



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

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Dominic Pisciotta, Board Chair

Susan Stetzer, District Manager

September 2011 Full Board Minutes

Meeting of Community Board #3 held on Tuesday, September 27, 2011 at 6:30pm at Ukrainian Museum, 222 E 6th Street.

**Meeting called to order by DM with a thank you to the Ukrainian Museum and a notice to attendees that the room must be vacated by 10 PM. He asked public speakers, if there were several on one issue, to each give new information.**

**David McWater at 6:40 mentioned a Point of Order that the Sunshine Law is in conflict with the FDNY. SS explained that people are not being kept out, but asked to enter the room when their issue is addressed.**

Public Session:

HEATHER'S BAR was the issue with the most speakers so that issue was called first so those people were called into the room who wished to speak on it.

MARK WADE says the business should move to Avenue A, off a residential street. He has been waked up repeatedly in the middle of the night multiple times.

DAVID MAZZEO submitted complaint numbers Heather says she received only 3 tasks about the issue but he brought in evidence of at least 20 emails. Her security guards say they were never instructed to keep voices down. The sidewalks are an extension of the bar. Re-admission to the bar is another stipulation being ignored. They don't want a meeting with her as she has signed other agreements she's violated. A couple above the bar was forced to move because of noise. One had been there since 1970.

DOLORES SCHAFFER spoke for the 13th Street Association. She thanks CB3 for voting to deny the license. Heather is unwilling to show the complaint log that residents were asked to contribute to. She signed an agreement that she refuses to honor. She asks CB3 what the community should do now, after 6 years of stipulations that haven't been enforced. She asks CB3 to write a strong letter to the SLA as Heather is making a mockery of the community and CB3.

VALA DARVETT supports the establishment because it's a minority-owned business. She says the staff make an effort to ask patrons to move down the block to smoke on Avenue A and they reach out to the community

TOM WURL is mystified that a license was issued to such a small space. For all the years of her business the neighbors have endured screaming from patrons. Last Thursday at least a dozen patrons crossed the street at 1 AM to loiter in front of his building.

LORRAINE SWEET read a statement from a senior citizen living in her building. At 4 AM she woke up to close her windows because clients in front of Heather's were making so much noise. The doors were open.

MELISSA PLAUT, a Heather's employee, became a member of the "hush patrol," asking people to move to Avenue A to smoke. People resist it, saying they have a right to smoke on public streets. Asking Heather's to move to Avenue A is unreasonable. Most nights it closes at 2 so any complaints about noise at 4 AM are lies.

HELEN GREENBERG's parents own the building Heather's is located in and live above the bar. She has a health problem making her sensitive to smoke, and a smoke problem doesn't exist. She has a noise device, which isn't set off. Heather has helped 3 public schools with fundraisers and donations of costs of materials. She got a school to stop dumping Styrofoam trays. She thanks Heather.

EMILY CHU from the 110 Third Condo Association spoke about underage drinking and the serving of liquor at the Friend House Restaurant before their license was issue. They are closed now because of health department violations. She is against extending their hours to 4 AM. Item 12 under September SLA agenda.

KATIE KO AND KIM NGUYEN of 110 3rd Avenue are against Friend House Restaurant because of an out-of-control situation including fights resulting in blood being spattered on the walls. There are noise/music problems.

LAWRENCE CHU spoke for Anthi Simotas. He is a resident of 110 3rd Avenue. He emphasized the screaming of people waiting on a carpet outside the restaurant until 4 AM. They don't respond to police complaints. They are closed for health department violations but hide behind "closed for renovation" signs.

**Basketball City speakers were invited to speak starting at 7:45. DP asked people not to applaud as it slows down the process.**

DONALD BERNSTEIN is a lawyer for the company Art Restaurant Corp. which was hired by Basketball City to provide a restaurant for Basketball City. He named the many restaurants they already operate. The café will have a full service restaurant only open when BC is open, generally until midnight. A question was asked about the pricepoint of food and a drink at the café. A spokesperson said they would vary from \$5 and up, not a high price point. It's an amenity for people coming to BC already. Another question was asked as to whether local people would be hired, going through the Lower East Side Employment Network. He explained they are an EOE. He agreed to put it in as a stipulation. Another question was asked about corporate events and whether they would take time away from the time BC is available to kids. The answer was no, because special events take place later at night. The person answering that question said yes, they would definitely be using the Lower East Side Employment Network, with which they have already spoken.

ERNIE CAVE from East Side Sports says BC won a bid to be a community recreation facility. He says it has failed to reach out to local non-profits and schools. He asks why a liquor license is supported for a facility that hasn't reached out to the community. He has a handout. He says Asphalt Green reached out to their CB and to the community, as BC didn't.

FRANK ALAMEDA, a public school teacher, is excited BC is coming but thinks BC doesn't do enough outreach to let local people know it is coming. He advocates for the kids so that they know about such amenities.

JOEL CERDA, a student at Hunter College and a basketball player, talked about the importance of basketball to give kids a chance to be a success, going to college, etc.

SAMMY VASQUEZ, spoke for the Social Justice Committee of St. Mary's Church. They are concerned about a liquor license for BC because it's a very quiet community of about 1000 multi-racial people. He asks that the license be denied. We heard about many other liquor license problems.

LOU KATSOS asked CB3 to deny or postpone the decision to provide loading space at Forsythe Plaza. No one contacted St. Barbara's Church. This Greek congregation understands vendors. They don't have a problem with unloading but want to be included in discussions about the issues.

MARIA TSANTES from the Parish Council of St. Barbara's Church. Approximately 25 members of the church are here to say they were ignored despite letters to the DOT and others asking to be included.

WENDY BRAWER: David Crane spoke for her about bicycle-related issues. Go to [www.localspokes.org](http://www.localspokes.org) for information.

EFRAIN LOPEZ reported on faulty scaffolding with an expired permit at 513 East 13 Street. There are rats on the scaffolding. (DP instructed SS to speak with her.)

DP announced October 27 at NY Downtown Hospital there is a mammogram marathon.

**DM announced after determining there was quorum that we would go right to SLA to address the Heather's Bar and Basketball City issues to help clear the room.**

Public Officials:

Mayor Michael Bloomberg, Pauline Yu: No report.

Public Advocate Bill de Blasio, Phil Jones: No report.

Comptroller John Lui, Sandra Ung: No report.

Borough President Scott Stringer, Alec Schierenbeck: No report.

Congressmember Jerrold Nadler, Daniel Weisfeld: No report.

Congressmember Nydia Velazquez, Iris Quinones: 9/28 she's holding a press conference to protect federal housing from cuts.

Congressmember Carolyn Maloney, Victor Montesinos: No report.

Assembly Speaker Sheldon Silver, Zach Bommer: This Sunday the Speaker is holding a Community Day at the World Trade Center site. He has invitations for board members and anyone from Lower Manhattan.

Assemblymember Deborah J. Glick, Sarah Malloy-Good: No report.

Assemblymember Brian Kavanagh: We are close to a decision on whether to close the gap on the East River Greenway. It's a complicated \$115M deal involving the U.N. and other issues. Hurricane Irene was less of an event in this community than it might have been, with 30000 residents in a mandatory evacuation area. There were problems with the City's preparedness for evacuation from public housing. There is free mammogram screenings and free flu shots. There are flyers.

State Senator Daniel L. Squadron: It's a great sign that so many people are practicing active democracy by attending. He was pleased to support the change in law for marriage equality. He hosted a follow-up event called "After I Do" because while there is marriage equality in NYS, there is not nationally. Check his website for more information. He asked the MTA to do a full-line review of the F line. They heeded his request and produced a 16 page report, new cars, and other changes. He's hoping for good news within a week on weekend service. He addressed in Chinatown road curb ponding, puddles that don't drain. It's in CB3's district priorities. They become more serious problems like potholes if not ameliorated early. He issues his 3rd parent-school guide. They can be handed out or sent. He formed the Delancey Street Safety Working Group, working with DOT. The group will work on it corner by corner to make it safer for bicyclists and pedestrians. He reached out to Cooper Union to keep St. Mark's Bookshop which might be lost due to rent increases. He thanks the Community Board due to the resolution for Pier 42 to get funded and built through a community process. Sammy Vasquez from the audience asked for the Senator's opinion on Basketball City. He won't weigh in on the issue before the board tonight, as that existed before his tenure. They are doing free flu shots October 12 and 19. Details are in handouts.

State Senator Thomas K. Duane, John Bartos: No report.

Councilmember Margaret Chin, Matt: Her office is organizing a tribute to Harry Weider.

Councilmember Rosie Mendez, Michele Burger: She supports no variance for housing on East 6 Street.

Members Present at First Vote:

**Called at 7:15.**

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

Minutes:

Minutes of June 2011 were approved, as is.

Board Chairperson's Report:

Chairperson Dominic Pisciotta: 1) **If absences are more than 33% - and he was generous at determining what constitutes an absence – members have 6 months to update their attendance. If no improvement, the figures will be posted on the website. If no quorum, voting procedures can't go ahead. Part of the reason SLA Committee goes so long is that people don't arrive on time. He will lay out all details as to "how late" constitutes absence, etc. Let him know if you are on multiple committees and he'll relieve you from one. If you're on one committee and have high absence, consider your commitment to the board. Carolyn Jeffers stepping down from Human Services Committee. The new Chair will be Susan Scheer, who has a background**

in human services policy. 2) There was a resignation in the office so we are down to 2 people + Susan. Please check the CB3 website for info before consulting the office by phone. Email is always better. 3) Items from Borough Board came up that were not voted on, including a now-ended strike at the Central Park Boathouse. A complaint about street newspaper boxes was not acted on. 4) District Budget Priorities meeting is Tuesday 10/4 at CB3 office. Committee Chairs should attend and all should invite community groups that could benefit from expanded funding.

District Manager's Report:

District Manager Susan Stetzer:

I have announced that Department of Education will no longer allow community boards to use schools free of charge, and this year DOE has also forbidden Community Education Council's to sponsor the meetings so that we can have free use. A number of people have emailed to the office to suggest available sites in the District. If board members could volunteer to follow up and visit these sites, it would be very helpful.

Next month we will be meeting at BRC Senior Center. BRC has waived costs and clean up, but we need a volunteer to watch the door.

The cost of rent a school is \$64.00. However, the cost of security increases the cost to a minimum of \$200.00. Some principals will waive the security requirement, others, such as at PS 20, will not.

Committee Reports:

**Executive Committee**

DC explained that this came to Executive Committee because it's a Homeland Security issue. SS says she's sorry the community feels it wasn't reached out to. DOT says they were reached out to, and decided parking in front of the church won't be impacted at all. Harvey made a motion to postpone it. David McWater seconded, stating that since there was such a large group claiming they weren't contacted, we need to postpone it. There was 1 abstention and 2 PNV. This will return to committee.

- Forsyth Plaza loading space

**MOTION BELOW DID NOT PASS**

**VOTE:** WHEREAS, for many years, food vendors have been allowed to operate on Forsyth Street, between Canal and Division Streets, on the sidewalk adjacent to the Manhattan Bridge retaining wall. Community Board #3 also has strongly supported the installation of a public plaza in this location that would be operated AAFE and Renaissance, specifically in part, because it would manage the food vendor operations; and

WHEREAS, the Department of Transportation and the New York Police Department have recommended a change to street side parking regulations to no parking during daylight hours and no standing during nighttime hours. This would allow food vendor operations, including active loading and unloading during the day, and allow the Department of Sanitation to engage in street cleaning at night. These regulations would also be compatible with the use of the new public plaza; now

THEREFORE, be it resolved that Community Board #3 supports this change in regulations on Forsyth Street between Canal and Division Streets.

**(Executive Committee) MOTION TO POSTPONE  
36 YES 0 NO 1 ABS 2 PNV MOTION PASSED**

**Outreach Task Force**

**No report.**

- Establish protocol for outreach at community events  
no vote necessary

**Economic Development Committee**

RR spoke of 1 motion on the agenda, the St. Mark's Bookstore, who spoke with them about the difficulty of surviving, not because of Cooper Union raising their rent, but because of lowered income due to the recession. Claire McCarthy of Cooper Union wrote a letter summing up the outcome of a meeting of the Trustees. CU did not ask for an increase. CU doesn't own the space but sublets to retail tenants. "The Board is giving serious consideration" and will have a committee analyze the situation and make a determination by end of October. An owner of the bookstore asks for the letter from CB3 to put more pressure on CU because CU gave a flat "no" to a rent decrease.

RR reported on 2 more issues, one being finding ways to help small businesses since there are a lot of vacant storefronts. The committee is also asking for landlords to emphasize retail diversity, "butcher, baker, drycleaner," etc.

1. Report from subcommittee  
no vote necessary
2. Letter to landlords regarding retail diversity  
no vote necessary
3. Status of St. Marks Bookstore lease

**VOTE:** To send a support letter concerning the status of its tenant, the St. Mark's Bookstore, to Cooper Union.

We are writing to convey Manhattan Community Board 3's support of the St. Mark's Bookshop, a tenant of Cooper Union residing at 115 East 9th Street. It is our desire that it remain economically viable and in its current location for many years to come.

Since 1977, the St. Mark's Bookshop has served the East Village as an independent bookstore offering books and reading materials customized to meet the needs of our unique neighborhood of students, artists, cultural institutions and other diverse groups. The St. Mark's Bookshop has a loyal customer base of local residents who depend on this business to meet their needs.

Community Board 3 works closely with City and State agencies and elected officials as a platform for planning and decision making for our community. We recognize that the current recession has hit our community hard. It has caused local merchants to close their doors, giving way to what is becoming a glut of nightlife establishments and national chains that are permanently changing the character of our neighborhood. The St. Mark's Bookshop typifies the type of businesses that we must retain, a business that is locally owned and has a long track record of success and deep roots in the community, and that provides daytime service and goods needed by the local residents.

Community Board 3 is proud to have Cooper Union as a part of our district and recognizes the significant contribution that your institution makes to so many individuals. We also understand that the recession has caused economic hardship for all of us and that you too have obligations to your constituents and donors. That being said, the revenue this lease represents to Cooper Union cannot be considered to be material in the scope of your vast enterprise, and that stands in stark contrast to the large impact it would have on our neighborhood if The St. Mark's Bookshop were to fail.

Furthermore, the installation of The St. Mark's Bookshop at this location was Cooper Union's concession to this community for the much disputed construction of what was then a high rise dormitory.

Community Board 3 is asking that Cooper Union revisit the economic situation of The St. Mark's Bookshop and the hardships it faces, and negotiate in good faith with it on a leasehold revision that will make it economically viable for this beloved bookshop to continue to remain open in its current location. We believe that without a meaningful rent concession The St. Mark's Bookshop will potentially go the way of so many other local merchants and close its doors for good. This would be an enormous loss for our neighborhood.

We know that Cooper Union appreciates the unique character of the neighborhood in which it resides and has been and will continue to be an advocate for the welfare of that community. We sincerely hope that you will give this request the significant and thoughtful consideration that it deserves.

4. Discussion of history / potential for merchant association Houston-14th Street  
no vote necessary

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

**No report unless there are questions.**

1. Community proposals and presentation for adaptive arts/cultural use for Seward Park building  
**VOTE:** Community Board 3 supports the general concept of Hester Street Collaborative and Asian Americans For Equality's joint proposal to adapt the Seward Park building for youth and community targeted arts and cultural programming use, and for the organizations to return at a later date to update the Board on periodic progress.

2. Report from Waterfront Subcommittee

**VOTE:** WHEREAS, Community Board 3 established a Waterfront Task Force in 2003 to formulate a viable plan for the area from the Brooklyn Bridge north to East River Park with the intent to reclaim the waterfront for public use, keeping in mind the primarily residential nature of the adjacent community;

WHEREAS, since then, the Community Board has been working with various agencies and a few improvements have been provided on the waterfront, including the widening of the esplanade (by narrowing South Street from Montgomery to Catherine Slips);

WHEREAS, the Community Board is very concerned about the future of Pier 42, which is the only sizeable area in the community that extends over the East River. In the CB 3 *District Needs Statement for Fiscal Year 2013*, the Board states that the shed area of Pier 42 should be removed to allow for community revisioning to go forward. It is a CB 3 priority for funding to be allocated to complete this improvement and stabilization so that Pier 42 will not be lost as a crucial amenity to this community;

THEREFORE, BE IT RESOLVED THAT Community Board 3 considers funding be allocated to dismantle the shed over Pier 42 as the first step to reclaim this pier for community use, and that elected officials and relevant agencies allocate funding to complete the shed dismantling work on Pier 42 as a necessary first step to reclaiming this pier for the community.

**Land Use, Zoning, Public & Private Housing Committee**  
**September 12th Meeting**

**DM gave a report which included an interchange with Harvey Epstein.**

1. 514-516 E 6th St: request for waiver of ZR Sect 23-145 (Maximum Floor Area Ratio) and 23-22 (Maximum Number of Dwelling Units)

**VOTE:** Regarding 514-516 East Sixth Street: request for waiver of ZR Sect 23-145 (Maximum Floor Area Ratio) and 23-22 (Maximum **Number** of Dwelling Units)

**WHEREAS**, we believe that the applicant has a unique status in that they relied in good faith on DOB permits; and

**WHEREAS**, we believe that the applicant is asking for the minimum variance necessary; and

**WHEREAS**, we believe that financial hardship was not proven and that it was not demonstrated that financial hardship was not self-created; and

**WHEREAS**, the area was rezoned as part of the Lower East Side rezoning in a specific way to address the low-rise character of this block and that the addition of floors directly contradicts that and disturbs neighborhood character; so

**THEREFORE, BE IT RESOLVED** Community Board 3 opposes the granting of a variance to permit retention of the sixth floor at 514-516 East Sixth Street.

2. HPD discussion TIL status of 400 Grand Street  
no vote necessary

**September 21st Meeting**

1. Discussion of EIS draft scoping document

**VOTE:** WHEREAS, CB3 must prepare testimony for the October 11 EIS scoping hearing; and

WHEREAS, there is no time for further discussion within the committee, so

THEREFORE, BE IN RESOLVED, a subcommittee has been constituted to address the following issues for testimony at the Draft Environmental Impact scoping session:

In general, anything in our principles that is appropriate for the EIS and not included in the scope should at least be an alternative in the EIS. Our testimony should be constructed to exactly fit our guidelines. We request that the EIS specifically show where and how the principles are addressed.

- The draft scoping document assumes "up to 50% affordable housing," whereas our guidelines call for 50%.
- The draft scoping document needs to include all three alternatives for the Essex Street Market (retention in its current building and location, transfer to a larger new market location, or a combination of the two).
- The worst-case scenario assumes construction of a hotel. We don't want to exclude the hotel, but would like the EIS to consider other options, for example an office building or a vertical mall.
- The Guidelines explicitly exclude stores larger than 30,000 square feet, with the exception of a supermarket. It excludes "big box" stores entirely. The EIS needs to reflect this.
- There is no mention of job creation in the document. Shouldn't there be a discussion of both construction jobs and permanent jobs?

2. Green Space Under Delancey Street: Presentation of a concept for the abandoned Williamsburg Trolley Terminal below Delancey Street: using innovative solar technology to create a sizable underground community park  
no vote necessary

**Human Services, Health, Disability, & Seniors / Youth & Education Committee**

1. Presentation: Epicurean Management on giving back to the community  
no vote necessary
2. Betances health care prevention initiative  
no vote necessary
3. Consensus for Reform on Co-locations (when multiple schools are sited in one building)  
withdrawn

**Con Edison Task Force**

**Carol Kostic gave a report. Some people spoke at the meeting, people who wanted to do education programs. They are focusing on health and safety in the area of the plant. They've approved 6 different organizations at this point so they aren't looking to dramatically change the guidelines as long as good proposals are coming in.**

1. Updates from prior projects (if any)  
no vote necessary
2. Review and Revision of Guidelines for Con Ed Settlement Fund

**VOTE:** Guidelines to Submit Proposals for Community Board 3 Consolidated Edison Settlement Funds are hereby revised to read as follows:

**Guidelines to submit proposals for Community Board 3 Consolidated Edison Settlement Funds (REVISED SEPTEMBER 2011)**

**NEXT SUBMISSION DEADLINE, FOR FALL 2011 FUNDING CYCLE:**

- **FOR MANDATORY LETTER OF INQUIRY (IF APPLICABLE): OCTOBER 13, 2011**
- **FOR FULL PROPOSALS: NOVEMBER 10, 2011**
- **DEADLINES ARE 4 PM TO PERMIT PROMPT DISTRIBUTION OF MATERIALS TO TASK FORCE MEMBERS**

**REMAINING 2011 TASK FORCE MEETINGS: OCTOBER 27 AND NOVEMBER 29.**

**Guidelines:** Proposals will be considered within the scope of the Consolidated Edison Settlement Fund if: "Implementation of projects such as local air quality improvement, health improvement, or amenities programs in the vicinity of the East River Complex." Proposals are reviewed by a committee of volunteers and all deadlines for submissions must be adhered to without exception. Please read these guidelines carefully and comply fully with them.

**What we are looking for. Proposals that:**

- Benefit residents of the area around the plant and prioritize air quality improvement effort closest to the plant.
- Prioritize benefits to air quality, health and safety, consistent with the nature of the Article X involvement of the community
- For the 2011 funding cycle, CB3 is seeking proposals that primarily seek to ameliorate air quality, health and/or quality of life problems in the vicinity of the Con Ed plant. Proposals that are primarily educational, research or outreach in nature are not being sought.
- We encourage projects led by or that engage with local organizations with a strong connection to the CB3/CB6 areas, and projects that provide for local resident involvement and employment
- Achieve measurable goals related to improvement in the environment
- Proposals must be for projects that are fully scoped and for which the proposer has already received external bids or estimates for any significant work or services being procured outside the organization. Relationships with any partners outside the proposers organization must be established prior to the proposal being made.
- Funding Amounts: Initial funding amounts will be in the range of \$50,000-\$150,000 (though exceptions can be made for strong proposals that demonstrate a greater need). Proposals in excess of \$175,000 MUST first be submitted as a letter of inquiry before a proposal may be submitted (see "Letters of Inquiry" below).

Projects outside Manhattan CB3 and CB6 will NOT be considered.

**Proposal content -- limit to 10 pages:**

- Written description including goals, activities, leadership, how proposed project fits in organizational mission
- Timeline
- Deliverables including measurement of impacts if applicable
- Detailed project budget. All elements of your proposal must be scoped and budgeted.

- Identify other funding that has been or is being sought for this project. Describe how your project will be sustainable after receiving funding from the Settlement Fund.
- Description of organization including form of incorporation, history, annual budget, and audited financial statements. Audited financial statements will not be counted towards the 10 page limit.

**Evaluation criteria:**

- How well does proposal meet threshold criteria (above)
- Is proposal complete, clear, realistic, well thought-out and ready to implement as soon as funded?
- Is proposal consistent with the organization's mission and resources?
- How does proposed project mesh with other initiatives in the community?
- Does proposed project leverage other resources?
- Late proposals will not be considered.

**Process/timeline**

- 2 cycles per year (Fall/Spring); proposals will not be considered outside of these two cycles.
- At first meeting following submissions, Task Force members will have reviewed proposals and proposers are requested to attend for questions and discussion. If the Task Force determines that there are substantial shortcomings after its initial review, it may decide that the proposal will not be considered that funding cycle.
- If after initial review the proposal is deemed strong enough for continued consideration, the proposer may be asked for additional information to be submitted within 10 days. Failure to submit the requested information by the date required will cause the proposal to be dropped from consideration.
- At following meeting, the Task Force will vote on whether or not to recommend to the full Community Board 3.
- After an affirmative vote by full Board, the project is submitted to NYC Law Department, NYS Department of Public Service and Con Edison, all of which need to agree that this it is an appropriate use of Settlement Funds. This stage may take many months and there is no assurance that these parties will consent to the project.
- All proposals are public and will be posted on the Community Board 3 website.

**Letters of Inquiry**

While proposals will not be accepted outside of the two annual cycles, interested parties may at any time submit a brief (2-3 page) letter of inquiry to ascertain on a preliminary, non-binding basis whether their project fits the general goals of the Settlement Fund. Feedback from the Task Force will be entirely informal and will in no way create a presumption that an eventual proposal would be recommended for funding.

**Transportation & Public Safety and Environment Committee**

**No report unless there are questions.**

1. Proposal to reverse the direction of 1-way car traffic on Forsyth Street between Division and Canal Sts. Also, create loading zone for specific hours for vendors. Create angled parking along northern lane of Canal between Forsyth & Eldridge Sts.

**VOTE:** To postpone until the applicant resubmits this item for consideration.

2. Proposal for vendor market at Forsyth Plaza

**VOTE:** Postpone until the applicant resubmits this item for consideration.

3. Request for no parking for 2 spaces loading/unloading at 66 E 1st St

**VOTE:** WHEREAS, Abetta Boiler & Welding, located at 66 E 1st St, is the oldest continually operating business on the block between First and Second Ave — at least 50 years. It is a boiler and welding business that serves the community with boiler repair, fencing, window guards, etc. It is one of the few remaining Hispanic-owned and operated businesses in our area. It is only open during normal Monday thru Friday daytime work hours; and

WHEREAS, this spring the NYC/DOT/DDC installed a large contractor trailer on the south side of the block directly across from Abetta. It is being used by engineers and contractors for the reconstruction of Houston Street. It occupies 3 parking spaces and will stay on the block for the 3 to 5 year duration of the reconstruction. The trailer affects Abetta's ability to operate their business. Abetta's trucks have to park on street because it is very difficult to make turns in and out of their garage with trailer parked across the street. The trailer also severely inhibits off-loading of raw steel materials delivered by 60-foot flatbed trucks; and

WHEREAS, For many years, There was a loading/unloading zone for commercial day-time use by Abetta in front of 66 E 1st St. This seems to have been removed at the same time that a similar loading/unloading zone was removed from across the street at 47-47½ E 1st St; and



WHEREAS, Abetta and the First St Block Association have requested a restoration of 30 feet of the loading/unloading zone adjacent to their active driveway. This would allow Abetta to operate their business during the E Houston St Reconstruction and beyond; now

THEREFORE, BE IT RESOLVED, that CB3 requests DOT to install a truck loading/unloading zone for the hours of 8am-6pm Monday-Friday, extending 30 feet west of the active driveway at 66 E 1st St, directly in front of 64 E 1 St.

4. Support for Community Board comment and review period for Public Pay Telephones  
no vote necessary

5. Newsstand Application: NEC Stanton St & Bowery St

**VOTE:** CB3-Manhattan approves of the application for a newsstand on the north-east corner of the Bowery and Stanton St.

#### **SLA Policy Task Force**

1. Creation of Best Practices document

**VOTE:** **WHEREAS,** understanding that the Community Board 3 State Liquor Authority Policy Review, approved in February 2011, mandates that a Best Practices be created "to give nightlife establishment owners a guideline or standard to follow" in the course of operating their business; and

**WHEREAS,** the Community Board 3 State Liquor Authority Policy Review also mandates that, as part of the grandfathered policy of transferring businesses, an "existing business must adopt the Best Practices that have been established;" and

**WHEREAS,** the attached Best Practices will clarify community board expectations for business owners because new applicants and applicants considered as part of the grandfathered policy will be expected to operate their businesses consistent with the expectations outlined in the Best Practices and, further, these expectations will guide community board evaluation of whether an existing business is a good operator that would qualify for grandfathering treatment; and

**WHEREAS,** the Best Practices will be given to any applicants, whether they be new or considered as part of the grandfathered policy as both will benefit from understanding community board guidelines and expectations regarding the operation of licensed businesses; and

**WHEREAS,** any applicant receiving the Best Practices must sign that he or she has received, read and acknowledged his or her understanding of the Best Practices as Community Board 3 expectations; and

**WHEREAS,** any applicant considered as part of the grandfathered policy must sign an acknowledgment that part of receiving the benefit of the grandfathering policy is agreeing to make a good faith effort to operate in accordance with these expectations; now

**THEREFORE, BE IT RESOLVED,** that Community Board 3 adopts the attached Best Practices.

2. Revised CB 3 application for applicants  
no vote necessary
3. Continued work on map information  
no vote necessary

#### **Draft Best Practices Document**

##### Security

1. There should be a minimum of one licensed and trained security guard in any premise with a certificate of occupancy over 75 people. For clubs, there should be one security guard per every 75 people.
2. Establishments must call 911 to report criminal activity and may call 911 or otherwise notify police for assistance.
3. It is recommended that security guards be distinctly attired.
4. The use of identification scanners by security at the door is highly recommended.
5. A list of special events should be given to the precinct.

##### Crowd Control

1. Security should ensure that patrons exit and disperse quietly and in an orderly manner.
2. Patrons awaiting admission should be in a line against the building, not blocking the sidewalk or

residential entrance.

3. Controlling all noisy and/or obstructive patron activity on the sidewalk, including smokers, is the responsibility of the establishment.
4. Occupancy checks should be conducted periodically throughout busy periods.

#### Noise Control

1. Noise from inside an establishment should not be plainly audible in any residence or adjacent business. If music louder than conversational level is planned, test the soundproofing BEFORE signing the lease.
2. Noise from backyard (or outside) spaces and open windows and facades needs to be controlled. Backyard and sidewalk café hours as stipulated should be strictly observed.
3. Windows and open facades should be closed at 10:00 p.m.

#### Neighborhood Relations

1. CB 3 stipulations should be available on the premises upon request
2. Owner and staff should be open, available, sensitive and responsive.
  - A. Owner or manager should regularly attend monthly police precinct community council meetings
  - B. New operators should reach out to nearby Block Associations and concerned residents. The Community Board can provide contact information.
  - C. Consider holding a "meet your neighbor" event in your business.
3. Create a policy and procedure for responding to neighborhood complaints and be sure that every employee knows how to refer or respond to complaints.
4. All complaints should be responded to immediately and professionally.

#### SLA & DCA Licensing Committee

##### August SLA Committee Meeting

**A vote on this item was called at 8:10 PM. Discussion followed re Basketball City, Item # 9. Vaylateena Jones stated that on the last page of the CB3 Liquor License Application Questionnaire where Ark Basketball City Corp was the applicant states "If there are block associations or tenant associations in the immediate vicinity of your location you must contact them." They have not consulted the residents of adjoining Gouverneur Gardens, where she lives. This stip was added as a friendly amendment. Anne Johnson is in favor of it because there are no restaurants at all in that neighborhood and she's been assured it will be affordable, kind of a burger place. Ricky Leung and his community doesn't welcome a liquor restaurant. They welcome a juice bar. DM: The SLA will view a denial as ridiculous. SS: This is not subject to the 500 Foot Rule therefore the SLA WILL approve this or they will be sued. There were concerns about connecting sports and alcohol. It was explained that the liquor license is probably largely for the corporate groups that are backers or users of BC. AM: She knows of other sports facilities that serve liquor and are near highways e.g. Yankee Stadium and there is no higher incidence of assaults, or traffic incidents. BC is a sports facility, near highways, and will be serving liquor, AND provides community service to local kids. A board member asked if there would be a meeting room open to the community. Answer: Yes. DC offered a second friendly amendment: We want to add "The applicant agrees to work with the Lower East Side Employment Network for local hiring". DP voted for it although it was a tough vote because it was "for jobs" and "for a successful business in the neighborhood."**

##### Renewal with Complaint History

1. Heathers (Ariel Inc), 506 E 13 St (op)  
withdrawn

##### Applications within Resolution Areas

2. St. Marks Red House, TDD & G LLC, 126 St Marks Pl (wb)  
**VOTE:** To deny the application for a beer wine license for TDD & G LLC, with a proposed business name of St Marks Red House, for the premise located at 126 St Marks Place, because 1) although there is an existing business with a beer wine license at this location, it is a Thai restaurant with hours of operation of 11:30 A.M. to 11:00 P.M. Sundays through Thursdays and 11:30 A.M. to 11:30 P.M. Fridays and Saturdays, and approval of the present application would mean an alteration of the method of operation to a tavern and change in hours of operation to 12:00 P.M. to 4:00 A.M. all days, 2) the applicant concedes that there are thirty-nine (39) licensed premises within one (1) block of this location, 3) there are four (4) existing taverns surrounding this location, including a tavern, doing business as Bua, at the same address, all of which contribute to existing noise and congestion on this portion of this block, and 4) despite the experience of the applicants themselves, there is no public convenience and advantage served by approving a beer wine license for a business with this method of operation and these hours on a street with numerous licensed businesses and which is already suffering from noise and congestion.
3. TBD, Nippon Sushi Inc, 121 Ludlow St (wb)  
withdrawn
4. TBD, Hachi Enterprises Inc, 185 Orchard St (wb)

**VOTE:** To deny the application for a beer wine 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.

#### **Alterations/Upgrades**

5. Preserve 24 (Aegis Holding Houston LLC), 175-177 E. Houston St (alt/op)

**VOTE:** To deny the alteration of the full on-premise liquor license for Aegis Holding Houston LLC, with a proposed business name of Preserve24, for the premise located at 175-177 Houston Street, to wit permitting occasional live acoustic jazz musicians to play in its cellar level, because, although the applicant has followed the recommendations of this community board by conducting an acoustical analysis and implementing sound mitigation measures, this is an as yet unopened business with no operating history and no actual understanding of how noise from its business might travel to the shared residential courtyard which can be accessed through an emergency door in the cellar level and which is adjacent to the area where the applicant intends to locate its musicians.

6. Antibes Bistro (EHD Restaurant Corp), 112 Suffolk St (alt/op)

**VOTE:** To deny the application to upgrade to a full on-premise liquor license to EHD Restaurant Corp., doing business as Antibes Bistro, 112 Suffolk Street, as well as to alter said license, to wit amending its operating hours to 4:00 P.M. to 1:00 A.M. Mondays through Fridays and 10:00 A.M. to 1:00 A.M. Saturdays and Sundays, 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 Southern French Mediterranean restaurant, serving food to within one (1) hour of closing, 2) its hours of operation will be from 4:00 P.M. to 1:00 A.M. Mondays through Fridays and 10:00 A.M. to 1:00 A.M. Saturdays and Sundays, and 3) it will play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged.

7. BOP (Peels) Radley Realty Corp, 325 Bowery (alt only)

**VOTE:** To approve the alteration of the full on-premise liquor license for Radley Realty Corp., doing business as Peels, 325 Bowery, to wit converting a ten (10) foot service bar in the rear of the ground floor of the establishment to a standup bar of the same length.

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

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

**VOTE:** To deny the application for a beer wine license for Big Dumpling Corp., doing business as Plump Dumpling, for the premise located at 174 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 Asian restaurant, serving food to within one (1) hour of closing, 2) its hours of operation will be 11:30 A.M. to 11:30 P.M. all days, 3) it will play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged, and 4) it will have no open doors or windows and will maintain a fixed façade.

9. Basketball City, Ark Basketball City Corp, Pier 36 at 299 South St (op)

**VOTE:** **WHEREAS,** Basketball City will be a fifty-five thousand (55,000) square foot sports facility, located at Pier 36 at 299 South Street, which will be comprised of seven (7) basket ball courts and amenities, dedicated to community and private use; and

**WHEREAS,** Ark Basketball City Corp. is seeking to operate a café restaurant, serving food and drink, on the mezzanine level of the second floor of Basketball City, with regular hours of operation of 9:00 A.M. to 12:00 A.M. and playing ambient recorded music; and

**WHEREAS,** Ark Basketball City Corp. is seeking to close as late as 2:00 A.M. for special events only, such as corporate parties and fundraisers, and to have live music and DJs at such events only; now

**THEREFORE, BE IT RESOLVED** that Community Board #3 moves to deny the application for a full on-premise liquor license for Ark Basketball City Corp., for the mezzanine level of the second floor of the premise located at Pier 36 at 299 South 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 café restaurant on the mezzanine level of the second floor of Basketball City, a sport facility with seven (7) basketball courts and amenities, 2) its hours of operation will be 9:00 A.M. to 12:00 A.M. all days, with the exception that it may close as late as 2:00 A.M. for special events, such as corporate parties and fundraisers, 3) it will play ambient background music, consisting of recorded music, during regular business operations, and may have live music and DJs during special events only, but will not have promoted events, scheduled performances or any event at which a cover fee will be charged at any time, 4) it will designate employees who will be responsible for crowd control and overseeing patrons leaving the building at closing or at the conclusion of any event, 5) it will work with the Lower East Side Hiring Network to effect local hiring of its employees, and 6) it will meet with residents of Gouverneur Gardens, as well as other nearby housing developments, to address any of their concerns.

10. TBD, Lucky Plaza Restaurant Corp, 81 Chrystie St (wb)

**VOTE:** To deny the application for a beer wine license for Lucky Plaza Restaurant Corp., 81 Chrystie Street, because the applicant did not appear before Community Board #3 for review of its application or provide any application materials for review.

11. TBD, Asian Chef Express Inc, 96 3rd Ave (wb)

**VOTE:** To deny the application for a beer wine license for Asian Chef Express Inc., for the premise located at 96 Third 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 Chinese and Japanese restaurant, serving food to within one (1) hour of closing, 2) its hours of operation will be 11:00 A.M. to 11:30 P.M. Mondays through Thursdays, 11:00 A.M. to 12:00 A.M. Fridays and Saturdays and 12:00 P.M. to 11:00 P.M. Sundays, 3) it will play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged, and 4) it will close any façade doors and windows by 10:00 P.M. every night.

12. Cheeky Sandwiches (Hippoe Holdings LLC), 35 Orchard St (wb)  
withdrawn

13. TBD, Ichibantei LLC, 401 E 13th St (wb)  
withdrawn

14. Hot Kitchen (Hot Kitchen Inc ), 104 2nd Ave (wb)

**VOTE:** To deny the application for a beer wine license for Hot Kitchen Inc., with a proposed business name of Hot Kitchen, for the premise located at 104 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 Chinese restaurant, serving food to within one (1) hour of closing, 2) its hours of operation will be 11:30 A.M. to 11:00 P.M. Mondays through Fridays and 12:00 P.M. to 11:00 P.M. Saturdays and Sundays, 3) it will play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged, and 4) it will close any façade doors and windows by 10:00 P.M. every night.

15. TBD, 93 Ludlow St Inc, 95 Delancey St (op)  
withdrawn

16. Quality Meats Downtown (Mozzarella Sticks LLC), 199 Bowery (op)

**VOTE:** To deny the application for a full on-premise liquor license for Mozzarella Sticks LLC, with a proposed business name of Quality Meats Downtown, for the premise located at 199 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 on the ground floor, specifically a steakhouse, serving food to within one (1) hour of closing, and operate as a bar lounge in the basement, 2) its hours of operation will be 11:00 A.M. to 4:00 A.M. all days, 3) it will play ambient background music, consisting of recorded music, on the ground floor and may have occasional live music and DJs in the basement only but will not have promoted events, scheduled performances or any event at which a cover fee will be charged in any part of its establishment, 4) it will close any façade doors and windows by 10:00 P.M. every night, 5) it will employ licensed security at the door of its business Tuesdays through Saturdays, and other days as needed, to minimize crowds, noise and traffic congestion, and 6) it will not apply for a cabaret license.

#### September SLA Committee Meeting

**The vote on this item was called at 7:35. The majority of votes were "Yes, but No on item # 12" at the recommendation of David Crane. This item passed except for Item 12.**

#### Renewal with Complaint History

1. Heather's (Ariel Inc), 506 E 13 St (op)

**Alex Militano gave the history of this issue. They put in an application to hold parties, and to do alterations, and to extend hours until 4 AM. She had violated terms of the stipulations by staying open late. Heather explained that this was not a change of the method of conducting business. There was no evidence from the police or from residents to indicate that she was in violation by hiring dj's for regular business. DC: He encourages people to vote "no," then he will offer a separate motion stating that they are in violation of their license.**

**VOTE:** To deny the renewal of the full on-premise liquor license for Ariel Inc., doing business as Heathers, for the premise located at 506 East 13th Street, because 1) this application on a residential side street was originally approved in 2005 but has been heard by Community Board #3 for its 2007 and 2009 renewals because of ongoing complaints of loud patrons in front of this establishment, an open door after 10:00 P.M. causing noise from music and people to emanate from this business, lack of supervision of loud patrons in front of this establishment by staff or security and lack of a prompt response by the business owner to complaints from surrounding residents, 2) in an effort to ameliorate the conditions causing the complaints and facilitate communication between the applicant and the residents, Community Board #3 asked the applicant during its 2007 hearing to close its front door at 10:00 P.M. every night and asked the applicant at its 2009 hearing to engage in a lengthy discussion with area residents from which a list of operating stipulations (a copy of which is attached hereto) was derived which this community board then asked the SLA to make as conditions of this license, 3) this application is again being heard for its renewal by Community Board #3 with the same complaints of loud patrons in front of this establishment, an open door after 10:00 P.M. causing noise to emanate from this business, lack of supervision of patrons in front of this establishment by staff or

security and lack of a prompt response by the business owner to complaints, all of which are violations of stipulations one, three, six and seven signed in 2009 by the applicant, 4) residents and a representative of the East 13th Street AB Block Association appeared before Community Board #3 to make these complaints and submitted petition signatures from more than fifty (50) residents on of this street where this establishment is located, 5) despite the assertions of the applicant and its employees, as well as extensive and detailed stipulations constructed to ameliorate the conditions leading to complaints, the same conditions appear to exist as the same complaints continue to be made by surrounding residents.

2. Amsterdam Billiards & Bar (Corner Billiards Corp), 110 E 11th St (op)  
no vote necessary

#### **Applications within Resolution Areas**

3. Nippon Sushi Inc, 121 Ludlow St (wb)  
no vote necessary

4. Hachi Enterprises Inc, 185 Orchard St (wb)

**VOTE:** To deny the application for a beer wine 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. Landbrot (185 Orchard Street Landbrot LLC), 185 Orchard St (wb)  
withdrawn

6. Yankee Pizza Restaurant Inc, 181 Ave C aka 647 E 11th St (wb)  
withdrawn

7. Cornerstone Café (AO Café & Restaurant LLC), 17 Ave B (wb)

**VOTE:** To deny the application for a beer wine license for AO Café & Restaurant LLC, doing business as Cornerstone Café, for the premise located at 17 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 operate as a full-service Italian café restaurant, serving food to within one (1) hour of closing, 2) its hours of operation will be 8:00 A.M. to 11:00 P.M. all days, 3) it will play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged, 4) it will close façade doors and windows at 10:00 P.M., and 5) it will not have a standup bar. Community Board #3 is approving this beer wine application although this is a location in an area with numerous licensed premises because 1) this applicant has a history of operating Italian gourmet delis since 1985, 2) this application is for a business which emphasize food service with alcohol service ancillary to the sale of food, 3) there was no opposition to this application, and 4) the applicant demonstrated significant support for this proposed business from its neighbors by providing ninety-three (93) signatures from nearby residents.

#### **Sidewalk Café Applications**

8. Sauce, 78 Rivington St (unenclosed)

**VOTE:** To approve the application for a sidewalk café permit for seventeen (17) tables and thirty-four (34) seats for Coda Di Bue LLC, with a proposed business name of Sauce, 78 Rivington Street, because the applicant has signed a change agreement which will become part of its DCA license that 1) the café will consist of seventeen (17) tables with thirty-four (34) seats, with five (5) tables and ten (10) seats located on Allen Street and twelve (12) tables and twenty-four (24) seats located on Rivington Street, and 2) it will maintain an awning over the portion of its café which is on Allen Street and erect a sound baffling arbor with plantings over the Rivington Street portion of its café.

#### **Alterations/Upgrades**

9. The Draft (N&K Animal Productions LLC), 157 Ludlow St (alt/op)  
no vote necessary

10. Wechsler's (Eichstatt LLC), 120 1st Ave (alt/wb/adding about 75sq feet to business from neighboring hallway)

**VOTE:** To approve with existing stipulations the alteration of the beer wine liquor license for Eichstatt LLC, doing business as Wechsler's, 120 First Avenue, to wit adding seventy-five (75) square feet from the adjacent residential hallway and adding three (3) tables with twelve (12) seats.

11. Diablo Royale (East Village Café & Restaurant LLC), 167 Ave A (alt/op)

**VOTE:** To notify the SLA that Community Board #3 cannot approve the application to alter the full on-premise liquor license of East Village Café & Restaurant LLC, doing business as Diablo Royale, for the premise located at 167 Avenue A, to wit licensing an existing bar in the basement and adding seating and relocating a bathroom in its plans, because there are numerous pending SLA violations against this establishment which will be heard in September and October of 2011, including violations for unlawful use of a trade name, violation of stipulations as to backyard use, unreasonable noise, illegal occupancy and two (2) underage sales from October and May of 2011.

12. Hea Hea Bar & Restaurant (Friend Tri New York Inc), 145 E 13th St aka 106 3rd Ave (alt/op)

**DM recommended a report go to the SLA reporting that they have changed their methods of operation. AM: This was done. SLA is aware of the problems. DC proposed a new motion: Whereas a license for Hea Hea Bar was originally approved in 2007, and whereas the business started promoting DJ-accompanied parties, and whereas subsequently in January 2007, residents appeared to complain about late night hours, the applicant**

withdrew because of community opposition, whereas the applicant has again applied for a change of operations until 2 AM on weekdays and 4 AM on weekends, CB3 will not endorse the change of operations, and whereas residents of the adjacent buildings making the same complaints of late night noise, therefore CB3 will not endorse the change in the methods of operation.

DC made the motion. David McWater seconded it. A hand vote was unanimous.

**(MOTION #1) THIS MOTION DID NOT PASS**

**VOTE:** To deny the application to alter the full on-premise liquor license of Friend Tri New York Inc., doing business as Hea Hea Bar & Restaurant, 145 East 13th Street a/k/a 106 Third Avenue, to wit amending its operating hours to 11:30 A.M. to 2:00 A.M. Sundays through Thursdays and 11:30 A.M. to 4:00 A.M. Fridays and Saturdays, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will install and or maintain a precipitator to minimize odors and exhaust, 2) it will close any façade doors and windows at 10:00 P.M. every night, 3) its hours of operation will be 11:30 A.M. to 2:00 A.M. Sundays through Thursdays, 12:00 P.M. to 4:00 A.M. Fridays and Saturdays, 4) it will operate as a full-service Asian Thai restaurant, serving food to within one (1) hour of closing, 5) it will play ambient background music only, consisting of recorded music, and not have live music, promoted events, scheduled performances or any event at which a cover fee will be charged and may only have DJs for private parties, and 6) it will designate an employee or employ security to control noise and congestion from patrons and traffic outside its premise.

**(MOTION #2) THIS MOTION PASSED**

**VOTE:** **WHEREAS**, Friend Tri New York Inc., doing business as Hea Hea Bar & Restaurant a/k/a Friends House, 145 East 13th Street a/k/a 106 Third Avenue, is seeking to alter its full on-premise liquor license, to wit amending its operating hours to 11:30 A.M. to 2:00 A.M. Sundays through Thursdays and 11:30 A.M. to 4:00 A.M. Fridays and Saturdays; and

**WHEREAS**, Community Board #3 originally approved a full on-premise liquor license for this applicant in November of 2007, with stipulations that were made a condition of its license to 1) operate as a full-service Asian Thai restaurant, serving food to within one (1) hour of closing, 2) have operating hours of 11:30 A.M. to 12:00 A.M. Sundays through Thursdays and 12:00 P.M. to 1:00 A.M. Fridays and Saturdays, 3) close doors and windows at 10:00 P.M., and 4) install a precipitator to minimize noise and exhaust from kitchen vents; and

**WHEREAS**, the applicant began hosting promoted events with cover fees, DJs and closing times of 4:00 A.M. in 2009 and 2010 and, when the SLA became of aware of the this change in method of operation in 2010, it contacted the attorney for the applicant and asked that the applicant desist operating inconsistent from its original method of operation; and

**WHEREAS**, the applicant then appeared before Community Board #3 in January of 2011, seeking to alter its full on-premise liquor license by changing its hours of operation to 11:30 A.M. to 2:00 A.M. Sundays through Thursdays and 11:30 A.M. to 3:30 A.M. Fridays and Saturdays, but withdrew after neighboring residents, including residents of the adjacent residential apartment building 110 Third Avenue and residents of East 13th Street, appeared in opposition to this application, complaining about late night noise and congestion from people and traffic inside of and in front of this location since the summer of 2009; and

**WHEREAS**, residents, including a representative of the building association, from the adjacent 110 Third Avenue, have again appeared in opposition to this second application to amend the operating hours of this business and have again complained of late night noise and congestion from people and traffic inside of and in front of this location; and

**WHEREAS**, Community Board #3 cannot endorse a change in the method of operation where an applicant has continued to violate the terms of its original license; now

**THEREFORE, BE IT RESOLVED** that Community Board #3 denies the application to alter the full on-premise liquor license of Friend Tri New York Inc., doing business as Hea Hea Bar & Restaurant a/k/a Friends House, 145 East 13th Street a/k/a 106 Third Avenue, to wit amending its operating hours to 11:30 A.M. to 2:00 A.M. Sundays through Thursdays and 11:30 A.M. to 4:00 A.M. Fridays and Saturdays.

13. Graz Restaurant LLC, 79 Orchard St (alt/op)

**VOTE:** To approve with existing stipulations the alteration of the full on-premise liquor license for Graz Restaurant LLC, doing business as Graz, 79 Orchard Street, to wit expanding its restaurant into the adjacent south storefront at the same location, adding twelve (12) seats and expanding its bar length to twenty-four (24) feet.

14. Heartbreak Restaurant (Christos Restaurant LLC), 29 E 2nd St aka 37 2nd Ave (up/op)

**VOTE:** To deny the application to upgrade to full on-premise liquor license for Christos Restaurant LLC, doing business as Heartbreak Restaurant, for the premise located at 29 East 2nd Street a/k/a 37 Second Avenue, because 1) this applicant was first heard in February of 2009 as a full on-premise liquor license and withdrew after the community board expressed concerns about the number of full on-premise licensed establishments on the same side of the street and adjacent to this location and because it did not want to approve a full on-premise liquor license in a residential building for the mentally ill, owned and operated by Community Access, 2) this applicant was then heard in March of 2009 and approved with stipulations that in pertinent part prohibited its application for a sidewalk café and its upgrade to a full on-premise liquor license, and despite having only opened in November of 2010 and its prior stipulations, is now seeking an upgrade of its liquor license, and 3) there are twelve (12) full on-premises liquor licenses within one (1) block of this location, four (4) of which are adjacent to and comprise all but one of the commercial storefronts on this block, as well as additional licensed businesses.

**New Liquor License Applications**

15. Cooper Square Hotel (CooperAB LLC), 25-33 Cooper Sq (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, Cooper AB LLC, by its qualified representative or principal, is seeking to obtain a hotel liquor license for a twenty-one (21) story hotel, currently 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

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 (95) 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; now

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the application to obtain a hotel liquor license for Cooper AB LLC, for 25-33 Cooper Square, currently doing business as the Cooper Square Hotel, 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 it can be prearranged by hotel staff, taxis and limousines will be directed to the entrance on Cooper Square, except that this may not be fully effected until the water main construction project on Bowery is completed; 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; 14) the applicant will station security personnel at the ground floor entrance of the outdoor staircase located north of the lobby on Cooper Square and leading to the second floor terrace, to monitor people entering and leaving said staircase;

Specifically,

With respect to the basement lounge and supper club, 15) the applicant will not apply for a cabaret license for its basement lounge; 16) live music will only be offered as background accompaniment to the service of food and drink only and there will be no scheduled performances; 17) it will close no later than 2:00 A.M. Sundays through Wednesdays and 3:00 A.M. Thursdays through Saturdays; 18) patrons will be unable to access the first floor garden from the basement; 19) there will be food served during all hours of operation;

With respect to the first floor garden, 20) 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; 21) the regular use of the first floor garden will be as a quiet gathering space for patrons and guests; 22) 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; 23) 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, 24) it will open no earlier than 8:00 A.M. daily and its closing hours will be 10:00 P.M. Sundays through Thursdays and 11:00 P.M. Fridays and Saturdays; 25) 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, 26 ) it will open no earlier than 11:00 A.M. daily and close no later than 8:00 P.M. every night; 27) there will be food and alcohol service in this area but the applicant will make substantial efforts to minimize the impacts of noise and noxious fumes from said service on the residents in the adjacent apartment building; 28) an awning will be extended over the area during all hours of operation, in addition to the proposed soundbaffling wall and potted plants, to further shield neighboring residents from noise; 29) candles, rather than any electrical lighting, will be used at night; and 30) 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.

16. Inhabit Lounge (Samond Inc), 39 Eldridge St 3rd Fl (op)  
no vote necessary

17. Little Muenster (The Little Kitchen Restaurant Group LLC), 100 Stanton St (wb)

**VOTE:** To deny the application for a beer wine license for The Little Kitchen Restaurant LLC, with a proposed business name of Little Muenster, for the premise located at 100 Stanton 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 grilled cheese restaurant with food takeout and delivery, serving food during all hours of operation, 2) it will stop serving alcohol at 1:00 A.M. Mondays through Saturdays and 12:00 A.M. Sundays, 3) it will play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged, 4) it will



designate an employee or employ security to control patrons inside and outside of the premise, when necessary, and 5) it will close any facade doors and windows at 10:00 P.M. every night.

18. To Be Determined, 132 Eldridge St (op)

**VOTE:** To deny the application for a full on-premise liquor license for a corporation to be determined, with principals Christine Woodward and John Woodward, with a proposed business name of Second Nature, for the premise located at 132 Eldridge Street, because 1) the proposed hours of operation of 8:00 A.M. to 4:00 A.M. all days, size, limited menu of sandwiches and full on-premise liquor license are inconsistent with its proposed method of operation as a tavern coffee shop with seven (7) tables and fifteen (15) seats, 2) the applicant has no experience operating a tavern, and 3) this community board has denied other applicants with similar business models in similarly sized location requesting the same or lesser operating hours.

19. Cheeky Sandwiches (Hippoe Holdings LLC), 35 Orchard St (wb)

**VOTE:** To deny the application for a beer wine license for Hippoe Holdings LLC, doing business as Cheeky Sandwiches, for the premise located at 35 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 sandwich shop with food delivery, serving food during all hours of operation, 2) its hours of operation will be 7:00 A.M. to 12:00 A.M. all days, 3) it will play ambient background music only, consisting of recorded music, and not have live music, promoted events, scheduled performances or any event at which a cover fee will be charged and may have DJs for private parties only provided its French doors are closed while any DJ is playing, and 4) it will close any facade doors and windows at 10:00 P.M. every night.

20. Ichibantei LLC, 401 E 13th St (wb)

withdrawn

21. 93 Ludlow St Inc, 95 Delancey St (op)

no vote necessary

22. Ciao for Now, 521-523 E 12th St (wb)

**VOTE:** To deny the application for a beer wine license for a corporation to be determined, with principals Kevin Scott Miceli and Amy Lynn Miceli, doing business as Ciao For Now, for the premise located at 521-523 East 12th Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a full-service restaurant, serving food to within one (1) hour of closing, 2) its hours of operation will be 7:30 A.M. to 10:00 P.M. Mondays through Fridays and 8:00 A.M. to 10:00 P.M. Saturdays and Sundays, 3) it will play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged, 4) it will close any facade doors and windows at 10:00 P.M. every night, 5) it will not have a standup bar, and 6) it will not upgrade its license. Community Board #3 is approving this beer wine application although this is a location in the middle of a residential side street in an area with numerous licensed premises because 1) this applicant has a history of operating a full-service café restaurant at this location for the past ten (10) years, 2) this application is for a business which emphasizes food service with alcohol service ancillary to the sale of food and no standup bar, 3) the applicant has agreed not to seek an upgrade of its license for the life of the license, and 4) while there was opposition to this application, the applicant demonstrated significant support for this proposed business from its neighbors by providing ninety-seven (97) signatures from nearby residents.

23. The Delancey (ADR Restaurant Inc), 168 Delancey St (op)

**VOTE:** To approve the alteration of the full on-premise liquor license for ADR Restaurant Inc., doing business as The Delancey, 168 Delancey Street, to wit converting a service bar on its rooftop of the establishment to a standup bar of the same length.

24. Pizza a Casa Inc, 371 Grand St (wb)

**VOTE:** To deny the application for a beer wine license for Pizza a Casa Inc., for the premise located at 371 Grand 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 pizza restaurant with a cooking school to make your own pizza and retail pizza equipment sales, serving food during all hours of operation, 2) its hours of operation will be 12:00 P.M. to 1:00 A.M. all days, 3) it will play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged, and 4) it will maintain a closed fixed façade with no open doors or windows.

25. White Slab Palace (Royal Sperm Whales Inc), 77 Delancey St (op)

**VOTE:** To deny the application for a full on-premise liquor license for Royal Sperm Whales Inc., 77 Delancey Street, because the applicant did not appear before Community Board #3 for review of its application or provide any application materials for review.

26. Lolita, 266 Broome St (op)

withdrawn

**(SLA & DCA Licensing Committee)**

**(September 2011 SLA)**

**38 YES 1 NO 0 ABS 0 PNV (excluding items 1 & 12) MOTION PASSED**

**34 YES 2 NO 3 ABS 0 PNV (item 1) MOTION PASSED**

**3 YES 35 NO 1 ABS 0 PNV (item 12, 1st motion) MOTION DID NOT PASS**

39 YES 0 NO 0 ABS 0 PNV (item 12, 2nd motion) MOTION PASSED  
 (August 2011 SLA)  
 38 YES 1 NO 0 ABS 0 PNV (excluding items 6 & 9) MOTION PASSED  
 37 YES 1 NO 1 ABS 0 PNV (item 6) MOTION PASSED  
 28 YES 10 NO 1 ABS 0 PNV (items 9) MOTION PASSED

**Arts & Cultural Affairs Task Force**

**No report unless there were questions.**

1. Art in Empty Storefronts: wrap-up report/next steps  
no vote necessary
2. Arts Education: Report on LES arts jobs training program  
no vote necessary
3. Free Museum Access for Teachers  
no vote necessary
4. Greening the LES/EV Arts Scene  
no vote necessary

**(All Committees, excluding Executive Committee and SLA & DCA Licensing Committee)**

**36 YES 0 NO 0 ABS 0 PNV (excluding Land Use item 1, Con Edison Task Force, and Parks item 1)  
 MOTION PASSED**

**35 YES 0 NO 0 ABS 1 PNV (Land Use item 1) MOTION PASSED  
 35 YES 0 NO 0 ABS 1 PNV (Con Edison Task Force) MOTION PASSED  
 34 YES 0 NO 0 ABS 2 PNV (Parks item 1) MOTION PASSED**

**Members Present at Last Vote:**

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

Meeting Adjourned