



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD NO. 3

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Dominic Pisciotta, Board Chair

Susan Stetzer, District Manager

April 2011 Full Board Minutes

Meeting of Community Board #3 held on Wednesday, April 27, 2011 at 6:30pm at PS 20, 166 Essex Street.

Public Session:

Judith Zaborowski: Thanked the SLA committee for supporting 9th Street A-1 Block Association in their efforts to block yet another other wine bar.

Jovanina Pagano: presented Grand Street Settlement's new youth program for ages 10-11 starting this July. It will continue into an after school program in the Fall.

Rosa Li: NYPL. Spoke about the effects of budget cutbacks to the NYC Public Library. It will greatly affect literacy and other programs.

Jean Lapointe: She applied for a beer/wine license at Hotel Tortuga. She was unclear why her stipulations said she did not have French doors. She needs to amend her stipulations.

James Eun Lim: BOKA. He is requesting a full liquor license upgrade from beer/wine. It was a split vote at committee.

Samantha Harrison: presented International Youth Day 2011 that will take place at East River Park. The event has been running for seven years. This is its first year in ERP.

Mary Fulham: La Mama. She is petitioning to co-name 4th Street between 2nd Ave and Bowery, the "Ellen Stewart Way." Ellen Stewart was the founder of La Mama.

Vaylateena Jones: a registered nurse spoke out against Blast, a new beer from Pabst. It has 12% alcohol and served in brightly colored bottles and is geared towards children.

Jessica Loeser: spoke in support of the BSA variance of 154 Madison Street.

Carlos Infante: The Office of Child Support Enforcement/HRA NYC. Presented a program for non-custodial parents. 212-480-7564

Public Officials:

Mayor Michael Bloomberg, Lolita Jackson & Pauline Yu: Make Music NY will take place on Tuesday May 21. Almost all acts will take place outside. They are particularly interested in encouraging this program in under-served communities. She also introduced her guests to CB3, members of the "City Council" of Tokyo.

Public Advocate Bill de Blasio, Phil Jones:

Comptroller John Lui, Sandra Ung: The comptroller released a report on the escalation of pension costs. Comptroller Liu requested the study to examine the steep rise in annual employer contributions to the Pension Funds over the past decade. Pension cost rose from \$1.2 billion in Fiscal Year 2001 to \$7.7 billion in Fiscal Year 2010. The study was validated by independent actuaries.

Borough President Scott Stringer, Alec Schierenbeck: Introduced new members to CB3. Called on a more equitable distribution of the Renewable Energy Fund. Introduced the Red Tape Green Vegetables Report that details the problems of NYC's urban food deserts. Announced a screening of a Gasland on Thursday May 5 at 7PM at Mason Hall.

Congressmember Jerrold Nadler, Daniel Weisfeld:

Congressmember Nydia Velazquez, Iris Quinones: The Congresswoman released a preliminary report on the bus accident in the Bronx. She testified before the US House Highway and Transit Subcommittee during a policy to reform the nation's surface transportation programs. She would like to see a thorough review of rules governing bus safety. Her office worked with the staff of Assemblywoman Grace Meng to facilitate the process of a humanitarian visa for the widow of the last victim of the bus accident, which was successful.

The Congresswoman spoke on the floor during the debate of the House's Republican budget resolution. She opposed cutting services we need in favor for tax breaks for the wealthy.

On May 21st, Congresswoman Velazquez is holding a Public Housing Legislative breakfast with Tenant Association presidents in her district.

Congressmember Carolyn Maloney, Victor Montesinos:

Assembly Speaker Sheldon Silver, Zach Bommer: The Speaker was able to pass an early budget that restored capital funds to schools, and Title XX which the City uses to operate Senior Centers. The Assembly passed a bill to regulate intercity busses that many people rely on for low cost transportation. The bill would establish a first-ever permit system for intercity busses. The Assembly also passed sweeping new rent protections that expand the rent regulation laws that were set to expire June 15. Silver announced the passage of legislation that would protect victims of domestic violence. The package of bills would allow employees to take reasonable time off for court appearances and counseling. He also announced that NYS extended it's federally funded unemployment insurance benefits throughout 2011. Unemployed New Yorkers can now receive up to 93 weeks of benefits.

Assemblymember Deborah J. Glick, Lisa Parson: The Assemblywoman is hosting a panel on reproductive rights at Wednesday May 4 6:30 at 41 Cooper Square. There are a lot of covert tactics which are trying to challenge reproductive rights. Assemblywoman Glick partnered with CB3 and other elected officials to present a Youth Violence Forum aimed at hearing local youth about the dangers they face in their everyday lives. She is trying to raise awareness about pay disparity. Women still only earn about 71.5% of what their male counterparts earn.

Assemblymember Brian Kavanagh, Leslie Peña: was pleased to announce the rent regulation bill passed the Assembly. Senior center funding was restored. The Assemblyman attended town hall on NYCHA safety. He announced the showing of Gasland on May 5 at Baruch College and his Annual Health Fair on Saturday May 14.

State Senator Daniel L. Squadron, Rosemarie Diaz: He and his wife welcomed a baby boy this month. Announced that rent regulations were extended. He is still focused on passing an ethics reform bill. He is working with DOT to develop a plan to prevent congestion, idling and illegal parking when tour busses start visiting the 9/11 Memorial, set to open this Fall.

State Senator Thomas K. Duane, John Bartos:

Councilmember Margaret Chin, Matt Vigiano: She announced legislation aimed at shoppers who purchase trademark counterfeit items. She and Councilmember Mendez met with the Tenant Association of Vladeck to discuss continuing installation of CCTV systems to protect residents. Her office attended CB3's Economic Development committee meeting to address the rising concerns of property taxes that landlords are passing down to their commercial tenants. Councilmember Chin has joined Councilmember Palma as a member of the Emergency Coalition to Save Children. District 1 stands to lose 135 daycare slots in the Mayor's plan to cut nearly 17,000 child care slots this September. On April 6 Councilmember Chin attended a rally to keep public libraries open.

Councilmember Rosie Mendez, Jessica Nepomiachi: Co-signing the "knock off" bill that Councilmember Chin introduced although she does not agree with the 1 year maximum jail time as punishment. Council Member Mendez said the Madrid bombing was sponsored by funds from sales of illegal handbags. On April 14 Rosie's office participated in a second forum hosted by CB3 Task Force on Youth. She helped save to local senior centers on East 24th and Avenue D by pressuring the governor to reinstate funds to Title XX. She is in the preliminary stages of discussing an East Village Historic District.

Members Present at First Vote:

David Adams	[P]	Jan Hanvik	[A]	Sam Leung	[A]
Karen Blatt	[A]	Herman F. Hewitt	[A]	Gigi Li	[P]
Jimmy Cheng	[A]	Simon Huang	[A]	Bernard Marti	[P]
David Conn	[P]	Carolyn Jeffers	[P]	David McWater	[P]
David Crane	[P]	Anne K. Johnson	[P]	Charlotte Miles	[P]
Andrea Diaz	[P]	Linda Jones	[A]	Alexandra Militano	[P]
Natasha Dillon	[P]	Vaylateena Jones	[P]	Chiun Ng	[A]
Harvey Epstein	[P]	Meghan Joye	[P]	Ariel Palitz	[A]
Morris Faitelewicz	[A]	Joel Kaplan	[P]	Thomas Parker	[P]
Flora Ferng	[P]	Carol Kostik	[P]	Dominic Pisciotta	[P]
Rabbi Y. S. Ginzberg	[P]	John Leo	[A]	Barden Prisant	[P]
Gloria Goldenberg	[P]	Ricky Leung	[P]	Carolyn Ratcliffe	[P]

Joyce Ravitz	[A]	Susan Scheer	[P]	Rodney Washington	[P]
Lois M. Regan	[P]	Nancy Sparrow-Bartow	[P]	Jack Waters	[P]
Janet Riesel	[P]	Mary Spink	[A]	Justin Yu	[P]
Carlina Rivera	[P]	Gary Tai	[A]	Thomas Yu	[A]
Richard F. Ropiak	[P]	Elinor Tatum	[A]		

Minutes:

Minutes of February 2011 were approved, as is.

Board Chairperson's Report:

Member attendance was dire last month. There were only two committees with a quorum. Members with poor attendance records will be removed from their committee.

Dominic put Walmart Free NYC presentation on the agenda for Economic Development Committee.

District Manager's Report:

The District Manager welcomed the new members and invited all to call the office with any questions. The District Manager also reported that there had been a flood in the office on April 12. All the paperwork on desks were lost as well as many supplies. The law department is dealing with insurance but it is taking a lot of time.

In reponse to community concerns, the Fire Department has been analyzing frequency of fires in the District. There had been a "blip" of increase in fires within a few months, but this is being tracked over a longer period.

It has previously been reported that CB 3 has the second highest rat of failures for rats in Manhattan. A second r indexing (inspection of properties) has just been completed, and the failure rate has actually increased.

Department of Transportation called to see how the neighbors would feel about a pay toilet on the island on 1st street between 1st and 2nd Ave.

Committee Reports:

Executive Committee

- VOTE:** Established the Nominating Committee. John Leo has agreed to chair and 5 other members have joined.
- VOTE:** Recommendation: To combine Human Services, Health, Disability and Seniors Committee and the Youth and Education Committee into the **Human Services, Health, Disability, Seniors and Youth and Education Committee**
- VOTE:** To approve PS 110's application for a block party on May 14 on Lewis St between Broome and Delancey streets

(Executive Committee)

34 YES 0 NO 0 ABS 0 PNV MOTION PASSED

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

- Update on Dry Dock Park reconstruction
no vote necessary

Block Party Application

- Pride Goes East Pride Month Launch Party, 6/4, Orchard St (E Houston St-Stanton St)
VOTE: To approve Pride Goes East Pride Month Launch Party, 6/4, Orchard St (E Houston St-Stanton St)
- Make Music New York, 6/21, Suffolk St (Rivington-Stanton Sts)
VOTE: To approve Make Music New York, 6/21, Suffolk St (Rivington-Stanton Sts)
- Lower East Side Youthmarket (Loc 1), 7/10-10/30, Grand St (Pitt St-Bialystoker Pl)
VOTE: To approve Lower East Side Youthmarket (Loc 1), 7/10-10/30, Grand St (Pitt St-Bialystoker Pl) with the understanding that the market will be held on the sidewalk only.
Motion: To postpone until next month.
Motion did not pass.
- Lower East Side Youthmarket (Loc 2), 7/10-10/30, Grand St (Pitt St-E B'way)
no vote necessary

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

34 YES 0 NO 0 ABS 0 PNV (Excluding Item 4) MOTION PASSED

Item 4: 26 YES 5 NO 1 ABS 0 PNV MOTION PASSED

SLA & DCA Licensing Committee

Applications within Resolution Areas

1. Entity to be Formed, 161 Ludlow St (op) (Paladar) THIS IS A TRANSFER
161 Ludlow Food LLC

VOTE: To deny the transfer of a full on-premise liquor license to 161 Ludlow Food LLC, for 161 Ludlow Street, which is currently doing business as Paladar, 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 Basque tapas restaurant, serving food to within one (1) hour of closing, 2) its hours of operation will be 3:00 P.M. to 4:00 A.M. Mondays through Fridays and 11:00 A.M. to 4:00 A.M. Saturdays and Sundays, and 3) it will play ambient background music only, consisting of recorded music, except that it may employ DJs, at most once a month.

2. Bodega Del Soul, 161 Ludlow St (op)
withdrawn
3. U-2 (Saint King J Corp), 6 St Marks Pl (3rd-4th Fl) (wb)

VOTE: WHEREAS, Saint King J Corp. is seeking to operate a restaurant and karaoke bar on the third and fourth floors of a four (4) story building located at 6 St. Marks Place, between Second and Third Avenues; and

WHEREAS, this is the same principal, to wit Jae Doo Yi, who was heard in March of 2009 as St Marks Place Inc., by this community board and denied; and

WHEREAS, this is a previously unlicensed location which operated as a multi-level video store and library for twelve (12) years and which was closed after a short operation as the karaoke bar which this applicant is now seeking to reopen and license; and

WHEREAS, this applicant is proposing to operate a karaoke bar restaurant with a total certificate of occupancy of one hundred fifty (150) people on two (2) floors, eight (8) karaoke rooms per floor, an eighteen (18) foot bar on the third floor with nine (9) seats, twenty (20) tables with eighty (80) seats in an unknown layout and hours of operation of 4:00 P.M. to 3:00 A.M. every day; and

WHEREAS, prior to its closure, this karaoke business was serving alcohol on floors which were unlicensed; and

WHEREAS, there are seventeen (17) liquor licenses on this one (1) block of St. Marks Place; and

WHEREAS, the numerous existing nighttime establishments have resulted in significant noise and vehicular and pedestrian traffic, as well as a request by the previous commanding officers of the 9th Precinct that no new liquor licenses be issued on this street; and

WHEREAS, there has been demonstrated consistent opposition to the addition of any other liquor licenses on this block of St. Mark's Place because of the number of existing licensed establishments and their attendant noise and vehicular and pedestrian traffic congestion issues; and

WHEREAS, this location is located on a block zoned R-8, which is a residentially zoned area; and

WHEREAS, there are numerous karaoke businesses in the immediate area, including one located directly across the street from this location; and

WHEREAS, the applicant has failed to engage in any community outreach despite having been instructed to do so in March of 2009; now

THEREFORE, BE IT RESOLVED that Community Board #3 denies the application for a beer wine license for Saint King J Corp., 6 St. Marks Place, third and fourth floors.

4. Landbrot (185 Orchard St Landbrot LLC), 185 Orchard St (wb)

VOTE: WHEREAS, 185 Orchard Street Landbrot LLC is applying for a beer wine license for 185 Orchard Street, between Houston and Stanton Streets; and

WHEREAS, this applicant is seeking to serve wine and beer at a French café bakery at a previously unlicensed location which is new construction; and

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

WHEREAS, Orchard Street is still overwhelmed by nighttime licensed establishments of all types, as well as incredible vehicular and pedestrian traffic congestion attendant to the volume of these businesses; and

WHEREAS, Orchard Street is one of the worst area in the 7th Precinct in terms of 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 in the street itself, late night horn honking and overwhelming noise emanating from businesses and from patrons as they move between businesses; and

WHEREAS, as a result of these persistent detrimental conditions, the 7th Precinct and Community Board #3 have had the Department of Transportation eliminate weekend nighttime parking on one side of Orchard Street, between Houston and Delancey Streets, in an effort to alleviate the existing pedestrian and traffic congestion and to minimize late night noise; and

WHEREAS, there are still at least seven (7) full on-premises liquor licenses on this one (1) block of Orchard Street, located at 173, 185, 189, 191, 196 and 198, 198A and 200 Orchard Street, as well as a hotel liquor license for a twenty-two (22) story hotel whose address is 190 Allen Street but which has an entrance and egress at 185 Orchard Street, as well as the separate full on-premise liquor license for the restaurant located at 185 Orchard Street; and

WHEREAS, this community board approved the removal of an eight (8) year old on-premise liquor license for On The C Pub Inc. from 129 Avenue C to this address in October of 2010; and

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the beer wine license for 185 Orchard Street Landbrot LLC, to be located at 185 Orchard Street.

5. Not a Bookstore LLC, 200 Ave A (op) (Superdive)

no vote necessary

6. A Casa Fox, 173 Orchard St (op)

no vote necessary

7. Hourglass Holdings Inc, 9 St Marks Pl (up/op)

VOTE: To deny the application to upgrade to a full on-premise liquor license for Hourglass Holdings Inc., located at 6 St. Marks Place, between Second Avenue and Third Avenue, because 1) there are seventeen (17) liquor licenses on this one (1) block of St. Marks Place, at least seven (7) of which the applicant concedes are full on-premise liquor licenses, 2) there has been demonstrated consistent opposition to the addition of any other liquor licenses on this block of St. Mark's Place because of the number of existing licensed establishments and their attendant noise and vehicular and pedestrian traffic congestion issues, 3) this location is located on a block zoned R-8, which is a residentially zoned area, 4) the numerous existing nighttime establishments have resulted in significant noise and vehicular and pedestrian traffic, as well as a request by the previous commanding officers of the 9th Precinct that no new liquor licenses be issued on this street, and 5) the applicant has failed to demonstrate the public benefit derived from the approval of an upgrade of its liquor license at this premise.

8. Rhong-Tiam Express (Orchard Garden 154 Inc), 154 Orchard St (op) THIS IS A TRANSFER

VOTE: To deny the transfer of a beer wine license to Orchard Garden 154 Inc., with a proposed business name of Rhong-Tiam Express, for the existing business Bia Garden, located at 154 Orchard Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a full-service Thai restaurant, serving food to within one (1) hour of closing, 2) its hours of operation will be from 12:00 P.M. to 2:00 A.M. every day, 3) its backyard will be enclosed and soundproofed, and 4) it will play ambient background music only, consisting of recorded music.

9. Casimir, 105 Ave B (op) THIS IS A TRANSFER

VOTE: To deny the transfer of a full on-premise liquor license to Lolamy Inc., for the existing business Casimir, located at 103-105 Avenue B, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will continue to operate as a full-service French restaurant, serving food to within one (1) hour of closing, 2) its hours of operation will be from 5:00 P.M. to 4:00 A.M. Mondays through Fridays and 11:00 A.M. to 4:00 A.M. Saturdays and Sundays, 3) its backyard will close no later than 11:00 P.M. every night, 4) it will close any façade doors or windows at 10:00 P.M. every night, and 5) it will play ambient background music only, consisting of recorded music.

10. Ave B Caffe Buon Gusto Inc, 545 E 5th St (aka 76 Ave B) (wb)

no vote necessary

11. Three Monkeys Restaurant Inc, 99 Rivington St (up/op) THIS IS ALSO A TRANSFER

VOTE: WHEREAS, this is an application to transfer the beer wine license to Three Monkeys Restaurant Inc. for the location at 99 Rivington Street, on the corner of Rivington and Ludlow Streets, which was previously operated as Three Monkeys;

WHEREAS, this is also an application to upgrade said license to a full on-premise liquor license; and

WHEREAS, this applicant is seeking to operate a restaurant café, serving wraps, with five (5) tables and ten (10) seats, a nineteen (19) foot bar with five (5) seats and hours of 11:00 A.M. to 2:00 A.M. all days; and

WHEREAS, the intersection of Ludlow Street and Rivington Street is presently overwhelmed by nighttime licensed establishments of all types, as well as incredible weekend vehicular and pedestrian traffic congestion attendant to the number of these businesses which has resulted in the prior commanding officer of the 7th Precinct asking the SLA that no new liquor licenses be issued on Ludlow Street; and

WHEREAS, as Ludlow Street has been identified as the worst block in the 7th Precinct because of these conditions, the 7th Precinct and Community Board #3 have asked the Department of Transportation to eliminate weekend nighttime parking on one side of Ludlow Street, between Houston and Delancey Streets, to alleviate the existing pedestrian and traffic congestion and to minimize noise, and said restriction has remained in place for a number of years; and

WHEREAS, the sale of alcohol of any type at this location is inconsistent with its proposed size and scope of its business, and

WHEREAS, the applicant could provide no legitimate rationale for why the sale of alcohol was necessary to its operation as a small store serving wraps; now

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the transfer of a beer wine license Three Monkeys Restaurant Inc. for the location at 99 Rivington Street, on the corner of Rivington and Ludlow Streets, which was previously operated as Three Monkeys, as well as an upgrade to a full on-premise liquor license.

12. Solo Pizza (Solo Pizza Inc), 27 Ave B (wb)

no vote necessary

13. Tiny's Giant Sandwich Shop (Ghozo LLC), 129 Rivington St (wb)

VOTE: To deny the application for a beer wine license for Ghozo LLC, doing business as Tiny's Giant Sandwich Shop, 129 Rivington Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a full-service restaurant and coffee shop, with ten (10) tables and twenty-two (22) seats, serving food during all hours of operation, 2) its hours of operation will be from 12:00 P.M. to 12:00 A.M. every day, 3) it will not commercially use any outdoor area and will have no standup bar, 4) it will maintain a closed fixed façade and have no open doors or windows, 5) it will play ambient background music only, consisting of recorded music, and 5) it will not seek to upgrade its liquor license, consistent with its lease. Community Board #3 is approving this beer wine application although this is an unlicensed location in an area with numerous licensed premises, because 1) this is a longstanding business, open twelve (12) years, with a consistent method of operation, 2) there is substantial community support for the approval of a beer wine license for this business, both through signed petitions from residents and residents who appeared before this community board to speak on behalf of this applicant, and 3) the hours of operation of this business and its method of operation will not contribute to the conditions suffered as a result of area nightlife.

Sidewalk Café Applications

14. Café Cotto (Pasta Bar Café Corp), 127 Ave C

VOTE: To approve the application for a sidewalk café permit for ten (10) tables and twenty (20) seats, to be located on East 8th Street, for Pasta Bar Café Corp., doing business as Café Cotto, 127 Avenue C, because the applicant has signed a change agreement which will become part of its DCA license that 1) it will have ten (10) tables and twenty (20) seats, and 2) its hours of operation will be from 10:00 A.M. to 10:00 P.M. every day.

15. Plump Dumpling (Big Dumpling Corp), 174 2nd Ave

VOTE: To approve the application for a sidewalk café permit for six (6) tables and eighteen (18) seats, for Big Dumpling Corp., doing business as Plump Dumpling, 174 Second Avenue, because the applicant has signed a change agreement which will become part of its DCA license that 1) it will have six (6) tables and eighteen (18) seats, and 2) its hours of operation will be from 11:30 A.M. to 11:00 P.M. every day.

16. Percy's Tavern (Steelbar 180 Inc), 210 Ave A

VOTE: To deny the application for a sidewalk café permit for ten (10) tables and twenty (20) seats for Steelbar 180 Inc., doing business as Percy's Tavern, 210 Avenue A, on the corner of Avenue A and 13th Street, because 1) there have already been numerous complaints to the community board office and the New York Police Department about noise from patrons congregating in front of this new tavern restaurant and emanating from its business, 2) there is overwhelming opposition from residents of the immediate area to adding a sidewalk café to this corner because the patrons from this business and the adjacent restaurant and bar businesses have so congested the sidewalks at night at this intersection that residents have been forced to walk in the

street which is an existing unsafe condition, 3) there is overwhelming opposition from residents of the immediate area to granting this applicant a sidewalk café permit because, despite having only been open since November of 2010, it is already operating inconsistent with its proposed method of operation by allowing patrons to congregate on the sidewalk and by employing live bands and, consequently, residents and this community board have little confidence in its representations about how it will operate a sidewalk café, 4) it is the belief of this community board that this twelve (12) foot sidewalk cannot legally accommodate a café, however, regardless of whether the architectural plans for this proposed café meet City regulations, adding a café on this corner of Avenue A and 13th Street will exacerbate already congested and hazardous conditions.

Alterations/Transfers/Upgrades

17. 133 Essex Restaurant LLC, 133 Essex St (trans/op) (Evans Ford LLC)
withdrawn
18. CastleBlade Inc, 164 Suffolk St (alt/addition of 20 chairs in adjacent space)
withdrawn
19. Radley Realty Corp, 325 Bowery (alt/extend license to sidewalk)
withdrawn
20. Huzzah LLC, 221 Second Ave (alt/op/adding second bar to back of establishment)
VOTE: To approve the alteration of the full on-premise liquor license for Huzzah LLC, 221 Second Avenue, to wit adding a five (5) foot standup bar to the rear of the establishment
21. To Be Determined, 500 E 11th St (trans/op) (Angels & Kings)
no vote necessary
22. Goat Town (511 E 5th St LLC), 511 E 5th St (up/op)
withdrawn
23. To Be Determined, 351 E 12th St (trans/op) (Resto Leon)
withdrawn
24. 4AB LLC, 235 E 4th St (trans/op) (Tonda)
VOTE: Understanding that 4AB LLC, with the proposed business name of Fleurie, has entered into a memorandum of understanding with the East 4th Street Avenues A to B Block Association, regarding its use of 235 East 4th Street, to deny the transfer of a full on-premise liquor license to 4AB LLC, with a proposed business name of Fleurie, for the existing business Tonda, located at 235 East 4th Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a full-service restaurant, serving food to within one (1) hour of closing, 2) its hours of operation will be from 8:00 A.M. to 12:00 A.M. weekdays and 11:00 A.M. to 1:00 A.M. weekends, with the exception that a street facing window will be open from 8:00 A.M. daily from which coffee and pastries will be served for take out, 3) it will install additional soundproofing as needed, 4) it will close any doors and windows by 10:00 P.M. weekdays and 11:00 P.M. weekends, 5) it will not have DJs or live music, 6) it will designate an employee or employees whose responsibilities will include monitoring the sidewalk to discourage patrons from loitering on the sidewalk and will provide a waiting area within the establishment to prevent patrons from waiting outside.
25. Tera Thai Inc, 137 1st Ave (Store 1) (alt/wb)
withdrawn
26. Spice Cove (CNR Enterprises NY Inc), 326 E 6th St, West Store (trans/wb)
VOTE: To deny the transfer of a beer wine license to CNR Enterprises NY Inc., for the existing business Spice Cove, located at 326 East 6th Street, west storefront, 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 Indian restaurant, serving food to within one (1) hour of closing, 2) its hours of operation will be from 11:00 A.M. to 12:00 A.M. Sundays through Thursdays and 11:00 A.M. to 1:00 A.M. Fridays and Saturdays, and 3) it will play ambient background music only, consisting of recorded music
27. Via Della Pace (48 E 7th St Associates Inc), 48 E 7th St (alt/op/extend license to 6 outside tables and 12 chairs within property line)
VOTE: To deny the alteration of the full on-premise liquor license 48 East 7th Street Associates Inc., doing business as Via Della Pace, 48 East 7th Street, to wit extending its liquor license to six (6) tables with twelve (12) seats located outside within the building line of its location, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that it will close said outdoor seating no later than 10:00 P.M. every night.
28. Ed's Lobster Bar (Ed's Lobster Bar Annex LLC), 25 Clinton St (trans/op) (Sachiko's on Clinton)
VOTE: To deny the transfer of a full on-premise liquor license to Ed's Lobster Bar Annex LLC, with a proposed business name of Ed's Lobster Bar, for the existing business Sachiko's on Clinton, located at 25 Clinton Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a full-service seafood restaurant, serving food during all hours of operation, 2) its hours of operation will be from 11:00 A.M. to 11:00 P.M. Mondays through Thursdays, 11:00 A.M. to 2:00 A.M. Fridays and Saturdays and 11:00 A.M. to 9:00 P.M. Sundays, 3) its backyard will have four (4) tables with twelve (12) seats and will close no later than 10:00 P.M. every night, and 4) it will play ambient background music only, consisting of recorded music.
29. To Be Determined, 700 E 9th St (trans/op) (Banjo Jim's)

VOTE: To deny the transfer of a full on-premise liquor license to a corporation to be determined, with principal Greg Nardello, for the existing business Banjo Jim's, located at 700 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 tavern bar, 2) its hours of operation will be from 3:00 P.M. to 4:00 A.M. all days, 3) it will maintain a closed fixed façade and 4) it will play ambient background music only, consisting of recorded music.

30. Downtown Dining LLC, 205 Chrystie St (trans/op) (205)
withdrawn

New Liquor License Applications

31. Trim Castle Corp, 87 2nd Ave (op)
no vote necessary

32. South Brooklyn Pizza (122 First Pizza Inc), 122 1st Ave (wb)

VOTE: To deny the application for a beer wine license for 122 First Pizza Inc., doing business as South Brooklyn Pizza, 122 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 Italian pizza restaurant, serving food during all hours of operation, 2) its hours of operation will be from 11:00 A.M. to 5:00 A.M. every day but it will cease serving alcohol at 1:00 A.M. Sundays through Thursdays and 2:00 A.M. Fridays and Saturdays, 3) it will not commercially use its backyard, 4) it will maintain a closed fixed façade and have no open doors or windows, and 5) it will not have any promoted events and will play ambient background music only, consisting of recorded music.

33. To Be Determined, 175 E Houston St (op)

VOTE: To deny the application for a full on-premise liquor license for Preserve 24 LLC, with a proposed business name of Preserve24, for the location at 175 East Houston 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 American restaurant in the basement, serving food during all hours of operation, and a coffee shop, bakery and restaurant on the ground floor, serving food during all hours of operation, 2) its hours of operation for its ground floor café will be from 12:00 A.M. to 12:00 A.M. every day and its hours for its basement restaurant will be from 11:00 A.M. to 2:00 A.M. every day, 3) it will triple soundproof the windows in its basement restaurant which face a shared residential courtyard and install sound resistant curtains in said windows, or it will employ any more effective method of baffling sound and light after an evaluation by a sound engineer, 4) it will not commercially use said shared courtyard, and 5) it will play ambient background music only, consisting of recorded music, and will not have DJs, live music, promoted events, scheduled performances or events at which a cover fee will be charged.

34. Hotel Tortuga (One Hen Two Ducks Inc), 223 2nd Ave (wb)

VOTE: To deny the application for a beer wine license for One Hen Two Ducks Inc., with a proposed business name of Hotel Tortuga, 223 Second Avenue, also known as 246 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 Mexican restaurant, serving food during all hours of operation, 2) its hours of operation will be from 11:00 A.M. to 11:00 P.M. Sundays through Thursdays and 11:00 A.M. to 12:00 A.M. Fridays and Saturdays, 3) it will close it's door and windows by 10P.M. every night and 4) it will play ambient background music only, consisting of recorded music.

35. Nom Wah Tea Parlor (Nom Wah Dim Sum Parlor Inc), 13 Doyers St (wb)

VOTE: To deny the application for a beer wine license for Nom Wah Dim Sum Parlor Inc., doing business as Nom Wah Dim Sum Parlor, 13 Doyers 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 dim sum restaurant, serving food to within one (1) hour of closing, 2) its hours of operation will be from 10:30 A.M. to 9:00 P.M. every day, and 3) it will play ambient background music only, consisting of recorded music.

36. Agave Azul (228 Rest Corp), 228 1st Ave (op)

VOTE: To deny the application for a full on-premise liquor license for 228 Restaurant Corp., with a proposed business name of Agave Azul, for the location at 228 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 during all hours of operation, 2) its hours of operation will be from 11:00 A.M. to 2:00 A.M. Sundays through Wednesdays and 11:00 A.M. to 3:30 A.M. Thursdays through Saturdays, 3) it will close any façade doors and windows at 10:00 P.M. every night, and 4) it will play ambient background music only, consisting of recorded music.

37. The Other WineBar, 412 E 9th St (wb)

VOTE: WHEREAS, this applicant, The Other Wine Bar, is applying for a beer wine license to operate a wine bar at 412 East 9th Street with an occupancy of seventy-four (74) people, with seven (7) tables with twenty (20) seats, a thirteen (13) foot bar with ten (10) seats, serving tapas style food and having hours of 2:00 P.M. to 12:00 A.M. Sundays, 4:00 P.M. to 2:00 A.M. Mondays through Friday and 2:00 P.M. to 2:00 A.M. Saturdays; and

WHEREAS, this location is located in a R-8 residentially zoned district, was previously operated as a grandfathered noncompliant use as a clothing store and has never housed an eating and drinking establishment; and

WHEREAS, as said location has been vacant for the past two (2) years, it reverts to residential use only; now

THEREFORE, BE IT RESOLVED that Community Board #3 cannot approve any license for this location which is zoned exclusively for residential use; and

BE IT FURTHER RESOLVED that Community Board #3 cannot approve the extension of a noncompliant commercial in a residentially zoned district as would be the approval of a beer wine license for an eating and drinking establishment.

38. To Be Determined, 107 1st Ave (wb)

VOTE: To deny the application for a beer wine license for a corporation to be formed, with principal Robert Benevenga, for the location at 107 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 Italian pizza restaurant, serving food to within one (1) hour of closing, 2) its hours of operation will be from 10:00 A.M. to 12:00 A.M. Sundays through Thursdays and 10:00 A.M. to 1:00 A.M. Fridays and Saturdays, 3) it will close any façade doors or windows at 10:00 P.M. every night, and 4) it will play ambient background music only, consisting of recorded music.

39. Cherin Sushi (Tenzin and Tenzin Corp), 306 E 6th St (wb)
withdrawn

40. Sauce Restaurant (Coda Di Bue LLC), 78-84 Rivington St (wb)

VOTE: To deny the application for a beer wine license for Coda Di Bue LLC, with a proposed business name of Sauce, 78-84 Rivington 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 Italian restaurant, serving food during all hours of operation, 2) its hours of operation will be from 6:00 A.M. to 4:00 A.M. every day, 3) it will close any façade doors and windows at 10:00 P.M. every night, and 4) it will play ambient background music only, consisting of recorded music.

(SLA & DCA Licensing Committee)

34 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Arts & Cultural Affairs Task Force

1. Arts in Education Forum
no vote necessary
2. Art in Empty Storefronts
no vote necessary
3. Convocation of all Manhattan Arts Committee of Task Force chairs
no vote necessary

Economic Development Committee

- IBO (Independent Budget Office) discussion regarding property tax pass-alongs and other issues
no vote necessary

Land Use, Zoning, Public & Private Housing Committee

1. ULURP 110247PPM: 150 Essex St (B354, L12), Proposed disposition of City-owned property to facilitate the renewal of an existing lease to the Community Healthcare Network (CHN)
withdrawn
2. CWG Affordable housing prelim action plan
no vote necessary
3. NYU Update on 2031 Plans, focused on Washington Square area proposal
no vote necessary
4. HCC proposal to build a 120 unit enhanced assisted living residence, outpatient geriatric/palliative care medical clinic, automated parking facility (to replace existing surface parking), HCC's offices and ancillary space on an existing parking lot on South Street near Rutgers Street
no vote necessary
5. 154 Madison St: request for BSA variance from the use requirements for the construction of an eight-story and cellar mixed-use building containing community facility use on the ground floor and residential units on the upper floors

VOTE: Community Board 3 approves the application for a variance as requested to permit an eight-story building at 154 Madison Street by the applicant 154 Madison LLP, providing that the community space included in the project be used for neighborhood functions.

This motion did not pass.

Item #5 was pulled: concerns about the lot line windows in adjacent building. The owner is voluntarily restricting the use of ground floor and cellar to free meeting spaces for community groups. The building is surrounded on all sides by residential. Questions arose regarding the deed restriction enforcement.

New Motion: VOTE: Community Board 3 approves the application for a variance as requested to permit an eight-story building at 154 Madison Street by the applicant 154 Madison LLP, providing that the community space included in the project be used for neighborhood functions and provided that the owner present the CB with a structured plan on how the community space will operate.

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

34 YES 0 NO 0 ABS 0 PNV (Excluding Item 5) MOTION PASSED

Item 5: 19 YES 8 NO 5 ABS 0 PNV MOTION PASSED

Chinatown Working Group: They re-organized the leadership structure.

Human Services, Health, Disability, & Seniors Committee

- AARP: Medicare Fraud
no vote necessary

Youth & Education Committee

no agenda items

Transportation & Public Safety Committee

1. DOT: WTC memorial tour bus plan

VOTE: WHEREAS, the September 11 Memorial at the World Trade Center site will open to the public on September 12, 2011. DOT and the not-for-profit that will program and operate the memorial believe there will be demand for approximately 8-10 bus parking space and they intend to accommodate this parking in the vicinity of the WTC site. They hope to achieve this reduction in demand by deploying metered bus parking in conjunction with a system of incentives that includes a timed reservation system and a group reservation call center that will prioritize pass allocation to participants in a transportation partners program—this system will encourage tours that either do not travel directly to the Memorial in coach buses or agree to park in off-street facilities. However, some groups, such as school children and the disabled, will always need nearby bus parking spaces. DOT believes this system of incentives will reduce demand for on-street bus layover by 50%; and

WHEREAS, DOT believes this metered bus parking program should extend into CB3 at locations that are already allocated for legitimate on-street bus layover, such as portions of South St. DOT proposes to begin charging for these layovers using commercial muni-meters, which can be programmed with graduated rate schedules so that prices increase for longer stays. The rate schedule would be designed to discourage extended layovers of several hours, but not so expensive as to encourage avoidance, which could move layovers into unauthorized locations in residential neighborhoods. The goal is to free up parking spaces in the legitimate layover zones; and

WHEREAS, DOT made a commitment to return to the CB3 Transportation Committee in June to review the details of the proposed sites, the installation and the rate structure—this would happen before installation of the metered bus parking program. DOT also agreed that one year after installation, DOT would present CB3 a report about the outcome of this pilot. Also, sometime during the first year of operation, DOT would provide an interim report about progress, usage and any rate adjustments; now

THEREFORE, BE IT RESOLVED, that CB3-Manhattan approves of the deployment of a metered bus parking pilot program to manage demand for on-street parking spaces in the existing bus layover zones on the Lower East Side.

2. TLC Base License Application: Anytime Forsyth Transport Corp, 120 Forsyth St

VOTE: CB3-Manhattan approves the application to operate a livery base station by Anytime Forsyth Transport Corporation at 120 Forsyth St. They will operate a 24-hour car service that will serve residents of the Lower East Side and Chinatown. They applicant has submitted the following items as required by the CB3 procedures regarding TLC licenses:

- A copy of the letter from their garage, Park In Auto Services, located at 74 Kenmare St, stating that Anytime Forsyth Transport has created for 7 monthly parking spaces. That is sufficient parking for the inactive vehicles in their fleet of 10 cars.
 - A "Memorandum to All Drivers" signed by all drivers acknowledging that they understand they must adhere to parking, sanitation and health rules and regulations.
3. Seward Park Coop: installation of electric vehicle charging stations
no vote necessary

(Transportation & Public Safety Committee)

34 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Environment Committee

no meeting scheduled

Con Edison Task Force

Review of 2010 goals and accomplishments/committee goals for 2011

no vote necessary

Report on previously funded projects

no vote necessary

Lower East Side Ecology Center progress report on tree-planting plan

VOTE: WHEREAS in December 2010 Community Board #3 passed a resolution granting \$160,000 Con Edison Settlement Funds to the Lower East Side Ecology Center (LESEC), including \$29,000 for a Street Tree Stewardship Program for the summer of 2011, and

WHEREAS this \$29,000 award was conditioned on the LESEC working with the Parks Dept. to have 100 street trees planted in the immediate vicinity of the Con Edison plant and securing a written commitment from Parks for this, and the award was to be terminated if such commitment was not obtained, and

WHEREAS the Parks Department wrote CB #3 and the LESEC on January 4, 2011 in support of the LESEC Tree Stewardship program and stating its general confidence in being able to plant 100 trees, but over an 18-month period, and

WHEREAS representatives of LESEC and Parks met with the Task Force on March 21, 2011 and reviewed in detail the process for identifying tree planting sites and the timing for planting, over three planting seasons from Spring 2011 to Spring 2012, and

WHEREAS the Task Force members determined there is a good faith intent and ability by both LESEC and Parks to accomplish the tree-planting required by the CB #3 resolution, but over a longer time period, so that the Tree Stewardship money should be spent over a corresponding period, and

WHEREAS LESEC has agreed that if the \$29,000 award is made now it will use 50% for the Tree Stewardship program for 2011 and reserve 50% for running the Tree Stewardship program in 2012, and will hold and account for the 2012 funds as Restricted Assets until 2012, now

THEREFORE the December 2010 resolution concerning an award to LESEC of Con Edison Settlement Fund monies is hereby amended to strike the paragraph that reads as follows:

- 2) *the Tree Stewardship money may be released only upon (a) continued funding in City FY2010-2011 for the street tree program, and (b) upon receipt of a written commitment from the NYC Parks Department to provide 100 trees to be planted at locations identified by the LESEC, and that such locations shall be identified to the Task Force and shall consist of the streets closest to the Con Edison plant. If such City funding and such agreement as to the location of the trees are not provided, the \$29,000 portion of the \$160,000 award to LESEC shall terminate and no monies will be provided, and LESEC has agreed to this."*

AND FURTHERMORE to add the following in substitution for the stricken language:

- "(2) the Tree Stewardship money will be released together with the other funds awarded by the Resolution, but 50% of said funds will be used for the Tree Stewardship program in 2011 and the remaining 50% will be reserved for running the program in 2012, and the LESEC will hold and account for the 2012 funds as Restricted Assets."*

Letter(s) of Inquiry for potential projects

no vote necessary

(Con Edison Task Force)

34 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Outreach Taskforce

We now have an outreach pamphlet.

New Business:

WHEREAS, Ellen Stewart, founder and Artistic Director of La MaMa Experimental Theatre Club at 74A East 4th St, passed away on January 13, 2011 at the age of ninety-one. Born on November 7, 1919 in Louisiana, Ellen spent her formative years in Chicago, Illinois and moved to New York City in the later 1940s; she was the first African-American fashion designer for Saks Fifth Avenue; and

WHEREAS, For over 40 years, Ellen Stewart was a pioneering force on East 4th St, providing a creative home for local, homegrown artists from the East Village as well as international artists of theater, music and dance from over 70 different countries; and

WHEREAS, public support for co-naming of East 4th St, between Second Avenue and Bowery, as Ellen Stewart Way was amply demonstrated by a petition with 280 signatures from residents of the block and from members of the wider theater community; now

THEREFORE, be it resolved, that CB3-Manhattan supports co-naming East 4th St, between Second Avenue and Bowery, as Ellen Stewart Way to celebrate Ellen's life work, which was vital to making the street a cultural nexus and artistic hub for the East Village community, New York City and the world.

(Outreach Taskforce)

34 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Members Present at Last Vote:

David Adams	[P]	Linda Jones	[A]	Barden Prisant	[P]
Karen Blatt	[A]	Vaylateena Jones	[P]	Carolyn Ratcliffe	[P]
Jimmy Cheng	[A]	Meghan Joye	[P]	Joyce Ravitz	[A]
David Conn	[P]	Joel Kaplan	[P]	Lois M. Regan	[P]
David Crane	[P]	Carol Kostik	[P]	Janet Riesel	[P]
Andrea Diaz	[P]	John Leo	[A]	Carlina Rivera	[P]
Natasha Dillon	[P]	Ricky Leung	[P]	Richard F. Ropiak	[P]
Harvey Epstein	[P]	Sam Leung	[A]	Susan Scheer	[P]
Morris Fajtelewicz	[A]	Gigi Li	[P]	Nancy Sparrow-Bartow	[P]
Flora Ferng	[P]	Bernard Marti	[P]	Mary Spink	[A]
Rabbi Y. S. Ginzberg	[P]	David McWater	[P]	Gary Tai	[A]
Gloria Goldenberg	[P]	Charlotte Miles	[P]	Elinor Tatum	[A]
Jan Hanvik	[A]	Alexandra Militano	[P]	Rodney Washington	[P]
Herman F. Hewitt	[A]	Chiun Ng	[P]	Jack Waters	[P]
Simon Huang	[A]	Ariel Palitz	[A]	Justin Yu	[P]
Carolyn Jeffers	[P]	Thomas Parker	[P]	Thomas Yu	[A]
Anne K. Johnson	[P]	Dominic Pisciotta	[P]		

Meeting Adjourned