



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

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Dominic Pisciotta, Board Chair

Susan Stetzer, District Manager

November 2008 Full Board Minutes

Meeting of Community Board #3 held on Tuesday, November 25, 2008 at 6:30pm at PS20, 166 Essex Street.

#### Public Session:

Vaylateena Jones:

The next meeting to discuss a LES Preparedness Forum will be on Thursday December 11 at 5:15PM Indochna Sino American Community Center at 170 Forsyth St. between Rivington & Stanton Streets. The first meeting was very productive. They had representatives from: The Office of Emergency Management, Bellevue Hospital, Beth Israel Hospital, the Lower Manhattan Health Care Coalition, The United Jewish Council, The Lower East Side Business Improvement District, Assemblyman Sheldon Silver's Office, Council Member Alan Gershon's Office, Manhattan Borough President Scott Stringer's Office and the Project Coordinators. They are researching translation alternatives.

Anthony Feliciano is coordinating the site search. They prefer a site within Community Board 3. The ideal site would accommodate 50-150 people with 10-12 tables in the same building. A secondary site choice would be a building with three rooms each accommodating 50 people and 8-12 tables. If you have any ideas or know of availability please contact Anthony at districtleaders@hotmail.com.

The theme is Community: Residents, Leaders, Families and Business.

Jolanda Burkland: came to speak in opposition to the license at 441 East 12th St. She has collected 26 signatures from 22 out of the 42 buildings on 12th Street and 17 other signatures from surrounding buildings.

Laura Sewell: spoke in opposition to the proposed license at 441 East 12th St, citing over crowded streets and excessive noise to due the over proliferation of bars and restaurants in the neighborhood.

David Korngut Esq: asked the Board to reconsider the SLA committee's recommendation to oppose a restaurant wine license at 171 Ave A between 10th and 11th Streets. He noted that the committee has approved a license to the space before. The applicant intends to open a sushi restaurant.

James Villemaire: spoke in opposition to the proposed karaoke bar at 90 Eldridge St. He wants to keep it a family oriented street.

Michel Banks: represents Sunrise Tenants Association. He is asking the board to give the Association a letter of support in their efforts to become an HDFC. He presented letters of support from the community.

Jimmy Hernandez: spoke in opposition liquor license at 90 Eldridge St.

Dinine Signorello: spoke in opposition the liquor license at 90 Eldridge St.

Amanda McEntire: came to speak in regards to NYU's responsibility campaign. The campaign aims to curb underage drinking and binge drinking. They are working with local nightlife owners to create good neighbors agreement.

Tom Juelel: spoke in regards to the restaurant Bella on 86 East 10th Street. He claims they are not following their stipulations by abiding by a 2 a.m. closing on weekdays.

Rocky Chin: member of Community Board 3's Outreach Committee encourages us to come to a public hearing regarding the redesign of Chatham Square. He would like to see as much community input as possible. The proposed design will be posted on the Community Board's website. The City will give their presentation at the meeting as well.

Bob Juecgas: opposes license at 90 Eldridge, a proposed karaoke bar. He does not want to see another bar on this residential street.

Morris Factelewicz: is asking elected officials to act on a prior Community Board's motion which passed to support the Auxiliary Police and the Auxiliary Police Reserve Squad. These lifesaving volunteers have not been operating since April 2007. He would also would like to see them get status under EEO. Morris asks any elected officials who need more information on this to contact him.

Public Officials:

Mayor Michael Bloomberg, Lolita Jackson & Pauline Yu:

Comptroller William Thompson, Rafael Escano:

Public Advocate Betsy Gotbaum, Simeon Banister:

Borough President Scott Stringer, Greg Kirshbaum:

The Borough President's Office co-hosted the Politics of Food Conference on November 19 which the President of the UN General Assembly, the Mayor, and food activist Maya Wiley all made addresses. The conference dealt with the rising cost of food and improving access to healthier, more affordable food for all New Yorkers.

The Borough President testified before a City Council hearing on elevator safety in NYCHA buildings. He urged the Authority to immediately install "door zone restrictors" in every NYCHA elevator that does not have one.

All Community Board 3 members who would like to re-apply for appointment must have applications in to the Borough President's Office by January 15, as well as those seeking to become new members.

Congressmember Carolyn Maloney, Victor Montesinos: The Congresswoman protested new Bush Administration regulations that undermine the landmark Family and Medical Leave Act (FMLA). Among other measures, the regulations will jeopardize workers' medical privacy; make it harder for workers to access FMLA leave and easier for employers to deny it; and make it more difficult for workers to use vacation time or other paid leave while on FMLA leave –rendering it impossible for some workers to take FMLA leave at all.

Congressmember Jerrold Nadler, Erin Drinkwater:

Congressmember Nydia Velazquez, Iris Quinones:

Assembly Speaker Sheldon Silver, Zach Bommer: On November 14th Assemblymen Silver congratulated community volunteers of PSA 4. The recent violence at Alfred Smith houses has reminded everyone of the need for a strong community.

Silver's Office will be setting up Mobile District Offices (MDO's) during the winter months, bringing services into the heart of the community. Winter time mobile district offices help educate the public on what city agencies can address certain community's needs.

A number of public hearings are coming up including "Banking Department Oversight and Analysis" on December 8 at 10:30 a.m. and "Senior Scams" on December 1st at 10:30 a.m. Both take place at 90 Assembly Hearing Room 1923, 19th floor at 250 Broadway.

Assemblymember Deborah J. Glick, Matt Borden:

Assemblymember Brian Kavanaugh, Patrick van Keerbergen: There was a special session of the State Legislature to address the budget crisis but it ended without any agreement. While recognizing the needs for budget cuts, the Assemblyman will work to minimize the impact of the cuts on vital services such as education, housing and healthcare.

He is looking to get a rational explanation from the MTA for cutting back service, most notably for the proposed elimination of the M8 bus line.

The Bracetti Plaza Tenant Association is looking to follow a similar path as Campos Plaza by re-establishing their tenant association.

State Senator Elect Daniel Squadron: Spoke about the effect that eliminating the M8 bus line has on the L line. He is meeting with MTA officials to voice his concerns. The Senator Elect asks the community to e-mail him any other service disruptions or concerns. He also noted the need for more cross town bus services.

He's looking for comprehensive solutions to budget crisis. wants to make sure the cuts are fair and shared equally among community.

State Senator Thomas K. Duane, Romeo Ymalay: Senator Duane also attended a hearing about the M8 bus. He and other elected officials have called on the MTA to develop comprehensive plans in all communities affected

by the loss of service. He has reached out to senior members of Community Boards 2 and 3 to weigh in on alternatives to the elimination of the M8.

Councilmember Alan Gerson, Matt Viggiano: Leonard Golubchick. Councilmember Gerson is demanding the the Department of Transportation postpone final decisions on the redesign of Chatham Square until the community has had the chance to participate and he urges the Community Board to back him in this effort.

Council member Gerson has been following up on recent recommendations from the town hall meeting on safety within NYCHA houses. He demanded that NYCHA install cameras in every building that has yet to receive them.

Councilmember Rosie Mendez, Jessica Nepomiachi: Councilmember Mendez offered congratulations to the Community Board on City Council's passing the Re-zoning Plan. She thanked individuals involved in the process from the beginning with special thanks to David McWater for heralding the effort.

Councilmember Mendez acknowledged the term limit debate. She believes the issue should have been brought in front of the voters once again. She voted "No" on the bill however it passed anyway.

On October 29th the Councilmember chaired the sub-committee on Public Housing's Hearing on elevator maintenance and inspection. She believes that this is a critical issue that must be addressed promptly.

Councilmember Mendez said that 18 NYCHA community centers will be closing due to budget crisis.

She took a walking tour with DOT officials and others in the State Assembly regarding the accidents on 14th St and 1st Ave.

She thanked Community Board 3 and Councilmember Gerson for hosting the Rat Forum. It identified issues that were whole block issues and came up with strategies to deal with it wholistically, rather than one building at a time.

The Councilmember hosted a community/parent forum at PS 188 to address concerns and share information regarding the structural repairs and asbestos removal which are taking place within the building.

She mentions that in order to lessen the gap in the housing crisis, the City is considering selling the parking lots in NYCHA buildings to developers. Developers would then build 80/20 housing, however it needs Federal approval.

In addition, the South Bridge Towers in Councilmember Gerson's district have re-opened their waiting list.

Councilmember Eric Gioia: spoke about food stamp eligibility. He lived for 1 week on food stamps. He ran out of food on day 5 and had to go to a food pantry. Meals served in that same food pantry in queens need have gone up 67% in the last year. He notes that if someone makes 24k a year and has kids they'd probably qualify for food stamps. He wants to get the word out so more people apply. Two million people qualify for food stamps but only 1.1 million receive it.

Members Present at First Vote:

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

Bonnie Hulkower [P]  
Carolyn Jeffers [A]  
Anne K. Johnson [P]  
Vaylateena Jones [P]  
Meghan Joye [P]  
Joel Kaplan [P]  
Sam Krueger [A]  
John Leo [P]  
Eden Lipson [A]  
Bernice McCallum [A]  
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 [A]  
Richard F. Ropiak [P]  
Lawrence Rosenblatt [A]  
Elizabeth Sgroi [P]  
David Silversmith [P]  
Deborah A. Simon [A]  
Arlene Soberman [P]  
Nancy Rose Sparrow-Bartow [P]  
Elinor Tatum [P]  
David Weinberger [A]  
Harry Wieder [P]  
Samuel Wilkenfeld [A]  
Douglas Witter [A]  
Noah Yago [P]  
Thomas Yu [A]

Minutes:

Minutes of September 2008 were approved, as is.

Board Chairperson's Report:

Chairperson Dominic Pisciotta introduced Rocky Chin who spoke about the new Chatham Square design. He encouraged everyone interested in the new design to come to the public hearing on Tuesday, December 2, 2008 at 5:30p.m.

Holiday Party for CB3 will be held after the next Full Board Meeting on December 16th. The location is tbd. Anne will be collecting \$10/person.

LES/East Village Rezoning passed in the City Council last week. While we were successful in achieving desired height caps and contextual zoning, there is still a lot of work to be done. We didn't get as much affordable housing as we would have liked. There is a small amount of extra money now available for anti-harassing. There is also a need to come up with a new plan for Chinatown that may include re-zoning.

John spoke about the Chinatown Working Group. They meet once a month and are doing a lot of outreach. Those interested in the future of Chinatown and the planning initiative should attend the meetings. John noted the importance of establishing some government structure within the group in order to make things work more quickly.

District Manager's Report:

District Manager Susan Stetzer

There will be a scoping meeting for reconstruction of PS 188 joint operated playground on Friday, December 12 at 10:00 a.m. at the playground. This is just east of PS 188, which is between Avenue D and the FDR Drive. This was CB 3 top capital priority last year and was funded by Council member Mendez's office.

The Community Advisory Board meeting for Project Renewal (3rd Street Shelter and Kenton Hall) is December 3 at 6:30 at 333 Bowery (Kenton Hall).

There have been many concerns voiced over the weekend about an attempted sexual assault on Nov. 1 at 172 Norfolk at 4:00 a.m. Sketches and information regarding this will be on news by tomorrow.

Extra Place little alley near 1st st. was originally on the Transportation Committee agenda, and then on land use agenda as it thought to be under HPD jurisdiction. It is now back to DOT jurisdiction. It will not be back on the agenda until Avalon Bay discusses possible uses with DOT.

All Board member s need to sign up for the e-mail list on cb3's website

The Census will have many positions open. You can work nights and weekends even if you have a 9-5 job, and you will work in your neighborhood and should be assigned to your own block. Visit the website: [www.census.gov/ronyc/www/employ.html](http://www.census.gov/ronyc/www/employ.html)

Committee Reports:

**Executive Committee**

no votes were taken

**Human Services, Health, Disability, & Seniors Committee**

1. Human Resource Administration: Informational presentation regarding Food Stamps

no vote necessary

2. Presentation of Senior Center programs: (invited) NY Foundation, Educational Alliance, United Jewish Council, Chinese-American Planning Council, Hamilton Madison House, University Settlement, Grand Street Settlement, Henry Street Settlement, Community Healthcare Network

**VOTE:** WHEREAS, the recently proposed request for proposals (RFP) from the Department for the Aging (DFTA) will decrease the daily number of meals served per senior center, thereby, decreasing the number of seniors who can receive daily meals; and

WHEREAS, the recently proposed RFP from the DFTA will close a number of senior centers, therefore, denying many of the physically impaired senior center members access to senior centers and vitally needed senior center services; and

WHEREAS, the recently proposed RFP from DFTA will not provide transportation for senior center members whose centers may be closed, to alternative senior centers, thereby, decreasing the number of seniors who can participate in senior center activities; and

WHEREAS, the seniors who will no longer have senior service activities available to them will lose their motivation and ability to engage in certain things. This will include but is not limited to socialization, recreation, case assistance, health and wellness programs and other services. This will lead to the physical and mental deterioration of seniors who will not be able to avail themselves of these services; and

WHEREAS, the proposed health and wellness requirements, which may be appropriate for future senior center members, may not be appropriate for the centers existing memberships, now

THEREFORE, BE IT RESOLVED that Community Board #3 moves that the New York City Department for the Aging cancel its recent Senior Center Request for Proposal.

**(Human Services, Health, Disability, & Seniors Committee)**

**33 YES 0 NO 0 ABS 0 PNV MOTION PASSED**

**Youth & Education Committee**

no vote necessary

**Transportation & Public Safety Committee**

1. Presentation on Reconstruction of E Houston St (from Bowery to FDR)

**VOTE:** That CB3-Manhattan approves of the final design for the E Houston reconstruction project. We understand that this project will coordinate with the DOT signals division to ensure that signal timings will be synchronized to prevent traffic backup on the avenues, as well as protect pedestrians. CB3 appreciates the environmental benefits of the green street design just west of Ave A and Ave D, which will include plantings in a bio-infiltration area to reduce storm water runoff.

2. Presentation by Con Edison of current work and work projected for near future for steam operations and other street work within CB#3

no vote necessary

3. Presentation by Con Ed of proposed security updates on Ave D btwn 13th-14th Sts & 14th St E of Ave C

no vote necessary

4. Review of streets eligible for resurfacing

no vote necessary

5. Review of approved bike rack sites

no vote necessary

**(Transportation & Public Safety Committee)**

**33 YES 0 NO 0 ABS 0 PNV (Excluding Item 1) MOTION PASSED**

**Item 1: 32 YES 1 NO 0 ABS 0 PNV MOTION PASSED**

**Environment Committee**

1. Sustainable Small Business Program, LES Ecology Center, progress report

no vote necessary

2. Asthma Free School Zone & Air Monitoring Study, progress report

no vote necessary

**Parks, Recreation, Cultural Affairs, Landmarks, & Waterfront Committee**

1. Update on Allen Street Malls

no vote necessary

2. Parks: possible recreational uses for Pitt/Stanton site

**VOTE:** To support a multi-purpose field at the Pitt/Stanton site with emphasis on volleyball and badminton.

3. Governors Island Preservation & Education Corporation: design process for the future Governors Island Park & Great Promenade

no vote necessary

4. 33 E First St proposal for culture park

no vote necessary

5. Parks Dept presentation re: moving Parks-produced Winter Jam event from Central Park to East River Park for 2009 (2/5-2/7/09)

**VOTE:** To support, on a trial basis, the Parks Dept. request for a Winter Jam event in East River Park from February 5 - 7, 2009.

**(Parks, Recreation, Cultural Affairs, Landmarks, & Waterfront Committee)**

**33 YES 0 NO 0 ABS 0 PNV MOTION PASSED**

**Arts & Cultural Affairs Task Force**

1. Town Hall for Live Music Sustainability: Challenges and Opportunities  
no vote necessary
2. Old Business: Resolutions in Support of City and State Capital Funding of the Arts for Non-Profits  
no vote necessary

**SLA & DCA Licensing Committee**

**Renewal with Complaint History**

1. Bowery Hotel, 335 Bowery (hotel)  
**VOTE:** To approve the renewal of the hotel liquor license for The Bowery Hotel, 335 Bowery.
2. Spur Tree, 76 Orchard St (bw)  
**VOTE:** To deny the renewal of the restaurant wine license for Spur Tree, 76 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 cease commercial operation of its backyard. AMENDED TO DENIAL FOR FAILURE TO RETURN STIPULATION.

**Applications within Resolution Areas**

3. Pasta Bar LLC (Caffe Pepe Rosso), 127 Ave C (up/op)  
withdrawn
4. Samburger, 33 St Marks (rw)  
**VOTE:** WHEREAS, Samburger, is seeking to obtain a restaurant wine license to serve beer and wine at a new hamburger and sandwich restaurant, located at 33 St. Mark's Place between Second Avenue and Third Avenue; and

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

WHEREAS, there has been demonstrated consistent opposition from residents to the addition of any other liquor licenses on this block of St. Mark's Place, including this applicant, because, there are already at least seventeen (17) liquor licenses 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 have 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 hamburger and sandwich restaurants within a two (2) block radius of this location, including one located on Second Avenue between 7th Street and St. Mark's Place and two located on Third Avenue between 10th and 11th Streets; and

WHEREAS, the applicant has failed to state how its intended method of operation as an additional hamburger restaurant would be of any legitimate public benefit; now

THEREFORE, BE IT RESOLVED that Community Board #3 denies the application for a restaurant wine license for Samburger, 33 St. Mark's Place.

5. Pho 32 & Shabu, 13 St Marks (op)  
**VOTE:** To deny the application for a full on-premise liquor license for Pho 32 & Shabu, 13 St. Marks Place, because the applicant did not appear before Community Board #3 for review of its application or provide any application materials for review.
6. Ashiya Sushi, 171 Ave A (rw)  
**VOTE:** To deny the application for a restaurant wine license for Ashiya Sushi, 17 Avenue A, between 10th and 11th Streets, to operate a sushi restaurant because 1) Avenue A, although classified as an avenue, is a narrow street running from Houston Street to 14th Street, which is presently overwhelmed by nighttime establishments of all types, as well as incredible vehicular and pedestrian traffic congestion as a result of so many businesses; and 2) there are numerous existing licensed establishments within five hundred (500) feet of this location, including numerous sushi restaurants.
7. Drink in Italy (formerly Carne Vale), 46 Ave B (removal/rw from currently Perbacco, 234 E 4th St)  
no vote necessary

**Alterations/Transfers/Upgrades**

8. 151 2nd Ave Rest Inc (Ryan's Irish Pub), 151 2nd Ave (alt)

**VOTE:** To approve the alteration for 151 Second Avenue Restaurant Inc., 151 Second Avenue, to wit, changing the location of its front door and one (1) window, while maintaining its closed façade, and extending its bar an additional six (6) feet.

9. AVEBRC Corp (currently Russo's), 40 Ave B (trans/rw, up/op)

**VOTE:** WHEREAS, AVEBRC Corp. is seeking to transfer the existing restaurant wine license at 40 Avenue B, between Second and Third Streets, which was formerly operated as an Italian restaurant, as well as to upgrade to a full on-premise liquor license; and

WHEREAS, Avenue B between 5th Street and Houston Street is the worst area in the 9th Precinct in terms of degraded quality of life as a result of its numerous licensed establishments, overwhelming pedestrian and vehicular traffic, late night horn honking, vomit and garbage on the street and in the entryways of buildings located on this block and noise from patrons moving between businesses and emanating from businesses; and

WHEREAS, Avenue B is a narrow residential street which runs from Houston to 14th Streets and which physically narrows between 4th Street and Houston Street; and

WHEREAS, there are four (4) full on-premise liquor licenses on this block of Avenue B between Second and Third Streets, four (4) full on-premise liquor licenses on the block of Avenue B between Third and Fourth Streets and fourteen (14) licensed establishments on 2nd, 3rd and 4th Streets between Avenues A and B and Avenues B and C, at least seven (7) of which are full on-premise liquor licenses, most of which are of the same class as a restaurant bar as this proposed application; and

WHEREAS, there has been demonstrated community opposition from residents of the surrounding buildings to the addition of licensed businesses on Avenue B, as well as from the commanding officer of the 9th Precinct and the closest block association, the East 4th Street Block Association; and

WHEREAS, as a result of the overwhelming conditions on this portion of Avenue B as a result of so many existing licensed premises, the 9th Precinct and Community Board #3 have had to ask the Department of Transportation to eliminate weekend nighttime parking on one side of Avenue B between 4th Street and Houston Street in an effort to alleviate traffic congestion and decrease late night noise in this area and has had to remove turns onto 4th Street to further alleviate the existing traffic congestion and horn honking; and

WHEREAS, despite these efforts, the 9th Precinct is still overwhelmed with the regulation and oversight of licensed establishments in this area, as well as with overwhelming traffic congestion; and

WHEREAS, the applicant has failed to do adequate community outreach in an area which has well publicized problems as the result of so many licensed establishments, has failed to contact the closest block association regarding his application although he has had prior contacts with it, has failed to contact Community Board #3 regarding outreach and provided only several signatures from residents in support of this application; and

WHEREAS, the applicant has failed to demonstrate that there is any public benefit to an additional restaurant which would be open until late at night in this neighborhood which as numerous late night restaurants; now

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the transfer of the existing restaurant wine license and its upgrade to a full on-premise liquor license for AEBRC Corp., to be located at 40 Avenue B between Second and Third Streets.

10. Maradona Inc (Maradona Hookah Lounge), 188 Allen St (up/op)

**VOTE:** To deny the upgrade to a full on-premise liquor license to Maradona Inc., 188 Allen Street, because the applicant did not appear before Community Board #3 for review of its application or provide any application materials for review.

11. Des Pes Inc (Xunta Tapas Bar), 174 1st Ave (up/op)  
withdrawn

12. Honey Jar (Must), 60 3rd Ave (up/alt/op)  
**VOTE:** To eliminate the stipulation prohibiting alcohol service between the hours of 12:00 P.M. and 2:30 P.M. from the notarized stipulations previously signed by the applicant for Honey Jar in support of its application for a tavern wine at 60 Third Avenue.
13. M&R Restaurant Holdings (currently Gasparino's), 308 E 6th St (trans/op)  
**VOTE:** To deny the transfer of a full on-premise liquor license to M&R Restaurant Holdings, 308 East 6th 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 Mediterranean restaurant, serving food to within one (1) hour of closing, 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 1:00 A.M. Fridays and Saturdays, 3) it will maintain a closed façade, and 4) it will have no live music.
14. Owlings Inc (Cake Shop), 152 Ludlow St (alt/add/op)  
**VOTE:** To deny the alteration to Owlings Inc., 152 Ludlow Street, to wit adding a bar on the ground level of its two-story establishment, 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 an artists venue and café that hosts live music and other artistic events in its basement only.
15. CindyLane (currently Kelley & Ping), 325 Bowery (trans/op)  
 withdrawn
16. 34 A Restaurant Corp (currently Mo Pitkins), 34 Ave A (trans/op)  
**VOTE:** To deny the transfer of a full on-premise liquor license to 34 A Restaurant Corp, 34 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 restaurant, serving American fare to within one (1) hour of closing, 2) its hours of operation will be from 12:00 P.M. to 2:00 A.M. Sundays through Tuesdays and 12:00 P.M. to 3:30 A.M. Wednesdays through Saturdays, 3) it will maintain a closed façade, 4) it will install a vestibule at its entrance to baffle noise, and 5) it will have no live music.
17. 269 E Houston Group (currently Vasmay), 269 E Houston St (trans/op)  
**VOTE:** To deny the transfer of a full on-premise liquor license to 269 East Houston Group, 269 East Houston Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will keep its front door closed to minimize noise emanating from the business, 2) add additional soundproofing, if needed, and 3) move the speakers to a more central location, whether off the wall or below the ceiling, to minimize noise heard by upstairs residents.
- New Liquor License Applications**
18. Corp to be Formed, 191 E Houston St (eb)  
**VOTE:** To deny the application for an eating place beer license for Phelpater, 191 Houston 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 Philly cheesesteak restaurant, serving food to within one half (½) hour of closing, 2) it will maintain a closed façade, 3) its hours of operation will be from 11:00 A.M. to 3:00 A.M. Mondays through Wednesdays, 11:00 A.M. to 4:00 A.M. Thursdays and 11:00 A.M. to 5:00 A.M. Fridays and Saturdays and 12PM until 3:00AM Sundays, and 4) it will not seek to upgrade this license.
19. 1 Essex St (op)  
 withdrawn
20. La Barra Restaurant, 250 Broome St (rw)  
**VOTE:** To deny the application for restaurant wine license for La Barra Restaurant, 250 Broome 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 full-service Mexican Peruvian restaurant, serving food to within one (1) hour of closing, and 2) its hours of operation will be from 12:00 P.M. to 11:00 P.M. Tuesdays through Thursdays, 12:00 P.M. to 12:00 A.M. Fridays and Saturdays, 9:00 A.M. to 4:00 P.M. Sundays and it will be closed on Mondays.
21. Shea Gallante, 99 2nd Ave (op)  
 withdrawn
22. Sticky Rice, 85 Orchard St (rw)  
 withdrawn
23. UTC Store, 7 Eldridge St (eb)  
**VOTE:** To deny the application for a restaurant wine license for UTC Store, 7 Eldridge Street, because the applicant did not appear before Community Board #3 for review of its application or provide any application materials for review.
24. Pho 21 Vietnamese Restaurant, 21 Mott St (eb)  
**VOTE:** To deny the application for an eating place beer license for Pho 21 Vietnamese Restaurant, 21 Mott 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 Vietnamese restaurant, serving food to within one (1) hour of closing, 2) its hours of operation will be from 10:30 A.M. to 10:30 P.M. all days, and 3) it will play ambient recorded background music only.
25. Thai Bodhi Tree, 58 3rd Ave (op)  
 no vote necessary



26. Neway KTV, 90 Eldridge St (op)

**VOTE:** To deny the application for a full on-premise liquor license for Neway KTV, 90 Eldridge Street, because 1) residents appeared to complain about the late night noise from the previous establishment at this location, as well as one (1) bar and three (3) twenty-four (24) hour internet cafes located nearby, 2) the previous location, doing business as Grand Street Billiards, was a nuisance location and the subject of numerous complaints of noise by residents of this street over a period of years, as well as action by the 5th Precinct, 3) Eldridge Street is a small residential side street, primarily occupied by families with children whose character is incompatible with a late night fully licensed premise, and 4) this location is within one hundred ten (110) feet of a church, to wit Chinese Bethel Assembly Church, located at 77 Eldridge Street. (append resident petitions to motion)

27. East 10th Street LLC, 441 E 12th St (rw)

**VOTE:** To deny the application for a restaurant wine license for East 10th Street LLC, 441 East 12th Street, also known as 195 Avenue A, to operate an Eastern European coffee shop because 1) Avenue A, although classified as an avenue, is a narrow street running from Houston Street to 14th Street, which is presently overwhelmed by nighttime establishments of all types, as well as incredible vehicular and pedestrian traffic congestion as a result of so many businesses; 2) there are numerous existing licensed establishments within five hundred (500) feet of this location, including seventeen (17) full on-premise liquor licenses of all types, as well as numerous coffee shops and cafes along Avenue A and within two (2) blocks of this location, 3) there has been consistent community opposition to the addition of licensed establishments within this two block radius of Avenue A because of the cumulative impact of pedestrian and vehicular traffic and noise and garbage as a result of the existing licensed establishments, 4) this applicant first appeared before the State Liquor Authority/Department of Consumer Affairs Committee of Community Board #3 in September of 2008, and was advised to meet with building residents who appeared in opposition to this application, however, this applicant has failed to demonstrate any substantial effort to meet with residents within the two (2) succeeding months since its first hearing to resolve outstanding concerns about its method of operation. (append resident petitions to motion)

28. 144 Division St, 144 Division St (op)

**VOTE:** To deny the application for a full on-premise liquor license for 144 Division Street, 144 Division 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 bed and breakfast, consisting of rooms on the upper three (3) floors, a tea room café on the ground level and a full-service restaurant and lounge, serving Welsh fare to within one (1) hour of closing, in the basement, 2) the hours of operation of the full-service restaurant will be from 8:00 A.M. to 12:00 A.M. every day and service of beer, wine and liquor will be available in the restaurant only, 3) the hours of operation of the tea room café will be from 8:00 A.M. to 11:00 P.M. every day and will have service of beer and wine only, 4) it will not apply for a sidewalk café permit, 5) it will install awnings on its façade to minimize noise emanating from the building, 6) it will clean sidewalks daily, 7) it will arrange for deliveries to occur on the Canal Street side of the establishment and will put out garbage one half (½) hour before pickup is scheduled, 8) it will close all doors and windows by 9:00 P.M. every night, 9) it will not have French doors on its façade, and 10) it will have no live music or DJs and will play ambient background music only. Appended hereto is the Memorandum of Understanding which this applicant has reached with area residents.

29. Spice Thai Hot & Cool, 77 E 10th St (rw)

**VOTE:** To deny the application for a restaurant wine license for Spice Thai Hot & Cool, 77 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 restaurant, serving Thai food to within one (1) hour of closing, 2) its hours of operation will be from 11:00 A.M. to 11:15 P.M. every day, 4) it will not apply for a sidewalk café permit, 5) it will install soundproofing, if needed, 6) it will employ personnel whose responsibilities will include controlling any patrons on the sidewalk, 7) it will play low, ambient background music only, and 8) it will not apply to upgrade its license to a full on-premise liquor license. Appended hereto is the Memorandum of Understanding which this applicant has reached with area residents.

30. TYT East Broadway, 35 E B'way 2nd Fl (rw)

**VOTE:** To deny the application for a restaurant wine license for TYT East Broadway, 35 East Broadway, 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 Chinese food to within one (1) hour of closing except if food service is occurring during a private event, 2) its hours of operation will be from 11:00 A.M. to 11:00 P.M. every day, and 3) it will maintain a closed facade.

31. Gena's Grill, 210 1st Ave (rw)

**VOTE:** To deny the application for a restaurant wine license for Gena's Grill, 210 First Avenue, because the applicant did not appear before Community Board #3 for review of its application or provide any application materials for review.

32. ChickPea at Houston Inc, 147 E Houston St (rw)

**VOTE:** To deny the application for a restaurant wine license for ChickPea at Houston Inc., 147 East Houston Street, because the applicant did not appear before Community Board #3 for review of its application or provide any application materials for review.

33. ChickPea at 14th St Inc, 210 E 14th St (rw)

**VOTE:** To deny the application for a restaurant wine license for ChickPea at 14th Street Inc., 210 East 14th Street, because the applicant did not appear before Community Board #3 for review of its application or provide any application materials for review.

34. Compas Group, 86 Orchard St (op)

**VOTE:** To deny the application for a full on-premise liquor license for Compas Group, 86 Orchard Street, because the applicant submitted an untimely withdrawal of its application and did not appear before Community Board #3 for review of said application.

**Renewal with Complaint History (continued)**

35. Katra, 217 Bowery (op)

**VOTE:** To approve on the basis of the owner taking significant measures to address community concerns, and noise complaints have dramatically reduced since 2006.

**(SLA & DCA Licensing Committee)**

<b>33 YES</b>	<b>0 NO</b>	<b>0 ABS</b>	<b>0 PNV</b>	<b>(Excluding Items 9, 13, 14, 16, 17, 24 &amp; 28 )</b>	<b>MOTION PASSED</b>
<b>Item 9:</b>	<b>32 YES</b>	<b>1 NO</b>	<b>0 ABS</b>	<b>0 PNV</b>	<b>MOTION PASSED</b>
<b>Items 13 &amp; 14:</b>	<b>31 YES</b>	<b>1 NO</b>	<b>1 ABS</b>	<b>0 PNV</b>	<b>MOTION PASSED</b>
<b>Item 16:</b>	<b>30 YES</b>	<b>2 NO</b>	<b>1 ABS</b>	<b>0 PNV</b>	<b>MOTION PASSED</b>
<b>Item 17:</b>	<b>32 YES</b>	<b>0 NO</b>	<b>0 ABS</b>	<b>1 PNV</b>	<b>MOTION PASSED</b>
<b>Items 24 &amp; 28:</b>	<b>31 YES</b>	<b>0 NO</b>	<b>1 ABS</b>	<b>0 PNV</b>	<b>MOTION PASSED</b>

**Economic Development, Zoning, & Planning Committee**

- Review of City Council hearing on Lower East Side rezoning  
no vote necessary

**Housing, Land Disposition, & NYC Housing Authority Committee**

1. Extra Place: possible uses for city-owned site  
no vote necessary
2. 710 E 9th St - preliminary discussion regarding disposition of city owned property  
no vote necessary
3. 421a Application: 55 Hester St  
**VOTE:** To deny 421a Application based on long-standing CB #3 position of granting 421a tax exemptions without affordable housing, and a failure to appear before the committee.
4. 421a Application: 136 E B'way  
**VOTE:** To deny 421a Application based on long-standing CB #3 position of granting 421a tax exemptions without affordable housing, and a failure to appear before the committee.
5. 272 E 7th St request for support to become an HDFC (Housing Development Fund Corporation)  
**VOTE:** To send a supportive letter for Residents of 272 East 7th Street stating:

As one of the last City-owned properties in the Lower East Side, 272 East 7th represents an important opportunity to develop affordable housing. However, the site has been overlooked by the Department of Housing Preservation and Development (HPD) for several years.

The tenant association of 272 East 7th Street requires immediate assistance to find loans to bring the building up to code and a suitable sponsor to manage the property. At last contact with the residents, HPD had suggested working with UHAB to develop the site. It remains unclear whether or not UHAB has the available resources to move forward with a development at the present time.

Community Board #3 Manhattan respectfully requests that HPD collaborate with residents of 272 East 7th Street in order to develop affordable housing at this site.

Thank you.

**(Housing, Land Disposition, & NYC Housing Authority Committee)**

<b>33 YES</b>	<b>0 NO</b>	<b>0 ABS</b>	<b>0 PNV</b>	<b>(Excluding Items 3 &amp; 4)</b>	<b>MOTION PASSED</b>
<b>Items 3 &amp; 4:</b>	<b>32 YES</b>	<b>0 NO</b>	<b>0 ABS</b>	<b>0 PNV</b>	<b>MOTION PASSED</b>

Members Present at Last Vote:

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

Bonnie Hulkower [P]  
Carolyn Jeffers [A]  
Anne K. Johnson [P]  
Vaylateena Jones [P]  
Meghan Joye [P]  
Joel Kaplan [P]  
Sam Krueger [A]  
John Leo [P]  
Eden Lipson [A]  
Bernice McCallum [A]  
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 [A]  
Richard F. Ropiak [P]  
Lawrence Rosenblatt [A]  
Elizabeth Sgroi [P]  
David Silversmith [P]  
Deborah A. Simon [A]  
Arlene Soberman [P]  
Nancy Rose Sparrow-Bartow [P]  
Elinor Tatum [P]  
David Weinberger [A]  
Harry Wieder [P]  
Samuel Wilkenfeld [A]  
Douglas Witter [A]  
Noah Yago [P]  
Thomas Yu [A]

Meeting Adjourned