4. Raynick, 205 Allen St (unenclosed)

VOTE: To deny the application for a sidewalk café permit for three (3) tables with six (6) seats for Raynick, 205 Allen Street, because the following conditions would collectively minimize the public space utilized by pedestrians: 1) the proposed sidewalk café would be in close proximity to the busy southwest corner of Allen Street and Houston Street and its addition would restrict already heavy pedestrian traffic from this corner and from the F/V subway entrance which is located on this corner into a narrower sidewalk, 2) there is a bus stop located on this block of Allen Street within two (2) storefronts of this business, and 3) the residential apartment building in which this establishment is located maintains a garbage dumpster and discards its garbage immediately adjacent to the location proposed for the sidewalk café and the business located on the southwest corner of Allen Street and Houston Street also discards its garbage adjacent to this proposed area.

5. Kebab Garden, 128 1st Ave (unenclosed)

VOTE: To approve the application for a sidewalk café permit for two (2) tables and eight (8) seats for Kebab Garden, 128 First Avenue, because the applicant has signed a change agreement which will become part of its DCA license that 1) its hours of operation will be from 11:00 A.M. to 11:00 P.M. every day, and 2) its tables will be located against the façade of the establishment.

6. Meath Trails, 61 2nd Ave (unenclosed)

VOTE: To approve the application for a sidewalk café permit for eleven (11) tables and twenty-one (21) seats for Meath Trails, 61 Second Avenue, because the applicant has signed a change agreement which will become part of its DCA license that 1) it will close its café at 10:00 P.M. weekdays and 11:00 P.M. weekends, and 2) that it will not extend any "Happy Hour" offers to patrons seated in the sidewalk café.

7. Gerakas Enterprises, 117 2nd Ave (unenclosed)

VOTE: To approve the application for a sidewalk café permit for twelve (12) tables and twenty-four (24) seats for Gerakas Enterprises, 117 Second Avenue, because the applicant has signed a change agreement which will become part of its DCA license that 1) six (6) tables with twelve (seats) will be placed on the Second Avenue side of the establishment, consisting of three (3) tables each with four (4) seats, and six (6) tables with twelve (12) seats will be place against the façade on the 7th Street of its establishment, 2) it will close its café at 11:00 P.M. weeknights and 12:00 A.M. Fridays and Saturdays, 3) it will have an awning extended over its café during its hours of operation to baffle any noise which might be heard by the residential tenants, and 4) all pocket doors on both the 7th Street and Second Avenue sides of the business will closes at 10:00 P.M. every night.

8. NYLA Café, 101 Rivington St (modification, 5 tables/10 chairs to 19 tables/38 chairs)

VOTE: WHEREAS, NYLA, located at 101 Rivington Street, on the southeast corner of Ludlow Street and Rivington Street, has now applied for a modification of its sidewalk café permit from five (5) tables with ten (10) seats on Ludlow Street only to nineteen (19) tables with thirty-eight (38), fifteen (15) tables with thirty (30) seats to be located on Ludlow Street and four (4) tables with eight (8) seats to be located on Rivington Street; and

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 continue to be 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 and Community Board #3 has asked the New York City Department of Transportation to permanently 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 and sidewalks have been overwhelmed by nighttime businesses and their attendant vehicular and pedestrian traffic and noise creating unsafe conditions for pedestrians and prevent police and other emergency vehicles from traveling down this street (Community Board #3 motion of November 2006 attached hereto); and

WHEREAS, said request has resulted in the New York City Department of Transportation permanently 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 the unsafe conditions; and

WHEREAS, residents from buildings on Ludlow Street, both adjacent to and across the street from this location, previously appeared before the board at the time that this applicant originally appeared 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 expanding this sidewalk café would exacerbate these conditions; and

WHEREAS, a resident of Ludlow Street has now appeared in opposition to an extension of this sidewalk café because the sidewalks on this corner are presently so overcrowded that pedestrians are forced to walk in the street which creates dangerous conditions for pedestrians; and

WHEREAS, the applicant had previously 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, said applicant previously refused to sign a sidewalk café change agreement, limiting the size and hours of operation of its sidewalk café, to address and minimize the aforementioned street conditions; and

WHEREAS, this applicant instead entered into an agreement with the City Council and Councilmember Allan Gerson to operate a sidewalk café consisting of five (5) tables with ten (10) seats and closing at 9:00 P.M. Sundays through Thursdays and 10:00 P.M. Fridays and Saturdays; and

WHEREAS, a representative of Councilmember Gerson’s office has stated that the present application to increase this sidewalk café is in violation of this agreement and without notice to said councilmember’s office or the City Council; and

WHEREAS, the commanding officer of the 7th Precinct is opposed to an extension of this sidewalk café because 1) it would result in more congested street traffic and increasingly dangerous conditions on a corner which is already dangerous, 2) this precinct is already frequently asking this business to close its floor to ceiling glass windows extending across its entire façade to minimize the noise which emanates to the street and an extension of its sidewalk café would extend this noise onto a street already overwhelmed by nighttime noise, and 3) there have already been thefts of patrons within this establishment and extending its sidewalk café would increase the potential for such threats; now

WHEREAS, this applicant failed to appear before Community Board #3 himself, instead sending his attorney and manager to appear on his behalf, and both of them walked out in the middle of Community Board #3’s hearing regarding this application;

THEREFORE, BE IT RESOLVED, that Community Board #3 urges the Department of Consumer Affairs to deny the modification of the sidewalk café permit for NYLA, located at 101 Rivington Street, to nineteen (19) tables with thirty-eight (38) seats, fifteen (15) tables with thirty (30) seats to be located on Ludlow Street and four (4) tables with eight (8) seats to be located on Rivington Street,

given the longstanding and documented history by Community Board #3 of pedestrian and vehicular traffic and noise on Ludlow Street and Rivington Street.

Applications within Resolution Areas

9. Bernie's, 121 Ludlow St (rw)
withdrawn

10. 26 Clinton St (op)

VOTE: WHEREAS, the applicant, 26 Clinton Street, is applying for a full on-premise liquor license for 26 Clinton 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; and

WHEREAS, an investigation by the New York State Liquor Authority when the prior owner applied to upgrade its restaurant wine license revealed that this location is within two hundred (200) feet of Congregation Chasam Sopher, a free-standing synagogue, located at 8-10 Clinton Street; now

THEREFORE, BE IT RESOLVED, that Community Board #3 moves to deny the full on-premise liquor license for 26 Clinton Street, located at 26 Clinton Street.

11. Planet Rose Karaoke, 219 Ave A (expansion)

VOTE: WHEREAS, Planet Rose Karaoke, 219 Avenue A, is seeking an alteration of its full on-premise liquor license, by expanding its karaoke business into the adjacent storefront which is also located at 219 Avenue A, for the purpose of creating a private party room; and

WHEREAS, the prior use of said storefront was as a hair salon and said location has never been previously licensed; and

WHEREAS, there has been demonstrated consistent opposition to the addition of any other liquor licenses on this block of Avenue A, located between 13th and 14th Streets, because, excluding other licensed establishments, there are already at least nine (9) existing bars within five hundred (500) feet of this location, to wit Key Bar, The Phoenix, The Boys Room, Takeout Laundry, Forbidden City, Heather's Common Ground and Habbibi and which includes the applicant's existing business, Planet Rose Karaoke; and

WHEREAS, within the past several months, residential tenants of this block have appeared to oppose the granting of additional liquor licenses at 200 Avenue A, 210-212 Avenue A and 214 Avenue A, because they already have complaints of noise from patrons and music emanating from existing establishments, patrons congregating in front of and traveling between existing establishments; and

WHEREAS, the applicant has failed to state how its alteration would be of any legitimate public benefit, in that the applicant has stated that it would be of public benefit to provide patrons a private area to sing; now

THEREFORE, BE IT RESOLVED, that Community Board #3 denies the alteration of the full on-premise liquor license for Planet Rose Karaoke, 219 Avenue A, by expanding said license into the adjacent storefront.

12. Emilio Barletta, 32 St Mark's Pl (rw)

VOTE: WHEREAS, Emilio Barletta, 32 St. Mark's Place, is seeking to obtain a restaurant wine license to serve beer and wine at a new Italian restaurant; and

WHEREAS, the prior use of said location was as a falafel stand which had no liquor license; and

WHEREAS, there has been demonstrated consistent opposition to the addition of any other liquor licenses on this block of St. Mark's Place, located between Second and Third Avenues, because, there are already, by the applicant's own count, at least seventeen (17) liquor license on this single block, eleven (11) of which are full on-premise liquor licenses; and

WHEREAS, the numerous existing nighttime establishments have resulted in significant noise and vehicular and pedestrian traffic, conditions which have been specifically targeted for enforcement by the Ninth Precinct through the Model Block Program and which has resulted in a request by the commanding officer of said precinct that no new liquor licenses be issued on this street; and

WHEREAS, there are numerous Italian restaurants within a two (2) block radius of this location, including one located on 7th Street at Second Avenue and one located on 9th Street at Second Avenue; and

WHEREAS, the applicant has failed to state how its intended method of operation of an additional Italian restaurant is of any legitimate public benefit;

THEREFORE, BE IT RESOLVED that Community Board #3 denies the application for a restaurant wine license for Emilio Barletta, 32 St. Mark's Place.

13. Three Monkeys, 99 Rivington St (rw)

VOTE: WHEREAS, Three Monkeys, is seeking to obtain a restaurant wine license to serve beer and wine at 99 Rivington Street, located at the intersection of Rivington Street and Ludlow Street, and did not appear before Community Board #3 for review of its application or provide any application materials to review; and

WHEREAS, Community Board #3 has long held that the increase in nighttime venues in this area has resulted in persistent and numerous complaints regarding increased noise as well as increased pedestrian and vehicular traffic 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 continue to be 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 and Community Board #3 has asked the New York City Department of Transportation to permanently 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 and sidewalks have been overwhelmed by nighttime businesses and their attendant vehicular and pedestrian traffic and noise creating unsafe conditions for pedestrians and prevent police and other emergency vehicles from traveling down this street (Community Board #3 motion of November 2006 attached hereto); and

WHEREAS, said request has resulted in the New York City Department of Transportation permanently 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 the unsafe conditions; now

THEREFORE, BE IT RESOLVED, that Community Board #3 denies the application for a restaurant wine license for Three Monkeys, 99 Rivington Street.

Alterations/Transfers/Upgrades

14. JoeDoe, 45 E 1st St (trans/op)

VOTE: To deny the transfer of the full on-premise liquor license to JoeDoe, 45 East 1st 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 American style restaurant, serving a seasonal menu to within one (1) hour of closing each night and providing seating for twenty (20) people; 2) it will close all doors and windows at 10:00 P.M. every night, 3) its hours of operation will be from 5:00 P.M. to 11:00 P.M. Sundays through Thursdays and 5:00 P.M. to 12:00 A.M. Fridays and Saturdays and it will provide a brunch menu from 10:00 A.M. to 4:00 P.M. Saturdays and Sundays, and 4) it will play quiet background music only and will not have live music.

15. Yoshi Japanese Cuisine, 131 Ave A (trans/op)

VOTE: To deny the transfer of the full on-premise liquor license to Yoshi Japanese Cuisine, 131 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 operate as a full-service Japanese sushi restaurant, serving food to within one (1) hour of closing each night, 2) its hours of operation will be from 11:00 A.M. to 11:30 P.M. every night, 3) it will close all doors and windows at 10:00 P.M. every night, and 3) it will play quiet background music only.

16. Pan Asian Bistro LES, 172 Orchard St (trans/op)

no vote necessary

17. E 10th St LLC, 441 E 12th St (rw)

withdrawn

18. GMMK, 74 Orchard St (trans & up/op)

VOTE: To deny the transfer of the full on-premise liquor license for GMMK, 74 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 eclectic French restaurant, serving food to within one (1) hour of closing each night, 2) its hours of operation will be from 5:30 P.M. to 10:00 P.M. Tuesdays through Thursdays, 5:30 P.M. to 11:00 P.M. Fridays and Saturdays and 5:30 P.M. to 9:30 P.M. Sundays and it will provide a brunch on

Saturdays and Sundays from 12:00 PM – 3:00 PM and it will be closed on Mondays, 3) it will close all doors and windows at 10:00 P.M. every night, and 4) it will play quiet background music only.

19. Luca Lounge, 222 Ave B (removal/op)

VOTE: WHEREAS, although Avenue B between Houston and 14th Streets has been designated by Community Board #3 as an area where there are currently too many licensed establishments, Luca Lounge has had a longstanding good history at 220 Avenue B and the removal of its full on-premise liquor license would not result in the addition of any new liquor licenses to this already overwhelmed area; now

THEREFORE, BE IT RESOLVED, that Community Board #3 moves to deny the removal of the full on-premise liquor license for Luca Lounge, from 220 Avenue B to 222 Avenue B, 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 method of operation as a family-style Italian restaurant, serving food to within one (1) hour of closing each night, 2) it will maintain operating hours from 12:00 P.M. to 12:00 A.M. Sundays through Thursdays and 12:00 P.M. to 2:00 A.M. Fridays and Saturdays, 3) it will not have French doors or windows, and 4) it will play quiet background music only.

20. The Elephant, 58 E 1st St (trans/op)
withdrawn

21. Robert Schagrin, 40 Ave B (trans/rw)

VOTE: To deny the transfer of the restaurant wine license to Robert Schagrin, 40 Avenue B, 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 Italian restaurant, serving food to within one (1) hour of closing each night, 2) its hours of operation will be from 12:00 P.M. to 1:00 A.M. every night, and 3) it will play quiet background music only. **This applicant failed to provide the required signed notarized stipulation.**

22. Nomad Restaurant, 78 2nd Ave (alt/outdoor hours)
no vote necessary

23. Hourglass Holdings, 9 St Marks Pl (trans/rw)

VOTE: WHEREAS, Hourglass Holdings, is seeking the transfer of a restaurant wine license at 9 St. Mark's Place to serve beer and wine at a new Korean restaurant; and

WHEREAS, there has been demonstrated consistent opposition to the addition of any other liquor licenses on this block of St. Mark's Place, located between Second and Third Avenues, because, there are already, at least seventeen (17) liquor license on this single block, eleven (11) of which are full on-premise liquor licenses; and

WHEREAS, the numerous existing nighttime establishments have resulted in significant noise and vehicular and pedestrian traffic, conditions which have been specifically targeted for enforcement by the Ninth Precinct through the Model Block Program and which has resulted in a request by the commanding officer of said precinct that no new liquor licenses be issued on this street; and

WHEREAS, there are numerous Korean restaurants within a two (2) block radius of this location, including one located at 12 St. Mark's Place and one located at 7th Street and Second Avenue; and

WHEREAS, the applicant has failed to state how its intended method of operation of an additional Korean restaurant is of any public benefit and its closing hour of 2:00 A.M. every night appears to be inconsistent with that of a restaurant; now

THEREFORE, BE IT RESOLVED, that Community Board #3 denies the application to transfer a restaurant wine license to Hourglass Holdings, 9 St. Mark's Place.

24. Robert Precious, 99 2nd Ave (trans/rw)
withdrawn

25. Jockey Hollow, 171 E B'way (up/op)

VOTE: To deny the application to upgrade to a full on-premise liquor license for Jockey Hollow, 171 East Broadway, unless the applicant agrees before the SLA to incorporate as part of its license the following signed and notarized stipulation that 1) it will maintain its method of operation as a full-service vegetarian restaurant, serving food to within one (1) hour of closing, 2) its hours of operation will be from 8:00 A.M. to 11:00 P.M. weekdays and 8:00 A.M. to 4:00 A.M. weekends, and 3) it will not have live music, DJs or promoted events or any event for which a cover fee is charged.

26. G&K 218 LLC, 218 Ave A (alt)

VOTE: To deny the alteration to G&K 218 LLC, 218 Avenue A, to wit changing the façade by installing smaller windows, shortening the bar and installing a staircase to access the basement storage area from the inside.

New Liquor License Applications

27. 8 Rivington Restaurant, 8 Rivington St (op)
no vote necessary

28. Penmanship, 124 1st Ave (op)
no vote necessary

29. Eichstatt, 120 1st Ave (rw)

VOTE: To deny the application for a restaurant wine license for Eichstatt, 120 First Avenue, unless the applicant agrees before the SLA to incorporate as part of its license the following signed and notarized stipulation 1) it will operate as a full-service German sausage restaurant, serving food to within one (1) hour of closing on the 2nd and 3rd floors of this building, 2) its hours of operation will be from 10:00 A.M. to 1:00 A.M. Mondays through Thursdays, 10:00 A.M. to 2:00 A.M. Fridays and Saturdays and 10:00 A.M. to 12:00 A.M. Sundays, 3) it will close all doors and windows at 10:00 P.M. every night, and 4) it will play quiet background music only.

30. 144 Division LLC, 144 Division St (op)
withdrawn

31. Momofuku, 171 1st Ave (rw)

VOTE: To approve the application for a restaurant wine license for Momofuku, 171 First Avenue, understanding that the business name of Momofuku and method of operation as an Asian noodle restaurant remain the same.

32. 417 E 9th St LLC, 417 E 9th St (rw)
withdrawn

33. Famous Sichuan, 10 Pell St (rw)
no vote necessary

34. 88 KTV, 97 Bowery (op)

VOTE: To deny the application for a full on-premise liquor license for 88KTV, 97 Bowery, unless the applicant agrees before the SLA to incorporate as part of its license the following signed and notarized stipulation 1) it will operate as a karaoke bar, consisting of a number of small karaoke rooms on the second and third floors of this building, 2) its hours of operation will be from 12:00 P.M. to 2:00 A.M. every day, and 3) it will employ at least three (3) licensed bonded security personnel at all times.

35. Daniel Hodak, 85 4th Ave (op)
withdrawn

36. 1492, 60 Clinton Street (renewal op)

VOTE: To rescind the previous denial of the renewal of the full on-premise liquor license for 1492, 60 Clinton Street, because the applicant has now appeared and provided the required signed notarized stipulation, responding to resident complaints, that 1) it will cease seating in the backyard by 10:00 P.M. every night and close the backyard completely by 11:00 P.M. every night, 2) as stated by the applicant, its neighboring business, doing business at Crudo, located at 54 Clinton Street, which is presently closed, will not reopen and its liquor license will not be renewed because it has been the subject of complaints and police action, 3) it will close the backyard abutting 54 Clinton Street and which adjoins the backyard of 60 Clinton Street, 4) the remaining backyard area will be used for seated patrons who are dining only, 5) the double doors fronting the backyard will be closed at all times to prevent additional noise from emanating into the backyard, and 6) all other doors and windows will be closed no later than 10:00 P.M.

(SLA Committee)

VOTE: 39 YES 0 NO 2 ABS 0 PNV (Excluding Items 14, 25, 34) MOTION PASSED
VOTE: 31 YES 5 NO 5 ABS 0 PNV (Item 14) MOTION PASSED
VOTE: 38 YES 0 NO 3 ABS 0 PNV (Item 25) MOTION PASSED
VOTE: 40 YES 1 NO 0 ABS 0 PNV (Item 34) MOTION PASSED

Parks & Recreation Committee

1. FY'2010 District Needs Statement
no vote necessary

2. Request for dog run at Stanton/Pitt parks property

VOTE: WHEREAS, the strip of land at Pitt and Stanton under jurisdiction of the Department of Parks and Recreation has been used informally as a dog run for several years; and

WHEREAS, Community Board 3 has received complaints from Gompers, Pueblo Nuevo, and Masaryk Towers tenants that the dogs create noise, including late at night, by dogs barking, and including noise from dogs fighting, and noise from dog owners; and

WHEREAS, the police department has had to respond to complaints regarding noise from dog fights; and

WHEREAS, the informal dog run was instituted without presenting to the community board and without input from nearby residents; and

WHEREAS, residents supporting and opposing dog run have presented their views to the community board; and

WHEREAS, the community board understands that the area is immediately under the windows of Masaryk Tower residents who are not able to sleep at night; now

THEREFORE, BE IT RESOLVED, that Community Board 3 recommends to the department of parks and recreation that the request for a dog run at the Stanton/Pitt Streets parks property is inappropriate for that location and should not be permitted; and

BE IT FURTHER RESOLVED, that Community Board 3 recommends to the Parks Department that the request for a dog run at the Stanton/Pitt Streets parks property is inappropriate for that location and should not be permitted and requests the Parks Department to explore the possibilities of placing a dog run in the East River Park and reporting back to the Parks Committee.

3. Parks: optional possible uses for Stanton/Pitt St parks property
no vote necessary
4. Loisaida Youth Soccer presentation: update and permit status
VOTE: To support the request by Loisaida Youth Soccer to the Parks Department for permits for their middle school league.
5. Request for parks to supply Parks Enforcement Police and coordinate with DEP to monitor sound levels when scheduling potentially loud events in Tompkins Square Park
VOTE: WHEREAS, Community Board 3 is experiencing more Parks events due to the construction in Union Square and Washington Square parks; and

WHEREAS, the Department of Parks and Recreation is scheduling some concerts in Tompkins Square Park that are extremely loud, especially the base, and cause residents on East 7th Street to have to leave their homes; and

WHEREAS, enforcement of these concerts is draining Ninth Precinct staffing; and

WHEREAS, the Ninth Precinct does not have decibel meters that can measure base to enforce the new noise code; now

THEREFORE, BE IT RESOLVED, that Community Board 3 asks the Department of Parks and Recreation, when scheduling potentially loud concerts, to supply Parks Enforcement Police enforcement to cover concerts and to coordinate with the Department of Environmental Protection to monitor noise level.

Block Party Applications

6. Educational Alliance, 7/13, E Broadway (Jefferson & Clinton Sts)
VOTE: To support the request by Educational Alliance for a block party on July 13, 2008 on East Broadway (Jefferson – Clinton Streets).
7. Fourth St Block Association, 9/13, E 4th St (Aves A & B)
VOTE: To support the request by the Fourth Street Block Association for a block party on September 13, 2008 on East 4th Street (Aves. A – B).
8. Betances Health Center Annual Block Party, 9/13, Henry St (Montgomery & Grand Sts)
VOTE: To support the request by Betances Health Center for a block party on September 13, 2008 on Henry Street (Montgomery – Grand Streets).
9. Father’s Heart Ministries, 9/14, E 11th St (Aves A & B)
VOTE: To support the request by Father’s Heart Ministries for a block party on September 14, 2008 on East 11th Street (Aves. A – B).
10. First St Block Association, 9/20, E 1st St (1st & 2nd Aves)
VOTE: To support the request by First St. Block Association for a block party on September 20, 2008 on East 1st Street (1st – 2nd Aves.).
11. Fourth Arts Block, 9/27, E 4th St (Bowery & 2nd Ave)
VOTE: To support the request by Fourth Arts Block for a block party on September 27, 2008 on East 4th Street (Bowery – 2nd Ave.).
12. Saint Teresa Church, 10/19, Rutgers St (Henry St & East Broadway)
VOTE: To support the request by Saint Teresa Church for a block party on October 19, 2008 on Rutgers Street (Henry Street – East Broadway).

Michael Byrne made a motion to table item #2 and send it back to the Parks Committee. (motion not seconded)

(Parks Committee)

VOTE: 34 YES 4 NO 1 ABS 0 PNV (Item 2 as amended) MOTION PASSED
VOTE: 39 YES 0 NO 0 ABS 0 PNV (Excluding Item 2) MOTION PASSED

197 Plan Task Force

- Follow-up resolution to ULURP regarding rezoning modifications
no vote necessary

Housing & Land Use Committee

1. FY’2010 District Needs Statement
no vote necessary

2. Met Food update
withdrawn

CB2 & CB3 Astor Place Joint Task Force

- Proposed redesign for Astor Place
no vote necessary

Transportation, Environment, & Public Safety Committee

1. FY'2010 District Needs Statement & Agenda for District Consultation
no vote necessary
2. DOT will be presenting the results of the Lower Manhattan Placard Parking study, released in March 2008, for the area of south of Hester Street and Rutgers Streets and the strategy for the placard parking reduction, released on May 1
no vote necessary
3. DOT: Brooklyn Bridge Project presentation

VOTE: WHEREAS, the DOT Division of Bridges will be contracting out a project for the rehabilitation of the approach spans and ramps including painting of the Brooklyn Bridge. This project will begin after June 2009 and will continue in stages through 2014; and

WHEREAS, construction will occur between the hours of 10am – 3pm and 10-11pm to 5am; and

WHEREAS, DOT has indicated that they will be coming to CB3 with firmer plans regarding schedules and staging areas; now

THEREFORE, BE IT RESOLVED, that CB3 asks DOT and the consulting and construction firms to formally establish a community advisory board to publicize and hold regular meetings in the area for the residents as construction proceeds; and

BE IT FURTHER RESOLVED, that CB3 wants to keep an open dialog regarding mitigation of any negative impacts of the project.

4. Request for loading/unloading at 155 Attorney St

VOTE: WHEREAS, Plaintains Cash and Carry has been operating a small business at 155 Attorney St, between E Houston and Stanton St, since 1960. About one year ago, the parking regulations at this location were changed to “No Parking.” This change has decimated the business of Plantain Cash and Carry; now

THEREFORE, BE IT RESOLVED, that CB3 wants DOT to determine whether the parking regulations could be changed to “Truck Loading” or or regular street-side parking, and to help Plaintains Cash and Carry understand what combination would best serve the needs of their business. Plaintains Cash and Carry should return to a CB3 Transportation meeting with a specific request for regulations that can be implemented.

5. Request for support for Council Member Weprin’s Auxiliary Officers Assistance Plan to provide officers protection from injury and restoration of vital Rescue Units

VOTE: WHEREAS, CB3 supports both the Auxiliary Patrol Units and the multiple precincts covering specialized Rescue Units currently known as Auxiliary Police Support Unit (APSU) who are the auxiliary arm and adjuncts of the NYPD Emergency Service Unit (ESU). We urge their complete revitalization and restoration of equipment, vehicles, training, status upgrade and medical care and NYPD ESU oversight for the Auxiliary Police Support Unit; now

THEREFORE, BE IT RESOLVED, that CB3 asks the NYPD not to disband the APSU, nor take away any of their equipment; and

BE IT FURTHER RESOLVED, that CB3 supports City Councilmember Weprin’s 10-point Auxiliary Officers Assistance Plan, which calls for legislation which would require the NYPD to provide Auxiliary Officers with:

1. Bullet-proof vests
2. Mace
3. Expandable night sticks
4. Protective gas masks
5. Automatic External Defibrillators for Auxiliary Police Special Rescue Units

The Plan also includes legislation that would:

6. Increase penalties for attacking and/or injuring Auxiliary Officers by granting auxiliary the status of Peace Officers While on Duty.
7. Require the NYPD to provide appropriate benefits for disabled Auxiliary Officers and death benefits for families of Auxiliary Officers killed in the line of duty.
8. Mandate that the NYPD give regular reports to the City Council on the Auxiliary Program, including data on personnel, equipment, vehicles, training hours.

9. Require the NYPD to provide improved and increase training and self-defense classes for Auxiliary Officers to be administered by Police Academy instructors.
10. Provide for the full restoration of the Auxiliary Emergency Service Unit (AESU) name and function to allow Auxiliary Officers to properly serve as the Auxiliary arm of the NYPD Emergency Services Unit.

BE IT FURTHER RESOLVED, that CB3 calls upon our elect officials to take action to support the APSU and to pass legislation called for by Weprin's plan.

6. Pedestrian Mall on Park Avenue, Saturdays in August, impact on CB3
no vote necessary

(Transportation Committee)

VOTE: 39 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Outreach Task Force

1. Newsletter & Outreach Material
no vote necessary
2. Street Fairs
no vote necessary

Members Present at Last Vote:

David Adams [P]	Bonnie Hulkower [P]	Joyce Ravitz [P]
Paul Bartlett [P]	Carolyn Jeffers [P]	Lois M. Regan [P]
Michael Byrne [P]	Anne K. Johnson [P]	Richard F. Ropiak [P]
Wendy Cheung [A]	Vaylateena Jones [P]	Lawrence Rosenblatt [A]
Pearl Chin [A]	Meghan Joye [P]	Elizabeth Sgroi [P]
Rocky Chin [P]	Joel Kaplan [P]	David Silversmith [P]
David Crane [P]	Sam Krueger [A]	Deborah A. Simon [P]
Andrea Diaz [A]	John Leo [P]	Arlene Soberman [P]
George Diaz [A]	Eden Lipson [A]	Nancy Rose Sparrow-Bartow [P]
Harvey Epstein [P]	Bernice McCallum [P]	Elinor Tatum [A]
Morris Fajtelewicz [P]	David McWater [P]	David Weinberger [P]
John Fout [P]	Alexandra Militano [P]	Harry Wieder [P]
Beth From [A]	Ilene Morales [P]	Samuel Wilkenfeld [P]
Edward Garcia [P]	Thomas Parker [P]	Douglas Witter [A]
Rabbi Y. S. Ginzberg [P]	Dominic Pisciotta [P]	Noah Yago [P]
Gloria Goldenberg [P]	Barden Prisant [P]	Thomas Yu [P]
Herman F. Hewitt [A]	Carolyn Ratcliffe [P]	

Meeting Adjourned