



# 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](http://www.cb3manhattan.org) - [info@cb3manhattan.org](mailto:info@cb3manhattan.org)

Dominic Pisciotta, Board Chair

Susan Stetzer, District Manager

March 2009 Full Board Minutes

Meeting of Community Board #3 held on Tuesday, March 24, 2009 at 6:30pm at PS 20, 166 Essex Street.

Public Session:

William Stanford Jr. aka Mr. X: bathroom by Pathmark needs to be renovated.

Shay Gines: Supports Arts Task Force Resolution. Small theatres are a part of the culture and tradition of our community.

Jessica Williams: Announced new FQHC services in the area of Lower Manhattan offering primary and preventative health care to every one regardless of ability to pay.

John Clancy: Executive Director of League of Independent Theatre. He supports the Arts Task Force Resolution. He strongly urges the Board to take a leadership position on supporting small theatres.

Paul Nagel: Art Policy Now, supports Arts Task Force Resolution. Supporting the arts and theatre is supporting small businesses. They create jobs and bolster the economy.

Amanda Davidowitz: Urging people to get involved in their neighborhood's Make Music NY events. Make Music NY is New York's largest free outdoor music festival. [www.Makemusicny.org](http://www.Makemusicny.org)

Marco Elgart: Owner of the Eastville Comedy Club. The SLA committee turned down their request to upgrade to a full liquor license. He wants Board to reconsider.

Helayne Seidman: Is opposed to the new liquor license request for 6 St Mark's Place for a karaoke bar. She'd like to see more retail establishments rather than bars.

Susi Schropp: Is also opposed to 6 St Marks receiving a liquor license. There are 21 existing licenses on St. Mark's Place. The magnitude of the project is out of scale for the side street. There is already a karaoke bar right across the street. We're already overcrowded.

Moi Hung: spoke about the set-up incident in Flushing against a long term supporter of Falun Dafa. A similar incident happened in Chinatown. The Falun Dafa organization was rejected in participating in the Parade.

Cactus Lu: appealing for the Falun Dafa disciples and issues that concern them in the community. They are being persecuted for no reason.

Amanda McEntire: announced Small Business Forum Monday March 30

Bill Strachan: Announced a free bicycling seminar for women at Bike Habitat on Wednesday 3/25/09

Anne Frederick: spoke supporting the DOT resolution for Allen and Pike St.

Triple Edwards: Spoke regarding the Chatham Sq. reconfiguration. The NYPD had a secret meeting with Chatham Towers. He is against ballards in open space.

Jan Lee: Spoke regarding the Chatham Sq. reconstruction. It is grossly premature to accept the plan that DOT presented. We need more community input. The Board should not just table it, but reject the plan.

Tamara Greenfield: announcing temporary pedestrian street closings down, making an environment much like a public plaza.

Det Thomas Verm: On behalf the Chief of Community Affairs. There are many programs available. One of the most popular is the citizen's police academy.

Roberto Ragone: Executive Director of the LES BID. Spoke in support of DOT proposal to connect Allen St. malls. He announced Apple Day, co-sponsored with Go Green LES.

Public Officials:

Mayor Michael Bloomberg, Lolita Jackson & Pauline Yu:

Public Advocate Betsy Gotbaum, Gabe Rosner: He left various pamphlets at the table including annual reports from his office, guides to immigrant rights and information on school government and mayoral control.

Comptroller William Thompson, Sandra Duque:

Borough President Scott Stringer, Gregory Kirschenbaum: The Borough President is calling for a ban on drilling in areas that provide the city with drinking water. This drilling in NY's watershed, called fracking, could contaminate our drinking water. The tenants of Stuyvesant Town won a major victory over their landlord on Thursday when an appeals court ruled that the company had wrongfully raised rents and deregulated thousands of apartments after receiving special tax breaks. Good news for parents of pre-schoolers of Shuang Wen on Cherry Street. Pre-school will now be considered a "point of entry" into the school so children do not have to re-apply for kindergarten.

Congressmember Jerrold Nadler, Erin Drinkwater:

Congressmember Nydia Velazquez, Iris Quinones: has called on the U.S. Treasury and the Department of Housing and Urban Development to protect renters who, by no fault of their own, are at risk of being evicted because owners of buildings are in foreclosure. These tenants rights need to be protected. She has secured another \$12,000 in funding for the LES Girls Club.

Congressmember Carolyn Maloney, Victor Montesinos:

Assembly Speaker Sheldon Silver, Zach Bommer: spoke regarding the 22 James St fire. They have organized placement for all of the families. Together with the AAFE they have organized a timeline when they can get back into apartments to collect belongings. Last Saturday PS 110 had an auction fundraiser. They awarded Shelly with an award thanking him for his constant support of 110. Yesterday he announced a prescription drug saver card. Update on subway: The Speaker doesn't want a fare hike. He wants to jack up bridge tolls \$2 and increase payroll tax.

Assemblymember Deborah J. Glick, Matt Borden: Together with District 1's Community Education Council sent a letter to Joel Klein requesting that Pre-K be a point of entry in School District 1. It shouldn't have to be a double lottery. The letter also asked Mr. Klein to create a new school choice policy that supports economic and social diversity. All the schools in our district should reflect our neighborhood. The office conducted a Mayoral Control survey which indicated over 50% of people surveyed thought mayoral control should be modified. She was proud to sponsor the reform of the Rockefeller drug laws.

Assemblymember Brian Kavanagh, Paula Castro: Stood with NYCHA residents in a press conference about funds coming back to state housing. Introduced legislation that would limit ticket price increases by sports franchises that have received public subsidies for their facilities and require that a percentage of tickets at these facilities be sold at prices affordable to people with modest means. AIDS service center is in need of donations of men's clothes. He recently visited food pantry at OLS.

State Senator Daniel L. Squadron, Mary Cooley: On March 15 the Senator held a community convention that over 400 people attended. His goal is increased transparency and accessibility in government. He has been very busy working on the MTA situation and budget. Daniel joined with 17 other Senators in calling for more NYCHA funding. The State has not significantly increased NYCHA funding in over a decade.

State Senator Thomas K. Duane, Romeo Ymalay: Sen Duane is asking for CB3's support in banning gas drilling in New York City's Watershed. The Senator wrote a letter to change the 30 day DOB online notice to 60 days. He is celebrating the victory of the tenants of Stuyvesant Town. The NY Supreme Court ruled that Tishman Speyer and the previous owner Met Life improperly deregulated apartments while receiving City of NY J-51 tax benefits. The S2171 bill the Senator introduced to preserve Mitchell-Lama housing has passed.

Councilmember Alan Gerson, Patricia Olan: The Two Bridges Community Center is being kept open as a result of a partnership between the Office of Alan Gerson, the DYCD and the Chinatown YMCA. With funding from the DYCD and Gerson, a community organizer was hired. He will be working with the youth in the area and also with community development. A teen fair will be held on April 25 for the young people to meet the Coordinator and talk about upcoming programs. Gerson is continuing to monitor the situation with the Chinatown fire, making sure all displaced residents have a safe place to stay. He criticized the fact that Engine 4 which helped save those resident's lives, is up for closure during the night and early morning hours.

Councilmember Rosie Mendez, Jessica Nepomiachi: On Friday March 6th the DOB held a hearing on the new rule which only allows 30 days for public comment online before a new building gets approved. Because of Rosie's direct intervention the rule is being re-written, allowing an additional 30 days for the public comment period.

Members Present at First Vote:

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

Minutes:

Minutes of January 2009 were approved, as is.

Board Chairperson's Report:

Chairperson Dominic Pisciotta

Drilling for natural gas in the New York City Watershed could have toxic consequences on our drinking water.

Dominic extended his condolences to Eleanor Tatum for the loss of her father.

Testified at the City Council Meeting seeking to preserve funds to community boards.

District Manager's Report:

There will be a Community Advisory Board meeting for Project Renewal—Kenton Hall at 333 Bowery and the Men's Shelter at 8 E 3rd street. The meeting will be April 2 at 6:30 at 333 Bowery. Residents and board members are encouraged to attend the meeting and show interest—not wait until there is a problem.

Go Green LES has a cooking oil recycling program for restaurants and bars. It is free and oil will be picked up and recycled. Please e-mail or call the community board if you are interested.

Some recent 311 complaints have been productive. A constituent complained that the new building going up at 183 East Broadway did not comply with sliver law. The Department of Buildings audited the plans and agree that building should comply and is now working with owner to fix objections. There was also a complaint that the School of Visual Arts dormitory on Ludlow and Delancey renting rooms as residences over the summer. The Department of Buildings is looking into not renewing temporary C of O.

The construction at 2 Cooper Square in Community Board 2 has been impacting our residents who live at JASA—the residence for seniors and disabled. We called a meeting with the building manager, the developer, a few residents, and local elected officials. The developer has agreed to all requests that will mitigate impacts as much as possible. This includes no noisy work at night or early in the morning—keeping sidewalks and crosswalks clear and accessible, and making sure there is not any dust.

Committee Reports:

Executive Committee

**VOTE:** Resolution in Support of Gouverneur Health Services Request for Stimulus Funds

WHEREAS, during the past few years, Gouverneur has absorbed Medicaid and other State reductions without compromising resident and patient care, today the facility is operating on a bare

bone budget, having already made considerable cuts in its operations, and there is little, if any, opportunity for further cost reductions without affecting services; and

WHEREAS, Gouverneur needs funds to complete the already started Major Modernization, which includes a Women and Children's Center, a dialysis center, a new CT scan area and space for a full-spectrum ambulatory-surgery center; as well as additional ambulatory care services and increasing the nursing home capacity; and

WHEREAS, Gouverneur Healthcare Services treated more than 16,000 uninsured patients last year, a 22% increase over the year before - and now more people are losing their jobs and healthcare coverage everyday; now

THEREFORE, BE IT RESOLVED that Community Board #3 supports Gouverneur Healthcare Service's request for Stimulus Funds.

**(Executive Committee)**

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

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

**Block Party Application**

1. St Mark's Church in the Bowery, 5/2, E 11th St (2nd & 3rd Aves)  
**VOTE:** To support the request by St. Mark's Church for a block party on May 2, 2009 on East 11th Street (2nd - 3rd Avenues).
2. Theater for the New City, 5/23, E 10th St (1st & 2nd Aves)  
**VOTE:** To support the request by Theater for the New City for a block party on May 23, 2009 on East 10th Street (1st - 2nd Avenues).
3. Downtown Art, 6/6, E 4th St (Bowery & 2nd Ave)  
**VOTE:** To support the request by Downtown Art for a block party on June 6, 2009 on East 4th Street (1st - 2nd Avenues).
4. Christian Missionary Church (Health Fair), 6/6, E 7th St (Aves C & D)  
**VOTE:** To support the request by Christian Missionary Church for a block party on June 6, 2009 on East 7th Street (Avenues C - D).
5. Tompkins Square Gospel Fellowship, 6/6, E 11th St (Aves B & C)  
**VOTE:** To support the request by Tompkins Square Gospel Fellowship for a block party on June 6, 2009 on East 11th Street (Avenues B - C).
6. Immigrant Social Services, 6/7, Henry St (Rutgers & Pike Sts)  
**VOTE:** To support the request by Immigrant Social Services for a block party on June 7, 2009 on Henry Street (Rutgers - Pike Streets).
7. St Teresa's Church, 6/7, Rutgers St (Henry St & E B'way)  
**VOTE:** To deny the request for a block party by St. Teresa's Church due to non-appearance before the Parks Committee.
8. Museum at Eldridge St, 6/7, Eldridge St (Canal & Division Sts)  
**VOTE:** To support the request by the Museum at Eldridge Street for a block party on June 7, 2009 on Eldridge Street (Canal - Division Streets).
9. A-1 E 10th St Block Association, 6/13, E 10th St (Ave A & 1st Ave)  
**VOTE:** To support the request by A-1 East 10th Street Block Association for a block party on June 13, 2009 on East 10th Street (1st Avenue - Avenue A).
10. Bicycle Film Festival, 6/20, E 2nd St (1st & 2nd Aves)  
**VOTE:** To support the request by Bicycle Film Festival for a block party on June 20, 2009 on East 2nd Street (1st - 2nd Avenues).
11. 600 BC Block Association, 7/18, E 9th St (Aves B & C)  
**VOTE:** To support the request by 600 BC Block Association for a block party on July 18, 2009 on East 9th Street (Avenues B - C).
12. Theater for the New City, 8/1, E 10th St (1st & 2nd Aves)  
**VOTE:** To support the request by Theater for the New City for a block party on August 1, 2009 on East 10th Street (1st - 2nd Avenues) contingent on receiving no verifiable complaints from the prior event on May 23, 2009.
13. 10th St & Stuyvesant BA, 9/12, E 10th St (2nd & 3rd Aves)  
**VOTE:** To support the request by 10th Street & Stuyvesant Block Association for a block party on September 12, 2009 on East 10th Street (2nd - 3rd Avenues).
14. Mariners' Temple BE Church, 9/19, Henry St (Madison/Oliver & Chatham Sq)  
**VOTE:** To support the request by Mariners' Temple BE Church for a block party on September 19, 2009 on Oliver/Henry Street (Madison Street - Chatham Square).

15. Fourth Arts Block, 9/26, E 4th St (Bowery & 2nd Ave)  
**VOTE:** To support the request by Fourth Arts Block for a block party on September 26, 2009 on East 4th Street (2nd Avenue - Bowery).
16. St Mark's Church in the Bowery, 10/3, E 11th St (2nd & 3rd Aves)  
**VOTE:** To support the request by St. Mark's Church for a block party on October 3, 2009 on East 11th Street (2nd - 3rd Avenues).
17. LES BID (Apple Day), 10/18, Orchard St (Grand & Broome Sts)  
**VOTE:** To support the request by LES BID for a block party on October 18, 2009 on Orchard Street (Grand - Broome Streets).
18. Theater for the New City, 10/31, E 10th St (1st & 2nd Aves)  
**VOTE:** To support the request by Theater for the New City for a block party on October 31, 2009 on East 10th Street (1st - 2nd Avenues) contingent on receiving no verifiable complaints from the prior events on May 23 and August 1, 2009.

**Park Event**

19. Howl Festival, 9/4-9/6, Tompkins Square Park  
**VOTE:** To support the request by Howl Festival for a park event on September 4th - September 6th around Tompkins Square Park.

**Parks Committee Items**

20. Potential futures uses for Pier 42  
**VOTE:** WHEREAS, CB#3 has conducted numerous community meetings since 2002 concerning the CB#3 waterfront from south of the East River Park to the Brooklyn Bridge; and

WHEREAS, CB#3 has voted to support various waterfront improvements including the development of Pier 42; and

WHEREAS, the reconstruction and maintenance of Pier 42 for waterfront access for the residents of CB#3 is the #1 capital budget priority of CB#3; and

WHEREAS, the current economic situation is requiring a review of priorities for the Pier 42 portion of the waterfront, and whereas EDC has advised CB#3 that work on Pier 42 will be delayed until funding can be identified; and

WHEREAS, CB#3 wishes to be on record concerning its priorities for the Pier 42 portion of the waterfront; now

THEREFORE, BE IT RESOLVED that CB#3 reiterates its continued support for development of the Pier 42 area for passive, recreational, maritime-oriented, community use - what was publicized as the Lower East Side Beach - and wishes to state its opposition to uses that are not perceived as "community friendly", including uses such as parking or storage on the Pier 42 parking area or pier for any transportation uses such as commuter buses or vans except for the previously approved staging use for the reconstruction of East River Park.

21. Presentation on open space designs relating to the proposed Chatham Square / Park Row Improvements project, including a new 27,000sf open space at Chatham Square, a new pedestrian promenade along Park Row, a new pedestrian ramp connecting Park Row to 1PP and the Civic Center, and a landscaped path connecting to Frankfort St  
**VOTE:** To table any further discussion concerning any open space designs relating to the proposed Chatham Square/Park Row improvements project.
22. Concerns regarding playground noise at East Side Community H.S. (11th-12th Street btwn Ave A and 1st Ave)  
no vote necessary
23. Generation X Community Garden, 270 E 4th St: support for refurbishing with new pathways, stage, benches, planting beds and fruit trees  
**VOTE:** To send a letter of support to the Council on the Environment concerning the Generation X Community Garden at 270 East 4th Street.

Mr. Gerard Lordahl  
Council on the Environment  
51 Chambers Street, Room 228  
New York, NY 10007

Re: Generation X Community Garden  
270 East 4th Street  
New York, NY 10009

Dear Mr. Lordahl:

The Council on the Environment and representatives of the Generation X Community Garden recently came before the Community Board #3 and presented a proposal concerning the garden at 270 East 4th Street.

Our understanding is that this project is being financially and operationally supported by the Council on the Environment.

Based on the statement made by the Council and the community representatives, Community Board #3 supports the work being done at that location and looks forward to being invited to see the completed project.

Thank you for the work being done on behalf of our community.

24. OUR Waterfront Coalition: presentation on preliminary survey data regarding Waterfront development  
no vote necessary

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

**37 YES 0 NO 0 ABS 0 PNV (Excluding Item 21) MOTION PASSED**

**Item 21: 36 YES 0 NO 0 ABS 1 PNV MOTION PASSED**

**Arts Task Force**

**VOTE:** WHEREAS: Arts and Entertainment is one of the largest industries in New York City with the economic impact of non-profit arts estimated to be \$5.8 Billion and 40,460 jobs (NY Alliance for the Arts, 2005);

WHEREAS: Small to mid sized theaters and other arts organizations are an integral part of the Arts & Entertainment industry: A) as an entry point for actors, playwrights, and other artists, B) for the expression and exploration of the diverse culture of New York City communities, C) for sites of creativity, experimentation and innovation, D) for jobs;

WHEREAS: Small to mid sized theaters and other arts venues are closely tied to their local neighborhood small businesses, for instance one theater in CB3 had 70 restaurants contribute food to a recent festival;

WHEREAS: Small to mid sized theaters and other arts venues are economic drivers of local neighborhoods, and are crucial to the cultural and economic resilience and diversity of our neighborhoods;

WHEREAS: A cyclical economic downturn is the TIME TO INVEST in our neighborhood economic drivers and NOT TO DISINVEST in local economic drivers;

WHEREAS: The proposed disinvestment by the City and the State in community based arts may have an adverse multiplier effect on the small businesses and neighborhoods in which they are based;

WHEREAS: Foundation funding and government funding are down by 20-40 percent, yet small to mid sized theaters and other non profit arts venues have fixed real estate costs;

WHEREAS: Government funders recommendations to small to mid sized theaters and other arts organizations to cut back on programming in this time of crisis will not work, as programming constitutes the revenue for fixed costs and employment;

WHEREAS: CB3 has been a historic incubator and concentration of Off-Off Broadway theaters and has lost many of its small theaters in the late 90s and other performing arts venues in the last decade due to real estate competition and speculation, resulting in spaces constructed for performance being repurposed and irretrievably lost;

WHEREAS: Areas (CB2, CB4, CB5) surrounding CB3 have recently lost 25-30 percent of their small to mid sized theaters in the last five years predominantly due to real estate competition (New York Theatre Innovative Theatre Awards study, Dec 08);

WHEREAS: CB3 remains an important viable center for theater and performing arts;

WHEREAS: There exist innovative policies (land use, tax, public buildings) to sustain and retain theater and other performance venues that other cities and states have successfully used;

WHEREAS: The New York State Assembly member O'Donnell has proposed increased capital funding, and NYC Council member Alan Gerson's office is proposing a bill to create a property tax abatement for commercial landlords that rent to non-profit cultural groups;

WHEREAS: CB3 Art Task Force Town Halls, and the recent joint Community Board Forum on small to mid sized theaters have been well attended with extensive expert and public testimony on the loss of theater and arts venues, the importance of theater and arts venues for local communities, and the severe financial crisis hitting small to mid sized theater.

THEREFORE IT BE RESOLVED: CB3 calls on its elected officials to acknowledge small to mid sized theaters and other arts organizations to be crucial to the cultural and economic resilience and diversity of our neighborhoods, to recognize the arts as economic drivers and integral to local small neighborhood businesses;

THEREFORE IT BE FURTHER RESOLVED: CB3 call on its elected officials to develop and adopt land use, tax and other governmental incentives and policies to retain and secure theater and other arts and cultural venue spaces and to retain arts and cultural organizations in our district and the City of New York.

THEREFORE IT BE FURTHER RESOLVED: CB3 calls on its elected officials, and the Governor, to act in order to restore the 100 percent funding cut from remaining funds of the New York State Council of the Arts (NYSCA) for Fiscal Year 2009, to restore NYSCA funding to sustainable levels in Fiscal Year 2010, and not to discriminate against small to mid-sized theaters and arts organizations.

THEREFORE IT BE FURTHER RESOLVED: CB3 calls on its elected representatives of Congress to include small to mid-sized theaters and other arts organizations in job retention and economic stimulus funding, and not to discriminate against the arts and non-profits in urban stabilization, job retention, and other funding and policies assisting other small businesses.

**(Arts Task Force)**

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

**SLA & DCA Licensing Committee**

1. Creation of sidewalk cafe guidelines  
no vote necessary

**Renewal with Complaint History**

2. Kate's Joint, 58 Ave B (rw)  
**VOTE:** To deny the renewal of the full on-premise liquor license for Kate's Joint, 58 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 close no later than 3:00 A.M. every night, 2) it will operate as a full service restaurant, serving food until closing, 3) it will employ security personnel from 11:00 P.M. to closing on Fridays and Saturdays, 4) it will install additional soundproofing, if necessary, and relocate its speakers, and 5) it will close its gates on Fourth Street no later than 2:00 A.M. every night to minimize noise complaints from Fourth Street residents.
3. 151, 151 Rivington St (op)  
**VOTE:** To approve the renewal of the full on-premise liquor license for 151, 151 Rivington Street.
4. Jeollado, 116 E 4th St (rw)  
**VOTE:** To approve the renewal of the restaurant wine license for Jeollado, 116 East Fourth Street.
5. Hop Devil Grill, 129 St Marks Pl (op)  
no vote necessary
6. La Gaule, 188 Orchard St (sidewalk cafe)  
no vote necessary
7. 205 Chrystie St Rest Corp, 205 Chrystie St (op)  
**VOTE:** This community board has heard the application for the renewal of the full on-premise liquor license for 205 Chrystie Street Restaurant Corp, 205 Chrystie Street, despite the fact that the existing license has been cancelled by the New York State Liquor Authority and the location is currently awaiting a decision in an Article 78 proceeding appealing that cancellation, and while this community board believes that it is foreclosed from voting on the renewal of an already cancelled liquor license, it notes that 1) this location was closed pursuant to nuisance abatement for numerous violations in 2006, was operating under a stipulation of settlement which expired in November of 2007 and is now operating under court order pending the appeal of the cancellation of its license by the SLA, and 2) on March 13, 2009, this applicant received new violations for

having an inoperable interior fire alarm, no certificate of occupancy and no public assembly permit, unreasonable noise and disorderly premise.

**Applications within Resolution Areas**

8. Phil Alotta, 164 Ludlow St (op)

**VOTE:** To deny the application for a full on-premise liquor license to Phil Alotta, 164 Ludlow St, because the applicant did not appear before Community Board #3 for review of its application or provide any application materials for review.

Community Board 3 has made best faith efforts to contact the applicant for notification of this meeting. On February 12th, the Community Board office notified the applicant's representative, Martin Mehler, of the committee meeting via email. In addition, the Community Board office confirmed this email by phone to Martin Mehler, on February 18th. This was a direct conversation, not a message.

9. Fat Panda (Planet Rose), 219 Ave A (alt/expansion)

**VOTE:** To deny the alteration to Fat Panda, 219 Avenue A, to wit expanding into the adjacent storefront located at the same address, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will close no later than 2:00 A.M. Sundays through Wednesdays and 4:00 A.M. Thursdays through Saturdays, 2) it will continue to function as a karaoke bar, 3) it will use its establishment to host charitable and neighborhood events and meetings, and 4) it will install soundproofing in the new storefront.

10. Katherine Xenos-Grivas (B Psarotaverna), 46 Ave B (op)

**VOTE 1:** WHEREAS, Corp To Be Formed, 46 Avenue B, is seeking to obtain a full on-premise liquor license at a location which was formerly operated as a Brazilian steakhouse and lounge doing business as Carne Vale; and

WHEREAS, as the previous license holder had its license revoked on March 31, 2008, this is a now unlicensed location; 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 at least seventeen (17) full on-premise liquor licenses within five hundred (500) feet of this location, ten (10) of which are on Avenue B below 5th Street and four (4) of which are on this block, ***although the applicant has only conceded that there are nine (9) full on-premise liquor licenses within five hundred (500) feet of this location;*** 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 and noise from patrons moving between businesses and emanating from businesses; and

WHEREAS, 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 alleviate traffic congestion and decrease late night noise in this area; and

WHEREAS, despite the existing and well publicized conditions on lower Avenue B, the applicant is intending to utilize accordion doors on its façade and commercially use the backyard, both of which will effectively extend this business into an already beleaguered and noisy community; and

WHEREAS, there have been numerous complaints from residents of the surrounding buildings of noise emanating from the front and back of this location when it was previously operating; and

WHEREAS, there is no public benefit in adding another restaurant in this neighborhood which already has numerous restaurants of every type on every block; now

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the application for a full on-premise liquor license for Corp To Be Formed, located at 46 Avenue B.

**VOTE 2:** To inform James Atamanuk, the landlord of 46 Avenue B, that, given the previous history of this location as Carne Vale, as well as the conditions on lower Avenue B, which have resulted in numerous multi agency meetings, police operations and the reconfiguration of parking, Community Board #3 has doubts about the future use of this location as an establishment which would require

any type of liquor license. Consequently, Community Board #3 has taken a position that it will not approve any application for a liquor license at this address absent extraordinary circumstances.

11. Pasta Bar (Caffe Pepe Rosso), 343 E 8th St (up/op)

**VOTE:** WHEREAS, Pastabar, an Italian restaurant located at 127 Avenue C, between 9th and 10th Streets, is again seeking to upgrade to a full on-premise liquor license; and

WHEREAS, Avenue C is a narrow street with two (2) lanes of traffic running from Houston Street to 12th Street and Avenue C between 9th and 10th Streets already has significant nighttime noise and pedestrian traffic as a result of the existing businesses; and

WHEREAS, there are twelve (12) licensed establishments on Avenue C between 8th and 10th Streets, five (5) of which are full on-premise liquor licenses on the same block between 9th and 10th Streets and adjacent to the herein applicant; and

WHEREAS, said applicant is located in a corner storefront, in and adjacent to residential buildings on both Avenue C and 9th Street and across the street from a police stationhouse and a children's park, and which already has a sidewalk café expanding its business onto the public sidewalk; and

WHEREAS, the applicant is seeking to upgrade his license to provide his clientele with the option of ordering a liquor-based drink and to increase revenue which does not constitute a public benefit; now

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the upgrade application for Pastabar, 127 Avenue C.

12. St Marks Place Inc, 6 St Marks Pl (rw)

**VOTE:** WHEREAS, St. Marks Place Inc is seeking to operate a Korean Japanese karaoke bar and restaurant on the second through fourth floors of a four (4) story building located at 6 St. Mark's Place, between Second and Third Avenues; and

WHEREAS, this is a previously unlicensed location which operated as a multi-level video store and library for twelve (12) years and which has only recently been vacated by said store; 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, most of which are restaurant wine 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 now numerous Korean and Japanese restaurants on this one (1) block of St. Marks Place, as well as a karaoke business located directly across the street from this location; and

WHEREAS, the applicant has failed to engage in any community outreach which is a requirement of the community board application process; and

WHEREAS, a representative of the 8 St. Marks Place Tenants Association, representing the building adjacent to this location, and the president of the St. Marks Place Block Association appeared in opposition to this application because 1) of its proposed size, scale and method of operation as a karaoke bar, 2) it is adjacent to an entirely residential building with which it shares an airshaft, 3) because the street already has seventeen (17) licensed establishments, most of which are of a similar type, and 4) the street is already teeming with people, traffic and noise; now

THEREFORE, BE IT RESOLVED that Community Board #3 denies the application for a restaurant wine license for St. Marks Place Inc, 6 St. Mark's Place.

**Sidewalk Cafe Application**

13. Lavagna, 545 E 5th St (unenclosed)

**VOTE:** To approve the application for a sidewalk café permit for Lavagna, 545 East 5th Street, because the applicant has signed a change agreement which will become part of its DCA license that 1) its sidewalk café will consist of six (6) tables with twenty (20) seats, 2) it will have an awning extended over the café during its

hours of operation, and 3) it will close no later than 11:00 P.M. Mondays through Thursdays and 12:00 A.M. Fridays and Saturdays.

#### **Alterations/Transfers/Upgrades**

14. Tonda (European Union), 235 E 4th St (alt/method of operation/hours/dba)

**VOTE:** To deny the alteration to European Union, 235 East 4th Street, to wit changing its business name to Tonda, changing its method of operation to a pizza restaurant and reconfiguring its seating within the same space, unless the applicant agrees before the SLA to add as conditions of its license all of the signed notarized stipulations that are attached to its current license.

15. Langqi Zhong Hing Seafood, 30 Market St (trans/rw)

**VOTE:** To inform the SLA that Langqi Zhong Hing Seafood, 30 Market Street, has withdrawn its request for a transfer of a restaurant wine license before Community Board #3 and to ask that the SLA not consider this application until the applicant reapplies to this community board with the requisite thirty (30) days notice to the SLA.

16. Bkkaffe, 6 Clinton Street (trans/rw)

**VOTE:** To deny the transfer of a restaurant wine license to Bkkaffe, 6 Clinton 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 Thai restaurant, serving food to within one (1) hour of closing, and 2) its hours of operation will be from 12:00 P.M. to 12:00 A.M. every day.

17. GT Realty Company (Le Miu), 107 Ave A (trans/op)

**VOTE:** To deny the transfer of a full on-premise liquor license to GT Realty Company, 107 Avenue A, because the applicant again did not appear before Community Board #3 for review of its application or provide any application materials for review.

Community Board 3 has made best faith efforts to contact the applicant for notification of this meeting. On February 12th, the Community Board office notified the applicant's representative, Teddy Gonzalez, of the committee meeting via email. In addition, the Community Board office confirmed this email by phone to Teddy Gonzalez, on February 18th. This was a direct conversation, not a message.

18. Blue Seats, 157 Ludlow St (alt/add bar)

**VOTE:** To inform the SLA that Blue Seats, 157 Ludlow Street, has withdrawn its request for an alteration, to wit adding a bar, before Community Board #3 and to ask that the SLA not consider this application until the applicant reapplies to this community board with the requisite thirty (30) days notice to the SLA.

19. Huzzah, LLC, 221 2nd Ave (trans/op)

**VOTE:** To deny the transfer of a full on-premise liquor license to Huzzah LLC, 221 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 keep its façade garage door/rollup window closed during all hours of operation.

20. Eastville Comedy Club, 85 E 4th St (up/op)

**VOTE:** To deny the application to upgrade to a full on-premise liquor license for Eastville Comedy Club, 85 East Fourth Street, between Bowery and Second Avenue, because 1) at the time of its initial application in February of 2008, this applicant signed a stipulation with Community Board #3 that it would not apply to upgrade its license for a period of at least two (2) years, 2) this community board is concerned about approving the upgrade of this license when the applicant has clearly expressed that the future of its business without an upgrade of its license is uncertain, 3) although the applicant concedes that there are at least six (6) full on-premise liquor licenses within five hundred (500) feet of this applicant, there are closer to twenty (20), four (4) of which are adjacent to and across the street from the applicant on the same corner of Fourth Street at Second Avenue.

21. Honey Jar (Apiary), 60 3rd Ave (up/op)

**VOTE:** To deny the upgrade to a full on-premise liquor license for Honey Jar, 60 Third Avenue, unless the applicant agrees before the SLA to add as conditions of its license the following signed notarized stipulation that 1) it will close no later than 12:00 A.M. Sundays through Thursdays and 1:00 A.M. Fridays and Saturdays, 2) it will have no open façade doors or windows, 3) it will have an employee one of whose responsibilities will be to monitor waiting customers or customers standing outside to smoke, to minimize noise and congestion on the sidewalk, 4) it will post signs on the façade of its establishment which state in sum and substance "No alcohol will be served to minors," 5) it will continue to operate as a full-service restaurant, serving food to within one (1) hour of closing, 6) it will play ambient background music only and not employ DJs, 7) it will install soundproofing, if necessary, 8) it will maintain a clean and sanitary sidewalk, and 9) it will not operate any outdoor space, whether backyard, terrace or sidewalk café.

22. Full City Coffee (Roots & Vines), 409 Grand St (alt/ hours)

**VOTE:** To inform the SLA that Full City Coffee (Roots & Vines), 409 Grand Street, has withdrawn its request for an alteration, to wit extending its hours, before Community Board #3 and to ask that the SLA not consider this application until the applicant reapplies to this community board with the requisite thirty (30) days notice to the SLA.

23. GMMK (Sonia Rose), 74 Orchard St (up/op)

**VOTE:** To deny the upgrade to a full on-premise liquor license for GMMK, 74 Orchard Street, unless the applicant agrees before the SLA to add as conditions of its license the following signed notarized stipulation that 1) it will maintain its method of operation as a full-service French restaurant, serving food to within one (1) hour of closing, and 2) it will close no later than 12:00 A.M. Friday and Saturday nights and 11P.M. Sunday through Thursday nights.

24. Selvam Corp (Mission Cafe), 82 2nd Ave (trans/rw)

**VOTE:** To inform the SLA that Selvam Corp (Mission Cafe), 82 Second Avenue, has withdrawn its request for a transfer of a restaurant wine license before Community Board #3 and to ask that the SLA not consider this application until the applicant reapplies to this community board with the requisite thirty (30) days notice to the SLA.

25. RZ Restaurant, 99 3rd Ave (trans/op)

**VOTE:** To inform the SLA that RZ Restaurant, 99 Third Avenue, has withdrawn its request for a transfer of a full on-premise liquor license before Community Board #3 and to ask that the SLA not consider this application until the applicant reapplies to this community board with the requisite thirty (30) days notice to the SLA.

#### **New Liquor License Applications**

26. Noodle King, 19 Henry St (rw)

**VOTE:** To deny the application for a restaurant wine license for Noodle King, 19 Henry 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 Chinese restaurant, serving food to within one (1) hour of closing, 2) its hours of operation will be from 10:00 A.M. to 10:30 P.M. every day. 3) it will play ambient background music only, and 4) it will have a closed facade.

27. Fuzhou Fishball, 107 E B'way (rw)

**VOTE:** To inform the SLA that Fuzhou Fishball, 107 East Broadway, has withdrawn its request for a restaurant wine license before Community Board #3 and to ask that the SLA not consider this application until the applicant reapplies to this community board with the requisite thirty (30) days notice to the SLA.

28. Sun Shine 27, 46 Bowery (rw)

**VOTE:** To inform the SLA that Sun Shine, 46 Bowery, has withdrawn its request for a restaurant wine license before Community Board #3 and to ask that the SLA not consider this application until the applicant reapplies to this community board with the requisite thirty (30) days notice to the SLA.

29. Christos Restaurant, 29 E 2nd St (rw)

**VOTE:** To deny the application for a restaurant wine license for Christos Restaurant, 29 East 2nd 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 German Swiss restaurant, serving food to within one (1) hour of closing, 2) its hours of operation will be from 11:00 A.M. to 1:00 A.M. Mondays through Thursdays, 11:00 A.M. to 2:00 A.M. Fridays and Saturdays and 12:30 P.M. to 1:00 A.M. Sundays, 3) it will close any façade doors and windows at 10:00 P.M. every night, 4) it will not operate a sidewalk café, 5) because of the numerous adjacent licensed businesses on Second Avenue, it will locate its primary entrance and egress on 2nd Street and will use any door on the Second Avenue side of its business for emergency egress only, 6) it will designate an employee to keep patrons from congregating outside of its business, and 7) it will not seek to upgrade its license.

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

**VOTE:** To inform the SLA that Gena's Grill, 210 First Avenue, has withdrawn its request for a restaurant wine license before Community Board #3 and to ask that the SLA not consider this application until the applicant reapplies to this community board with the requisite thirty (30) days notice to the SLA.

31. Cafe Mocha, 116 2nd Ave (rw)

**VOTE:** To deny the application for a restaurant wine license for Café Mocha, 116 Second Avenue, because the applicant again did not appear before Community Board #3 for review of its application or provide any application materials for review.

Community Board 3 has made best faith efforts to contact the applicant for notification of this meeting. On February 26th, the Community Board office notified the applicant's representative, Michael Floyd, of the committee meeting via email. In addition, the Community Board office confirmed this email by phone to Michael Floyd, on March 10th. This was a direct conversation, not a message.

#### **Old Business:**

Kaleidoscope Restaurant, 212 East 10th Street

**VOTE:** To rescind the previous denial of the renewal of the restaurant wine license for Kaleidoscope Restaurant, 2121 East 10th Street, for failure to furnish a signed notarized stipulation and to now deny the renewal of the restaurant wine license for Kaleidoscope Restaurant unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will cease any commercial use of its backyard and not commercially use any outdoor space, including its backyard, noting

that the applicant has been using its backyard for patron seating contrary to its representations to this community board and to its Certificate of Occupancy which prohibits such use

**(SLA & DCA Licensing Committee)**

**37 YES 0 NO 0 ABS 0 PNV (Excluding Items 2, 9, 19, 21, 23, 26 & 29) MOTION PASSED**

Item 2:	35 YES	2 NO	0 ABS	0 PNV	MOTION PASSED
Item 9:	35 YES	2 NO	0 ABS	0 PNV	MOTION PASSED
Item 19:	36 YES	1 NO	0 ABS	0 PNV	MOTION PASSED
Item 21:	35 YES	2 NO	0 ABS	0 PNV	MOTION PASSED
Item 23:	36 YES	1 NO	0 ABS	0 PNV	MOTION PASSED
Item 26:	36 YES	1 NO	0 ABS	0 PNV	MOTION PASSED
Item 29:	33 YES	4 NO	0 ABS	0 PNV	MOTION PASSED

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

1. Report from Chinatown working group  
no vote necessary
2. Discussion of development of Seward Park Urban Renewal Area (SPURA)  
no vote necessary

**Housing, Land Disposition, & NYC Housing Authority Committee**  
**(no quorum present, recommendations only)**

1. Dept of Buildings presentation: online diagrams of proposed buildings and new development challenge process

**VOTE:** WHEREAS, Mayor Michael Bloomberg and Department of Buildings' (DOB) Commissioner Robert Limandri announced a new rule to post online diagrams of buildings and an online challenge process on February 2, 2009. The intent of the rule would create efficiency and transparency for the City, the community, and developers; and

WHEREAS, CB #3 applauds the DOB for its effort to increase transparency by adding a simplified method to challenge buildings through the DOB's website, which already ranks among the best for city agencies; and

WHEREAS, CB #3's Land Use committee heard from members of the board and the community during its March 17, 2009 meeting regarding potential improvements of the proposed rule, including notification, context of challenges, specific guidelines for action, and freedom of information; now

THEREFORE, BE IT RESOLVED that CB #3 Manhattan opposes the proposed rule unless the following modifications are made: 1) DOB needs to improve the method of notification as many people lack access to the web and have language barriers. For those with access to the web, an email notification service should be in place (as already exists for other services), 2) Upon approval of the plans, thereby triggering the initial 30-day challenge period, owners/developers should post notification on the site (in the most common six languages) saying a building permit has been requested for the site, 3) The DOB should accept other challenges aside from those submitted on the web, such as 311 complaints and written complaints, 4) The content of the rules need to be more clearly delineated in order to ensure the proper process for both the community and owner/developer. For example if portions of the plans (e.g. building code, NYS Multiple Dwelling Law, conforming vs. non-conforming uses, alteration applications involving substantial demolition of an existing structure such that it essentially qualifies as a new building) are not described in the web schematic become problematic – yet were unavailable online – these should not be included in the 135 day timeline, 5) DOB must assure that its Final determinations conform with the City Charter requirements respecting the Board of Standards and Appeals authority to review the DOB, 6) The Rule should expressly state that DOB will respond to a timely made challenge within a specific stated time period and the challenge will trigger an automatic audit (e.g., 30 days in the 135 day timeline), 7) Since proposed building plans are now scanned by the DOB upon approval, such plans should be available to the public on-line along with the schematic diagram, 8) The proposed timeline may prove to be insufficient depending on the circumstances. For example, should the developer decide not to pull a permit within the 135 day period of challenges, the clock should be restarted in some fashion prior to construction to avoid evasion of a challenge, 9) There should be no limits to challenges where city policy contradicts other federal, state or City statutes, 10) Clear and substantive challenges should result in an immediate stop work order to avoid putting developers in a quandary where illegal work has to be removed, and 11) the Rule should clearly stipulate that the DOB commissioner retains the prerogative to investigate any buildings plans as

currently exists and that the Rule itself does not preclude the DOB from taking any action otherwise allowable under law.

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

no vote necessary

3. ULURP N090316ZRY: Inclusionary Housing Text Amendment, proposed modifications includes creation of homeownership option for affordable units; application to R10 program of certain provisions created as part of expanded Inclusionary Housing program, and procedural refinements intended to improve administration of Inclusionary Housing programs

**VOTE:** WHEREAS, the Department of City Planning and the Department of Housing and Preservation Development has worked to propose changes to the Zoning Resolution to improve the Inclusionary Housing program and presented the proposal at the March 17, 2009 Land Use Committee of CB #3 Manhattan. CB#3; and

WHEREAS, CB #3 Manhattan has long opposed off-site programs for affordable housing, has concerns regarding administration, expressed concerns about the resale of HDFC coops created under prior affordable housing units, and has interest in details about the details of regulation. Moreover, the program should be made mandatory, rather than voluntary; and

WHEREAS, CB#3 has specific questions: It questions the logic of the home ownership program, the input of carrying costs by the coop/condo buildings, the need to increase the AMI to 125% from the current 80%, succession rights for survivors of original owners, and oversight of resold units to ensure permanent affordability; now

THEREFORE, BE IT RESOLVED that although CB #3 Manhattan applauds the efforts to expand affordable housing, CB #3 remains opposed to portions of the current proposals and requires additional details on the regulation of the program prior to lending support.

4. ULURP N090317ZRY: text change to modify recently updated design requirements for private/public plazas

**VOTE:** That CB #3 Manhattan approves of the planned changes to plazas in the Zoning Resolution by the Department of City Planning.

5. 421a Application: 424 E 10th St

**VOTE:** 1) Opposition to 421a tax abatement for 424 E. 10th Street

WHEREAS, 424 E. 10th Street has applied for a 421a tax adjustment, and Community Board #3 Manhattan has long opposed 421a applications not including affordable housing; and

WHEREAS, CB #3 has concerns the application attempts to skirt the change of deadline on 421a tax abatements with filings from the Department of Buildings (DOB) by claiming it deserves to be grandfathered under the prior policy. The applicant applied for several permits for the location on June 25, 2008, including demolition and Alteration 1 (in lieu of a New Building permit). The majority of the plans were not approved until well after the deadline; now

THEREFORE, BE IT SO RESOLVED that CB #3 recommends a denial 421a application at 424 E. 10th Street based on long standing CB #3 position of opposing 421a tax exemptions without affordable housing and concerns the site fails to qualify for the grandfathering under the old policy.

2) Cover Letter to HPD for resolution:

HPD Commissioner,

Community Board #3 Manhattan has recently heard a case (see attached resolution re: 424 E. 10th Street) where a developer applied for a 421a tax abatement under the old rules, which obviates the affordable housing requirement. CB#3 has consistently opposed the prior exclusion.

The representative for applicant claimed eligibility for the old rules based on the beginning of construction prior to June 30, 2008. The applicant filed demolition permits and Alt1 construction permits from the Department of Buildings (DOB).

However, the demolition and construction could not have occurred prior to June 30, 2008. Furthermore, the Alt1 application was filed in lieu of a New Building permit. As HPD may know, an Alt1 permit is basically a new building that retains three of the old walls to be included in a new structure.

CB #3 would greatly appreciate clarification how the grandfathering clause works in regards to commencement of construction and the use of an Alt1 permit in lieu of a new building permit.

6. Impact of new hotels in CB 3 south of Houston  
no vote necessary

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

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

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

there were no agenda items

**Youth & Education Committee**

**(no quorum present, recommendations only)**

1. Requested support for Youth Council initiative - an after school program for high school students  
no vote necessary

2. Support for opt-out procedure for students regarding military recruiting at NYC schools

**VOTE:** To support the civil liberties resolution regarding the adoption and enforcement of a chancellor's regulation to govern military recruitment activities in New York City public high schools.

**(Youth & Education Committee)**

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

**Transportation & Public Safety Committee**

1. Temporary Pedestrian Street: closing E 4th St btwn Bowery & 2nd Ave on 5/30, 6/6, 6/13, 6/27

**VOTE:** That CB3 approves of the 4th Street Arts Block application for a temporary pedestrian street closure of the block of E 4th St between the Bowery & 2nd Ave on Saturday, 5/30, 6/6, 6/13, 6/27 from 3-8 pm. We understand that amplified sound would be to accompany performance rather than live music. We ask the 9th Precinct to monitor whether there are noise complains and to modify or pull the amplified sound permit for subsequent events if that seems necessary.

2. Temporary Pedestrian Street: closing Stanton St btwn Allen & Ludlow Sts on 8/23, 8/30, 9/6, 9/13

**VOTE:** That CB3 approves of the LES BID application for a temporary pedestrian street closure of the 2 blocks of Stanton St between Allen & Ludlow Sts on Sunday, 8/23, 8/30, 9/6, 9/13 from 12-7 pm. But CB3 asks that no amplified sound be issued, because this is a narrow street which already has nightlife and it would be live music that would be amplified.

3. Allen/Pike Street Pedestrian & Bicycle Improvements: The New York City Department of Transportation is planning improvements of the Allen and Pike Streets malls and overall street operations, between South Street and East Houston Street. The project will make for a safer and more comfortable corridor for all users and includes: widened center malls, new protected left turn lanes, new crossings between the malls, separated bicycle lanes located adjacent the current malls, and new public spaces where the center malls will connect through six intersections.

**VOTE:** WHEREAS, DOT has proposed to install a project of Allen/Pike Street Improvements in summer 2009. The project's goal is to improve pedestrian safety on Allen and Pike Streets from E. Houston Street to the water's edge at South Street, while creating a pilot expansion and enhancement of the malls. In addition to widened malls, the plan includes new separated left turn lanes, new pedestrian crossings between the malls, protected bicycle lanes located adjacent the current malls and new public spaces where the center malls will connect through four intersections; and

WHEREAS, the existing narrow Allen/Pike malls are a failed public space, providing only a circuitous & uninviting north-south walk from E Houston St to the waterfront. During the 10-year period ending in 2007, there were 272 pedestrian injuries and 3 fatalities along Allen/Pike St. Existing signal design prohibits crossing between malls. Pedestrian could use the malls comfortably and safely with the new signal-protected crosswalks between malls, and by shortened east-west crossings. The existing bike lanes are uncomfortable and heavily violated by double parking. Use is discouraged by high speed traffic and conflicts with buses, trucks and right-turning vehicles. Relocating the bike lanes adjacent to the malls, separated from traffic and protected by signals, would improve safety and create an attractive corridor for recreational cyclists; and

WHEREAS, DOT plans to eliminate left-turn conflicts between vehicles and crosswalks and bike lanes with new signal installation & designs at all 14 intersections along Allen/Pike St. There would still be 3 moving lanes in both directions, but new dedicated left-turn lanes would be installed where such turns are permitted off of Allen/Pike St. A signal phase would hold left-turning vehicles to protect pedestrians and bicycles; and

WHEREAS, DOT plans to install pedestrian refuge islands at the intersections with Delancey St and Canal St. During the 10-year period ending in 2007, there were 53 pedestrian injuries at Delancey St and Allen St, and 29 pedestrian injuries at Canal St and Allen St; and

WHEREAS, there is little useable public space with disconnected singular malls, so DOT and the Parks Dept. have proposed to convert six intersections between malls into landscaped sitting areas. This would be a pilot installation that would not be a major capital project, so it could be removed or modified at a later date. Resin-bound gravel would be installed at grade-level, along with plantings, planters and seating. The installation would be similar to the "Broadway Boulevard" project installed from 22nd to 25th Street and from 35th to 42nd Street in summer 2008, and to the installation at W 14th St and 9th Ave in fall 2008; and

WHEREAS, this pilot installation would create momentum to achieve the fully realized vision of a landscaped linear park along the Allen/Pike malls down to the waterfront. If the new lane arrangement and the grade-level mall connectors work, the City intends to ask for federal funding to rebuild the malls. Federal funding requirements are complicated, and do require that operational changes must precede widened malls; and

WHEREAS, CB3 has asked DOT to install only four of these mall connectors, and to relocate one of them. DOT has agreed to these changes:

- CB3 had no objections to mall connectors at Broome St, Hester St and Monroe St.
- CB3 asked DOT to relocate one mall connector to Stanton St instead of at Rivington St, because the B39 bus route between Manhattan and Brooklyn uses the intersection at Rivington St to turn around.
- CB3 asked DOT not to install a mall connector at Division St, because it is a local truck route. It would also block the only route from south of Delancey st to the Manhattan Bridge without going through Chatham Sq, which is already congested.
- CB3 asked DOT not to install a mall connector at Henry St, because that would divert traffic onto Madison St, which is narrow and congested, and East Broadyway, which is a heavily trafficked commercial street. There is also a school and houses of worship on the block adjacent to Pike St

THEREFORE, BE IT RESOLVED that CB3-Manhattan approves of the installation, with the modification that no mall connector be installed at Division and at Henry Sts and that the mall connector planned at Rivington St be relocated to Stanton St; and

BE IT FURTHER RESOLVED that CB3-Manhattan asks DOT and Parks Dept. to work with UNRAP (Uniting Neighborhoods to Revitalize Allen/Pike Streets) and local groups to devise installations that reflect the diversity of cultures represented by communities in the area.

**New Vote**

To request that DOT postpone all new traffic pattern reconfiguration until Community Board 3 be given detailed information regarding the City's long-term plan for traffic changes in Manhattan and that a letter be sent to DOT asking them to postpone implementation of their plans until they hold a scheduled meeting with the Board (within 3 months) to deliver a master plan and address concerns and lack of community input.

4. Milling and paving of Extra Place  
no vote necessary

**(Transportation & Public Safety Committee)**

**Item 1: 24 YES 12 NO 1 ABS 0 PNV MOTION PASSED**  
**Item 2: 25 YES 11 NO 1 ABS 0 PNV MOTION PASSED**  
**Item 3: 10 YES 23 NO 2 ABS 0 PNV MOTION DID NOT PASS**  
**New Vote: 25 YES 3 NO 2 ABS 0 PNV MOTION PASSED**

**Environment Committee**

there were no agenda items

Members Present at Last Vote:

David Adams [P]  
Paul Bartlett [P]  
Michael Byrne [P]  
Wendy Cheung [A]  
Pearl Chin [P]  
Rocky Chin [P]  
David Crane [A]  
Andrea Diaz [A]  
George Diaz [P]  
Harvey Epstein [P]  
Morris Fajtelewicz [P]  
John Fout [P]  
Beth From [P]  
Edward Garcia [A]  
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 [A]  
Sam Krueger [A]  
John Leo [A]  
Eden Lipson [A]  
Bernice McCallum [A]  
David McWater [A]  
Alexandra Militano [P]  
Ilene Morales [A]  
Thomas Parker [A]  
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 [A]  
Deborah A. Simon [P]  
Arlene Soberman [P]  
Nancy Rose Sparrow-Bartow [P]  
Elinor Tatum [A]  
David Weinberger [A]  
Harry Wieder [P]  
Samuel Wilkenfeld [A]  
Noah Yago [A]  
Thomas Yu [A]