



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD NO. 3

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Dominic Pisciotta, Board Chair

Susan Stetzer, District Manager

December 2011 Full Board Minutes

Meeting of Community Board #3 held on Tuesday, December 20, 2011 at 6:30pm at PS 124, 40 Division Street.
Called to order 6:50 PM.

Public Session:

Peter Kostmayer from Citizens Committee for NYC spoke about small grants from \$500-\$3000 to improve neighborhood. He handed out flyers and mentioned the deadline is January 31.

Robert Weyersberg of Mofo Hockey spoke of their request to use night lighting for urban hockey games. They about Knickerbocker Village and no residents spoke out against the use of night lights at a public meeting. At a private meeting, 40 residents approved.

Charles Solomon from Mofo Hockey spoke of the many benefits to neighborhood youth of participation in this group.

Linda Janneh from NY County District Attorney Cyrus Vance's office spoke of a collaboration with the Northern Manhattan Police Athletic League to bring professional sports trainers to train 160+ youth. The DEA looked at the program to partner on expanding it. An 8 week extension is working very well. On January 6 the program begins at the Boys and Girls Republic on East 6th Street, a program of Henry Street Settlement. 12 – 19 year olds can participate. She has flyers. She asked for help distributing them. They want to expand, including an educational component.

Hannah Jeon is a community health educator at Korean Community Services, a partner in the Manhattan Smoke-Free Partnership. They address access to tobacco, smoke-free housing, and smoke-free outdoor air. 200,000 NYC children are exposed to second-hand smoke in the home. They are fighting to reduce tobacco marketing in stores.

Morris Fajtelewicz spoke as VP and Auxiliary Police Emergency Service Unit, grateful donation of defibrillators by elected officials. They were advocating for public safety, as protected by OSHA, but were discriminated against as a result. This is being appealed. The Police Department put him on a forced leave of absence. He is looking for civil rights attorneys to help his group pro bono.

To Yiu Yeung (with John Leo translating) lives at 81 Ludlow above Casina Restaurant. From 06-08 this place has disturbed the peace. In 2008 they received a stipulation limiting their hours, which they didn't honor, going til 2 or 3 AM. Now they've installed speakers, worsening the problem, and an exhaust pipe. The owners are insured, but not the tenants. He asks CB3 and community members to exert pressure on them to fulfill stipulations. Susan Stetzer has the information in the office but without all this information. She asked if the tenants were calling 311. She will give the stipulation information to the 7th Precinct and asks the tenants to attend 7th Precinct community meetings.

Susan Scheer reported that, in part as a tribute to Harry Weider, a rule was passed just an hour ago mandating more accessible taxis.

Public Officials:

Mayor Michael Bloomberg, Pauline Yu: Not present

Public Advocate Bill de Blasio, Phil Jones: Not present

Comptroller John Lui, Sandra Ung: Not present

Borough President Scott Stringer, Alec Schierenbeck: He wishes all Happy Holidays. If interested in applying to the Community Board, the deadline is 1/13. There are flyers outside including an information session in January. If your term expires, the reapplication must be in by 12/30. 7 or 8 are missing. The BP launched the program "Green Your Block," funding for tree stewardship, tree guards, tree pit expansion, etc. He has flyers. Herman Hewitt thinks the application should be simpler. AS responded that it's capital funding, requiring red tape.

Congressmember Jerrold Nadler, Daniel Weisfeld: Not present

Congressmember Nydia Velazquez, Iris Quinones: Not present

Congressmember Carolyn Maloney, Victor Montesinos: Not present

Assembly Speaker Sheldon Silver, Karen He: She wishes everyone happy holidays. The Speaker worked hard to extend the state's "millionaire's tax." We didn't get everything we wanted. Tax rates will be raised for those earning over \$2M, to be used for the Summer Youth Employment Program and other youth and education programs. He is working on a bill to help companies organize themselves as a benefit corporation. They can expand if their profits benefit community. The newsletter is available.

Assemblymember Deborah J. Glick, Sarah Malloy-Good: She re-iterated the tax reform issue. This means that everyone will be receiving a little more money in their paychecks. She encourages shoppers to buy locally, including St. Mark's Bookstore. They are looking for interns. Their flyer is in the back.

Assemblymember Brian Kavanagh, Leslie Pena: Not present

State Senator Daniel L. Squadron, Rosemarie Diaz and Amy: They joined Kavanagh, Mendez, and other officials at Campos Plaza to open the Police Athletic League Impact Program for teens 12 – 19. It's a mentoring program, looking for youth to enroll. He hosted a Section 8 briefing re complaints of NYCHA's administration of Section 8 vouchers. Glitches are being worked out as to transparency of information. He joined colleagues calling for a statewide ban on hydrofracking. Amy spoke of "benefit corporations," which the Governor signed into law last week. It's an important bill, creating a new kind of corporation that can make a profit and realize social benefits. With this law, they can practice worker- and environmentally-friendly practices, using organic products, e.g. It goes into effect 2/5/12. Several corporations have already signed up for it, including a bakery, a skateboarding company, etc. Richard Ropiak invited her to speak at the February Economic Development Committee. A FAQ sheet is being prepared. Susan Stetzer asked if there were tax benefits. There are not, but the real benefit is that business owners can't be sued for not maximizing profits. It could bring \$120B in investments to the state.

State Senator Thomas K. Duane, John Bartos: The Senator joined the BP to oppose hydrofracking, highlighting flaws in the permitting system. He gave testimony against the illegal construction of extra floors on East 6 Street.

Councilmember Margaret Chin, Matt Viggiano: PS137 will stay open through lobbying efforts. We don't need phase-out of schools; we need support for them.

Councilmember Rosie Mendez, Michele Burger: She sends warm regards and happy holidays. At PS 116 she's been working against overcrowding. She supports the public plaza at Baruch, which was turned down by DOT. She says NYCHA performed very well during Hurricane Irene but is still working for improvements.

Members Present at First Vote:

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

Minutes:

Minutes of October 2011 were approved, as is.

(October Minutes)

33 YES 0 NO 4 ABS 0 PNV MOTION PASSED

Board Chairperson's Report:

Chairperson Dominic Pisciotta: 1) He thanked the office staff, especially Susan for putting in many extra hours, and for dealing with so many difficult situations. 2) He reiterated the importance of the application and re-application deadlines for membership. 3) He asked what the fallout was for not having a quorum for Borough Board votes. Alec Schierenbeck will get back to us on that rule. 4) Space problems for meetings continue. Many spaces aren't available because many of them charge. Meetings must now start at 6 because of time constraints on spaces, unless we find a permanent space. Morris Fajtelewicz mentioned this as a hardship. Committees might meet at 6:30, and Full Board at 6. 5) He was to send out a compilation of SLA policies but is still working on it. 6) There are 2 new members, Bill LoSasso, who has been on the Economic Development Committee, and Lisa Kaplan, who has been gone for 6 years but was on for 25 years before then. 7) Meghan Joye put together a gift basket for Mary Spink. Those wanting to contribute should see Meghan.

District Manager's Report: District Manager Susan Stetzer

Please remember that you can sign up on the website if you want to automatically receive the agenda and other news from the Community Board.

There will be many outreach workshops for the BikeShare program, on which David Crane is advising. We will ask board members and others to inspect every potential site to ensure that the best locations are chosen.

The Astor-Lafayette construction for the water main will finish in the spring. At that time the park and street reconstruction will begin.

The Borough President's office will be helping us find spaces for full board meetings. This is very appreciated. It is important to phone 311 if you see homeless people as outreach teams respond quickly to offer services. As an example, people living on the steps of Middle Collegiate Church were relocated to temporary housing.

Committee Reports:

Executive Committee: DP reported on this resolution. It stems from a Ludlow lot that was rented out for people to throw parties. This resolution is to regularize that. GG asked about insurance and was told the owner has insurance and enters into a contract with the lessee. DP reported this is brought up now because Borough Board has to vote on it in January. Harvey Epstein has concerns because of the extant noise saturation of the area. He calls it a huge change in policy. DP: It must be voted on, but it can be pulled. He recommends time caps be put on it. Discussion began on this issue, after a vote, at 8:07. Lisa Kaplan was concerned about control of these sites, making sure they were locked up and cleaned after events, e.g. Susan Stetzer received many complaints already on events done at such sites. She was upset that it involved CB3 a lot, although we were never consulted about ramifications of such events. She doesn't cut off ANY use of ANY lot, but the CBs must be involved in the planning. Harvey Epstein reported it's an escape for developers to discontinue site completion since they can earn money from an unbuilt site. Alec Schierenbeck offered to field questions, as it's a BP initiative that would lead to legislation, if passed. DP opposed it because there were no time limitations, and there was no avenue for CB input. Alec Schierenbeck reports on a survey of 600+ stalled construction sites. Some are eyesores and dangerous. The economic climate when credit becomes more available will lead to re-activation of construction. Many of these sites are unavailable for community activity. This initiative recommended widening sidewalks and amelioration of the rat problem. The idea was to use these sites to enrich community life, not leave the property walled off and unavailable. If a developer wanted to put in a temporary green market, there is now no mechanism to allow that. Insurance, safety, and other issues would be addressed in contracts. Elinor Tatum asked why interim use permits couldn't be issued now and was told it is because the process is daunting. This process, a full report about which is on the BP's website, would mostly streamline that process. It would not allow this process to be used to circumvent zoning codes.

MOTION: Harvey Epstein moved to postpone a vote on this Borough Board resolution, and to move it to Land Use. Elinor Tatum seconded it. Roll call was taken at 8:25 PM.

- Support for legislation allowing stalled construction sites to become publicly accessible on a temporary basis.

VOTE: WHEREAS, there were 646 stalled construction sites in New York as of July 2011; and

WHEREAS, 37 percent of the sites surveyed were identified as containing litter, with over half of these sites having fencing in disrepair or vandalized, and half of the sites having sidewalk obstructions that leave eight feet or less of sidewalk space; and

WHEREAS, these unfinished structures are not only eyesores but also targets for vandals and squatters; and

WHEREAS, these sites pose safety, economic and quality of life concerns for residents and property owners alike; now

THEREFORE BE IT RESOLVED that the City should pass legislation allowing stalled construction sites to become publicly accessible on a temporary basis, when appropriate, for such uses as food vending, parking, public art, performance and recreation space; Furthermore, this legislation must require Community Board review, approval, or modifications of the proposed use; consider that Community Board understands local concerns and appropriate uses; and legislation should designate which agencies have jurisdiction in permitting and general oversight ; and

THEREFORE BE IT FURTHER RESOLVED that when interim uses are not possible the City should promote art programs to beautify sheds through grants provided to community groups, BIDS and nonprofits; and

THEREFORE BE IT FURTHER RESOLVED that where possible, the City should work with property owners to expand narrowed sidewalks created by construction fencing and scaffolding.

Parks, Recreation, Cultural Affairs, Landmarks, & Waterfront Committee Ricky Leung asked if there were any questions. There were none.

1. Continued discussion/feedback from Parks regarding recreational field permitting policy
no vote necessary

2. Request to utilize night lighting at Moffo Rink/Tanahey Park by Urban Hockey League

VOTE: To approve Urban Hockey League's request to utilize night lighting at Moffo Rink/Tanahey Park with the following stipulations:

- In agreement with Knickerbocker Village Management, the Urban Hockey Association will turn off night lights no later than 10pm. Should games exceed the time limit, the game will cease and continue on another night.
- Lights will not be aimed at residential buildings
- Light will not be on when no games are occurring
- Urban Hockey Association games are officiated by 2 certified professional referees, who will also be charged with removing any unwanted loitering at the field
- In agreement with NYC Parks, other permittees will be allowed to utilize lights
- Have adequate liability insurance coverage
- Have written emergency plan in case of lights causing fire which must include the following:
 - Game officials will follow written protocol
 - Immediately stop all game play and call 911
 - League official will use league fire extinguisher available on site
 - League manager shall be contacted immediately
 - Parks Department shall be notified immediately
 - Lighting units are locked and secured, and towers cannot be raised without a key to the locks
 - Have communication info on file with CB3 District Manager

3. Coleman Oval Skatepark redevelopment: progress report & preliminary design
no vote necessary

4. Report from Landmark Subcommittee
no vote necessary

5. Report from Waterfront Subcommittee
no vote necessary

SLA & DCA Licensing Committee: All stipulations were received, and there were no votes on the SLA Committee.

Renewal with Complaint History

1. Klimat (7th Street Sushi Park Inc), 77 E 7th St (wb)

VOTE: To deny the renewal of beer wine license for 7th Street Sushi Park Inc., doing business as Klimat, for the premise located at 77 East 7th 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 Eastern European restaurant, serving food to within one (1) hour of closing, 2) its hours of operation will be 12:00 P.M. to 12:00 A.M. Sundays through Thursdays and 12:00 P.M. to 2:00 A.M. Fridays and Saturdays, 3) it will close any facade doors and windows by 10:00 P.M. every night, 4) 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, 5) it will designate an employee to supervise patrons and noise in front of the business, and 6) it will post and maintain signs on its façade asking patrons to be quiet. Community Board #3 also notes that it has learned that this licensee is commercially using its basement contrary to its certificate of occupancy and is hosting live performances as evidenced by its webpage (attached hereto) which is contrary to the zoning for this location and has asked the licensee to desist these unpermitted activities and the applicant has agreed.

2. Blue Owl (Global Cocktail Rooms LLC), 301 E 12th St (op)
no vote necessary

Applications within Resolution Areas

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

VOTE: To rescind the previous denial of the beer wine license for Yankee Pizza Restaurant Inc., for the premise located at 181 Avenue C a/k/a 647 East 11th Street, for failing to provide the agreed upon stipulations and to now deny the application for a beer wine license for Yankee Pizza Restaurant Inc., for the premise located at 181 Avenue C a/k/a 647 East 11th 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, 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. 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 close any façade doors and windows at 10:00 P.M. every night. 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 thirteen (13) year history of operating a business in this neighborhood and currently has one (1) retail beer license at another location, and 2) there was no opposition to this application and the applicant provided fourteen (14) signatures in support of its application from nearby residents.

4. Japadog Inc, 30 St Marks Pl (wb)

no vote necessary

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

no vote necessary

6. Keybar (GHD Inc), 14 Ave B (op/removal)

VOTE: WHEREAS, GHD Inc., is seeking a to remove its full on-premise liquor license for its business Key Bar, which is currently located at 432 East 13th Street to 14 Avenue B, between Houston and East 2nd Streets; and

WHEREAS, the method of operation of this proposed business as a tavern restaurant, with a full on-premise liquor license, with a twenty-one (21) foot bar with eight (8) seats, hours of operation of 11:00 A.M. to 2:00 A.M. Mondays through Wednesdays, 4:00 P.M. to 4:00 A.M. Thursdays and Fridays, 11:00 A.M. to 4:00 A.M. Saturdays and 11:00 A.M. to 2:00 A.M. Sundays and DJs Thursdays through Saturdays indicate that it will operate consistent with a late night bar; and

WHEREAS, there are at least twelve (12) full on-premise liquor licenses within five hundred (500) feet of this location, as well as ten (10) licensed premises within this one block, as conceded by the applicant; and

WHEREAS, Avenue B between 4th Street and Houston Street has been characterized as the worst area in the 9th Precinct in terms of degraded quality of life as a result of its numerous licensed establishments, overwhelming pedestrian and vehicular traffic, late night horn honking and noise from patrons moving between businesses and emanating from businesses; and

WHEREAS, Community Board #3 has for years mediated complaints from residents regarding the noise and congestion that has resulted from the existing businesses on Avenue B between Houston and 4th Streets; and

WHEREAS, the 9th Precinct and Community Board #3 have had to ask the Department of Transportation to eliminate weekend nighttime parking on one side of Avenue B between 4th Street and Houston Street in an effort alleviate this traffic congestion and decrease late night noise in this area and have also day lighted the area; and

WHEREAS, 14 Avenue B was previously operated as a club doing business as Butterfly Butterfly, which had a history of citations for unlicensed security, unlicensed cabaret, unlicensed sidewalk café, after hours consumption, disorderly conduct, exceeding its capacity and noise prior to closing and which has been closed since 2007; and

WHEREAS, while the applicant has met with the East 4th Street A-B Block Association in an effort to negotiate an agreement regarding its method of operation, it has stated that its proposed late night hours and use of DJs three (3) nights per week cannot be eliminated; and

WHEREAS, while the applicant submitted petition signatures in support of its application, fifty-three (53) of which appeared to be from within a two (2) block radius of the location, **none** were from the location itself or from 8, 10 or 12 Avenue B or 193 or 195 East 2nd Street, all of which are large residential buildings abutting this site; and

WHEREAS, a representative of the East 4th Street A-B Block Association and a representative of 195 East 2nd Street, both appeared before Community Board #3 to state that their organizations opposed the approval of this liquor license for this location; and

WHEREAS, thirteen (13) residents in immediate proximity to this location submitted letters stating that they were opposed to its approval; and

WHEREAS, there is no stated public benefit in adding this business which would operate principally as a bar or tavern to this neighborhood where there are so many licensed premises and so many enforcement issues as a consequence; now

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the application to remove the full on-premise liquor license for GHD Inc., presently located at 432 East 13th Street and doing business as Key Bar, to 14 Avenue B between Houston and East 2nd Streets.

7. Repair (165 Ludlow Food LLC), 165 Ludlow St (op)

VOTE: To deny the application for a full on-premise liquor license for 165 Ludlow Food LLC, with a proposed business name of Bodegas, for the premise located at 165 Ludlow Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a full-service raw bar restaurant and lounge, serving food during all hours of operation, 2) it will play ambient background music, consisting of recorded music and have DJs no more than three (3) times a week, and will not have live music, promoted events, scheduled performances or any event at which a cover fee will be charged, 3) it will maintain a closed fixed façade and have no open doors or windows, and 4) it will install additional soundproofing, if necessary.

8. Los Feliz (MPDRAW LLC), 109 Ludlow St (alt/op)

no vote necessary

9. NY Tofu House (6 St Marks Restaurant Inc), 6 St Marks Pl (wb)

VOTE: To deny the application for a beer wine license for 6 St. Marks Restaurant Inc., doing business as NY Tofu House, for the premise located at 6 St. Marks Place because 1) this one (1) block of St. Marks Place, between Second and Third Avenues, currently has eleven (11) full active on-premise liquor licenses, nine (9) active beer wine licenses and two (2) additional inactive but still existing licenses, 2) neither principal has any experience operating a restaurant or licensed premise and the only relevant experience of the manager is managing a restaurant located outside of New York State, 3) this community board has already approved a beer wine license for floors two (2) through four (4) of this building which is owned by the applicant and approving this additional beer wine license would result in all five (5) stories of this building being permitted to serve alcohol, 4) although the applicant provided petitions with twenty-three (23) signatures in favor of its application, the applicant conceded that the signatures were comprised of both residential and commercial neighbors and could not identify which were residential, 5) a resident of the street and representative of the St. Marks 2-3 Block Association each wrote to this community board to oppose this application, citing the numerous licensed premises on the street and the noise and overcrowded conditions as a result of the existing locations.

10. Temple of Ankh (El Karnak Inc), 58 Clinton St (op)

no vote necessary

11. Yuca Bar and Restaurant Inc, 111 Ave A (alt/op)

VOTE: To deny the alteration of the full on-premise liquor license of Yuca Bar and Restaurant Inc., 111 Avenue A, the alteration being unspecified, because the applicant did not appear before Community Board #3 for review of its application or provide any application materials for review.

12. Nublu, 151 Ave C (op)

no vote necessary

13. To be Determined, 116 Ave C (op)

no vote necessary

Alterations/Upgrades

14. Death & Co (Little Hands Playcafe Inc), 433 E 6th St (alt/op)

VOTE: To deny the alteration of the full on-premise liquor license for Little Hands Playcafe Inc., doing business as Death & Co., for the premise located at 433 East 6th Street, to wit extending its closing hours to 2:00 A.M. Sundays through Thursdays and 3:00 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 operate as a full-service American restaurant, serving food to within one (1) hour of closing, 2) its hours of operation will be 6:00 P.M. to 2:00 A.M. Sundays through Thursdays and 6:00 P.M. to 3:00 A.M. Fridays and Saturdays, 3) it will have no open doors or windows and will maintain a closed fixed facade, and 4) it will install additional soundproofing, if necessary.

15. Bob Bar (Jacob & Kelly Inc), 235 Eldridge St (alt/op)

no vote necessary

New Liquor License Applications

16. Livety LLC, 199 Bowery (op) (BLVD)
no vote necessary

17. Antonioni's (Marcelin LLC), 177 Chrystie St (op)

VOTE: To deny the application for a full on-premise liquor license for Marcelin LLC, with a proposed business name of Antonioni's, for the premise located at 177 Chrystie 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 family-style Italian restaurant, serving food to within one (1) hour of closing, 2) its hours of operation will be 11:00 A.M. to 2:00 A.M. all days, 3) it will play ambient background music, consisting of recorded music only, and will 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 and have no open doors or windows.

18. Papaya Restaurant Inc, 249A Broome St (wb)

VOTE: To deny the application for a beer wine license for Papaya Restaurant Inc., for the premise located at 249A Broome 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 Japanese and Thai restaurant, serving food to within one (1) hour of closing, 2) its hours of operation will be 11:30 A.M. to 1:00 A.M. all days, 3) it will play ambient background music, consisting of recorded music only, and will 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 and have no open doors or windows.

19. Big Apple Grocery Corp, 259 E Broadway (b)
no vote necessary

20. 93 Ludlow St Inc, 95 Delancey St (op)

VOTE: WHEREAS, 93 Ludlow St. Inc., is seeking the alteration of the full on-premise liquor license for its premise located at 93 Ludlow Street a/k/a 95 Delancey Street, to wit extending the service of alcohol to the second floor and roof top of said location; and

WHEREAS, Community Board #3 had previously conditionally approved a full on-premise liquor license for the ground floor of this location to operate as a tapas-style restaurant with stipulations which would become conditions of its license to 1) operate as a full-service European Spanish tapas restaurant, serving food to within one (1) hour of closing, 2) have hours of operation from 2:00 P.M. to 4:00 A.M. all days, 3) close its doors and windows at 10:00 P.M. every night, 4) play ambient background music, consisting of recorded music only, and will not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged; and

WHEREAS, the proposed method of operation of the second floor would be as a space dedicated to private parties, with a certificate of occupancy of one hundred nine (109) people in six hundred sixty-eight (668) square feet, a seventeen (17) foot bar and DJs; and

WHEREAS, the proposed method of operation of the third floor rooftop would be as a "loungy garden," enclosed by glass walls and ceiling with retractable panels, with a certificate of occupancy of one hundred ninety-seven (197) people in twenty-three hundred sixty-six (2,366) square feet, a twenty-seven (27) foot bar and recorded background music; and

WHEREAS, this applicant had previously appeared in September and October of 2011 with this proposed alteration application but withdrew its application after the community board expressed concern that it had failed to devise traffic or security plans for a proposed business of this size or scale and given that Delancey Street has been recognized as the second worst street for pedestrian fatalities in New York City; and

WHEREAS, this premise, which encompasses the entire building located at 93 Ludlow Street a/k/a 95 Delancey Street and includes a second floor doing business as "The Casino" and its roof top, has now been operating since October 31, 2011, with the business name of Ludlow Manor, and an advertised square footage of between six thousand (6,000) and nine thousand (9,000) square feet; and

WHEREAS, this applicant has conceded that it has been serving alcohol on its second floor and roof top since its opening in October of 2011, although it has been approved for a license for alcohol service on the ground floor only and has been granted special events permits by the SLA for December 8, 2011, through December 10, 2011, only; and

WHEREAS, although the applicant stated that it believed that it could serve alcohol on the ground floor to patrons who could then carry it to the second floor and roof top, it is difficult for this community board to believe the applicant had misunderstood relevant New York State Alcohol Beverage and Control law given its history of operating similar venues in this community board and

in Brooklyn, and given that a member of Community Board #3 and a member of Community Board #4 separately attended functions at this location and were served on its roof top; and

WHEREAS, although the applicant stated that it had private events on its roof top each night from December 8, 2011, through December 10, 2011, it is the belief of this community that the applicant sought to obtain such special events permits to circumvent the process of applying for the licensing of the second floor and roof top and has utilized said permits to conduct regular business rather than special events; and

WHEREAS, Community Board #3 is concerned that individuals named Luc Carl and Georgie Seville are undisclosed principals as they have been identified or have identified themselves as backers and partners in New York Post and Wall Street Journal articles about this location, even though both appeared before Community Board #3 and the attorney for the applicant represented that they are managers only; and

WHEREAS, this operation is inconsistent from the method of operation stated in its application to Community Board #3 that it would have recorded background music only and DJs on the second floor for private parties and not have live music, scheduled performances or events at which a cover fee would be charged in that it is advertising that it will have revolving DJs on its roof top (see New York Post article attached hereto) and has scheduled DJs and musicians at its premise and has charged a cover fee for at least one of said scheduled events (see printout of its Facebook page attached hereto); and

WHEREAS, although the applicant has been approved by the SLA to operate a tapas style restaurant with a full on-premise liquor license on the ground floor of the premise, this dining space is the only component of this proposed large scale business which is not yet open, as conceded by the applicant and despite its request that the SLA expedite approval of the full on-premise liquor license for the ground floor so that it could open and pay its rent; and

THEREFORE, BE IT RESOLVED that Community Board #3 believe that for the foregoing reasons, this applicant is not a good risk for compliance with applicable New York State Alcohol Beverage and Control Law and now moves to deny the alteration of the full on-premise liquor license for 93 Ludlow St. Inc., doing business as Ludlow Manor, for the premise located at 93 Ludlow Street a/k/a 95 Delancey Street, to wit extending its full on-premise liquor license to its second floor and roof top.

21. Ugly Kitchen, 103 1st Ave (op)
no vote necessary

22. Honey Rider LLC, 147 2nd Ave 2nd Fl (op)

VOTE: To deny the application for a full on-premise liquor license for Honey Ryder LLC, for the premise located at 147-149 Second Avenue, second floor, 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 Caribbean restaurant, serving food to within one (1) hour of closing, 2) its hours of operation will be 12:00 P.M. to 1:00 A.M. Sundays, 1:00 P.M. to 2:00 A.M. Mondays through Thursdays, 1:00 P.M. to 4:00 A.M. Fridays and 12:00 P.M. to 4:00 A.M. Saturdays, 3) it will play ambient background music, consisting of recorded music only, and will not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged, 4) it will maintain a closed fixed façade and have no open doors or windows, and 5) it will employ security on weekends.

23. Je'bon Public House (903 Jaw Inc), 90 3rd Ave (op)
no vote necessary

24. Curly's Vegetarian Lunch (Garbas Restaurants Inc), 328 E 14th St (wb)
no vote necessary

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

VOTE: To deny the application for a beer wine license for Ichibantei LLC, 401 East 13th Street, because the applicant did not appear before Community Board #3 for review of its application or provide any application materials for review.

26. Foundation, 137 Essex St (op)
no vote necessary

27. Nevada Smiths (92 Nunz Walk Inc), 100 3rd Avenue (op)
no vote necessary

28. Inhabit Lounge (Samond Inc), 39 Eldridge St 3rd Fl (op)

VOTE: To deny the application for a full on-premise liquor license for Samond Inc., with a business name of Inhabit Lounge, for the premise located at 39 Eldridge Street, third floor, 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 and Karaoke lounge with ten (10) karaoke rooms, serving food during all

hours of operation, 2) its hours of operation will be 4:00 P.M. to 2:00 A.M. Sundays through Thursdays and 4:00 P.M. to 3:00 A.M. Fridays and Saturdays, 3) it will play ambient background music, consisting of recorded music only, and will not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged, 4) it will maintain a closed fixed façade and have no open doors or windows, and 5) it will install additional soundproofing, if necessary.

SLA Policy Task Force

1. Further examination of mapping information to help determine policy
no vote necessary
2. Creation of standardized stipulations for licensed businesses above Houston
no vote necessary

Arts & Cultural Affairs Task Force: JH reported on the vote. Lisa Kaplan asked if CB3 would actually be involved in it. The answer was that community not-for-profits such as University Settlement would be.

1. LES Arts Jobs Training Program

VOTE: Resolution by the Arts and Cultural Affairs Task Force for support for the Lower East Side Arts Jobs Training Program, developed at the ACATF meeting 12.13.11

WHEREAS the community affairs office of the 7th precinct asked the Arts and Cultural Affairs Task Force Chair about the possibility of creating training programs in the arts for area youth – older adolescents and young adults - who, out of boredom, are sometimes attracted to commit acts of petty crime, and

WHEREAS Tenant Association Presidents and other staff of various New York City Housing Authority developments have expressed interest in arts programs for area youth, also to counteract the lack of access to structured positive career development opportunities, and

WHEREAS there is a gap between the burgeoning arts activities in the district and the daily realities of youth who are born and/or raised in the district, in terms of exposure to the arts and/or the possibility of employment in the arts, in such fields as Marketing, Cultural Tourism, Fund Development, Design (Stage, Lighting, Web, Graphics, Interior, etc.), Management (Box Office, Gallery, etc.), as well as a basic work ethic, and

WHEREAS funds for after-school and career development activities from such agencies as the Department of Youth and Community Development are regularly under fire, canceled, sometimes restored, but never increased, despite increasing need, and

WHEREAS the national teen unemployment rate stands at 24.5%, indicating this age group has special needs for employment training to be prepared to work within the creative economy, and

WHEREAS there are innumerable individual artists and arts organizations of all disciplines in the district, who in general underearn and could benefit from employment through this program as mentors to or teachers of youth participants in the program, and

WHEREAS an Arts and Cultural Affairs Task force-sponsored "town hall" at Rutgers Houses May 17, 2011 evoked an expression of interest in future such activities linking district arts activities with the needs of area youth, and

WHEREAS several elected officials have expressed interest in supporting the overlapping issues of youth employment and support for the area's burgeoning creative industries,

THEREFORE, BE IT RESOLVED that Community Board 3 supports the development of a Lower East Side Arts Jobs Training Program, starting with a second Lower East Side Arts Education Forum, focused on eliciting expressions of interest in the development of such a project, including the logistical and other support of elected officials, as well as financial support from appropriate sources.

2. Free museum admission for educators
no vote necessary
3. Collaborating on Arts Funding
no vote necessary
4. Greening the Arts
no vote necessary

5. Support to co-sponsor arts jobs forum to investigate training for local youth to acquire skills needed in arts careers
no vote necessary

Economic Development Committee: No report.

1. Landlord letter implementation update
no vote necessary
2. Update on Fellow's research in retail diversity
no vote necessary
3. Report from Small Business Guide to Lease Negotiations Subcommittee
no vote necessary

Land Use, Zoning, Public & Private Housing Committee: David McWater explained the vote

1. Houston zoning proposal- to map commercial overlay to depth of 100 feet along 1½ blocks on south side of Houston between Norfolk to midblock between Suffolk and Clinton Sts
no vote necessary

2. TIL status of 400 Grand street tenants

VOTE: WHEREAS the tenants residing at 400 Grand Street, New York, New York (Building) applied to become a participating tenant association in the Department of Housing Preservation and Development's Tenant Interim Lease (TIL) program; and

WHEREAS a majority of the tenants participated in the training programs as required for entry into the TIL program; and

WHEREAS, despite the best efforts of the tenants the Building was not accepted into the TIL program and no net lease was executed between DHPD and the tenant association; and

WHEREAS, the building is situated on a site (Site #5) which is part of the Seward Park Urban Renewal Area (SPURA); and

WHEREAS, it is planned that the Building be demolished as part of the SPURA redevelopment and that as a result the tenants will be required to be relocated at a future date, and

WHEREAS, CB3 recognizes that the SPURA development was a major or significant factor in having 400 Grand Street not accepted into the TIL program,

THEREFORE BE IT RESOLVED that CB3 urges DHPD with respect to the current tenants to locate permanent housing for them of similar size and cost in existing TIL buildings or purchase affordable apartments for them in lower Manhattan or, if this is not feasible, HPD is urged to find other permanent affordable rent-subsidized housing for them in lower Manhattan, or as a last option, to locate temporary apartments in TIL or other City owned buildings in lower Manhattan; and

IT IS FURTHER RESOLVED, that CB3 shall give first priority to affordable apartments built on any SPURA site to any current tenants of the Building who are relocated to temporary apartments; and

IT IS FURTHER RESOLVED, that the City shall relocate the tenants at the City's cost.

3. Chinatown Working Group: RFP for Planning Consultant: Gigi Li presented and noted the next meeting of the full CWG January 9.
no vote necessary
4. Chinatown Working Group: Summary of Agreements in CAPZ (zoning)
no vote necessary

Human Services, Health, Disability, & Seniors / Youth & Education Committee: Susan Scheer had to leave but there were no questions about the vote.

1. Informational presentation on Betances Healthcare partnership with NYCHA
VOTE: To support the proposed NYCHA Early Screening and Detection Program partnership with Betances Health Center intended to promote innovative, evidence-based and on-going early prevention and screening programs in NYCHA sites within the Betances Zip Code 10002 target areas.
2. Proposal to change school name from William McKinley (PS 63) to PS. 63 S.T.A.R. Academy (Students Taking Active Roles)
VOTE: To support the proposal to change the name of P.S. 63, William McKinley School, located at 121 E. 3rd Street, to P.S. 63 S.T.A.R. Academy (Students Taking Active Roles).

3. Request to support for legislation to reclassify Alcopops (malt sweet pre-mixed alcoholic beverages), as spirits to be sold only in liquor stores
no vote necessary
4. Extension of NYS millionaire's tax after Jan.1 expiration
no vote necessary

Con Edison Task Force: Carol Kostic reported that 5 proposals were received, 4 of which will be reviewed January 5. There is money left and they welcome more proposals.

- Initial Review of Proposals for Funding from Con Ed Settlement Fund
no vote necessary

Transportation & Public Safety and Environment Committee: John Leo was the Acting Chair. He explained the votes and actions. Rabbi Ginsberg had a question about # 2. He agreed with "no loading 6 – 4" but not with "No Standing Anytime" so there is parking for local residents. This will be changed. He also questioned # 4 and the difficulty of getting onto Delancey Street from many surrounding streets.

1. Request for No Standing During School Hours in front of Comprehensive Kids school, 101 Norfolk St
no vote necessary

2. Request for loading zone at 379 Grand St from 6am-4pm (no quorum)

VOTE: To approve the request for a "loading/unloading" zone in front of Donut Plant – New York City (379 Grand Street, at the corner of Grand & Norfolk Street), from 6am-4pm

WHEREAS, Donut Plant – New York City located at 379 Grand Street has operated a business in the LES for the last 11 years and have been supportive of the local community; and

WHEREAS, daily deliveries to the area have been receiving summons while loading and unloading and if deliveries are made from across the street or double parked in front of the businesses, it creates an unsafe condition; and

WHEREAS, there is a need for a truck loading/unloading zone in front of Donut Plant – New York City (379 Grand Street, at the corner of Grand & Norfolk Streets; and

WHEREAS, there is a single parking space between 2 crosswalks directly in front of 379 Grand Street at the corner of Grand & Norfolk Street; now

THEREFORE BE IT RESOLVED, CB3-Manhattan supports the conversion of the single parking space in front of 379 Grand Street into a "No Standing Anytime **6 AM – 4 PM** except for trucks loading/unloading" zone.

3. Letter to Maloney and Nadler regarding the imbalance that has developed with respect to the representation of WTC survivors on the WTC Scientific /Technical Advisory Committee. RE section 3302 of the Zadrogra Act. (no quorum)

VOTE: To approve sending individual letters to Maloney and Nadler regarding the imbalance that has developed with respect to the representation of WTC survivors on the WTC Scientific /Technical Advisory Committee. RE section 3302 of the Zadrogra Act.

We are concerned about an imbalance that has developed with respect to the representation of WTC survivors on the WTC Scientific/Technical Advisory Committee (STAC), the body that will advise the WTC Health Program Administrator on matters that are critical to the health and wellbeing of affected communities, and so we are writing to ask for your continued strong advocacy with the appropriate individuals at the National Institute of Occupational Safety and Health (NIOSH), the Centers for Disease Control (CDC), and the Department of Health and Human Services (HHS) to correct this problem.

As you are aware, Section 3302 of the Zadrogra Act, establishing the WTC STAC, specifies an equal number of representatives on the committee for WTC responders and certified eligible WTC survivors. See Section 3302(A)(2)(D)(E). Thus far, however, the requirements of the Act have not been met and the parity envisioned in the statute has not been achieved.

We have been aware of the history of this key request for some time. Enclosed are letters to Dr. John Howard, the WTC Health Program Administrator, from the co-chairs of the WTC Health Program Survivor Steering Committee (SSC) and Terry Miles, the Executive Director of the WTC Environmental Health Center (a.k.a. the "Survivor Program") calling for representational parity on this critical body. We share their view that it is essential to both the functioning and legitimacy of the STAC that NIOSH agree to add an additional genuine survivor representative to the panel before its second meeting. Karah Newton, the candidate put forward by the SSC and Mr. Miles, is a

certified eligible survivor. Ms. Newton was a founder of the WTC Health Impacts Clinic (which formed the basis for the Survivor Program) and is currently a public health administration student at New York University's Robert F. Wagner Graduate School of Public Service. She is enrolled as a patient at the WTC EHC, a fact that is vital to this situation.

Thank you very much for your continued efforts. Because of your extraordinary work in sponsoring, fighting for, and securing passage of the James Zadroga 9/11 Health and Compensation Act, Lower Manhattan residents, students, and area workers have access to the WTC healthcare they need and deserve. We look forward to your response.

Sincerely,

4. Ban left-turn off south-bound Essex St onto east-bound Delancey St at all times (this is currently a 4-7pm restriction)

VOTE: WHEREAS, CB3 has been participating with Delancey Street Work Group addressing pedestrian and cyclist safety along Delancey St, the heavily trafficked connection to the Williamsburg Bridge; and

WHEREAS, in addition to its focus on short-term improvements, the Delancey Street Work Group has also been trying to identify funding sources for long-term projects, such as enlarged pedestrian islands at major intersections along Delancey St, and a neighborhood traffic study of transportation conditions and safety issues.

WHEREAS, State Senator Squadron has hosted a series of meetings, where he has kept the focus on practical safety improvements that can be implemented immediately; and

WHEREAS, DOT has already adjusted light cycles at a number of intersections to provide pedestrians more time for crossing Delancey Street; and

WHEREAS, we are considering another safety measure suggested by the 7th Precinct to the Delancey Street Work Group --whether to approve an around-the-clock left-turn restriction off south-bound Essex St onto east-bound Delancey St, which is one of the deadliest intersections in Manhattan, the one with the most vehicle accidents involving pedestrians. There is no left-turn bay or signal phase for this turning movement, so there are numerous conflicts between vehicles and between vehicles and pedestrians. This left-turn is already restricted, since it is not allowed between 4-7pm M-F. The proposal is to extend that into a 24x7 ban. DOT explained that vehicles that do want to make this turn go one block south and turn left onto Broome Street; and

WHEREAS, there are concerns and questions raised during the discussion, including: 1) Why can't the left-turn ban be instituted only during morning and evening rush hours, 7 days a week? 2) What is an alternate route to get on to the Williamsburg Bridge if the ban is implemented without causing any further impact on congestion and other safety issues? 3) Would installing a left turn traffic signal alleviate some of the safety conditions at that intersection? 4) What would be the impact to an already very congested area in our community such as Norfolk & Grand Streets if this ban is to be implemented?, now

THEREFORE BE IT RESOLVED, CB3-Manhattan requests DOT and/or members of the Delancey Street Work Group to attend January 2012's Transportation Committee meeting to provide answers to questions raised and review proposals presented by committee members on the left-turn ban at the Essex & Delancey Streets intersection.

5. Support to co-sponsor Bike Share workshops with LES BID and other community organizations

VOTE: To approve the co-sponsoring of Bike Share workshops with LES BID and other community organizations.

WHEREAS, Bike share is a network of thousands of bicycles available at self-service docking stations around the city; and

WHEREAS, Bike Share in NYC will be run by Alta Bicycle Share and funded by private sponsorship and user fees, not taxpayer dollars. Bike Share membership will be inexpensive (less than one monthly MetroCard), and bikes will be available 24/7, every day; and

WHEREAS, NYC DOT and Alta Bicycle Share have invited community boards and community organizations to help craft a system that's designed for New York City by conducting special events, open houses and workshops throughout the city; and encouraged people trying out the bikes and provide feedback; and

WHEREAS, DOT has prepared a list of technically suitable locations, based on distance to sidewalk obstructions, etc. DOT has listed about 3X as many locations as will be required and CB3 will be expected to provide a list of those locations we approve of; now

THEREFORE BE IT RESOLVED, CB3-Manhattan approves the co-sponsoring of Bike Share workshops with LES BID and invite other community organizations to join the community board in co-sponsoring special events, open houses and workshops so the community may provide feedbacks on suitable Bike Share locations within our community.

8:05 PM a vote on the agenda was taken, with the exception of the vote on support of the Borough Board resolution to support the renting of vacant lots or construction-delayed lots for social or community events.

The Outreach Committee scheduled a Lunar New Year dinner with board members for immediately after the next board meeting.

(December Full Board excluding Executive Committee)

38 YES 0 NO 0 ABS 0 PNV MOTION PASSED

(Executive Committee Item, Vote to Postpone)

34 YES 4 NO 0 ABS 0 PNV MOTION PASSED

(Executive Committee Item, Vote to move to Land Use Committee)

33 YES 4 NO 1 ABS 0 PNV MOTION PASSED

Members Present at Last Vote:

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

Meeting Adjourned 8:27 PM.