



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD NO. 3

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

Dominic Pisciotta, Board Chair

Susan Stetzer, District Manager

October 2009 Full Board Minutes

Meeting of Community Board #3 held on Tuesday, October 27, 2009 at P.S. 20 at 166 Essex Street

Public Session:

Nancy Rankin: from A Better Balance spoke in support of the paid sick time resolution. Many people cannot to take time off for being sick for fear of losing money they need to support their family or losing their job.

Vaylateena Jones: wants to reopen the 9/11 victim's compensation fund.

She supports a bill introduced by Sen. Duane that calls for the HIV test to be offered to every individual between the ages of 18-64. AIDS does not have to be deadly and if treated can be considered a chronic medical condition versus a death sentence.

Kimberly Flynn: Speaking in favor of resolution calling on DOE to outreach to downtown parents regarding WTC Pediatric Program. Program has an amazing team of pediatricians at Bellvue and most people have no idea this program exists.

Kate Puls: Thanked CB3 SLA Committee.

Bob Thorpe: spoke against the expansion of the Freemans upstairs. Says there is no C of O for the space. The alley is a waiting room for patrons. The noise is intolerable. At 5:30am there are bread deliveries. The last expansion was supposed to provide a waiting room which it did not. He is handing in signatures of neighbors opposed.

Mary Ann T. Inouye: Opposed to the expansion of Freeman's. She believes the extra space will only be used as a private party space adding to the already noisy alley.

Amy Landry: Site Manager for Seward Park library. The Chatham Square library has expanded hours. Thanking CB3 for keeping Seward Park Library in its budget priorities.

Monica Coleman: She is an elected parent leader at PS 20. She is against adding a charter school to PS 20. It is already crowded and it will take away their labs and art rooms. The parents and Administration were not involved in the process. She wants CB to contact local politicians.

David Bolotsky: Requested support for the restoration of the Luther Gulick Park on Bialystoker Place and Delancey. Thanked the CB for including the park in its budget priorities.

Michelle Nappi: said she is being harassed by a public employee and thinks the CB is involved in a corruption scam.

Amanda McEntire: announced NYU Halloween events.

Jessica Loeser: representing 180 Ludlow St., a stalled construction project. They appeared before the Land Use committee. Agreed to use local staff as much as possible, agreed to not put an SLA license in the retail space as well as reserve a minimum of 5 units for affordable housing.

Public Officials:

Mayor Michael Bloomberg, Lolita Jackson & Pauline Yu: There was a large enforcement of Chinatown busses over the summer. The mayor's office is coming up with a long term traffic plan. They are spending the majority of their bus enforcement time in the LES.

Public Advocate Betsy Gotbaum, Tommy Lin: not present

Comptroller William Thompson, Sandra Duque: not present

Borough President Scott Stringer, Gregory Kirschenbaum: Huge victory was won for the residents of Stuyvesant Town/Peter Cooper Village huge victory. No longer will landlords be able to deregulate apartments while receiving J-51 tax benefits from the City of New York. The DOT has been handing out 30 day removal notices to illegal sidewalk ATMs. The BP's office is expanding their city planning fellows program citywide. CB

appointments are ahead. "Kill the Drill"-hydrofracturing. If our water gets contaminated it does not have a filter system to clean it. They changed the CB reception date to Dec 3 at the Natural History Museum.

Congressmember Jerrold Nadler, Erin Drinkwater: not present

Congressmember Nydia Velazquez, Iris Quinones: not present

Congressmember Carolyn Maloney, Victor Montesinos: Applauded this month's decision by the Court of Appeals regarding Tishman Speyer. No longer will landlords be able to deregulate apartments while receiving J-51 tax benefits from the City of New York.

Assembly Speaker Sheldon Silver, Zach Bommer: The Speaker, in conjunction with the Medicare Rights Center invited all seniors to learn about programs that can help them pay for health care and daily living. Nov 10 at University Settlement and Thursday November 12 at Rutgers Community Center. Community College Fair will take place Nov 15 at Seward Park educational Campus.

Assemblymember Deborah J. Glick, Lisa Parson: Reg the Gas Drilling in NYC's Upstate Watershed- She has requested that the DEC extend the comment period for review and feedback on the draft SGEIS from 60-180 days to allow the public time to weigh in. Please contact her office if you're a small business that is having problems with taxes-they could get them reduced.

Assemblymember Brian Kavanaugh: Assemblymember Kavanaugh introduced new liaison, Israel Murguia. The Assemblymember attended a hearing of the State Senate Elections Committee on voter suppression and new voting machines. He held a public meeting in Albany to examine measures to reduce mercury exposure. Fluorescent bulbs, fish, and contaminants from Industrial sources all need to be set reasonable levels.

State Senator Daniel L. Squadron, Jasmin Sanchez: Senator Squadron spoke. He's excited to introduce his new CB3 liason, Rosemarie Yaz. Please fill out Community Questionnaires. He asked the MTA to do a full review of the F train. The report pointed out many faults in the line and how to solve them. His office launched the first ever 25th Senate District Chinese hotline: 917-254-3138. SOUND Housing Town Hall will be on November 5 and the rally will be on November 12 at City Hall. Anne: asked him what the story is with the Metro Commuter Tax. Daniel: does not believe any school should be subject to this tax.

State Senator Thomas K. Duane, Romeo Ymalay: celebrating the huge victory for renters citywide in Roberts vs Tishman Speyer. No longer will landlords be able to deregulate apartments while receiving J-51 tax benefits from the City of New York. Sen Duane has expressed his disgust at the actions of Sen Hiram Monserrate and believes it was an unjust ruling. He is calling for his resignation.

Councilmember Alan Gerson, Patricia Olan: Gerson arranged for seniors to receive free flu shots. The Councilmember is still working on the tour bus problem on South St. The First Annual Chinatown Beacon Satellite Baseball Tournament is underway. The program was started this year in response to a series of violent incidents at nearby Smith Houses.

Councilmember Rosie Mendez, Jessica Nepomiachi: Former Councilmember Mariam Friedlander recently passed away at the age of 95. A memorial will be held on Thursday November 12 at 5:30 at the Council Chamber at City Hall.

Members Present at First Vote:

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

Minutes:

Minutes of July 2009 were approved, as is.

Board Chairperson's Report:

Chairperson Dominic Pisciotta

The meeting with the Chair and the CEO of the SLA, was productive and there was an honest exchange of opinions.

In future we are going to finalize the agenda at Executive Committee which will allow us to better utilize the first week of the month.

The CB took a position on hydrofracturing last month and is asking if one or two CB members can act as a point person to this issue.

The new chair for Economic and Development will be a co-chaired position held by Richard Ropiak and Pearl Chin. Thomas Yu will be the new chair for Parks Committee.

Early next month I will be giving a Commissioning speech at The Bowery Mission.

Members must make all efforts to arrive on time so they can hear public session.

District Manager's Report:

District Manager Susan Stetzer

A memorial for Mariam Fiedlander will be held on Thursday November 12 at 5:30 at the Council Chamber at City Hall.

Encourages all new members to sign up on CB website.

City has changed block party procedures. They will now sign up online. The CB will then go online and see who signed up for our Board 3.

Continuing complaints reg the Allen/Pike mall regarding turn signals and access for emergency vehicles. DOT is looking into it and may return to Transportation committee meeting.

Issues reg shelters. 3rd Street has people hanging out on the sidewalk. XXX did drug searches.

Lois: there has been some confusion regarding the legibility on the split votes on the vote sheet. The office has created a form to fill out if a member anticipates a split vote.

Committee Reports:

Executive Committee

Discussion:

Val: thinks ACS has a history of racism and does not think it should be so high on the list.

Harvey: thinks code enforcement, affordable housing should be higher-somewhere in the single digits.

Val: thinks funding for anti-eviction legal services should go before #4 , ACS.

Dominic: ACS has been decimated by head count cuts. Every meeting he had at ACS he witnessed phone calls where children had either been murdered or severely hospitalized.

Gigi: ACS has laid off internal workers in order to not cut off other services. They are facing another round of cuts and maybe putting them so high on the list can prevent that.

David M: maybe we should move ACS to #5 and put #24 at #4. Wants to strike #5 and #6 entirely.

David: this came out of my committee. Bar owners he came in contact supported the cabaret units. They are specialized units that can distinguish between good and bad owners.

Herman: moves to move #5 and #6 to #24 and #25.

Straw vote shows that members would not like to strike #4 and #5.

Vote to move #5 and #6 to #24 and #25 passes.

Meghan: maybe #5 and #6 should not be moved so far down the list under programs that are already being funded.

Harvey and Barden: don't think decibels meters should be put before libraries.

Alex: "this community board has the highest NYPD 311 commercial noise complaints in NYC. Those are complaints about licensed establishments only. They do not include complaints about construction, traffic or other noise. We have an obvious need for enforcement but lack the necessary equipment. All of the precincts

with the exception of the 6th Precinct have lost their cabaret units. All of the community boards have asked that these units be reinstated. Bar owners and residents across the city and in this board have stated that it is helpful to have officers familiar with the history of a place or area because they are able to put complaints of residents and concerns of business owners into some context."

Ariel: Cabaret Unit has been a great help to her business

Richard: Cabaret Unit has been very helpful to quieting a local bar in his neighborhood that was keeping people awake.

Hand vote: moving item# 24 to #18. Motion passes.

Motion: to move #25 to #19. Motion passes.

VOTE 1: To adopt the Capital Priorities as listed, but adding "Affordable Housing Trust Fund to prevent buildings from opting out of Mitchell-Lama and/or project-based Section 8" as Item 21.

DISCUSSION:

Harvey: to move affordable housing (#21) to #6.

Richard: #6 is a not a program that exists and does not have funding attached to it.

Harvey: just because it doesn't have funding we should still out it higher on the list to take a stand that affordable housing is a priority in this CB.

VOTE 2: To adopt the Expense Priorities, as reprioritized.

(Executive Committee)

VOTE 1: 38 YES 2 NO 0 ABS 0 PNV MOTION PASSED

VOTE 2: 37 YES 3 NO 0 ABS 0 PNV MOTION PASSED

Human Services, Health, Disability, & Seniors Committee

1. FY'2011 Capital & Expense Priorities

VOTE: To approve capital and expense budget priorities for FY 2011.

2. Support for Intro 1059 which would guarantee that all private sector workers in NYC can earn some paid sick time

VOTE: WHEREAS, Councilmember Gale Brewer has introduced, with the co-sponsorship of the Public Advocate (Ms. Gotbaum) and Councilmembers Avella, Lappin, Palma, Weprin, Mendez, Nelson, James, Gerson, Jackson, Mark-Viverito, Sears, Gioia, Gentile, Yassky, Liu,Vann, Ferreras, Gennaro, Katz, Mitchell, Seabrook, White Jr., Mealy, Barron, Garodnick, Gonzalez, Koppell, Reyna, Crowley, Eugene, Recchia Jr., deBlasio, Foster, Sanders Jr., Comrie, Rivera, and Ulrich, City Council Intro 1059 to amend the administrative code of the City of New York, in relation to the provision of paid sick leave time earned by employees; and

WHEREAS, a sizeable number of workers in New York City are not entitled to any paid sick time to care for their own health (mental and physical) needs or the health needs of members of their families or the need for safety in domestic violence situations; and

WHEREAS, public health is an increasing concern for both the City and nation, in light of the outbreak of the H1N1 virus; and

WHEREAS, the Public Health Administration of New York, a growing list of leading physicians, President Obama, and Mayor Bloomberg have endorsed paid sick days, noting their scope for having a positive effect on public health; and

WHEREAS, paid sick leave would allow parents to keep sick children and themselves out of high traffic areas such as mass transportation systems and schools; and

WHEREAS, providing time for domestic violence victims to go to court or to relocate to safety has a positive effect on the ability of victims to protect themselves and is important for the public health and safety of the City; and

WHEREAS, paid sick leave reduces low productivity in the workforce; and

WHEREAS, paid sick leave is affordable and good for business; and

WHEREAS, Intro 1059 would positively affect close to 1 million employees, many of whom are low income workers, as estimated by the Community Service Society of New York and the Institute for Women's Policy Research; and

WHEREAS, Intro 1059 would guarantee that all private sector workers in New York City can earn some paid sick time, specifically one hour of sick time for every thirty hours worked; and

WHEREAS, Intro 1059 is part of a growing movement in American cities such as San Francisco, Washington DC, and Milwaukee, which have implemented mandatory paid sick leave in the private sector successfully and with no ill effects on the economy; now

THEREFORE, BE IT RESOLVED that CB3 supports the passage of Intro 1059 and urges its City Council members to vote in favor of such a bill should it come before them for a vote.

3. Health Dept outreach to parents of children exposed to the WTC Disaster and other critical information necessary for parents of public school children who attended schools in Lower Manhattan in Fall 2001

VOTE: WHEREAS, this month, nearly eight years after the September 11, 2001 terrorist attacks on the World Trade Center (WTC), the New York City Department of Health and Mental Hygiene (NYC DOHMH) released its Clinical Guidelines for Children and Adolescents Exposed to the World Trade Center Disaster (City Health Information – CHI, July 2009), the first official public health guidance on the pediatric environmental and mental health effects from 9/11, and

WHEREAS, the CHI provides both parents and pediatricians with critical information about children's increased susceptibility to harm from exposure to WTC environmental contaminants and WTC-related physical and mental health impacts to children and in addition, explains how to access specialized care at the WTC Environmental Health Center's (EHC) Pediatric Program at Bellevue, a resource established by Mayor Michael Bloomberg in recognition of the unmet health needs of WTC-affected children and adolescents, and

WHEREAS, the NYC Department of Education (DOE) has sole access to past public school student directories with contact information for all parents whose children attended schools in Lower Manhattan from Fall 2001 through Summer 2003 (when the residential cleanup by the U.S. Environmental Protection Agency concluded), and

WHEREAS, CB3 knows of no privacy or other legal issues that would prevent the NYC DOE from reaching out to these parents to provide them with important information, now

THEREFORE, BE IT RESOLVED that CB3 strongly urges the NYC DOE to coordinate outreach with the DOHMH and the WTC EHC to ensure that the Clinical Guidelines for Children and Adolescents Exposed to the World Trade Center Disaster and other critical information are provided to the parents of public school children who attended schools in Lower Manhattan from Fall 2001 through Summer of 2003– and we ask for assistance from Mayor Michael Bloomberg and his administration to make this happen.

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

35 YES 0 NO 0 ABS 0 PNV

Youth & Education Committee

1. FY'2011 Capital & Expense Priorities

VOTE: To approve capital and expense budget priorities for FY 2011.

2. Presentation on children's advertising and online privacy by the Children's Advertising Review Unit of the Council of Better Business Bureau

no vote necessary

3. Discussion of report by Manhattan Borough President Scott Stringer on the Projected Shortage of Public School Seats

no vote necessary

(Youth & Education Committee)

35 YES 0 NO 0 ABS 0 PNV

Transportation & Public Safety Committee

1. FY'2011 Capital & Expense Priorities

VOTE: To approve capital and expense budget priorities for FY 2011.

2. Bowery Hotel loading/unloading signage, 335 Bowery

withdrawn

3. Milling and paving of Extra Place

VOTE: WHEREAS, Avalon Bay has presented a schematic design to the CB3 Transportation & Public Safety Committee for a "restricted use" redesign of Extra Place, a dead end street north of 1st St between First and Second Ave. This design includes plantings, pedestrian lighting and removable seating and tables. There would not be any permanent installations that would interfere with immediate emergency vehicle access, but some trees might be planted along the edges; now

THEREFORE, BE IT RESOLVED that CB3-Manhattan approves of this concept for the restricted use permit. We understand that Avalon Bay will work with DOT and return to CB3 with a final design for our approval.

4. Redesign of the intersections of Forsyth & Eldridge Streets w/Division St & East B'way
no vote necessary

5. New Eastern Express application for new commuter van service (to/from Chinatown)

VOTE: WHEREAS, New Eastern Express proposes to operate a licensed commuter van service between Flushing and Chinatown, seven days a week from 6 AM - midnight; and

WHEREAS, there is demand for commuter van service between the historic core of Chinatown in Lower Manhattan and the satellite Chinatown in Flushing. We understand that there has been a reduction of commuter van services since one of the other services went out of business; and

WHEREAS, there are many diesel buses and vans operating in the area, which causes traffic congestion and increased pollution, affecting the health and safety of residents and pedestrians; now

THEREFORE, BE IT RESOLVED that CB3-Manhattan disapproves of the location discussed at our Transportation & Public Safety Committee meeting (88 East Broadway) because it is very congested with vehicles, pedestrians and loading/unloading activity. If the applicant will work with the local precincts and local businesses to identify a more suitable location, CB3 would be open to consider approving this service in the future. This would be a change of our long-standing position that CB3 does not approve any new commuter van services in our district.

(Transportation & Public Safety Committee)

35 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Environment Committee

- FY'2011 Capital & Expense Priorities
no vote necessary

SLA & DCA Licensing Committee

1. FY'2011 Capital & Expense Priorities
no vote necessary

Renewal with Complaint History

2. St Dymphna's (Cullen Restaurant Inc), 118 St Marks Pl (op)

VOTE: To deny the renewal of the full on-premise liquor license to Cullen Restaurant, Inc., doing business as St. Dymphna's, 118 St. Mark's Place, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that it will cease commercial use of its backyard pending a Department of Buildings audit to determine whether it is legally zoned for such use and noting that the business is located in an area which is residentially zoned, there is no recorded certificate of occupancy for backyard use for this location and the applicant did not provide notice in its renewal application to the SLA that it was, in fact, commercially using its backyard.

3. Spur Tree Restaurant, 76 Orchard St (rw)

VOTE: To deny the renewal of the restaurant wine license for Spur Tree Restaurant, 76 Orchard Street, because the applicant did not appear before Community Board #3 for review of its application or provide any application materials for review and because there have been continued complaints regarding noise from the commercial use of its backyard although this community board has previously asked it to cease such use as a result of its inability to address these complaints and because DOB has issued a vacate order for commercial use of the backyard.

4. Le Souk, 47 Ave B (op)

VOTE: This community board has heard the application for the renewal of the full on-premise liquor license for Le Souk, 47 Avenue B, between 3rd and 4th Streets, although it is currently operating under a SAPA letter, and now moves to deny its renewal because 1) this location has had a long history of complaints and violations regarding noise, overcrowding both inside and outside the establishment and unlicensed cabaret resulting in its license being suspended and, ultimately, cancelled by the New York State Liquor Authority and its establishment being closed through nuisance abatement by the New York Police Department, and, despite that it has now reopened after an appeal of its cancellation, residents are still complaining of noise from bass emanating from the establishment, noise from patrons standing outside of the business, sidewalks blocked by patrons smoking or waiting to enter the business, horn honking and vehicle congestion from cabs and vehicles dropping off passengers and picking them up, 2) despite the professed willingness of the applicant to address these longstanding complaints, its efforts have fallen short in that the applicant has been stating that it would organize a community meeting to hear and address complaints since at least March of 2009 but has not yet

done so, 3) the applicant is apparently unable to manage the noise and vehicle and pedestrian traffic generated by its seven thousand (7,000) square foot establishment which is located on a narrow two-lane street that runs for fourteen (14) blocks from Houston to 14th Streets and which physically narrows between 4th and Houston Streets, despite the efforts of the 9th Precinct, Community Board #3 and the Department of Transportation to alleviate congestion and minimize noise by permanently eliminate nighttime weekend parking on one side of Avenue B, between 4th and Houston Streets.

Sidewalk Café Application

5. Thailand Café (KD International Corp), 95 2nd Ave (enclosed)

VOTE: To deny the application for a sidewalk cafe license for KD International Corp., doing business as Thailand Café, 95 Second Avenue, because 1) this establishment is located on the west side of Second Avenue between 5th and 6th Streets, and is adjacent to a bus shelter for the M15 bus, as well as adjacent to Lit Lounge, a music venue whose patrons block the sidewalk in front of its establishment on most nights and whose bands utilize the sidewalk for to unload and electronic equipment and instruments, 2) there are already ten (10) sidewalk cafes operating within one block of the applicant, two (2) of which are enclosed, 3) the existing sidewalk cafés on the east side of Second Avenue, between 5th and 6th Streets, consisting of one (1) enclosed sidewalk café on the corner of 5th Street and Second Avenue and four (4) unenclosed sidewalk cafes spanning five (5) storefronts, and the patron congestion around them have rendered the east side of Second Avenue between 5th and 6th Streets impassable to area residents, 4) thirty-one (31) residents of 5th Street and Second Avenue appeared and sent letters in opposition to this application because they already encounter a bottleneck of pedestrian traffic from the confluence of the unenclosed sidewalk café on the northwest corner of 5th Street and Second Avenue, the patrons and bands blocking the sidewalk in front of Lit Lounge during all hours of the day and night and the bus enclosure and because they are unable to use the east side of the street as a result of existing congestion (see letter appended hereto).

Applications within Resolution Areas

6. Corp to be Formed, 180 Orchard St (rw)
withdrawn

7. Cien Fuegos LLC, 95 Ave A (op)

VOTE: To deny the application for a full on-premise liquor license for Cien Fuegos LLC, 95 Avenue A, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a full-service Cuban restaurant, serving food to within one (1) hour of closing, 2) its hours of operation will be from 11:00 A.M. to 2:00 A.M. every day, 3) it will play ambient background music only, consisting of recorded music from an MP3 player, and will not have DJs, live music, promoted events or any event at which a cover is charged, 4) it will close its façade doors and windows at 10:00 P.M. every night, 5) it will employ a hostess on all nights of operation one of whose responsibilities will be to minimize crowding on the sidewalk, 6) it will implement its proposed plan for minimizing pedestrian and vehicular traffic (a summary of which provided by the applicant is appended hereto), including contracting with a local parking lot to provide discounted parking to patrons driving to the establishment. While Community Board #3 recognizes that this applicant is intending to operate a business on an avenue which is already congested with numerous licensed premises, the applicant has demonstrated that there is a decided lack of Cuban restaurants within this neighborhood and Manhattan and no speakers appeared in opposition to this application while the applicant tendered one thousand (1,000) resident signatures (two hundred (200) of which were from the same block and eight hundred (800) of which were from the east Village).

8. Caffè Buon Gusto (CBG Restaurant Inc), 76 Ave B a/k/a 545-547 E 5th St (rw)

VOTE: WHEREAS, CBG Restaurant is again seeking to obtain a restaurant wine license to operate an Italian restaurant at 76 Avenue B a/k/a 545-547 East 5th Street between 5th and 6th Streets, after having been denied by this community board in September of 2007; and

WHEREAS, CBG is intending to operate in a location which has never been operated as an eating and drinking establishment and was previously operated as a grocery store with retail license; and

WHEREAS, there are at least fourteen (14) licensed establishments within five hundred (500) feet of this location, at least four (4) of which are Italian restaurants; and

WHEREAS, Avenue B is a narrow two-lane street that runs for fourteen (14) blocks from Houston to 14th Streets and which physically narrows between 4th and Houston Streets, increasing already significant traffic congestion; and

WHEREAS, Avenue B is presently overwhelmed by incredible pedestrian and vehicular traffic as a result of the numerous licensed establishments located along it; and

WHEREAS, numerous residents have complained about a degraded quality of life as a result of so many licensed establishments within close proximity to each other, overwhelming pedestrian and vehicular traffic, patrons congregating on the street, late night horn honking and overwhelming noise emanating from businesses and from patrons as they move between businesses; and

WHEREAS, these persistent conditions have resulted in the 9th Precinct and Community Board #3 asking the Department of Transportation to permanently eliminate nighttime weekend parking on one side of Avenue B, between 4th and Houston Streets, to alleviate congestion and minimize noise; and

WHEREAS, despite Community Board #3 notifying this applicant of all of the concerns associated with seeking to operate a licensed premise on this Avenue, this applicant has tendered an application identical to that which it filed in 2007, except that it has stated that it would close its façade doors at 10:00 P.M.; and

WHEREAS, there is insufficient residential support for this application in that the applicant has provided not more than ten (10) signatures in support of its application, only six (6) of which are even in close proximity to this location; now

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the restaurant wine license for CBG Restaurant, 76 Avenue B a/k/a 545-547 East 5th Street.

9. Cafetasia (Cafetasia Inc), 85 Ave A (rw)

VOTE: To deny the application for a restaurant wine license for Cafetasia, Inc., doing business as Cafetasia, 85 Avenue A, because the applicant did not appear before Community Board #3 for review of its application or provide any application materials for review.

Alterations/Transfers/Upgrades

10. Freemans (Freeman Holdings LLC), 191 Chrystie St (alt/op/expansion to 2nd floor, 2nd floor service bar, kitchen prep in basement)

THIS MOTION DID NOT PASS

VOTE: To deny the alteration of the full on-premise liquor license , Freeman Holdings LLC, doing business as Freemans, 191 Chrystie Street, to wit extending its full on-premise liquor license into a 3000 square foot second story, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will continue to operate as a full-service restaurant, serving American fare to within one (1) hour of closing, 2) its hours of operation will be from 11:00 A.M. to 12:00 A.M. weekdays and 10:00 A.M. to 12:00 A.M. weekends, 3) it will not have French doors or windows, 4) it will have no DJs or live music and will play ambient background music only, consisting of recorded music from and iPod, 4) it will move waiting patrons into its newly constructed waiting area, 5) this waiting area is depicted in its architectural plans as a dining area with twenty (20) seats (see plans attached hereto) but will be used exclusively as a waiting area, 6) it will employ a hostess to insure that patrons in front of the establishment remain quiet, 7) it will post signs on its façade asking that patrons be quiet and respectful of neighbors, 8) it will remove the existing bench, located in the alley, to minimize noise outside, 9) it will provide a contact telephone number and email address to all neighbors to facilitate addressing complaints promptly, and 10) it will minimize noise from early mornings deliveries and nighttime garbage removal.

THIS MOTION PASSED

VOTE: To deny the alteration of the full on-premise liquor license for Freeman Holdings LLC, doing business as Freemans, 191 Chrystie Street, to wit extending its full on-premise liquor license into a 3000 square foot second story, because 1) the entrance to this establishment is at the end of a ten (10) foot wide residential alley and, since the establishment opened, there have been complaints of noise from patrons waiting in this alley to be seated, 2) although when this applicant first expanded its business in 2005 this community board asked that it create an interior waiting area and post signs outside asking patrons to be quiet, it has failed to post any signs in an effort to minimize patron noise, its waiting areas consisted of two (2) stand up bars at either end of the first floor rather than any area designated solely for waiting patrons and it maintains a bench in front of its establishment which encourages patrons to remain outside, all of which are indicative of its failure to manage its business and address complaints of noise, 3) although the applicant has stated that it is seeking to expand principally to create additional waiting space, its architectural plans clearly indicate that the three (3) rooms it intends to create for patron use are "dining rooms" (see architectural drawings appended hereto).

11. Inoteca (Inovative Restaurants LLC), 133 Ludlow St (up/op)

VOTE: To deny the application to upgrade to a full on-premise liquor license for Inovative Restaurants LLC, doing business as Inoteca, 133 Ludlow Street, because the applicant did not appear before Community Board #3 for review of its application or provide any application materials for review

12. MHLC Inc, 131 E 7th St (trans/rw) (currently Cure) applying as a tavern wine

VOTE: To inform the SLA that MLH, Inc. has withdrawn its application before Community Board #3 for the transfer of a restaurant wine license at 131 East 7th Street, currently doing business as Cure, because it has since applied as a new application for which Community Board #3 has not yet received notice, 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.

13. 12 1st Ave Rest Corp, 76 E 1st St (trans/op) (currently One and One)
VOTE: To deny the transfer of a full on-premise liquor license to 12 First Avenue Restaurant, from One and One, 76 East 1st Street, because the applicant failed to provide the required signed notarized stipulation that 1) it will continue to operate as a restaurant tavern, serving food until 2:00 A.M. every night, 2) its hours of operation will be from 11:00 A.M. to 4:00 A.M. Mondays through Saturdays and 12:00 P.M. to 4:00 A.M. Sundays, 3) it will employ a DJ in the basement level only, and 4) it will close its façade doors at 10:00 P.M. every night.
14. Corp to be Formed, 300 E 5th St (trans/op) (currently Mary Ann's)
 withdrawn
15. Villa NYC LLC, 82 2nd Ave (trans/rw) (currently Mission Cafe)
VOTE: To deny the transfer of a restaurant wine license to Villa NYC LLC, from Mission Café, 82 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 restaurant cafe, serving food during all hours of operation, 2) it will play ambient recorded background music only, 3) its hours of operation will be from 7:00 A.M. to 11:00 P.M. Sundays through Thursdays and 7:00 A.M. to 12:00 A.M. Fridays and Saturdays, 4) it will not commercially use its backyard or use it to access its basement storage area, 5) it will not apply for a sidewalk café for at least one (1) year, 6) it will close its rear windows at 9:00 P.M. and its façade windows and doors at 10:00 P.M. every day.
16. Allen & Delancey (Allen & Delancey LLC), 115 Allen St (alt/op/extend hours)
 withdrawn
17. Uncle Charlie's LES (MLG Bar Inc), 87 Ludlow St (trans/op) (currently Ludlow Cafe)
VOTE: To deny the transfer of a full on-premise liquor license to MLG Bar, Inc., doing business as Uncle Charlie's LES, from Ludlow Café, 87 Ludlow 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 restaurant tavern, serving food to within one (1) hour of closing, 2) it will play ambient recorded background music and occasionally have an electronic keyboard with a limiter in use while the keyboard is being played, 3) its hours of operation will be from 4:00 P.M. to 1:00 A.M. every day, and 4) it will have an employee designated to manage vehicular and pedestrian traffic in front of the establishment, as well as customer noise outside, and 5) it will close its backyard at 10P.M. every night.
18. Spina (Ducati Bagels LLC), 175 Ave B (alt/rw/name change/hours of operation) (currently Panificio)
VOTE: To approve the alteration of the restaurant wine license for Ducati Bagels LLC, doing business as Panificio, 175 Avenue B, to wit changing its business name to Spina and amending its hours of operation to include hours of operation on Saturdays from 11:00 A.M. to 12:30 A.M., Sundays from 11:00 A.M. to 11:00 P.M. and Mondays from 5:30 P.M. to 11:30 P.M.
19. B Clinton (TC Restaurant Group LTD), 6 Clinton St (trans/rw) (currently BKK Afe)
VOTE: To deny the transfer of a restaurant wine license to TC Restaurant Group LTD, doing business as B Clinton, from BK Kafe, located at 6 Clinton Street, because the applicant did not appear before Community Board #3 for review of its application or provide any application materials for review.
20. St Marks Burger (ANS Newsbar Inc), 33 St Marks Pl (alt/rw/extend license to outdoor seating area within building line)
VOTE: To deny the alteration of the restaurant wine license for ANS Newsbar, Inc., doing business as St. Mark's Burger, 33 St. Mark's Place, to wit extending its restaurant wine license to the sidewalk space within its building line, because 1) there are at least nineteen (19) liquor licenses on this one (1) block of St. Mark's Place located between Second and Third Avenues, 2) the existence of numerous licensed establishments, along with other retail businesses on this street, has resulted in significant noise and vehicular and pedestrian traffic, conditions which have been specifically targeted for enforcement by the 9th Precinct, and 3) this applicant has been operating for less than one (1) month and now intends to contribute to the sidewalk congestion and noise by serving alcohol outside.
21. Sonia Rose (GMMK), 74 Orchard St (up/op)
 withdrawn
22. FBNS Corp, 231 1st Ave (trans/rw) (currently Vinny Vincenz) WITHDRAWN
VOTE: To inform the SLA that FBNS Corp. has withdrawn its application before Community Board #3 for the transfer of a restaurant wine license at 231 First Avenue, currently doing business as Vinny Vincenz, because its application was incomplete, 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. Corp to be Formed, 56 3rd Ave (trans/op) (currently Lan Restaurant) WITHDRAWN
VOTE: To inform the SLA that John C. Slattery has withdrawn its application before Community Board #3 for the transfer of a full on-premise liquor license at 56 Third Avenue, currently doing business as Lan Restaurant, 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.
24. Kanoyama (N&D Restaurant Corp), 175 2nd Ave (alt/rw/expansion)
VOTE: To deny the alteration of the renewal of the restaurant wine license for N&D Restaurant Corp., doing business as Kanoyama, 175 Second Avenue, to wit expanding its location, because the applicant did not

appear before Community Board #3 for review of its application or provide any application materials for review.

New Liquor License Applications

25. Yee Eng Corp, 105 1/2 Mosco St (rw)
withdrawn
26. Tenzin & Tenzin Corp, 306 E 6th St (rw)
VOTE: To approve the removal of DSERING YANGZON as a principal of Tenzin & Tenzin Corp., doing business as Cherin Sushi, 306 East 6th Street, understanding that its business name and method of operation will remain the same.
27. Agnes & Eva's Tasty Goods (Agnes & Eva's Tasty Goods Inc), 243 E 13th St (rw)
VOTE: To deny the application for a restaurant wine license for Agnes & Eva's Tasty Goods, Inc., doing business as Agnes & Eva's Tasty Goods, 243 East 14th 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 diner café, serving food during all hours of operation, 2) its hours of operation will be from 8:00 A.M. to 8:00 P.M. Mondays through Wednesdays, 8:00 A.M. to 10:00 P.M. Thursdays, 8:00 A.M. to 8:00 P.M. Fridays, 8:00 A.M. to 6:00 P.M. Saturdays and 8:00 A.M. to 5:00 P.M. Sundays, and 3) it will play ambient background music only, consisting of recorded music.
28. Chickpea (Chickpea at 14th Street Inc), 210 E 14th St (rw) WITHDRAWN
VOTE: To inform the SLA that Chickpea at 14th Street, Inc., doing business as Chickpea, 210 East 14th Street, has withdrawn its application 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. Pulqueria (HCT LLC), 11 Doyers (op)
VOTE: To deny the application for a restaurant wine license for HCT, LLC, doing business as Pulqueria, 11 Doyers Street, because the applicant failed to provide the required signed notarized stipulation that 1) it will operate as a full-service Mexican tapas restaurant, serving food to within one (1) hour of closing, 2) its hours of operation will be from 6:00 P.M. to 1:00 A.M. Sundays through Wednesdays and 6:00 P.M. to 2:00 A.M. Thursdays through Saturdays, 3) it will have a closed façade, and 4) it will play ambient background music only, consisting of recorded music.
30. The Immigrant Wine Bar (The Immigrant Wine Bar LLC), 341 E 9th St (rw)
VOTE: To deny the application for a restaurant wine license for The Immigrant Wine Bar, LLC, doing business as The Immigrant Wine Bar, 341 East 9th 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 wine bar, 2) its hours of operation will be from 3:00 P.M. to 12:00 A.M. Tuesdays through Thursdays, 3:00 P.M. to 2:00 A.M. Fridays, 12:00 P.M. to 2:00 A.M. Saturdays and 12:00 P.M. to 12:00 A.M. Sundays, 3) it will play ambient background music only, consisting of recorded music, and 4) it will install soundproofing as described, by lowering the ceiling and adding two (2) layers of sheetrock and caulking.
31. Think Fourth Ave LLC, 123 4th Ave (rw)
VOTE: To deny the application for a restaurant wine license for Think Fourth Avenue, LLC, doing business as Think Coffee, 123 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 coffee shop café consistent with its other businesses of the same name and serving food during all hours of operation, 2) its hours of operation will be from 7:00 A.M. to 11:30 P.M. every day, 3) it will have a glass-fronted closed façade, 4) it will play ambient background music only, consisting of recorded music, and 5) its stand up bar will be for patrons to receive coffee, drinks and prepared foods consistent with stand up bars in its other locations.
32. Fuzhou Xiao Chi (Fuzhou Xiao Chi Inc), 68 Forsyth St (eb)
VOTE: To deny the application for an eating place beer license for Fuzhou Xiao Chi, Inc., doing business as Fuzhou Xiao Chi, 68 Forsyth 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, and 2) its hours of operation will be from 10:00 A.M. to 12:30 A.M. every day.
33. Wo Hop Restaurant (Wo Hop 17 Inc), 17 Mott St (rw)
VOTE: To deny the application for a restaurant wine license for Wo Hop, Inc., doing business as Wo Hop Restaurant, 17 Mott Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a full-service Chinese restaurant, serving food to within one (1) hour of closing, 2) its hours of operation will be from 10:00 A.M. to 4:00 A.M. every day, and 3) it will have no music.
34. Smile LLC, 440 E 9th St (rw)
VOTE: To deny the application for a restaurant wine license for Smile LLC, 440 East 9th Street, between First Avenue and Avenue A, because 1) this is a previously unlicensed location in the middle of a residential side street which already has six (6) establishments with restaurant wine licenses, one (1) establishment with a full on-premise liquor license and one (1) deli which sells beer, 2) there were numerous signatures from residents in opposition to this application, as well as four (4) block association members who appeared on behalf of sixty-five (65) other residents from the street, 3) the applicant provided petition signatures principally

comprised of people residing outside of this borough and this state, 4) residents of this street appeared to complain about existing pedestrian and vehicular traffic congestion from taxis bring patrons to and picking patrons up from the existing businesses on the street and from the number of businesses themselves, as well as from an establishment with a pending restaurant wine license located at 424 East 9th Street which, despite its representations otherwise, is hosting live music and commercially using its backyard.

35. Golden Link Inc, 8 Pell St (rw)

VOTE: To deny the application for a restaurant wine license for Golden Link, Inc., 8 Pell 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 dessert shop, serving food during all hours of operation, 2) its hours of operation will be from 9:00 A.M. to 9:00 P.M. Monday through Fridays and 10:00 A.M. to 9:00 P.M. Saturdays and Sundays, 3) it will not have French doors or windows and 4) it will play ambient background music only, consisting of recorded music.

(SLA & DCA Licensing Committee)

35 YES 0 NO 0 ABS 0 PNV (Excluding Items: 4, 7, 13, 15, 27, 29, 30, 31, 33 & 35) MOTION PASSED

Item 4: 34 YES 0 NO 1 ABS 0 PNV MOTION PASSED

ITEMS 7, 13, 15, 27, 29, 30, 31, 33 & 35: 32 YES 0 NO 3 ABS 0 PNV MOTION PASSED

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

1. FY'2011 Capital & Expense Priorities

VOTE: To approve capital and expense budget priorities for FY 2011.

Block Party Application

2. Chinatown Civic Association (Holiday Caroling Festival), 12/23, Mott Street (Pell & Bayard Sts)

VOTE: To support the request by Chinatown Civic Association for a block party on December 23, 2009 on Mott Street (Pell – Bayard Streets).

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

35 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Land Use, Zoning, Public & Private Housing Committee

1. FY'2011 Capital & Expense Priorities

VOTE: To approve capital and expense budget priorities for FY 2011.

2. Report from Chinatown working group

no vote necessary

3. Request for zoning variance for 180 Ludlow St

VOTE: WHEREAS, because the development is no longer economically viable for a hotel at 180 Ludlow Street, and the developer has requested Community Board 3 support for a variance in the rear yard from 30 to 20 feet in order to convert the building to comply for residential use; and

Whereas current maximum residential zoning density is 4.0 FAR; and

WHEREAS, the community has a need for rent stabilized market-rate as well as affordable housing and; and

WHEREAS, the developer is willing to provide certain benefits to the community; now

THEREFORE, BE IT RESOLVED that the community board approves the requested variance subject to the following provisions:

- The developer will make available a minimum of 5 permanent affordable apartments for households at 50 percent of HUD median income (AMI). The apartments will be in the same ratio as those in the entire building. This would be reflected in the deed restriction. The apartments are to be prioritized for Community Board 3 residents.
- CB3 requests BSA to obtain many as many more permanent affordable apartments as economically feasible.
- The ground-floor retail space will exclude a liquor-licensed establishment.
- There will be a best faith effort to utilize local labor and purchasing.
- The meeting space in the building will be made available to community organizations 2 1/2-3 days a week.
- Community Board 3 will provide a list of organizations to the developer to oversee the rentals of the affordable units. Owner shall pay for oversight of affordable housing process consistent with industry standards.
- A memorandum of understanding (MOU) will be executed with Community Board 3 to reflect the above items.

Discussion:

Thomas Yu: Is the affordable housing permanent?

Jessica L: Yes.

Thomas: wants them to prove their hardship.

Jessica: the hardship lies in the 10ft variance and monies spent on dealing with complications of Subway tunnel below.

Paul: you are asking for 2 additional F.A.R. because it is moving to residential. He is wary of hotels building on speculation and turning to residential. He thinks that 5 units of affordable housing is just a token and will be hard to manage.

Developer: spent a million

Harvey: can the affordable units be larger to accommodate families? How will the non-profit that oversees the affordable units be funded in years to come?

Developer: looking for CB guidance to a third party. We'll make a commitment that we'll work with the CB to sign an MOU but does not think it warrants a six week negotiation.

Val: wants to make that it is not units for students.

Rabbi Ginsberg: the size of the affordable units will be a direct ratio of the size of the units in the building overall.

Herman: this was discussed at committee. We know that there is no money to subsidize any of these apartments and that the developer is subsidizing the units himself which is rare. The building is a blight in the neighborhood. Developer can write a strong letter which can be included in the resolution.

Joel: The motion has a lot of detail. The details that are left out do not have to delay the project. The developer has been very accommodating. To delay the process because we have not decided who the third party will be is not fair.

David M: was happy to see that the motion got the number of units that it did.

Gigi: would like to see a more concrete #

David Crane: can we add a sentence to say that the developer is totally responsible for affordable unit expense. Will this be a union built? And have they discussed with anyone the possibility of section 8.

Developer: made a commitment to hiring local. If he can lower the cost of more units to allow section 8 he will do not.

Paul: suggests adding a "wheras". Wants the focus to be less on the 10ft variance in backyard and more the difference in FAR. The zoning of the building at the start of construction was at 3.44 and now will be moved to a residential FAR of 6.

Susan: the paperwork from BSA asked for 3 things and they all pertained to the backyard.

David M: The questions from the BSA is all about the backyard and we should answer to that.

Harvey: "subject to having a fully executed MOU by December 15" 3rd bullet point "add construction and operation" Bullet 4: add 21/2-3 days a week. Bullet 1: add "permanent affordable" add "at least one, one bedroom"

Joyce: add "best possible effort to use union"

Joyce: what legal standing does an MOU have?

- 4. Discussion of development process for Seward Park Urban Renewal Area (SPURA)
no vote necessary

(Land Use, Zoning, Public & Private Housing Committee)

35 YES 0 NO 0 ABS 0 PNV (Excluding Item 3) MOTION PASSED

Item 3: 32 YES 3 NO 0 ABS 1 PNV MOTION PASSED

Members Present at Last Vote:

David Adams [P]

Paul Bartlett [P]

Michael Byrne [A]

Pearl Chin [P]

David Crane [P]

Andrea Diaz [A]

Harvey Epstein [P]

Morris Faitelwicz [A]

Flora Ferng [P]

Beth From [A]

Edward Garcia [P]

Rabbi Y. S. Ginzberg [P]

Gloria Goldenberg [P]

Herman F. Hewitt [P]

Simon Huang [P]

Bonnie Hulkower [A]

Carolyn Jeffers [A]

Anne K. Johnson [P]

Vaylateena Jones [P]

Meghan Joye [P]

Joel Kaplan [P]

Sam Krueger [A]

John Leo [P]

Gigi Li [P]

Bernice McCallum [A]

David McWater [P]

Alexandra Militano [P]

Ariel Palitz [P]

Thomas Parker [P]

Dominic Pisciotta [P]

Barden Prisant [P]

Carolyn Ratcliffe [P]

Joyce Ravitz [P]

Lois M. Regan [P]

Richard F. Ropiak [P]

Muzzy Rosenblatt [A]

Elizabeth Sgroi [P]

David Silversmith [P]

Deborah A. Simon [P]

Arlene Soberman [A]

Nancy Rose Sparrow-Bartow [P]

Meeting Adjourned