



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD NO. 3

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Dominic Pisciotta, Board Chair

Susan Stetzer, District Manager

May 2009 Full Board Minutes

Meeting of Community Board #3 held on Tuesday, May 26, 2009 at 1830 hours at PS 20, 166 Essex Street.

Public Session:

Jeremy Hurley and Jan Malim: 51 St. Mark's Place Owners Corp. Made complaints about the dangerous road conditions in front of their building which result in constant shaking and noise in the building.

Don West: asked questions regarding the role of District Manager. He wanted to know what qualifications it takes to fill the role as well as who does the interviewing and from where do we pull applicants.

Jessica Williams: Access Community Health Center is offering a free seminar about aging and recognizing signs of dementia. Refreshments will be served. The training seminar is May 29th at 2pm at Smith Houses-TA Room 15th Street.

Linda Janneh: from the Office of the DA, announced a safety seminar for the Chinatown community. The seminar will focus on fire safety and take place at 62 Mott Street. She also addressed the bus issue along Pike Street. Ms. Janneh agrees it's wrong that people waiting for busses use lobbies and stoops for luggage and waiting areas. There is a signed affidavit that can arrest people loitering that do not live or are visiting people in those buildings.

Pat DeAngelis: announced that on Saturday June 6 from 1-5 PM on East 4th Street there will be a festival of young artists. They have invited 30 different groups of teens who will be performing various types of art including dancing and singing.

Albert Chan: wrote a petition against the illegal use of public bus stops by Eastern Travel and Coach USA busses in front of 1Pike Street.

Joel Kaplan: Chairman of the Lower Manhattan Health Care Coalition. Mr. Kaplan announced a community expo in PS 20 called "50 and Beyond". It will promote the wellbeing of active older adults. There will be live entertainment, dancing, singing, fitness demos, arts crafts, raffles, and seminars. Several social services will also be represented.

Public Officials:

Mayor Michael Bloomberg, Lolita Jackson & Pauline Yu:

Public Advocate Betsy Gotbaum, Gabe Rosner: Tommy Lin spoke. He brought to the meeting the Guide to Public Benefits for Immigrants in New York City. It is a comprehensive guide that provides free vital information about federal, state and city benefits.

Comptroller William Thompson, Sandra Duque:

Borough President Scott Stringer, Gregory Kirschenbaum: In April Borough President Stringer announced the filing of a class action suit under the Americans with Disabilities Act to force NYCHA to repair and maintain their more than 3,300 elevators. The Borough President is also calling for a full ban on hydro-frachuring.

Congressmember Jerrold Nadler, Erin Drinkwater:

Congressmember Nydia Velazquez, Iris Quinones: She is in support forcing NYCHA to maintain and repair the elevators in public housing. She helped design and pass the American Recovery and Reinvestment Act which will provide support to our communities that need it the most and bring \$5 billion in direct aid to NYC. It will create over 91,000 jobs in NYC in the next 2 years.

Congressmember Carolyn Maloney, Victor Montesinos:

Assembly Speaker Sheldon Silver, Zach Bommer: The Assembly passed the marriage equality bill that allows same sex couples to enter into civil marriage. The bill passed 89-52.

He announced legislation that will allow New Yorkers who are unemployed and whose benefits have run to tap into the \$645 million federal grant for unemployment compensation. They would receive a 13 week extension

on their benefits. Speaker Silver met last month with tenants of 10 Stanton Street to discuss the future of the building's Section 8 status which is about to expire. Owners failed to show up at the last meeting but they have rescheduled. He hopes to secure a Section 8 contract for the residents.

Called for and hosted with Mayor Bloomberg a meeting with the stakeholders of the World Trade Center and Port Authority at Gracie Mansion. He is fed up with how slow the project is moving.

Assemblymember Deborah J. Glick, Matt Borden: She is the co-sponsor of the marriage equality act which passed the Assembly. She has worked very hard to realize its passage.

The Rent Guidelines Board met in May and proposed 2%-4.5% increases for one year leases and 4%-7.4% for two year leases. However, reports show that owner's operating expenses have not increased significantly this year, Therefore, she is calling for a freeze in rent hikes so that renters can get through these touch economic times.

Assemblymember Brian Kavanaugh, Paula Castro: Kavanaugh joined NY Chapter of State Legislatures Against Illegal Guns. Their intentions are to create practical ways of getting guns away from criminals and it is modeled against Mayors Against Illegal Guns. Kavanaugh signed three bills aimed at better language access in NYC. One would provide language assistance to parents whose children are enrolled in public school. The other would add Chinese and Korean to the languages that the GED is offered and lastly a bill that would provide language assistance to the NYCHA buildings where 10% or more of the residents are not proficient in English.

NYCHA should not have to use public housing funds to pay for sanitation when the rest of the city is getting these services for free. Bill A08479 would prevent that.

State Senator Daniel L. Squadron, Jasmin Sanchez:

State Senator Thomas K. Duane, Romeo Ymalay: asked everyone in support of marriage equality act to go onto broadwayimpact.com to contact your local senator to encourage him/her to vote on marriage equality bill.

On May 13th Romeo attended the first meeting of the First and Second Avenue Select Bus Community Advisory Committee (CAC). Select Bus Service is part of NYCT and DOT's Bus Rapid Transit Initiative-a system of dedicated bus lanes that give busses priority on the street as well as streamlining the boarding of passengers.

Councilmember Alan Gerson, Patricia Olan: Gerson attended an emergency coordinating meeting on May 15, the day a fire engulfed the Hong Kong supermarket at 109 E. Broadway. He is working with small business services, reached out to DOB, and emergency services in order to help the recovery process of those affected by the fire. Bus services will return to normal when debris is cleared.

Council Member Gerson has written a series of letters to the Administration insisting that budget cuts cannot be made across the board and that some services are essential and must be maintained at their current level. The examples he used are our Police, the downtown Fire House.

Council Member Gerson will attend a rally on May 27 at noon at 1 Liberty Plaza to demand that the Lower Manhattan Development Corporation withhold funds for the DOT Chatham Square Redesign which has been deemed "untested, unpopular and unsafe".

Councilmember Rosie Mendez, Jessica Nepomiachi: Lisa Kaplan, Chief of Staff. Rosie is thrilled that fellow Puerto Rican, Sonia Sotomayor was appointed by President Barack Obama to the Supreme Court. She is also very disappointed by Mayor Bloomberg's appointment of John Reah as the NYCHA Chairman. NYCHA has faced crushing deficits for the last eight years and needs a Chair that has a track record of successful housing management and development which Mr. Reah does not.

The Street co-naming ceremony for Freida Zames on May 2 was a deeply moving experience. Freida was a much admired civil and disability rights activist.

City budget cuts will be hitting areas where it will hurt the most such as senior lunches, 311 and children's services that overseeing foster kids.

Susan Stetzer: asked whether some of the 30k being cut from community boards will be restored by City Council. Lisa: did not hear that but she knows the Council will fight very hard to get it back.

Members Present at First Vote:

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

Minutes:

Minutes of March 2009 were approved, as is.

Board Chairperson's Report:

Chairperson Dominic Pisciotta

Today's Borough Board Meeting at the Borough President's Office had a presentation on protocol for political activities by Board Members. They advised against soliciting for political activities or money from fellow Board Members on Board's time including directly before or after meetings, but rather other times. Office staff should reject campaign e-mails sent by Board Members. The Chair cannot ask DM for contribution money but the DM can ask Chair for contribution money. Political buttons and tee shirts should not be worn in office. Members' nor campaign's political announcements should not be made during public session.

Military recruitment bill passed the Council. This was passed in our board and through the Boro Board. DOE is required to provide parents with opt out forms so their kids are not targeted during school hours.

Community Board's have not had an increase in 18 years. The proposed 30k cut will be crushing. There is a rally on June 9.

Dominic acknowledged the passing of Eden Lipson, a CB3 member who sat on the SLA Committee. He wants to put together a resolution acknowledging her and present it at the memorial service. The Board will be collecting money to make a donation in her honor to charity of her choice.

District Manager's Report:

District Manager Susan Stetzer

30k cut from a budget that is only 200k. please come to rally on City Hall Steps noon

New hotels in the neighborhood have had very negative effects on local residents. Meetings

Luther Gulick Park needs reconstruction –new trees, grass. Meeting this Thursday at 7pm

If you know of any businesses with noisy backyards please inform the Cb office

180 Ludlow opening sidewalk to neighboring businesses
May 28th at 6pm

Update District Needs statement: general needs of our community. Discussion in June. Too long to print out-go online and check it out. Budget Consult agenda items are the items you would like to ask the Council about.

Committee Reports:

Executive Committee

Con Ed subcommittee has been turned into the Con Ed task force
no vote necessary

Nominating Committee

1. Identify members qualified to run for office
no vote necessary

2. Summarize responsibilities/expectations for office holders
no vote necessary
3. Determine recommendations/plans for conduction of election
no vote necessary

Chair:

Dominic Pisciotta, incumbent
Barden Prisant, nominated

1st Vice-Chair:

Herman Hewitt, Incumbent

2nd Vice Chair:

Anne Johnson, Incumbent
Sam Krueger, Nominated

Secretary:

Lois Regan, Incumbent

Assistant Secretary:

Meghan Joye, Incumbent
Carolyn Ratcliffe, Nominated

Treasurer:

Andrea Diaz, Incumbent
Gloria Goldenberg, Nominated

Human Services, Health, Disability, & Seniors Committee

there were no agenda items

Youth & Education Committee

1. Boro President's Office: Community Education Council report
no vote necessary
2. Center for Arts Education: coalition to restore arts education funding
VOTE: To refer back to committee for reconsideration of letter.

(Youth & Education Committee)

32 YES 9 NO 0 ABS 0 PNV MOTION PASSED

Transportation & Public Safety Committee

1. Revocable consent for handicapped ramp at 257 E B'way
no vote necessary
2. Request for STOP signage to be installed at the corner of E 10th St & the FDR Drive and request for speed bumps placed around the circle of E 10th St btwn Ave D & FDR Drive
no vote necessary
3. DOT presentation on Summer Streets program
no vote necessary
4. Request for "STOP" signs on Delancey & Lewis Sts for both east and west bound traffic lanes
VOTE: CB3 asks DOT to do a stop sign/traffic signal study near PS 110 at 285 Delancey St. CB3 believes that signage/signals are warranted for both east- and west-bound traffic on Delancey St at the intersection with Lewis St. If DOT decides a stop sign is warranted, we ask that the word "STOP" be added as a pavement marking before the intersection.
5. Revocable consent request from Cooper Union to construct a communication conduit under and across 3rd Ave
VOTE: CB3 approves of the Cooper Union request for a revocable consent to construct a communication conduit under and across 3rd Ave. This would be about 1 block from the dormitory on the east side of 3rd Ave at Stuyvesant St to the Foundation Building on the west side of 3rd Ave at Astor Place. CB3 asks DOT to issue the permits so that noise due to construction equipment such as saw cutting and jackhammers is restricted to before 11 pm.
6. Newsstand Application: SE corner 14th St & 2nd Ave
VOTE: CB3 approves of Harun Rashid's request to operate a newsstand on the south side of East 14th St between 1st and 2nd Ave. This would be located well to the east of the entrance to the Eye and Ear Infirmary and the MTA bus stop, about 17' from the building line.
7. Non-MTA Bus stop at 1 & 3 Pike St: resident request for removal
VOTE: Resolution asking DOT to remove intercity bus stop on Pike St between Division St and East Broadway

WHEREAS, commercial bus lines Coach USA and Eastern Travel, et al, currently operate passenger drop off and pick up on the eastern sidewalk of Pike Street between Division and East Broadway; and

WHEREAS, the bus companies received a permit to do so for these activities by NYC Department of Transportation to operate in front of 3 Pike Street; and

WHEREAS, there have been significant complaints and signed petitions from the residents and small businesses on that block and the immediate surrounding area regarding the impact from the bus operations, including but not limited to, the 1) blocking of the entire sidewalk by waiting passengers

and luggage, 2) garbage strewn all over the residential entrances of buildings and small businesses, 3) disruption of the local northbound M15 bus service and transfers between the M9 and M22 on the corner of Pike and Division by Coach USA and Eastern Travel buses idling along the entire length of the block, forcing M15 buses to stop and pick up their passengers in the middle traffic lane causing a dangerous situation, 4) air pollution from idling buses spewing fumes to the residential windows above the sidewalk, 5) noise complaints from buses honking and operators shouting well into the night at passengers to board the buses or hawking tickets; and

WHEREAS, tenants in the residential building on that sidewalk have called 911 on several occasions to remove commercial bus passengers trespassing into their private residential lobby, and using their lobby as a de facto bus station and blocking the hallways with luggage and garbage; and

WHEREAS, small businesses have seen disruption of their operations by passengers clogging their store entrances; now

THEREFORE, BE IT RESOLVED, that Community Board 3-Manhattan requests DOT to revoke the operating permit for Coach USA and Eastern Travel buses at this location; and

BE IT FURTHER RESOLVED, that CB3 asks that DOT place these bus companies on probation and monitor their activities in the neighborhood, due to resident complaints of their lack of responsiveness to problems caused by their bus operations at Police Precinct Council meetings; and

BE IT FURTHER RESOLVED, that CB3 asks DOT to consult with the Community Board prior to issuing permits for these activities.

(Transportation & Public Safety Committee)

41 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Environment Committee

- Report from Con Edison Subcommittee
no vote necessary

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

1. Lower Manhattan Youth League request for lights in ball field section of Columbus Park
VOTE: To support the request by the Lower Manhattan Youth League for the installation of lights in Columbus Park to facilitate their (8-10 PM, M – F) youth and adult soccer program for a trial period of July 1 through August 31, 2009; lighting will be paid for by Lower Manhattan Youth League.

Block Party Application

2. The Block Association, 7/18, St Marks Pl (1st Ave & Ave A)
VOTE: To support the request by the St. Mark's Block Association (1st Ave. – Ave. A) for a block party on July 18, 2009 on St. Mark's Pl. (1st Ave. – Ave. A).
3. St James Church, 7/26, James St (Madison St & St James Pl)
VOTE: To support the request by St. James Church for a block party on July 26, 2009 on James Street (St. James Place – Madison St.).
4. Sea of Galilee, 8/1, Eldridge St (Delancey & Rivington Sts)
VOTE: To support the request by Sea of Galilee for a block party on August 1, 2009 on Eldridge St. (Delancey – Rivington Sts.).
5. Bethel Chinese Assembly of God, 8/8, Eldridge St (Grand & Hester Sts)
VOTE: To support the request by Bethel Chinese Assembly of God for a block party on August 8, 2009 on Eldridge St. (Grand – Hester Sts.).
6. City Light Church, 8/15, E 7th St (1st Ave & Ave A)
VOTE: To support the request by City Light Church for a block party on August 15, 2009 on East 7th St. (1st Ave. – Ave. A).
7. A Gathering of the Tribes, 8/29, E 3rd St (Aves C & D)
VOTE: To support the request by A Gathering of the Tribes for a block party on August 29, 2009 on East 3rd St. (Ave. C – D).
8. Campo Misionero Sarepta, 8/29, E 6th St (Aves C & D)
VOTE: To support the request by Campo Misionero Sarepta for a block party on August 29, 2009 on East 6th St. (Ave. C – D).
9. Church of God, 9/5, E 7th St (Aves B & C)
VOTE: To support the request by Church of God for a block party on September 5, 2009 on East 7th St. (Ave. B – C).
10. Lower East Side BID, 9/19, Orchard (Broome & Grand Sts)
no vote necessary

(Parks, Recreation, Cultural Affairs, Landmarks, & Waterfront Committee)
41 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Arts Task Force
no minutes

SLA & DCA Licensing Committee

1. Formulation of CB3 Sidewalk Café guidelines
no vote necessary

Renewal with Complaint History

2. Buenos Aires, 513 E 6th St (rw)
VOTE: To deny the renewal of a restaurant wine license for Buenos Aires, 513 East 6th Street, because the applicant again did not appear before Community Board #3 for review of its application or provide any application materials for review.
3. Solas, 232 E 9th St (op)
VOTE: To approve the renewal of the full on-premise liquor license for Solas, 232 East 9th Street.
4. Superdive (Rapture Cafe), 200 Ave A (op)
VOTE: To deny the renewal of a full on-premise liquor license for Superdive, doing business as Rapture Cafe, 200 Avenue A, because 1) the applicant did not appear before Community Board #3 for review of its application or provide any application materials for review, and 2) this location has been closed for the past several months.
5. B&W Bar, 86 E 10th St (op)
VOTE: To approve the renewal of the full on-premise liquor license for 732 Bella, Inc., doing business as Black & White Bar, 86 East 10th Street, understanding that the applicant will meet with its staff and area residents before the next meeting of the State Liquor Authority/Department of Consumer Affairs Licensing Committee of Community Board #3 to address outstanding complaints and will post public notices of said meeting on its façade and in neighboring buildings for a period of one (1) week prior to the meeting date.

Review of method of operation

6. Aces & Eights, 34 Ave A (op)
VOTE: To ask that the New York State Liquor Authority investigate for denial, based upon misrepresentation of its method of operation, the transfer application of the full on-premise liquor license for 34A Restaurant Corp., doing business as Aces & Eights, 34 Avenue A, between 2nd and 3rd Streets, because 1) this applicant indicated in his applications to both the SLA and Community Board #3 that it would operate as a full-service restaurant with first and second story dining rooms as opposed to a restaurant tavern or bar (community board application appended hereto) but it has now been operating for the past several months as a bar without any food service and has presented photographs of its second floor which show a lounge with low couches and cocktail tables, 2) the applicant has been operating using the business name of Aces & Eights which is identical to its restaurant tavern already operating uptown and has advertised drinking games and thirteen (13) televisions for this premise which is inconsistent with its original method of operation, 3) in its short operating history, there are already numerous complaints of late night noise emanating from this establishment from residents of Avenue A and 3rd Street (photographs appended hereto), 4) the applicant presented this community board with petitions of resident signatures in support of this application in which it was represented that the establishment would be a restaurant, obtaining community support by mischaracterizing its business, and 5) the applicant had no adequate explanation for its change in method of operation.

Sidewalk Café Application

7. Cellar 58, 58 2nd Ave (new unenclosed)
VOTE: To approve the application for a sidewalk café permit for seven (7) tables and fourteen (14) seats for Cellar 58, 58 Second Avenue, because the applicant has signed a change agreement which will become part of its DCA license that 1) it will have seven (7) tables with fourteen (14) seats, 2) it will extend its awning over its sidewalk café during its hours of operation, and 3) it will close its façade at 10:00 P.M. every night to minimize noise.
8. Poco, 33 Ave B (new unenclosed)
VOTE: WHEREAS, Poco, 33 Avenue B, located on the corner of 3rd Street and Avenue B, is seeking to obtain a sidewalk café permit which would allow it to have twenty-two (22) tables with forty-four (44) seats, fourteen (14) tables with twenty-eight (28) seats to be located on 3rd Street and eight (8) tables with sixteen (16) seats to be located on Avenue B; and

WHEREAS, Avenue B between 3rd and 4th Streets 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, 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, 3rd Street is a residential side street, consisting primarily of low and medium height residential apartment buildings; 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, who has only been operating nine (9) weeks, is now seeking to more than double its seating by operating a sidewalk café with forty-four (44) seats on this narrow avenue, as well as on a small residential side street, which would effectively extend this business into the public space of an already beleaguered community; and

WHEREAS, the applicant has conceded that it has already been serving at sidewalk tables without a permit; and

WHEREAS, there have already been numerous complaints from residents of the surrounding buildings of noise from music and patrons emanating from this establishment; now

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the sidewalk café permit for Poco, 33 Avenue B, which would allow it to have twenty-two (22) tables with forty-four (44) seats.

9. Bistronge, 432 E 13th St (new unenclosed)

VOTE: To deny the application for a sidewalk café permit for seven (7) tables and fourteen (14) seats for Bistronge, 432 East 13th Street, between First Avenue and Avenue A, because 1) the south side of 13th Street between First Avenue and Avenue A, where the applicant is located, is residentially zoned, and although there is a commercial overlay allowing for businesses within one hundred (100) feet of either corner, the applicant conceded that its establishment lies in the middle of the block, 2) its establishment is, consequently, a grandfathered nonconforming use of a residentially zoned location, and 3) extending that nonconforming use to a sidewalk café would violate existing zoning regulations.

10. Spitzer's Corner, 101 Rivington St (new unenclosed)

VOTE: WHEREAS, NYLA, doing business as Spitzer's Corner, located at 101 Rivington Street, on the southeast corner of Ludlow Street and Rivington Street, has been required to surrender its sidewalk café permit to the Department of Consumer Affairs and has now applied for a new sidewalk café permit for nine (9) tables with eighteen (18) seats, to be located on Rivington Street; and

WHEREAS, Community Board #3 has long held that the increase in nighttime venues has resulted in persistent and numerous complaints regarding increased noise as well as increased pedestrian and vehicular traffic in specific areas within this district and said complaints have evolved over time from complaints that were once only about specific rowdy businesses to complaints that are now about noise and congestion resulting from the sheer volume of eating and drinking establishments; and

WHEREAS, said conditions continue to be prevalent in and around Ludlow Street between Houston Street and Delancey Street which currently has twenty-one (21) eating and drinking establishments and Rivington Street between Norfolk Street and Orchard Street which currently has eleven (11) eating and drinking licenses; and

WHEREAS, the Seventh Precinct and Community Board #3 have asked the New York City Department of Transportation to permanently change signage on the west side of Ludlow Street between Houston Street and Delancey Street to "NO STANDING FROM 11:00 P.M. TO 6:00 A.M. FRIDAYS AND SATURDAYS" because the street and sidewalks have been so overwhelmed by nighttime businesses and their attendant vehicular and pedestrian traffic and noise creating unsafe conditions for pedestrians and preventing police and other emergency vehicles from traveling down this street because of vehicles stopped in the street and pedestrians walking in the street to avoid already overcrowded sidewalks (Community Board #3 motion of November 2006 attached hereto); and

WHEREAS, said request has resulted in the New York City Department of Transportation permanently eliminating residential parking on the west side of Ludlow Street between Houston Street and Delancey Street in response to the overwhelming street and sidewalk congestion and the unsafe conditions; and

WHEREAS, residents from buildings on Ludlow Street, both adjacent to and across the street from this location, previously appeared before Community Board #3 at the time that this applicant originally applied for a sidewalk café permit and when it subsequently applied for a modification of said permit to complain of existing noise and impassable sidewalks and streets because of too many people and cars, including the previous and now renewed testimony of one walker-bound tenant from the adjacent building, 124 Ludlow Street, that the sidewalks are currently too congested and dangerous for her to safely maneuver due to congestion from the patrons of existing businesses and allowing this sidewalk café to operate has exacerbated these conditions; and

WHEREAS, the applicant had previously conceded that there is street and sidewalk congestion from eating and drinking establishments on both sides of Ludlow Street on the blocks north and south of his establishment and immediately opposite his establishment, as well as on Rivington Street; and

WHEREAS, one resident of the apartment building at 126 Ludlow Street in which this business is located, has now appeared to testify that patrons from this business routinely block his apartment entrance in the evenings; and

WHEREAS, the architectural plans for this café depict a service aisle that is in front of 126 Ludlow Street, the residential apartment building in which this business is located, which would further block the entryway for residential tenants; and

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

WHEREAS, the previous commanding officer of the 7th Precinct was opposed to a sidewalk café on this corner because it would result in more congested street traffic and increasingly dangerous conditions on a corner which is already dangerous; and

WHEREAS, the applicant currently has pending a nuisance abatement action against it as a result of summonses for four (4) sales of alcohol to minors within the past one (1) year, and a permit extending its business to the sidewalk should not be issued because of the conduct that resulted in this action; now

THEREFORE, BE IT RESOLVED that Community Board #3 urges the Department of Consumer Affairs to deny the application for the sidewalk café permit for NYLA, located at 101 Rivington Street, for nine (9) tables with eighteen (18) seats.

Applications within Resolution Areas

11. Tpoutine, 168 Ludlow St (rw)

VOTE: WHEREAS, Tpoutine, has applied for a restaurant wine license at 168 Ludlow Street, between Houston and Stanton Streets; and

WHEREAS, this applicant is intending to operate a restaurant which will have accordion doors and serve a limited menu consisting of a Canadian staple dish which combines French fries with other foods; 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, as well as thirty (30) licensed establishments within five hundred (500) of this location, the majority of which serve food; and

WHEREAS, there are numerous cafes and restaurants serving limited menus 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 asking the Department of Transportation to eliminate weekend nighttime parking on the west side of Ludlow Street, between Houston and Delancey Streets, to alleviate the existing pedestrian and traffic congestion and to minimize noise; and

WHEREAS, the applicant itself has an apparent disregard of the existing conditions on Ludlow Street, in that it is intending to operate an establishment which will be open until 2:00 A.M. and 4:00 A.M. most nights of the week and which will have accordion doors which will effectively extend its business to an already overwhelmed street; and

WHEREAS, this applicant has failed to demonstrate the community support required for its application before Community Board #3 or to demonstrate how its proposed business would be of public convenience and advantage; now

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the restaurant wine license for Tpoutine, 168 Ludlow Street.

12. Casa De Chabela, 40 Ave B (rw)

VOTE: To inform the SLA that Case de Chabela, 40 Avenue B, 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.

Alterations/Transfers/Upgrades

13. Lavagna, 545 E 5th St (extend to sidewalk cafe/rw)

VOTE: To deny the alteration to Lavagna, 545 East 5th Street, to wit extending service of wine and beer to its sidewalk cafe, unless the applicant agrees before the SLA to add as conditions of its license the following signed notarized stipulation that its sidewalk café will close no later than 11:00 P.M. Sundays through Thursdays and 12:00 A.M. Fridays and Saturdays.

14. Sorella, 95 Allen St (up/op)

VOTE: To deny the upgrade to a full on-premise liquor license for Sorella, 95 Allen 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 Northern Italian restaurant, serving food to within one (1) hour of closing, 2) its hours of operation will be from 12:00 P.M. to 10:00 P.M. Sundays, 3:00 P.M. to 12:00 A.M. Mondays and 3:00 P.M. to 2:00 A.M. Tuesdays through Saturdays, and 3) it will play ambient background music only, consisting of an iPod.

15. La Meridiana, 176 2nd Ave (trans/rw)

VOTE: To deny the transfer of a restaurant wine license to La Meridiana, 176 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 Pizza restaurant, serving food to within one (1) hour of closing, 2) its hours of operation will be from 11:30 A.M. to 12:00 A.M. Sundays through Wednesdays and 11:30 A.M. to 1:00 A.M. Thursdays through Saturdays, 3) it will play ambient background music only, and 4) it will close its doors and windows at 10:00 P.M. every night.

16. Bistronge, 432 E 13th St (extend to sidewalk cafe/op)

VOTE: To deny the alteration for Bistronge, 432 East 13th Street, between First Avenue and Avenue A, to wit extending its full on-premise liquor license to a sidewalk café, for which an application is pending before the Department of Consumer Affairs because 1) the south side of 13th Street between First Avenue and Avenue A, where the applicant is located, is residentially zoned, and although there is a commercial overlay allowing for businesses within one hundred (100) feet of either corner, the applicant conceded that its establishment lies in the middle of the block, 2) its establishment is, consequently, a grandfathered nonconforming use of a residentially zoned location, and 3) extending that nonconforming use to a sidewalk café would violate existing zoning regulations.

17. Absinthe, 111 1st Ave (up/op)

withdrawn

18. Rivington Wine & Cheese, 155 Rivington St (alt/add/op)

withdrawn

19. Grotto, 100B Forsyth St (alt/add/op)

withdrawn

20. Horus Cafe, 293 E 10th St (extend to sidewalk cafe/rw)

withdrawn

New Liquor License Applications

21. 1 Essex LLC, 1 Essex St (op)

VOTE: To deny the application for a full on-premise liquor license for 1 Essex LLC, 1 Essex Street, because 1) this is a previously unlicensed location within five hundred (500) feet of at least nine (9) full on-premise liquor licenses, to wit White Star Bar, Les Enfants Terrible Restaurant, Clandestino Café, Brown, Baccaro, Broadway East Restaurant and Bar, Good World Bar and Bar 169, 2) numerous residents appeared in opposition to this application and submitted letters and petitions in opposition to this application, which included a petition with four hundred (400) signatures from area residents opposed to the granting of this license (letters and petitions appended hereto), and 3) residents of the street appeared to also complain of existing pedestrian and vehicular traffic congestion and noise as a result of the aforementioned existing businesses.

22. Grand Park, 365 Grand St (op)

VOTE: To inform the SLA that Grand Park, 365 Grand Street, has withdrawn its request for 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.

23. Fuzhou Fishball, 107 E B'way (eb)

VOTE: To deny the application for an eating place beer license for Fuzhou Fishball, 107 East Broadway, because the applicant failed to provide the required 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 8:00 A.M. to 11:00 P.M. every day.

24. Sun Shine 27, 46 Bowery (rw)

VOTE: To deny the application for a restaurant wine license for Sun Shine 27, 46 Bowery, because the applicant failed to provide the required 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 9:00 A.M. to 12:00 A.M. every day.

25. Dos Toros, 145 4th Ave (rw)

VOTE: To deny the application for a restaurant wine license for Dos Toros, 145 Fourth 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 Mexican tacqueria, serving food during all of its hours of operation, 2) its hours of operation will be from 11:00 A.M. to 11:00 P.M. Sundays through Wednesdays, 11:00 A.M. to 2:00 A.M. Thursdays and 11:00 A.M. to 4:00 A.M. Fridays and Saturdays, 3) it will play ambient background music only, and 4) it will close its façade doors and windows at 10:00 P.M. every night, and 5) it will not apply to upgrade its license, and 6) it will employ a manager, one of whose duties is to clear the sidewalk of customers.

26. Grange Food, 511 E 12th St (rw) **THIS IS A TRANSFER**

VOTE: To deny the transfer of a full on-premise liquor license to Grange Food, 511 East 12th Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a full-service restaurant, serving classic American food to within one (1) hour of closing, 2) its hours of operation will be from 11:00 A.M. to 11:00 P.M. Sundays through Thursdays and 11:00 A.M. to 12:00 A.M. Fridays and Saturdays, 3) it will not have live music and it will play ambient background music only, and 4) it will close its doors and windows at 10:00 P.M. every night.

27. May Chan Ramen & Robotayaki, 119 2nd Ave (rw)

VOTE: To deny the application for a restaurant wine license for May Chan Ramen & Robotayaki, 119 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 Japanese noodle restaurant, serving food to within one (1) hour of closing, 2) its hours of operation will be from 11:00 A.M. to 12:00 A.M. Sundays through Thursdays and 11:00 A.M. to 2:00 A.M. Fridays and Saturdays, 3) it will play ambient background music only, and 4) it will keep its facade doors and windows closed.

28. Dong Nai, 89 Baxter St (rw)

Withdrawn

29. Café Mocha, 116 2nd Ave (rw)

VOTE: To deny the application for a restaurant wine license for Café Mocha, 116 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 café and coffee shop, serving food to within one (1) hour of closing, 2) its hours of operation will be from 7:00 A.M. to 11:00 P.M. every day, 3) it will play ambient background music only, and 4) it will keep its façade doors and windows closed.

(SLA & DCA Licensing Committee)

41 YES 0 NO 0 ABS 0 PNV (Excluding Items: 3, 5, 8, 9, 10 & 16) MOTION PASSED

Items 3, 5, 8, 9, 10 & 16: 39 YES 2 NO 0 ABS 0 PNV MOTION PASSED

Personnel Task Force

Report by Dominic Pisciotta: Our DM has not had a job description since she started. At the BP's office they went through the process of how to create a job description. 90% of the job description is pulled from the CB handbook. They tweaked it to suit the individual needs of CB3.

- Establish evaluation procedures

VOTE: To approve the tasks and standards for the Community Board 3 District Manager and send to the full board for approval.

(Personnel Task Force)

36 YES 2 NO 3 ABS 0 PNV MOTION PASSED

Economic Development, Zoning, & Planning Committee

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

Housing, Land Disposition, & NYC Housing Authority Committee

- HPD report on recent changes to Neighborhood Preservation Consultants program
no vote necessary

Chinatown Working Group: John announced the June 1st meeting at PS 124

Members Present at Last Vote:

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

Meeting Adjourned