



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

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Dominic Pisciotta, Board Chair

Susan Stetzer, District Manager

## December 2010 Full Board Minutes

Meeting of Community Board #3 held on Tuesday, December 21, 2010 at 6:30pm at PS 20, 166 Essex Street.

### Public Session:

David Louie spoke for the Chinatown BID. He is Chair of Chinese Chamber of Commerce, sits on many boards and is active in Chinatown since 1974. LMDC asked the group to "get their act together" to form the Chinatown Local Development Corp, to clean the sidewalks and remove graffiti, which the City isn't obligated to do. The funding will stop unless the CB approves the formation of a BID, the most cost-effective way to do things.

Yi Tao. Against the BID. Representative of Legion Square Foundation. In this economic downtown, it's harder to operate a small business. Fees the BID will charge will increase the burden on them. 100 small businesses on East Broadway are against the BID. There are different ways to help Chinatown's issues.

Kenneth Cheng of Fukien Benevolent Association owns 125 East Broadway, with 30 tenants. The Association has 1000 members. We need a better, cleaner Chinatown. We need a BID to do the job.

Philip Grossman is a lawyer for the Coalition to Oppose the Chinatown BID. There are 2300 properties in the district. Only 550 property owners responded to the survey, less than 25%. They failed to reveal the adverse effects of being in a BID.

Peer Lau is a pharmacist in Chinatown. Costs will be a few hundred dollars a year. A BID will make it easier for customers to visit his establishment.

Josephine Lee. Other cheaper alternatives to a BID have existed in other neighborhoods. Why did this group not include the Chinatown Working Group? The federal government is reducing taxes. The BID imposes a new tax. She fears a Chinatown without Chinese, who have been displaced by higher taxes.

Feng Wong belongs to the American Legion on Canal Street, but lives in New Jersey. He believes the Board's job is to determine whether enough information has been presented to determine whether a BID is the best answer or not. He grew up in Chinatown. He and his family drive in from New Jersey on the weekends to clean Chinatown because no one else will do it.

Chao Cheong. He owns the Oriental Wedding Studio and is against the BID. Rents are already too high. We all like a cleaner Chinatown. To avoid tickets, we already do our own cleaning.

Bob Zuckerman is Executive Director of LES BID and CB Public Member and on the Economic Development Committee. He's fully supportive of the Chinatown Partnership's efforts to form a BID. Chinatown is already cleaner than it was, but there's also graffiti removal. A BID can respond in 2-3 days, but the City's response can be a month. BIDs are about joint marketing, not just cleaning, to bring more people to the neighborhood. They also have an advocacy role, e.g. have brought \$1M to the Lower East Side through the Borough President's office for neighborhood improvements.

Shane Yamane. Called Graffiti-Free NY and they responded in 3 days so the previous comment was not true. The BID can recommend that public spaces e.g. Columbus Park can be privatized. Chinatown Economic Development Committee reported that parks are included in the BID service area so that park sidewalks can be cleaned. He foresees private investment in the parks e.g. restaurants to pay for park cleaning, like the fight going on with Union Square Park.

Michael Forrest. On the LES BID, he says the BID connects businesses to local elected officials and programs, works with hotels to bring in more tourists. For what it costs, the net effect is positive. Everybody chipping in to improve the community works, because what the city does isn't enough.

Jan Lee. Owns a property in Chinatown. Neither he, his family, nor his commercial tenant supports the BID. He requested that his and 19 other properties be removed from the Chinatown BID area. This was done in Little Italy. Why can't he get an answer as to why it happened in Little Italy but can't in Chinatown? "Pay to Play" concerns him i.e. the politicization of the business improvement. He read a list of questions e.g. why was a for-profit cleaning company chosen when a not-for-profit company could have been chosen?

Rob Hollander, a friend of the Chinatown Working Group, asked last month that proponents of the Chinatown BID speak with the CWG.

Mae Lee. Acting Chair of the Chinatown Working Group, which has 50 voting members. The Partnership is a member. CWG doesn't have a position on the BID. It hasn't been discussed that much in meetings. It is developing a community plan. It will work with BID supporters and detractors.

Dominic Pisciotta asked for those in favor of the BID to be counted. He and Meghan Joye each counted 69. There was a protest from an audience member who said Tuesdays are the busiest night for small businesses and another night should have been chosen.

Dominic and Meghan each counted 32 against the BID. Dominic was shown 100+ petitions from East Broadway business owners. Copies of these were promised.

Andrew Reicher and Juan Barahona (presented for 9-17 Second Avenue disposition of property (ULURP). Juan represents ESP Partners and a project of the Urban Homesteading Assistance Board, which proposes: 60 apartments, 20% affordable, on 2nd Avenue and 1st Street. They're allowed to build a slightly higher than normal building in exchange for more affordable units. 9 households in the existing buildings for over 30 years will be allowed back in as owners with virtually no costs. There is no direct subsidy. 80% of area median income is used to determine accessibility to the affordable units.

Jimmy Cheng. He is with the United Fujianese American Association and presented a plan for February 17 Chinese Lunar New Year celebration.

Madeleine from the Lower East Side Federal Credit Union. She described free tax preparation service to help people get all the returns they're eligible for. They also help people with food stamps and health insurance. She has flyers to distribute.

#### Public Officials:

Mayor Michael Bloomberg, Lolita Jackson: She reported on summonses for private long-distance buses for moving violations and other violations. They are working on cutting down sidewalk sales.

Public Advocate Bill de Blasio, Phil Jones: No representative

Comptroller John Liu, Sandra Ung: No representative

Borough President Scott Stringer: Borough President Scott Stringer spoke at 6:40 at the beginning of the meeting. He wished everyone a happy healthy new year and thanked the Community Board for all the hard work it's had to do e.g. SPURA and the Chinatown BID. On a citywide basis, did a conference on unsightly ATM sidewalk machines. The Mayor didn't yet sign the bill. Many are working on an initiative "Speak Up New York," a virtual online community for residents to have a platform to improve community engagement. They are uniting block associations and activists with the next generation of techies. Working in Harlem with a group dealing with a class action lawsuit against a landlord who bought a lot of property and evicted many tenants.

Question from Herman Hewitt: Small businessmen have invested in those ATM machines. Could there be regulation a la sidewalk cafes, not elimination? SS: Found no evidence that anyone would be bankrupted by their elimination. They're rented so there's no big commission to the store owner. Unkemptness and unsafeness keep people from entering small businesses. We need to go after issues like the ATM machines, not after the small businesses themselves, which we should be supporting.

Congressmember Jerrold Nadler, Daniel Weisfeld: No representative

Congressmember Nydia Velazquez, Iris Quiñones: Announced the implementation of Chinatown parking study. The Congresswoman supported the legislation to repeal "Don't Ask Don't Tell." She is fighting for comprehensive immigration reform. She'll hold an open house in her DC office for signing in of the new Congress. She voted "No" on the Obama tax cuts.

Congressmember Carolyn Maloney, Victor Montesinos: No representative

Assembly Speaker Sheldon Silver, Zach Bommer: Their monthly report is available outside. 1) NY Rangers held events with Parks at Al Smith Rec Center for kids 8 – 16 interested in hockey. 2) CUNY College Fair attended by around 400 local youth as well as older people looking for more education. 3) 100 people attended a construction job training fair at Rutgers Houses. Legislation: Hydrofracking moratorium is in effect until July. Wage Theft Prevention Act, supported by CCM Margaret Chin, was passed. It covers violations of minimum wage laws as well as other issues The District Manager thanked Zach Bommer because he pulled together the

Lower East Side Employment Network and Henry Street Settlement. This could be the beginning of an initiative for local hiring.

Assemblymember Deborah J. Glick, Lisa Parson: Department of Homeless Services experiment will track how people do by comparing those who receive services in the traditional manner with those receiving services through the new Homebased Study. The District Manager explained this study is to prove which program is more effective and recommended further investigation. A program for homeless single mothers sharing common space which was tried before, which led to abuse, will be resisted. A "thank you" to CB3 members was read.

Assemblymember Brian Kavanagh, Leslie Peña: A handout was available.

State Senator Daniel L. Squadron, Rosemarie Diaz: She read from his monthly report. There's a Chinatown Trees Initiative. Recently, 37 new Cherry trees were planted on the Bowery median.

State Senator Thomas K. Duane, John Bartos: Hosted a DOT seminar today on helping seniors negotiate new 2nd Avenue configurations. Sea Level Rise Task Force as asked to investigate sea surge barriers on the NYC waterfront.

Councilmember Margaret Chin: She thanks the board members and community people. A Chinatown BID will be historic because business people from all parts of Chinatown will be coming together for the first time. Businesses benefit tremendously when community-wide events are organized. Next year the 9/11 memorial will open. 10 years after the events, she is hopeful for the rebirth of Lower Manhattan. Millions of visitors will visit the memorial. We have to make sure we get them to Chinatown and the Lower East Side. Progress is being made on SPURA. Working together, we'll make it happen. Question from Vaylateena Jones: Does she support stabilization of low rents for area residents. CM MC: That's a given, that she'll protect housing that exists and keep fighting for it. Question from Barden Prisant: What agency verifies what the actual costs of BID involvement are? SS: SBS – Small Business Services Compliance Officer. They collaborate with Lower Manhattan Development Corporation.

Patrick of First American National Bank reported that 1800 property owners (some with multiple lots) were represented, plus about 800 condo owners. Commercial owners are counted, i.e. approximately 1000. The supporters were approximately 920 of these.

Councilmember Rosie Mendez: She displayed her handout. She wonders why the Mayor wants an education chancellor without the necessary credentials. There is a lawsuit and she has proposed another candidate. She's proposed a Safe Housing Act to keep homes safe from conditions that aggravate asthma and other conditions. Herman Hewitt asks about the ATMs. CM Mendez: There was a hearing. There has been non-compliance with standards for maintenance, removal, etc. Since nothing was signed into law, it will continue to be booked at.

Members Present at First Vote:

David Adams	[P]	Linda Jones	[A]	Dominic Pisciotta	[P]
Julia Andino	[A]	Vaylateena Jones	[P]	Barden Prisant	[P]
Jimmy Cheng	[P]	Meghan Joye	[P]	Carolyn Ratcliffe	[P]
David Crane	[A]	Joel Kaplan	[P]	Joyce Ravitz	[P]
Andrea Diaz	[P]	Carol Kostik	[P]	Lois M. Regan	[A]
Harvey Epstein	[P]	John Leo	[P]	Janet Riesel	[P]
Morris Fajtelewicz	[P]	Ricky Leung	[P]	Richard F. Ropiak	[P]
Flora Ferng	[P]	Sam Leung	[P]	Susan Scheer	[P]
Beth From	[P]	Gigi Li	[P]	David Silversmith	[A]
Rabbi Y. S. Ginzberg	[P]	Bernard Marti	[P]	Nancy Sparrow-Bartow	[P]
Gloria Goldenberg	[A]	Bernice McCallum	[P]	Mary Spink	[A]
Jan Hanvik	[P]	David McWater	[P]	Elinor Tatum	[A]
Herman F. Hewitt	[P]	Alexandra Militano	[P]	Rodney Washington	[P]
Simon Huang	[P]	Maria Muentes	[A]	Samuel Wilkenfeld	[A]
Bonnie Hulkower	[P]	Chiun Ng	[P]	Justin Yu	[P]
Carolyn Jeffers	[A]	Ariel Palitz	[P]	Thomas Yu	[A]
Anne K. Johnson	[P]	Thomas Parker	[P]		

Minutes:

Minutes of October 2010 were approved, as is.

Board Chairperson's Report:

Chairperson Dominic Pisciotta

- 1) Wrote a report on Seward Park renewal which is on the CB3 website. Comments welcomed until 5 PM January 11. We're very close to agreement on the guidelines. Encourages board members to be aware of what's in the guidelines as a result of many meetings.
- 2) Andrea Diaz still on the Board but resigned as Treasurer. The Executive Committee will vote on her replacement. Anyone interested should contact him. One person is interested.
- 3) Members with expiring terms need to re-apply.
- 4) Roll Call will be done last letter first.
- 5) There's a desperate need for translators for many meetings.
- 6) Holiday Party: Those who haven't paid, pay Alex Militano \$10.

District Manager's Report:

District Manager Susan Stetzer

The annual Hope Survey to count homeless people is coming up again January 31. Volunteers to call 311.

There were two very good rat meetings, one sponsored by CB3 and the Partnership. This was a bilingual training in Chinatown. There is focus on rats because the problem is so bad in our district. BEFORE you plant a park, you now study rat-unfriendly vs. rat-friendly planting methods.

- 2) 7th Precinct now has a Cabaret Unit because crime is up in nightlife establishments in this and not other precincts. It's mostly grand larceny.
- 3) 1/3/11 there's a new bedbug law. All bedding put on the street for disposal must be 100% sealed in plastic. You should put it in plastic before you move it in your apartment.
- 4) There have been recent fires on Oliver Street and East Broadway. In both fires the residents were vacated.

Committee Reports:

Executive Committee

**VOTE:** The Executive Committee motions to adopt CB3's State Liquor Authority Committee Policy Review. There was a vote to accept the results of 5 meetings to formalize guidelines for the SLA Committee. Ariel proposed postponing a vote on this since the study might not be complete enough, and effects of implementing it will have effects for many years. Harvey: Wondered why it went to the Executive Committee and not the SLA Committee. The Chair explained that the SLA Committee's work load prevents dedicating the necessary time to such a complex issue. Richard Ropiak: Understands that the intent is to create a task force to continue dotting the i's of the guidelines' recommendation, which should assuage Ariel and Harvey's concerns. Herman Hewitt: The SLA WAS represented in these deliberations and on the Executive Committee's discussions of this. David McWater: The document as is could have unfortunate consequences. Recommends a February vote to leave time to consider all the implications. Anne Johnson: To make a motion to table, the motion must be made before speaking, and without giving a reason. There was a straw vote of 24 votes to postpone (vs. 6 NOT to postpone). It will go back to another SLA Policy Meeting.

**(Executive Committee) (THE VOTE WAS TO POSTPONE)**

**34 YES            2 NO            4 ABS            0 PNV            MOTION PASSED**

Economic Development Committee

- Proposal to establish Chinatown Business Improvement District

**VOTE:    VOTE:**        WHEREAS, Chinatown is an important part of Community Board #3, and

WHEREAS, a proposal to establish a Business Improvement District (BID) has been submitted by the Chinatown Business Improvement District Steering Committee pursuant to procedures established by the New York City Department of Small Business Services, and

WHEREAS, the proposed district seeks to enhance sanitation services, holiday lights, marketing, transportation management and parking, and advocacy services, and

WHEREAS, Community Board #3 has recognized the economic difficulties faced by Chinatown as a result of the 9-11-01 disaster and the current economic recession,

WHEREAS, Community Board 3 understands that Columbus Park is not included as part of BID area,

THEREFORE, Community Board #3 supports the establishment of the Chinatown Business Improvement District.

The Community Board will also send the following letter to City Planning.

Hon. Amanda M. Burden, Chair  
City Planning Commission (CPC)  
22 Reade Street  
New York, NY 10007

Dear Chair Burden:

Community Board 3, Manhattan passed a resolution at the December, 2010 meeting to approve the formation of a Chinatown Business Improvement District. In addition, the Community Board voted to make the following two recommendations regarding the BID formation.

1. The BID should canvas in three years to assess whether or not the BID should be continued.
2. When the BID Board is formed, it should vote to take a position to support paying a living wage as defined by the NYC City Council to BID employees.

Sincerely,  
Dominic Pisciotta, Chair  
Community Board 3

Richard Ropiak, Chair  
Economic Development Committee

cc:  
Jessica Dewberry, Housing, Economic and Infrastructure Planning Division/DCP  
Arthur Huh, DCP  
Manhattan Borough President Scott Stringer  
Council Member Margaret Chin

**(Economic Development Committee)**  
**30 YES      0 NO      4 ABS      3 PNV      MOTION PASSED**

**Land Use, Zoning, Public & Private Housing Committee**  
**Wednesday-December 08th-Meeting**

Chair Pisciotta read the ULURP. A vote was taken to approve the ULURP.

1. ULURP 110140HAM, 110141PQM: 9-17 Second Ave (B456, L27,28), disposition of property, UDAAP designation, proposed project construction of 12-story building

**VOTE:** To approve: The proposed project located at 9, 11-17 Second Avenue would include the replacement of two existing buildings with the construction of a new, 12-story, mixed-use residential building, comprising up to approximately 16 units of affordable housing. The transfer of unused development rights from an adjacent property and a number of discretionary approvals (listed below) are required to facilitate this new construction, including UDAAP designation and project approval and the related disposition of City-owned property; the acquisition of property; and an amendment to the Zoning Resolution concerning the Inclusionary Housing Program. Additionally, because of the project's location in a Special Transit Land Use District, a joint certification by the City Planning Commission and the Transit Authority is also required pursuant to Zoning Resolution Section 95-04, as to the need for a transit easement volume on the proposed project site.

110140HAM: Application for UDAAP designation and project approval and related disposition of City-owned property, to facilitate the construction of a new, 12-story, mixed-use building with up to approximately 16 units of affordable housing;

110141PQM: Acquisition of property to facilitate the proposed new construction;

110165ZRM: Amendment to the Zoning Resolution, Section 23-962 (Inclusionary Housing Program), to enable the proposed new building to be constructed on property which is currently City-owned, and to establish a mechanism to allow existing on-site tenants to return to the new building as residents of the affordable units; and

110124ZCM: Certification, pursuant to Zoning Resolution Section 95-04, as to whether a transit easement volume is required.

2. 421a Tax Exemption Application for 87 Bowery

**VOTE:** To deny the 421a application for 87 Bowery on the grounds that the applicant failed to appear before the committee.

3. Support for S8501 - a bill that would increase income limitations of families eligible for Mitchell-Lama housing

**VOTE:** The Committee supports S8501 and expresses appreciation for the senator's efforts on behalf of working class families in the LES and greater NY.

**Monday-December 14th-Meeting**

- Facilitated discussion on program specifics for SPURA sites development  
no vote necessary

**(Land Use Committee)**

**35 YES            0 NO            14 ABS            0 PNV            MOTION PASSED**

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

1. Dept of Homeless Services policies and overview of programs in CB3 presentation  
no vote necessary
2. Overview of Community Access facility at 29 E 2nd St  
no vote necessary
3. Letter of support for Cabrini Center for Nursing & Rehabilitation facility to continue operations  
no vote necessary

**Youth & Education Committee**

1. Request for support for LMDC grant to renovate NEST+M auditorium to bring up to code and enhance performance capabilities for both school and community events  
no vote necessary
2. Discussion of DOE Chancellor nomination and proposed new Chief Academic Officer position  
no vote necessary

**Transportation & Public Safety Committee**

1. Chinatown Working Group preliminary action plan for transportation to postpone until January 2011
2. Canal Area Transportation Study presentation  
no vote necessary
3. Presentation on upgrading Con Edison facilities in preparation for Water Tunnel # 3 work at Grand St btw Essex St & East Broadway  
no vote necessary
4. TLC base license relocation to 7 Delancey St for AJ Car & Limo Service

**VOTE:** WHEREAS, AJ Car & Limo Service has applied for a TLC base license relocation to 7 Delancey St. Prior to August 2010, another business known as Allen Car Service had operated at this location, but they are no longer in business. The AJ Car & Limo Service representatives described themselves as having been Allen Car Service employees and reported they intend to continue the same method of operation: employing 67-68 drives and continuing the parking contract for off-duty vehicles at Central Parking, 135 Delancey St; and

WHEREAS, the area south of Delancey St is under-served by yellow cabs, so car services provide a valuable service for residents; now

THEREFORE, BE IT RESOLVED, CB3-Manhattan supports the TLC application from AJ Car & Limo Service to relocate a base license to 7 Delancey St.

**(Transportation Committee)**

**36 YES            0 NO            4 ABS            0 PNV            MOTION PASSED**  
**35 YES            1 NO            4 ABS            0 PNV            MOTION PASSED (ITEM 4)**

**Environment Committee**

no meeting scheduled

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

**Block Parties**

1. Chinese Lunar Festival 2011, 2/17, Market St (E Broadway & Henry St)

**VOTE:** Deny due to absence – to move to Executive Committee for vote.

This vote was taken because Jimmy Chung did not arrive on time to present. The DM reported that he was lost, the meeting was unusually short, and he fully intended to present. Nor did he present at the Executive

Committee. Discussion was held. The event has taken place for 7 years and is important. A unanimous vote was taken to deny the Committee's vote, which therefore was a vote to approve the permit.

2. University Settlement 125th Anniversary Celebration, 06/04, Eldridge St (Delancey & Rivington Sts)  
**VOTE:** To approve the University Settlement 125th Anniversary Celebration, on 06/04, at Eldridge St (Delancey & Rivington Sts).

**Parks Committee**

3. Update on Park Manager's report  
no vote necessary

**(Parks Committee)**

**36 YES            0 NO            4 ABS            0 PNV            MOTION PASSED**

**SLA & DCA Licensing Committee**

**Renewal with Complaint History**

1. Apotheke (Apotheke LLC), 9 Doyers St (see also # 6)  
withdrawn
2. Nurse Bettie, 106 Norfolk St (op)  
no vote necessary
3. Webster Hall, 125 E 11th St (op)  
no vote necessary

**Applications within Resolution Areas**

4. Hachi Enterprises Inc, 185 Orchard St (op)  
**VOTE:** To deny the application for a full on-premise liquor license for Hachi Enterprises Inc., 185 Orchard Street, because the applicant did not appear before Community Board #3 for review of its application or provide any application materials for review.
5. Mini Thai Café (Tony Restaurant Group), 105 Ave A (wb)  
**VOTE:** WHEREAS, Tony Restaurant Group, doing business as Mini Thai Cafe, is applying for a beer wine license for its existing restaurant, located at 105 Avenue A; and

WHEREAS, 103-105 Avenue A has operated for at least twenty (20) years as a unified full-service Japanese and Thai restaurant, with the Japanese side being located at 103 Avenue A and the Thai portion being located at 105 Avenue A and doing business as Mini Thai Cafe; and

WHEREAS, said unified restaurant has been operating with a full on-premise liquor license issued under the address 103 Avenue A; and

WHEREAS, the existing owner of said restaurant is now seeking to divide the business and continue to operate 103 Avenue A as a Japanese restaurant using the existing full on-premise liquor license and the present applicant, who has been the restaurant chef for eleven (11) years is seeking to continue to operate 105 Avenue A as a Thai restaurant with a beer wine license and the same business name; and

WHEREAS, given these circumstances, in the instant application is not viewed by this community board as a new liquor license but rather as a downgrade of the physical portion of an existing full on-premise liquor license; now

THEREFORE, BE IT RESOLVED, to deny the application for a beer wine license for Tony Restaurant Group, doing business as Mini Thai Cafe, 105 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 continue to operate as a full-service Thai restaurant, serving food to within one (1) hour of closing, 2) its hours of operation will be from 12:00 P.M. to 12:00 A.M. every day, 3) it will play ambient background music only, consisting of recorded music, and 4) it will have no open façade doors or windows.

**Alterations/Transfers/Upgrades**

6. Apotheke (Apotheke LLC), 9 Doyers St (trans/op)  
withdrawn
7. Northern Spy Food Co, 511 E 12th St (up/op)  
**VOTE:** To deny the application to upgrade to a full on-premise liquor license to Northern Spy Food Co., 511 East 12th Street, between Avenue A and Avenue B, as well as an application for an alteration to said license, to wit removing an existing market from its method of operation, adding two (2) tables and counter seating, and adding five (5) feet to the existing bar, because 1) this business is already a grandfathered noncompliant use in the middle of a residential side street and this community board views an upgrade of its liquor license as an effective expansion of this use and, therefore, inappropriate, 2) although the applicant provided approximately fifty (50) signatures from residents within a two (2) block radius of its business, eight (8)

residents from this street appeared and nine letters from residents of this street were submitted to this community board, all in opposition to the upgrade of this license in the middle of a residential block and within a residential building and given that there is already noise on this street from pedestrians traveling between businesses on Avenues A and B and from the applicant whose business attracts long lines of patrons waiting on the sidewalk, and 3) there are already twenty-one (21) full on-premise liquor licenses within five hundred (500) feet of this location.

8. Via Della Pace (48 E 7th St Associates Inc), 48 E 7th St (alt/op/extend license to outside tables within building line)  
withdrawn
9. Hea Hea Bar Restaurant (Friend Tri New York Inc), 145 E 13th St (alt/change of method of operation)  
withdrawn
10. Inhabit Lounge (Samond Inc) 39 Eldridge St (trans/up/op)  
**VOTE:** To deny the application for the transfer of a beer wine license to Samond Inc., for the premise located at 39 Eldridge Street, third floor, as well as to deny the upgrade of said license to a full on-premise liquor license, because the applicant did not appear before Community Board #3 for review of its application or provide any application materials for review.
11. To Be Determined, 432 E 13th St (trans/op) (Bistrounge)  
no vote necessary
12. 93 Art LLC, 93 2nd Ave (trans/op) (Fuse)  
**VOTE:** As this applicant has entered into a Memorandum of Understanding with the East Fifth Street Block Association (appended hereto), Community Board #3 moves to deny the application to transfer the full on-premise liquor license located at 93 Second Avenue, currently doing business as Lit Lounge and Fuse, to 93 Art LLC, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will minimize noise so that it is a reasonable level for adjacent residential tenants, 2) it will close doors and windows while music is playing, 3) it will address any and all complaints immediately, 4) it will monitor patrons outside to abate noise and sidewalk obstructions in front of the business, 5) security will remain after closing times to insure that exiting patrons leave in a quiet and orderly manner, and 6) it will insure that the sidewalk remains clear of instruments and equipment from bands or employees.
13. To Be Determined, 74 Orchard St (trans/op) (Bunny Chow)  
**VOTE:** To deny the transfer of a full on-premise liquor license to a corporation to be determined, with principals David Blatt and Andrew Boose, for 74 Orchard Street, which is currently doing business as Bunny Chow, 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 lunch daily and serving food to within one (1) hour of closing, 2) its hours of operation will be from 12:00 P.M. to 4:00 A.M. all days, 3) it will close façade doors and windows at 10:00 P.M. every night, and 4) it will play ambient background music, consisting of recorded music only and may have DJs no more than twice a week.
14. 133 Essex Restaurant LLC, 133 Essex St (trans/op) (Mason Dixon)  
withdrawn
15. Shoolbred's (211 Ave A Restaurant Inc), 197 2nd Ave (alt/op/extend license to sidewalk cafe)  
**VOTE:** To approve the alteration of the full on-premise liquor license for 211 Avenue A Restaurant Inc., doing business as Shoolbred's, 197 Second Avenue, to wit extending its full on-premise liquor license to its sidewalk café, consisting of four (4) tables with twelve (12) seats, understanding that the applicant has had a sidewalk café permit for the past two (2) years.
16. Cooper Square Hotel (25 CSH Operating LLC), 25 Cooper Square (trans/op)  
**VOTE:** COMMUNITY BOARD RESOLUTION APPROVING THE TRANSFER OF THE HOTEL LIQUOR LICENSE FOR COOPER SQUARE HOTEL, 25-33 COOPER SQUARE, SUBJECT TO CERTAIN RESTRICTIONS ON USE

WHEREAS, the applicant, CSH Operating, LLC, by its qualified representative or principal Allen J. Magrini, is seeking to transfer the hotel liquor license for a twenty-one (21) story hotel, doing business as Cooper Square Hotel, and located on the northeast corner of East 5th Street and Cooper Square, New York, New York, otherwise known as 25-33 Cooper Square; and

#### THE APPLICATION

WHEREAS, said applicant will maintain the primary method of operation of said location of renting hotel rooms and will maintain the following ancillary public uses:

- 1) an interior first floor dining space with twenty-three (23) tables with ninety-five (5) seats, including bar stools, with a closing time of 4:00 A.M. every night;
- 2) an interior first floor bar space with ten (10) tables with thirty (30) seats and an additional ten (10) barstools, noting that the combined capacity for both interior first floor spaces is two hundred three (203) persons;



3) an interior second floor restaurant and bar with a sixty-two (62) person capacity and with five (5) tables and twenty-three (23) seats and an additional seven (7) bar stools;

4) an exterior first floor dining terrace with a sixty-six (66) person capacity and with eight (8) tables and forty (40) seats;

5) an exterior second floor terrace with a seventy-seven (77) person capacity and with three (3) tables and thirty-two (32) seats, comprised of chairs and couches;

6) an exterior garden with a one hundred eighty-seven (187) person capacity with twenty-five (25) seats comprised of a combination of couches, benches and chairs; and

7) a basement lounge and supper club with a one hundred thirty-six (136) person capacity with seventy (70) seats, comprised of fifteen (15) tables with fifty-nine (59) chairs and eleven (11) bar stools; and

#### THE AREA

WHEREAS, said hotel occupies five (5) lots which were formerly comprised of small-scale mixed residential and commercial buildings and a private parking lot, and is constructed around an existing four (4) story residential tenement building, whose ground floor commercial space is used by said hotel but which still maintains residential tenants on its upper floors; and

WHEREAS, said hotel is located at the corner of East 5th Street, which is only two (2) blocks long, being abutted by a large housing development on First Avenue and a dead end at Cooper Square, which itself is a two (2) block length of avenue where Bowery merges into Third Avenue and which physically narrows and curves at East 5th Street where the northbound lane is divided by an island from the southbound lane;

WHEREAS, said hotel is located adjacent to a six (6) story residential tenement building, located at 207 East 5th Street, constructed in 1910, and across the street from a fourteen (14) story assisted living facility, with one hundred forty (140) units, located at 200 East 5th Street, and occupied by disabled and elderly residents whose median age is seventy-five (75) years old, and where there is an additional assisted living facility midblock on the south side of East 5th Street; and

WHEREAS, Community Board #3 recognizes that the windows of the adjacent six (6) story residential tenement are located thirty (30) inches from the perimeter of its second floor lounge terrace, and its first floor garden space directly faces a large-scale assisted living facility which is occupied primarily by elderly residents, and

WHEREAS, Community Board #3 has worked closely with the Department of Buildings, the 9th Precinct and community residents regarding persistent complaints about noise as result of side and rear yard use and has submitted a motion to the City Council in pertinent part in support of restricting commercial outdoor use, in side and back yards and on rooftops and terraces; and

WHEREAS, the proposed outdoor uses for 25-33 Cooper Square are a small physical percentage of numerous commercial amenities, including numerous indoor commercial spaces which will be open the maximum allowable hours, including a screening room, in addition to its primary use as a hotel renting rooms, therefore, Community Board #3 believes that continuing to restrict the hours or use of the three (3) outdoor spaces will have a *de minimis* economic impact on this large-scale business;

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the application to transfer the hotel liquor license from Cooper Square Hotel LLC for 25-33 Cooper Square, doing business as the Cooper Square Hotel, to CSH Operating LLC, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations, that

Generally, 1) the entrance to the hotel which is located on Cooper Square, between 5th and 6th Streets, will be its primary entrance, 2) to alleviate traffic congestion on 5th Street and prevent taxis and limousines from blocking ambulances or ambulettes which may have to access the two (2) assisted living facilities on said street, all loading and unloading of guests, service deliveries and garbage pickups will be effected on Cooper Square, rather than on 5th Street and, where can be prearranged by hotel staff, taxis and limousines will be directed to the entrance on Cooper Square; 3) the easternmost entrance on 5th Street, directly adjacent to 207 East 5th Street, will be used as

an emergency egress only; 4) the applicant will make efforts to prevent taxis or limousines from standing on 5th Street, by assigning personnel whose responsibilities include monitoring hotel traffic; 5) exterior lights, excluding any on the Cooper Square façade, whether in outdoor spaces or on the exterior of the building façade, will be at low levels and directed down or away from neighboring windows; 6) the applicant will make efforts to prevent patrons from loitering on 5th Street; 7) the applicant will not apply for a sidewalk café permit for seating on 5th Street; 8) the applicant will employ an acoustical engineer to sufficiently soundproof all of the walls adjacent to 207 East 5th Street, as well as the cellar lounge area; 9) there will be ambient background music only in the first and second floor interior restaurant and bar spaces; 10) there will no music of any kind in the exterior garden or terraces; 11) there will be no service bars in the exterior garden or on any terrace; 12) its westernmost entrance on 5th Street will be accessible by key card to registered guests only and will be inaccessible as an entrance or egress after 9:00 P.M. every night; 13) the applicant will provide waiting areas within the hotel, rather than allowing patrons to wait outside;

Specifically,

With respect to the basement lounge and supper club, 14) the applicant will not apply for a cabaret license for its basement lounge; 15) live music will only be offered as background accompaniment to the service of food and drink only and there will be no scheduled performances; 16) it will close no later than 2:00 A.M. Sundays through Wednesdays and 3:00 A.M. Thursdays through Saturdays; 17) patrons will be unable to access the first floor garden from the basement; 18) there will be food served during all hours of operation;

With respect to the first floor garden, 19) given its proximity to an assisted living facility and adjacent to a residential apartment building, it will close no later than 9:00 P.M. every night; 20) the regular use of the first floor garden will be as a quiet gathering space for patrons and guests; 21) if there are any special events held in the first floor garden, the closing hours of 9:00 P.M. will be maintained and there will be no music of any kind played in said garden, and security personnel will be assigned, during any event, to monitor and minimize noise emanating from the garden and patrons exiting onto 5th Street; 22) if approved by the Department of Health, any smoking area will be designated at the westernmost portion of the garden; and

With respect to the first floor exterior terrace, 23) the closing hours of the first floor, exterior dining terrace will be 9:00 P.M. Sundays through Thursdays and 10:00 P.M. Fridays and Saturdays; 24) its method of operation will be as a dining area serving food during all of its operating hours; and

With respect to the second floor terrace, because this terrace is separated from the windows of 207 East 5th Street by a mere thirty (30) inches, notwithstanding the proposed sound baffling wall of forty-two (42) inches, topped by potted plants, 25 ) it will close no later than 8:00 P.M. every night; 26) there will be no service of food or alcohol in this area which would exacerbate noise and noxious fumes for the adjacent residents; 27) an awning will be extended over the area during all hours of operation, in addition to the proposed sound baffling wall and potted plants, to further shield neighboring residents from noise; 28) candles, rather than any electrical lighting, will be used at night; and 29) smoking will be prohibited in the second floor exterior lounge terrace, as it abuts residential windows. Community Board #3 is not opposed to this applicant attempting to obtain a variance to enclose this area and soundproof it from neighboring residents; and

FURTHER, should the applicant fail to agree to restrict the use of its outdoor space to accommodate the existing neighboring residential buildings, Community Board #3 asks the State Liquor Authority that any hotel liquor license approved for the Cooper Square Hotel, 25-33 Cooper Square, not be extended to include any outdoor spaces.

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

17. Sabor a Mexico Taqueria (Jarlene Corp), 160 1st Ave (wb)

**VOTE:** To deny the application for a beer wine license for Jarlene Corp., doing business as Sabor a Mexico Taqueria, 160 First 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 Mexican restaurant, serving food to within one (1) hour of closing, 2) it will not have a stand up bar, and 3) it will play ambient background music only, consisting of recorded music.

18. Ashton Thai Place Inc, 244 E 13th St (wb)  
withdrawn

19. To Be Determined, 241 Bowery (op)

**VOTE:** To deny the application for a full on-premise liquor license for a corporation to be determined, with principal Mathiew Palondino, 241 Bowery, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a full-service restaurant, to wit a

steakhouse, serving food to within one (1) hour of closing, 2) its hours of operation will be from 12:00 P.M. to 1:00 A.M. Mondays through Thursdays, 12:00 P.M. to 2:00 A.M. Fridays, 11:00 A.M. to 2:00 A.M. Saturdays and 11:00 A.M. to 1:00 A.M. Sundays, 3) it will play ambient background music only, consisting of recorded music, and 4) it will designate at least one (1) employee whose responsibilities will include monitoring and minimizing patron crowds and noise on the sidewalk.

20. Belgium Ale House (Belgium NYC Corp), 54 2nd Ave (wb)

**VOTE:** To deny the application for a beer wine license for Belgium NYC Corp., 54 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 Belgian restaurant, consisting of dining areas on both its ground and basement floors, and serving food to within one (1) hour of closing, 2) its hours of operation will be from 7:00 A.M. to 2:00 A.M. Sundays through Wednesdays, 7:00 A.M. to 3:00 A.M. Fridays and 7:00 A.M. to 4:00 A.M. Saturdays, 3) it will play ambient background music only, consisting of recorded music, and 4) it will close any façade doors or windows at 10:00 P.M. every night.

21. Taqueria East Village (Barraza Foods Inc), 104 2nd Ave (op)

withdrawn

22. Bevacco Inc, 60 Henry St (op)

withdrawn

**(SLA Committee)**

**36 YES            0 NO            4 ABS            0 PNV            MOTION PASSED**

**Arts & Cultural Affairs Task Force**

There were no questions.

1. Percent for Art commission for 122 Community Center  
no vote necessary
2. Arts in Education Forum  
no vote necessary
3. Art in Empty Storefronts  
no vote necessary
4. Convocation of all Manhattan Arts Committee or Task Force chairs  
no vote necessary

All above votes were voted on as one.

**Members Present at Last Vote:**

David Adams	[P]	Linda Jones	[A]	Dominic Pisciotta	[P]
Julia Andino	[A]	Vaylateena Jones	[P]	Barden Prisant	[P]
Jimmy Cheng	[A]	Meghan Joye	[P]	Carolyn Ratcliffe	[P]
David Crane	[A]	Joel Kaplan	[P]	Joyce Ravitz	[P]
Andrea Diaz	[P]	Carol Kostik	[P]	Lois M. Regan	[A]
Harvey Epstein	[P]	John Leo	[P]	Janet Riesel	[P]
Morris Fajtelewicz	[P]	Ricky Leung	[P]	Richard F. Ropiak	[P]
Flora Ferng	[P]	Sam Leung	[A]	Susan Scheer	[P]
Beth From	[P]	Gigi Li	[P]	David Silversmith	[A]
Rabbi Y. S. Ginzberg	[P]	Bernard Marti	[P]	Nancy Sparrow-Bartow	[P]
Gloria Goldenberg	[A]	Bernice McCallum	[P]	Mary Spink	[A]
Jan Hanvik	[P]	David McWater	[P]	Elinor Tatum	[A]
Herman F. Hewitt	[P]	Alexandra Militano	[P]	Rodney Washington	[P]
Simon Huang	[P]	Maria Muentes	[A]	Samuel Wilkenfeld	[A]
Bonnie Hulkower	[P]	Chiun Ng	[P]	Justin Yu	[P]
Carolyn Jeffers	[A]	Ariel Palitz	[P]	Thomas Yu	[A]
Anne K. Johnson	[P]	Thomas Parker	[P]		

Assistant Secretary Jan Hanvik made a motion to adjourn. The motion was seconded by acclim. The meeting was adjourned at 9:43 PM.