



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

59 East 4th Street - New York, NY 10003  
Phone: (212) 533-5300 - Fax: (212) 533-3659  
www.cb3manhattan.org - info@cb3manhattan.org

Dominic Pisciotta, Board Chair

Susan Stetzer, District Manager

January 2009 Full Board Minutes

## Public Session:

Meeting of Community Board #3 held on Tuesday, January 27, 2009 at 6:30pm at PS 20, 166 Essex Street.

Esther Wang: from CAAV, Chinatown Tenants Union. She is concerned about the development of the East River waterfront in Chinatown area. They attended CB3's Parks and Recreation Committee on January 15th but felt their comments were disregarded and that their use of translators was met with impatience and disrespect. Their goal is for the waterfront in Chinatown to include some dedicated community space.

Chi Qin Zheng: from CAAV. She attended Parks Committee meeting on January 15th. She also felt that CAAV members were met with disrespect. They started a process with EDC to develop ideas for a community space and now EDC is renegeing on deal. She feels cheated.

Bin Liang: a member of CAAV. He thought the Parks Committee was disrespectful to CAAV when they were speaking. She thought it was racist.

Morris Faitelwicz: CB3 has always been interested in Emergency Preparedness. He is asking elected officials to act on a prior Community Board's motion that 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 like to see them get status under EEO. Morris asks any elected officials who needs more information on this to contact him.

Nell Geiser: Spoke in hopes of getting more community support to develop a vision for the East River Waterfront development.

Samuel Vasquez: a member of the Waterfront Alliance that was created to try to bring a public voice to the waterfront. At the last committee meeting EDC said they are no longer considering community space along the waterfront. Samuel feels this land should remain community space. He's concerned that if corporations take over the land they'll end up charging us to access to space that has always been open to the public.

Darcel Kennedy: voiced her concerns over the hazardous condition of newly renovated Rutgers Street by DOT. There are two rows of parked cars in the middle of Rutgers St. It is extremely difficult for emergency vehicles to gain access to entrances to buildings on Rutgers St. Now senior citizens have to cross 2 streets, which is more dangerous than it was before.

Michael Rouillard: Spoke regarding Chinatown charter busses. The Bus companies are increasing their service. They are constantly double parking which impedes traffic flow. The busses restrict parking and the bus customers congest the sidewalks. DOT tries to clear the busses every morning to no avail. His many 311 complaints have done nothing. The busses constantly stop at city bus stops.

Robert Bartulomey: Complained about the music and noise at Wine bar. He went to SLA when Wine Bar was up for renewal with complaints. He complained to the owners about the noise. They came to an agreement that the owner would install insulation for sound proofing. Robert said this had not been done and that the music was exactly the same, if not worse.

Thomas Yu: Downtown Manhattan Community Development Corporation (DMCDC) has a mission to provide affordable housing planning and implementation for downtown Manhattan. It is a board comprised primarily of local residents and business owners. It was recently awarded a \$200,000 grant from the NY Main Street Program for eligible projects in the Target Area. Target Area runs along Henry St, starting from Catherine St. to Pike St. and runs south to north along Pike St. from Henry St. to Division St.

Jeffrey Ruburt Ruhalter: owner of Jeffrey's Butcher in Essex Market. Jeffrey believes EDC has made the market what it is today. They have created clean conditions that have fostered business.

Sylvia Ruhalter: supports EDC's role in the Essex Street Market. The market is run so well. She notes there is little turnover of merchants. She thinks it's just one dissident who's making all the "fuss".

Discussion: Susan Stetzer said she was the one who brought the issues to the attention of the Community Board and EDC and the community, not a dissident vendor. A year ago there was not a waiting list that one could see to check status of applicants. The system is better now, there is an application on line since this issue was brought up at the community board. However, the system still needs more transparency.

Linda Janneh: from the Manhattan District Attorney's Office came to speak about the 2009 Summer Internship Program. Students must reside in Manhattan and be between the ages of 14-17. They must send a resume and an essay expressing their interest in law no later than March 27th.

Marion Osmun: from the 10th Street Block Association spoke about Kaleidoscope, formerly 10th St. Lounge. They have been using the backyard illegally. They strongly support the SLA Committee's motion to not approve a renewal of this license.

George Karp: Attorney for XXXXX wants the Board to reconsider the disapproval of the up-grade to full liquor license for XXXX. Owner has 2 other respectable licensed institutions with no complaints.

Lyn Pentecost from the Lower East Side Girl's Club presented the Center for Community on Ave D between 7th and 8th Streets. The center has 3 major uses: 1) 27,000 feet of community space including a science and technology center, planetarium, outdoor roof spaces, art studios, community rooms, offices and a media library. 2) 78 rental units: 50 market rate, 30 middle and 20 low-income, 3) retail space housing LES Girl's Club Bakery

Public Officials:

Mayor Michael Bloomberg, Lolita Jackson & Pauline Yu: spoke regarding the earned income tax credit. If an individual earns under 20k they can get their taxes done for free through Tax Prep Plus. If an individual makes less than 50k it costs 20 dollars. Mayor is introducing the Pass It On program which will train clergy to pass on information on City services to help those in financial crisis.

Public Advocate Betsy Gotbaum, Simeon Banister:

Comptroller William Thompson, Sandra Duque: Comptroller Thompson published report on the Mayor's 2009 budget. He believes the effects of the recession will have a bigger impact on the City than the Mayor proposes. Thompson led the charge in pressuring City Hall to withdraw their RFP on the restructuring of senior centers. The plan threatened the closure of nearly 80 centers. The Comptroller is trying to ease the MTA's financial problems. The plan would reinstall the commuter tax and impose a weight-based registration fee on private and commercial vehicles.

Borough President Scott Stringer, Gregory Kirschenbaum: testified at the recent MTA hearing. He revealed the impact that reducing or eliminating over 20 bus routes would have on riders with disabilities. Thousands would be left without access to mass transit on nights and weekends. The MTA has proposed raising the Access-A-Ride from \$2 to \$4. These riders, many of who are elderly are already on tight budgets. This rise in cost would have a devastating effect on riders with disabilities. The Borough President also released a 9 point plan to help relieve traffic congestion in Chinatown.

Congressmember Jerrold Nadler, Erin Drinkwater:

Congressmember Nydia Velazquez, Iris Quinones: Congresswoman Nydia M. Velázquez announced a proposal for a National Hate Crimes Hotline. She, with local entrepreneurs, community leaders from the Good Ole Lower East Side (GOLES) and the Urban Justice League (UJL) organizations plan to release a study on the challenges that threaten the survival of small businesses in the historic Lower East Side neighborhood. The report, No Go for Local Business: The Decline of the Lower East Side's Small Business Identity, examines the impact that an influx of high-end retail and residential developments has had on locally-owned businesses and presents recommendations to preserve the community's culture. Regarding the East Broadway accident: Congresswoman Velazquez allocated 750,000 in funds over 7 years ago to alleviate traffic in Chinatown and nothing has been spent. DOT is still holding the funds. Harvard is letting low-income students who get accepted to go for free.

Congressmember Carolyn Maloney, Victor Montesinos:

Assembly Speaker Sheldon Silver, Zach Bommer: The Speaker is encouraged by a Democratic majority in the Senate which may let some important issues through. He is fighting for stronger pro-tenant rent laws. They are expected to pass the Assembly. He is fighting for reform of the Rockefeller drug laws. They've cost NYS 500 million a year imprisoning non-violent drug offenders. MTA fare hikes and service cuts are unacceptable.

Assemblymember Deborah J. Glick, Matt Borden: It is unacceptable in these financial times that the City is giving 460 million dollars to Yankee Stadium to build more spaces. Television's digital conversion is being delayed until June.

Assemblymember Brian Kavanagh, Paola Castro: The Assemblyman is opposed to the severe cuts in the MTA especially those to the M8 bus line. Met Council announced that applications are available for senior citizens apartments under construction at 332 East 22nd Street in Gramercy.

State Senator Daniel L. Squadron, Mary Cooley: Daniel has been assigned to Chair of the Cities Committee, and will sit on the Housing Committee, Transportation Committee, Education Committee and Veterans Committee. He feels the MTA needs to have more meetings, more often, especially regarding M8. Mary Introduced Jasmine, Daniel's new representative and gave the office's phone number and e-mail address: 212-298-5565 mary@danielsquadron.org

State Senator Thomas K. Duane, Romeo Ymalay: Senator Duane is now Chair of the Housing committee. He is fighting the proposal to eliminate the M8 bus line. Please still request grants in writing although they're not sure the money will be available.

Councilmember Alan Gerson, Peter Z. Pastor: They are expanding upcoming meeting on Chatham Square to include safety issues on East Broadway. Anti idling laws will be introduced. The bill that Susan Stetzer advocated for regarding film crews that must use ultra low sulfur diesel generators will have a hearing in City Council. . Film crews will either have to change generators, or retrofit. Anne Johnson expressed concern that the film industry could not afford this change.

Councilmember Rosie Mendez, Jessica Nepomiachi: Rosie testified at the Manhattan MTA Public Hearing against M8 bus cuts. She is thrilled that the DFTA has withdrawn it's RFP which would have radically changed and threatened the system of senior centers. There will be a follow-up on the Rat Forum on February 3.

Members Present at First Vote:

David Adams [P]	Bonnie Hulkower [P]	Joyce Ravitz [A]
Paul Bartlett [A]	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 [P]	Meghan Joye [P]	Elizabeth Sgroi [P]
Rocky Chin [A]	Joel Kaplan [P]	David Silversmith [A]
David Crane [P]	Sam Krueger [A]	Deborah A. Simon [P]
Andrea Diaz [P]	John Leo [P]	Arlene Soberman [P]
George Diaz [P]	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 [A]
John Fout [P]	Alexandra Militano [P]	Harry Wieder [P]
Beth From [P]	Ilene Morales [P]	Samuel Wilkenfeld [P]
Edward Garcia [P]	Thomas Parker [P]	Douglas Witter [A]
Rabbi Y. S. Ginzberg [P]	Dominic Pisciotta [A]	Noah Yago [P]
Gloria Goldenberg [P]	Barden Prisant [P]	Thomas Yu [P]
Herman F. Hewitt [P]	Carolyn Ratcliffe [P]	

Minutes:

Minutes of November 2008 were approved, as is.

Board Chairperson's Report:

Chairperson Dominic Pisciotta

District Manager's Report:

District Manager Susan Stetzer

Reports from residents and agencies that there are more homeless on the streets. Due to increasing complaints, DHS is reorganizing in our area.

CB is now taking applications for block parties. Must submit app 90 days before block party.

City is negotiating long term lease for CB office space.

Chinatown Working Group-over 25 CT organizations have signed on to be involved. Meetings are on first Monday of every month. American legion, 2nd floor.

CB supported East Side Alliance. Trying to improve quality of life around clinics.

Sign Up for the patron mail online.

Committee Reports:

**Executive Committee**

no vote necessary

**Personnel Task Force**

- Establish evaluation procedures  
no vote necessary

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

1. Report from Chinatown working group  
no vote necessary
2. Revisit LES rezoning of C4-4A, Houston to Delancey, Essex to Chrystie  
no vote necessary
3. Discussion of development of Seward Park Urban Renewal Area (SPURA)  
no vote necessary

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

1. Update on procedure and criteria for selection of new vendors and review of current market booth rental policy for Essex Street Retail Market

**VOTE:** WHEREAS, CB3 has concerns that the existing procedures for transferring permits at the Essex Street Retail Market are not transparent and not in the best interests of the applicants or the community; and

WHEREAS, it has come to CB3's attention that these permits are currently leased below market rate for the neighborhood, at \$34/sq. ft.; now

THEREFORE, BE IT RESOLVED that CB3 urges the Economic Development Corporation to clarify which applicants have priority during the application and transfer process and, in light of the leasing rates for the Essex Street Retail Market, CB 3 requests that preference be extended to businesses with a long standing history in the community and local small businesses struggling to survive at market rates.

2. Preliminary support for disposition of city-owned land at 710 E 9th Street to Loisaida Inc, University Settlement, and Common Ground for development of supportive housing, community services, and a community center

**VOTE:** The committee agreed to send a letter to Commissioner of HPD offering an update on the project:  
Re: Disposition of 710 E. 9th Street  
Block: 378, Lot: 10

Commissioner Shaun Donovan:

The Housing and Land Use Committee of Community Board #3 Manhattan has been engaged in ongoing hearings regarding the possible disposition of city property at 710 East 9th Street, Block 378, Lot 10, which is currently in the portfolio of the Administration for Children's Services.

The CB 3 Land Use Committee has received updates at our January 20th, 2009, meeting, as well as at prior meetings in 2008, regarding a possible project for the location on 9th Street. The project would involve Common Ground, Loisaida, and University Settlement which are all local community groups. The groups have informed us that they are very close to signing an agreement to create a community center, community services and supportive housing at this site.

We expect to have a resolution regarding the use of this site by these groups at our February meeting and will promptly forward it to the Department of Housing Preservation and Development.

Sincerely,

Dominic Pisciotta

3. (LES Girls Club) HPD, UDAAP (N090252HAM) designation and project approval for construction of a 12-story mixed use building on six City-owned properties located on Ave D btwn E 7th St & E 8th St (400-402 E 8th St, 103-105 Ave D, 101 Ave D, 97-99 Ave D, 281 E 7th St, 279 E 7th St)

**VOTE:** Resolution to support UDAAP application for 101 Avenue D, Lower East Side Girls Club

WHEREAS, The Lower East Side Girls Club has proposed a Center for Community that will be an LEED gold certified building containing housing for the Girls Club's, a girl-run café, Fair Trade-Girl Made Gift shop, community rooms, and mixed income housing; and

WHEREAS, the building conforms to the new zoning and furthermore, would adopt the newly created inclusionary housing program created by the LES rezoning utilizing both low and moderate housing; and

WHEREAS, the project promotes local businesses, local job training programs, and local job growth; and

WHEREAS, the project serves the community by affording it inexpensive community space including performance spaces, after school programs and school partnerships; now

THEREFORE, BE IT RESOLVED that Community Board 3 strongly supports the Lower East Side Girl Club Center for Community because the project profoundly achieves many of the aspirations and goals outlined by our community.

4. 77-79-81 Rivington St, 139-141 Orchard St (B415,L61,62,63,66,67) BSA application for renewal and additional time to complete foundation

**VOTE:** Resolution to the Board of Standards and Appeals opposing the extension of new building permit #104870392 for Block: 415, Lots: 61, 62, 63, 66, and 67

WHEREAS, the owners of 139-141 Orchard requested an extension of their building permit, NB #104870392, before the Land Use Committee of CB 3 on January 20, 2009; and

WHEREAS, CB 3 Land Use Committee has concerns about the viability of a new hotel which would be located within a two-block radius of five (5) other hotels and would likely reject a hotel liquor license for the site's hotel rooms and 6,000 sq. ft. of public space because there are numerous existing licensed premises including hotel liquor licenses within close proximity to this site; and

WHEREAS, CB 3 has concerns that the site is violating stop work orders issued by the Department of Buildings based on 311 complaints and complaints from the adjacent buildings owners; and

WHEREAS, all foundation work was begun in October of 2008, one month prior to the expiration of its permit; and

WHEREAS, the foundation work done by the applicant appears to have caused significant damage to the adjacent building, 137 Orchard St, which the applicant failed to disclose to the committee when questioned about its history of 311 complaints; and

WHEREAS, CB 3 has concerns about the validity of the new building permit based on a 10-day letter issued by the Dept. of Buildings and 311 complaints contradicting Stop Work Orders; now

THEREFORE, BE IT RESOLVED that CB 3 opposes the application to the BSA to extend the permit for the foundation for 139-141 Orchard, Block: 415, Lots: 61, 62, 63, 66, and 67 because the applicant's actions appear to highlight a sacrifice of safety in order to finish its foundation quickly.

5. 163 Orchard St (B416,L58) BSA application for renewal and additional time to complete foundation  
no vote necessary

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

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

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

no meeting scheduled

**Youth & Education Committee**

no meeting scheduled

**Chatham Square Task Force**

- Analysis and discussion of concerns regarding traffic redesign, construction, and community impact  
**VOTE:** WHEREAS, many seniors reside in the immediate vicinity of the proposed Chatham Square reconfiguration; and

WHEREAS, DOT has a program to provide Safe Streets For Seniors, program of DOT Traffic Safety Division; now

THEREFORE, BE IT RESOLVED that CB3 requests that Safe Streets For Seniors coordinate with DDC, DOT and EDC on the proposed reconfiguration of Chatham Square; and

BE IT FURTHER RESOLVED that CB 3 requests that DOT report back to CB3 at the Chatham Square Taskforce meeting, which will be held on February 18th, even if the information is preliminary, how the proposed reconfiguration can be altered to improve senior safety.

**(Chatham Square Task Force)**

**37 YES 0 NO 0 ABS 1 PNV MOTION PASSED**

**Transportation & Public Safety Committee**

1. Analysis of "Summer Street" street closures for 2007

**VOTE:** To postpone until February 2009.

2. Request for bike lane on Delancey  
no vote necessary

3. LES/Chinatown Emergency Preparedness Forum request for CB3 co-sponsorship

**VOTE:** WHEREAS, Some people & workers of Manhattan CB3, personally witnessed the collapse of the World Trade Center on 9-11-01 and people jumping out of the window, have heightened concerns about disasters; and

WHEREAS, Some people & workers of Manhattan CB3 experienced the lack of telephone service, increased military presence and change in air quality after 9-11-01 and have heightened concerns about disasters; and

WHEREAS, The CB3 community will get the latest information on preparedness from qualified professionals at a free LES/Chinatown Community Preparedness Day; and

WHEREAS, Representatives from Office of Emergency Management attended a planning meeting and are available to present at a free LES/Chinatown Community Preparedness Day; and

WHEREAS, Representatives from hospitals close to CB3 attended a planning meeting and are available to present at a free LES/Chinatown Community Preparedness Day, i.e. Bellevue Hospital & Beth Israel Medical Center; and

WHEREAS, Representatives from various local elected officials of the CB3 district attended a planning meeting and support a free LES/Chinatown Community Preparedness Day, i.e. City Council Member Alan Gerson, Manhattan Borough President Scott Stringer, State Assemblyman Sheldon Silver, State Senator elect Daniel Squadron and District Leader Anthony Feliciano; and

WHEREAS, Representatives from various community-based concerns attended a planning meeting and support a free LES/Chinatown Community Preparedness Day i.e. Lower Manhattan Health Care Coalition, Seward Park Housing Cooperative, United Jewish Council of the East Side, Indochina Sino American Community Center; and

WHEREAS, Various first responder, health facilities and community leaders have been and will be contacted to get involved in a free LES/Chinatown Community Preparedness Day, i.e. 7th Precinct, Department for the Aging; and

WHEREAS, Vaylateena Jones – a resident of the Lower East Side for more than 35 years, a member of Manhattan CB3, member of the Manhattan CB3 Transportation, Safety and Environment Committee and Registered Nurse initiated this project – will continue to organize the LES/Chinatown Community Preparedness Day, which will be held around March 2009; now

THEREFORE, BE IT RESOLVED, that CB3-Manhattan agrees to cosponsor the LES/Chinatown Community Preparedness Day.

4. Sunday Grand St Greenmarket renewal (btwn Essex & Norfolk Sts)

**VOTE:** To support the renewal application from CENYC Greenmarket for a Farmers market on Grand St between Essex and Norfolk St, on Sundays between July 5 and Nov 22, 2009.

**(Transportation & Public Safety Committee)**

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

**Environment Committee**

- 1. Report from Go Green Lower East Side Committee  
no vote necessary
- 2. Presentations of current work from 2 local environmental groups: S.W.I.M. (Storm Water Infrastructure Matters) and Soler 1 (I love PV--photo voltaic--campaign), Presentations regard use of more localized energy  
no vote necessary

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

- 1. Landmark consideration for Russian Orthodox Cathedral of the Holy Virgin Protection, 59 E 2nd St  
**VOTE:** To request that the Cathedral of the Holy Virgin Protection and the NYC Landmarks Preservation Commission (LPC) extend the currently existing standstill agreement (expiring in April 2009) for a six month period from May 2009 through October 2009 and that the Church work with community based organizations to explore potential funding sources for the Church.
- 2. EDC update on waterfront: a) pavilions, b) status of Basketball City  
no vote necessary
- 3. EDC update on Pier 42  
no vote necessary
- 4. Parks Dept analysis of change in number of events in Tompkins Sq Park and projection for summer 2009  
no vote necessary

**Parks Event Application**

- 5. New York Book Festival, 6/6, Tompkins Sq Park  
**VOTE:** To approve the request by New York Book Festival for a book fair in Tompkins Square Park on June 6, 2009.
- 6. Relay for Life, 6/13, Columbus Park  
**VOTE:** To approve the request by Relay for Life for a walk-a-thon beginning in Columbus Park on June 13, 2009.

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

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

**SLA & DCA Licensing Committee**

**Renewal with Complaint History**

- 1. Kaleidoscope Restaurant, 212 E 10th St (rw)  
**VOTE:** To deny the renewal of the restaurant wine license for Kaleidoscope Restaurant, 212 East 10th Street, because the applicant failed to provide the required signed notarized stipulation that 1) it will cease any commercial use of its backyard as it is inconsistent with its zoning.
- 2. Winebar, 65 2nd Ave (sidewalk cafe)  
**VOTE:** To approve the renewal of the sidewalk café permit for Winebar, 65 Second Avenue, provided the applicant installs soundproofing insulation to its interior ceiling to minimize noise heard by its upstairs residential neighbor.

Despite the conditional approval of the renewal of its sidewalk café permit which resulted from the hearing of the State Liquor Authority/Department of Consumer Affairs Licensing Committee of Community Board #3, held on January 12, 2009, the tenant of this building who had been complaining about unbearable noise from this business appeared before the subsequent full meeting of Community Board #3, held on January 20, 2009, to report that noise from music and patrons talking continued to emanate from this business into this establishment.

**Applications within Resolution Areas**

- 3. European Union, 235 E 4th St (up/op)  
**VOTE:** To deny the upgrade to a full on-premise liquor license for European Union, 235 East 4th Street, unless the applicant agrees before the SLA to add as conditions of its license the following signed notarized stipulation that 1) it will not sell its corporation or transfer its license without the prior approval of the East Fourth Street A & B Block Association, and 2) it will not alter its method of operation from that of a full-service restaurant without the prior approval of the East Fourth Street A & B Block Association. Although this location is within one of the resolution areas of Community Board #3 because of the high concentration of liquor licensed premises within a two (2) block radius of this location, as well as the significant noise and traffic congestion as a result of those premises, Community Board #3 is conditionally approving this upgrade application with the support of the East Fourth Street A & B Block Association because it is in the public interest because this applicant has operated without complaint for two (2) years and has actively worked to improve existing conditions in the immediate neighborhood by attempting to coordinate a garbage pickup program and a merchants association, sponsoring a nutrition program at local schools and meeting regularly with the local block association over a period of years to operate its business so that it benefits the community.
- 4. Eat Pisode, 123 Ludlow St (rw)

**VOTE:** WHEREAS, Eat Pisode, having failed to appear for a prior hearing in September of 2007, has again applied for a restaurant wine license for a Thai restaurant at 123 Ludlow Street, between Stanton and Delancey Streets, and withdrew its application before Community Board #3 in an untimely manner and did not appear before Community Board #3 for review of its application or provide any application materials, other than the community board questionnaire, to review; and

WHEREAS, Ludlow Street is an extremely old, narrow street, historically comprised of low-rise tenements and small-scale manufacturing and retail; and

WHEREAS, Ludlow Street 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 seventeen (17) liquor licensed establishments on Ludlow Street between Houston and Rivington Streets; and

WHEREAS, there are numerous Thai restaurants in the immediate area; and

WHEREAS, Ludlow Street may be the single worst area in the 7th Precinct in terms of degraded quality of life the 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; and

WHEREAS, these persistent detrimental conditions have resulted in the 7th Precinct and Community Board #3 petitioning the Department of Transportation to eliminate weekend nighttime parking on one side of Ludlow Street, between Houston and Delancey Streets, to alleviate the existing pedestrian and traffic congestion and to minimize noise; and

WHEREAS, Eat Pisode has an apparent disregard for these existing conditions, in that it has installed accordion doors on its façade which will augment the already overwhelming noise and congestion on this street; now

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the restaurant wine license for Eat Pisode, 123 Ludlow Street.

5. 171 Ave A Food, 171 Ave A (rw)

**VOTE:** To deny the application for a restaurant wine license for 171 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, 2) there are ten (10) liquor licensed establishments on this one block of Avenue A, as well as numerous liquor licensed establishments within five hundred (500) feet of this location, and 3) there are numerous existing Japanese sushi restaurants on Avenue A and First Avenue, as well as on the side streets between these two avenues.

6. Bruno Jamais, 179 Ludlow St (op)

**VOTE:** To inform the SLA that the applicant for an on-premises liquor license at the above-mentioned location, Mr. Bruno Jamais, has withdrawn his application before the Community Board and to ask that the SLA not consider this application until the applicant reapplies to the Community Board with thirty (30) day notice to the SLA.

7. Kuma Inn, 113 Ludlow St (rw)

**VOTE:** To deny restaurant wine license for Kuma Inn, 113 Ludlow Street, unless the applicant agrees before the SLA to add as conditions of its license the following signed notarized stipulation that 1) it will continue to close at 11:00 P.M. weekdays and 12:00 A.M. Fridays and Saturdays, and 2) it will not alter its method of operation from that of a full-service Thai Filipino restaurant. Although this location is within one of the resolution areas of Community Board #3 because of the high concentration of liquor licensed premises within a two (2) block radius of this location, as well as the significant noise and traffic congestion as a result of those premises, Community Board #3 is conditionally approving this restaurant wine application because it is in the public interest because this applicant has operated without complaint for six (6) years and has actively worked to improve existing conditions in the immediate neighborhood by supporting local charities and fundraising events, employing residents from the neighborhood and teaching nutrition at Public School 41 which is located on Ludlow Street.

8. Castleblade (Frankie's), 17 Clinton St (up/op)

**VOTE:** To inform the SLA that the applicant for the above-mentioned establishment has withdrawn its application for an upgrade of its restaurant wine license to an on-premises liquor license before the



Community Board and to ask that the SLA not consider this application until the applicant reapplies to the Community Board with thirty (30) day notice to the SLA.

**Alterations/Transfers/Upgrades**

9. NY Restaurant Supplies (Around the Clock), 29 3rd Ave (alt/reduction of size of restaurant)  
**VOTE:** To approve the alteration to New York Restaurant Supplies, 29 Third Avenue, to wit decreasing the existing restaurant space in order to expand the neighboring bakery, which is located east of the restaurant on Stuyvesant Street and which is also owned by the applicant and moving the newly apportioned bakery to what is now the western side of the restaurant and shifting the smaller sized restaurant into the existing bakery storefront and the existing eastern half of the restaurant.
  10. Ford Grey (Sultana), 175 Ludlow St (trans/op)  
**VOTE:** To deny the transfer of a full on-premise liquor license to Ford Grey, 175 Ludlow Street, because the applicant withdrew its application before Community Board #3 in an untimely manner and failed to provide Community Board #3 with any application materials for it to review. This applicant appeared to explain that it did not reach an agreement regarding the lease.
  11. Maradona, 188 Allen St (up/op)  
**VOTE:** To deny the upgrade to a full on-premise liquor license for Maradona, 188 Allen Street, because 1) this location was nuisance abated in 2006 for numerous violations issued for selling alcohol to minors and was then closed for approximately two (2) years, 2) the applicant has now been reopened for approximately one (1) year and, while there have been no new violations issued against it within the past year, there has been an inadequate good history by the applicant to warrant an upgrade of its application, 3) this location is within five hundred (500) feet of three (3) or more full on-premise liquor licenses of a similar type, to wit five (5) adjacent storefronts, four (4) of which are similar in character to this location in that they are bars, and 4) this applicant has failed to engage in any community outreach regarding this proposed upgrade in license class.
  12. Ballaro (Madras Cafe), 77 2nd Ave (trans/rw) **THIS IS A NEW APPLICATION**  
**VOTE:** To deny the application for a restaurant wine license for Ballaro, 77 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 Italian café and restaurant, serving food during its hours of operation, 2) its hours of operation will be from 7:00 A.M. to 12:00 A.M. every day, and 3) it will close its façade doors at 10:00 P.M. every night.
  13. Eastville Comedy Club, 85 E 4th St (up/op)  
**VOTE:** To deny the upgrade to a full on-premise liquor license for Eastville Comedy Club, 85 East 4th Street, because the applicant did not appear before Community Board #3 for review of its application or provide any application materials for review and because this applicant agreed not to apply to upgrade its license for a period of at least two (2) years when it was first heard in February of 2008 for its existing tavern wine license. Community Associate Edwin Chan of Community Board #3 emailed the applicant's attorney on December 23, 2008 which was confirmed by said office on December 30, 2008 and then reminded Rosa Sanchez of said office to provide a completed questionnaire on January 6, 2009.
- New Liquor License Applications**
14. Sun Shine 27, 46 Bowery (rw)  
**VOTE:** To deny the application for a restaurant wine license for Sun Shine 27, 46 Bowery, because 1) the applicant failed to provide this community board with a complete application, in that said application was missing a floor plan and any proof of community notice in that the applicant provided no resident petitions or proof of posted notices, and 2) this applicant applied to the SLA after withdrawing its application before Community Board #3 and has now reapplied to be heard by this community board without the proper thirty (30) day notice.
  15. Noodle King, 19 Henry St (rw)  
**VOTE:** To deny the application for a restaurant wine license for Noodle King, 19 Henry Street, because 1) the applicant failed to provide this community board with a complete application, in that said application was missing a floor plan or any proof of community notice in that the applicant provided no proof of posted notices or resident petitions although photographs of the business indicate that it is in a large corner residential building.
  16. Ken's Asian Taste, 40 Bowery (rw)  
**VOTE:** To deny the application for a restaurant wine license for Ken's Asian Taste, 40 Bowery, 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 Chinese restaurant, serving food to within one (1) hour of closing, and 2) its hours of operation will be from 7:00 A.M. to 11:00 P.M. every day.
  17. Cafe Khufu, 61 E 3rd St (rw)  
**VOTE:** To deny the application for a restaurant wine license for Café Khufu, 61 East 3rd Street, because the applicant withdrew its application before Community Board #3 in an untimely manner and failed to provide Community Board #3 with any application materials, other than the community board questionnaire, for it to review. This Community Board requires that applicants withdraw their applications by the Friday afternoon prior to our committee hearing.
  18. Upright Citizens Brigade, 155 E 3rd St (tw)

**VOTE:** To deny the application for a tavern wine license for Upright Citizen's Brigade East Village LLC, 155 East 3rd Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will maintain a method of operation as a comedy theatre, with multiple scheduled daily shows, 2) its hours of operation will be from 1:00 P.M. to 3:00 A.M. every day, 3) it will not permit its patrons to remain in the establishment more than one (1) hour past the final daily performance, 4) it will maintain waiting areas at both its entrance on East 3rd Street and its exit on Avenue A to house patrons waiting to see performances, 5) it will make good faith efforts to ensure that only ticket holders are served at the two (1) bars, one (1) of which will be located in each of the two (2) waiting areas, and it will post signs stating that alcohol service is provided for ticketholders only, 6) it will designate an employee or door person to move waiting patrons off of East 3rd Street and into the waiting areas, 7) it will designate and employee or door person to move exiting patrons off of Avenue A as quickly and quietly as reasonably possible, 8) in the event of a high profile or special event, it will notify the 9th Precinct so that local law enforcement may determine whether any special plan or accommodation needs to be made by the applicant, 9) it will display signs on monitors within the establishment, as well as make periodic announcements, that patrons should exit the theatre as soon as possible at the conclusion of a show and should be respectful and courteous to neighbors by keeping the noise levels down, and 10) It agrees not to seek an upgrade of its license for a period of at least two (2) years. Although this location also has an as 44 Avenue A and is, therefore, within one of the resolution areas of Community Board #3, because of the artistic nature of this application and the large demonstration of support from residents of the surrounding community for this venue, Community Board #3 is conditionally approving this tavern wine application because it is in the public interest.

19. Saigon NYC, 85 Orchard St (rw)

**VOTE:** To deny the application for a restaurant wine license for Saigon NYC, 85 Orchard Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) its hours of operation will be from 11:00 A.M. to 10:00 P.M. Sundays through Wednesdays and 11:00 A.M. to 12:00 A.M. Thursdays through Saturdays, 2) it will operate as a full-service Vietnamese restaurant, serving food during its hours of operation, 3) it will have a closed façade, consisting of glass windows that do not open, and 4) it will close its outdoor patio at 8:00 P.M. every night.

20. Thai Bodhi Tree, 58 3rd Ave (rw)

**VOTE:** To deny the application for a restaurant wine license for Thai Bodhi Tree, 58 Third Avenue, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) its hours of operation will be 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, 2) it will operate as a full-service Thai restaurant, serving food to within one (1) hour of closing, 3) it will not apply to upgrade to a full on-premise liquor license, 4) it will have no DJs and play ambient background music only, 5) it will install soundproofing, if needed, 6) it will not commercially use any outdoor space, 7) it will have an employee designated to monitor customers waiting outside to minimize noise and congestion on the street, 8) it will maintain the sidewalk in a clean and sanitary manner.

**(SLA & DCA Licensing Committee)**

**38 YES    0 NO        0 ABS        0 PNV (Excluding Items 5, 7, 16, 19 & 20)    MOTION PASSED**  
**Items 5, 7, 16, 19 & 20:            37 YES    1 NO        0 ABS        0 PNV                    MOTION PASSED**

Members Present at Last Vote:

- |                          |                        |                               |
|--------------------------|------------------------|-------------------------------|
| David Adams [P]          | Bonnie Hulkower [P]    | Joyce Ravitz [A]              |
| Paul Bartlett [A]        | 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 [P]           | Meghan Joye [P]        | Elizabeth Sgroi [P]           |
| Rocky Chin [A]           | Joel Kaplan [P]        | David Silversmith [A]         |
| David Crane [P]          | Sam Krueger [A]        | Deborah A. Simon [P]          |
| Andrea Diaz [P]          | John Leo [P]           | Arlene Soberman [P]           |
| George Diaz [P]          | 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 [A]          |
| John Fout [P]            | Alexandra Militano [P] | Harry Wieder [P]              |
| Beth From [P]            | Ilene Morales [P]      | Samuel Wilkenfeld [P]         |
| Edward Garcia [P]        | Thomas Parker [P]      | Douglas Witter [A]            |
| Rabbi Y. S. Ginzberg [P] | Dominic Pisciotta [A]  | Noah Yago [P]                 |
| Gloria Goldenberg [P]    | Barden Prisant [P]     | Thomas Yu [P]                 |
| Herman F. Hewitt [P]     | Carolyn Ratcliffe [P]  |                               |

Meeting Adjourned