



THE CITY OF NEW YORK  
MANHATTAN COMMUNITY BOARD NO. 3  
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Dominic Pisciotta, Board Chair

Susan Stetzer, District Manager

February 2012 Full Board Minutes

Meeting of Community Board #3 held on Tuesday, February 28, 2012 at 6:00pm at Grand Street Settlement, 80 Pitt Street.

Gigi Li called the meeting to order at 6:10 PM.

Public Session:

- 1) Marilyn Louie spoke about the family newsstand her grandfather founded 35 years ago at 18 Bowery and the need for her to stay in this location.
- 2) Stephanie Pinto recommended that the full board adopt the resolution of the Transportation Committee to preserve this newsstand.
- 3) Arnold Kawano spoke in favor of keeping the newsstand where it is as it's the only newsstand in Chinatown that sells the Wall Street Journal, the NY Times, and Chinese newspapers. He recommends going after the tourism buses that cause problems, rather than this neighborhood institution which is unique and valued.
- 4) Paul Lee of Chinatown served on CB3 many years ago. He supports Marilyn's newsstand. People from all over the neighborhood like it and rely on it. He requests wide support for it.

**Gigi Li asked the community to stand up if they were in support of the newsstand. At least 20 people stood.**

- 5) Moi Hung spoke as a community volunteer working to promote Chinese culture. She is offering a presentation of traditional music and dance to local businesses or groups. She handed out brochures.
- 6) Andrea Nicolay of the NY Public Library spoke of the danger to libraries of proposed cuts. Cuts since 2008 mark a departure from the City's earlier commitments, at a time when more people are using the libraries. Hours and staff would be cut if the cuts go through. SS asked if there was a City Council hearing we should be testifying at, or if there is a letter we should send. Nicolay will get back to her.

Public Officials:

Mayor Michael Bloomberg, Pauline Yu: Absent.

Public Advocate Bill de Blasio, Phil Jones: Absent

Comptroller John Lui, Sandra Ung: Absent

Borough President Scott Stringer, Alec Schierenbeck: He spoke about the State of the Borough speech and recommendations it contained. The middle class dream is slipping away in New York. He proposed a few things that could turn that tide, including a change in city tax structure in keeping with Cuomo's middle-class tax cut Teachers earning \$50K shouldn't pay the same rate as lawyers earning \$250K. The housing crisis has created many foreclosed units, equaling 10 Stuyvesant Town/Cooper Village. He proposed a revolving fund to make that stock permanent affordable housing for \$250M to create 110,000 affordable units. He will help with Marilyn Louie's newsstand issue. Last week with Sen. Squadron & CM Chin they met with Chinatown merchants re proper enforcement of laws against sale of counterfeit goods.

Congressmember Jerrold Nadler, Daniel Weisfeld: Absent

Congressmember Nydia Velazquez, Iris Quiñones: She urges that the newsstand stay at the present location. She introduced legislation aimed at easing the participation of small businesses in conferences promoting international business. On March 12 there will be a federal grants workshop at Henry Street Settlement. Also on March 12 she will hold a forum on the earned income tax credit.

Congressmember Carolyn Maloney, Victor Montesinos: Absent

Assembly Speaker Sheldon Silver, Zach Bommer: The report is a handout including hydrofracking, the Benefit Corporations bill, support of keeping the newsstand where it is. Joyce Ravitz wondered if he'd found a way to put social services money back in the budget. She was told that Speaker Silver is working on avoiding many cuts.

Assemblymember Deborah J. Glick, Sarah Malloy-Good: Her report is a handout. A press conference was held today about legislation giving the CEC the power to vote before a school can be located within another school. She is fighting to give parents more of a voice in the schools, and the Mayor less power.

Assemblymember Brian Kavanagh, Leslie Pena: Absent

State Senator Daniel L. Squadron, Rosemarie Diaz: The 4th Annual Community Convention is planned for 4/22. Flyers are available. There will be 12 – 15 discussion groups. He is happy the SLA launched their website. It can be used to look up businesses about which one needs information. He met with Sen. Tony Avela re MSG and cable negotiations. They're calling for legislation for cable providers to negotiate fairly. The first public meeting on Pier 42 was held. The next meeting will be April. Redistricting failed.

State Senator Thomas K. Duane, John Bartos: He spoke against new district maps as they were drawn in a way that will encourage disenfranchisement. He opposes NYU's plans to expand, primarily a CB2 issue but an East Village issue.

Councilmember Margaret Chin, Patricia Olan: Absent

Councilmember Rosie Mendez, Michele Burger: It's her birthday today. The discretionary budget process has begun. The deadline is 3/31. She's organizing the Friends of Tompkins Sq Park to preserve and protect it. She testified to oppose the closing of Washington Irving H.S.

Members Present at First Vote:

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

Minutes:

Minutes of December 2011 were approved, as is.

**(December Minutes)**

**30 YES 0 NO 1 ABS 0 PNV MOTION PASSED**

Board Chairperson's Report:

Chairperson Dominic Pisciotta: Gigi Li read the report that there is an emergency full board meeting 3/12 for the position of District Manager. It is on the agenda that was distributed.

Joyce Ravitz thanked Margaret Chin and Rosie Mendez for a May 6 ceremony to name the street on which Harry Weider lived for him. There will be a reception after that. She solicits contributions to provide food and drink.

District Manager's Report:

District Manager Susan Stetzer

- 1) She reminds everyone of the agenda for next month, which is a DRAFT. The final agenda will be posted tomorrow.
- 2) The Vote Sheet contains a change to the Open Meeting Law. It must be on the website the Friday before Full Board.
- 3) She thanks Assemblymember Glick for support in complaining about The Villager's printing of a Christmas card insulting to many.
- 4) The SLA website gives information about the "distance law," disciplinary histories. It's hard to find on the website. Lamp.sla.ny.gov. SLA needs more money so they can put stipulations on it.
- 5) DOT has a website that puts street closings on it, whether work has been permitted, etc.
- 6) She receives many calls and has done a lot of research about the Chinatown newsstand. The City signed a contract in 2003 saying that 100% of newsstands would be replaced, with no grandfathering. Newsstand owners sued the City and lost. This one would be grandfathered because of how long it's been there. It's no longer grandfathered if the structure is changed. No single agency is responsible so answers often cross. DCA rules say they can't issue a permit without an OK from DOT. There has been no grandfathering since 2003, she was told, but in reality, it exists. Marilyn Louie has a contract till end of March. They're no longer asking her to cross the street to Confucius Plaza or by Manhattan Bridge.
- 7) The 3/12 meeting is around Susan's knee replacement May 7. A new Assistant DM must be in place as far ahead of that date as possible.

**Committee Reports:**

**Executive Committee**

*Gigi Li explained the vote. We're not voting on having a stand-alone reception center, but on supporting the search for money towards a study of it. The urgency is about applying to the Borough President for a grant study. Alec Schierenbeck doesn't know what that grant is, as the capital deadline is today, and the Borough Needs program is being phased out and replaced. He recommends passing the resolution and later they can work out funding sources with the BP. Harvey Epstein is opposed to it coming up in Executive Committee instead of committee. It would go to Transportation. David Crane supported this 4 years ago. Cooper Square Committee called the office today for information on serving as a fiscal conduit for this. It's awkward because they're not here to represent themselves. Lisa Kaplan said it's unseemly and unfair to skip the process because they realized there's a deadline looming. VOTE: HE moved that it go back to committee. DC seconded. 16 were in favor by a hand vote, 8 were opposed. It is sent back to committee.*

**VOTE: Request to support grant for feasibility study for a stand-alone redemption center.**

**WHEREAS**, the New York State Returnable Container Act, also known as the "Bottle Bill", has had a significant impact on and created a cleaner and healthier New York by reducing roadside container litter by 70 percent and recycling 90 billion containers, equal to 6 million tons of materials, which is an important step towards improving our footprint on our environment; and

**WHEREAS**, the bill favors upstate communities in which residents do not live next door to recycling centers usually attached to supermarkets in malls or surrounded by large parking lots. In New York City, however, most businesses required to recycle are directly next door to residential buildings and on residential streets. The resulting problems are numerous and include noise, loitering, health hazards and more; and

**WHEREAS**, if a stand-alone redemption center existed in our community, nearby businesses would be released from many recycling requirements; jobs would be created, hours could be tailored to meet the needs of recyclers and the problems associated with recycling next to residences would be removed and or greatly reduced; and

**WHEREAS**, All the Way E 4th St Block Association and a community partner to be identified is seeking funds for a feasibility study for placing a stand-alone redemption center in the East Village area; now

**THEREFORE, BE IT RESOLVED** that CB 3 supports their request for funding for the feasibility study for a stand along redemption center.

**(Executive Committee)**

**16 YES 8 NO 6 ABS 0 PNV MOTION PASSED**

**Transportation & Public Safety and Environment Committee**

1. Request to extend bike lane markings on East 2nd Street east of Second Ave for 1 block to reach First Ave

**VOTE:** CB3 requests that DOT install a painted bike lane on the block of E 2nd St from Second Ave to First Ave. This would establish a clear route to connect the existing east-west bike lane pair on Bleeker and Prince St and the north-south bike lane pair on First and Second Ave. There is sufficient space to install this bike lane without affecting the moving lane or parking lanes.

2. Forsyth Plaza: DDC presentation/update on Forsyth Street Plaza & request for design support

**VOTE:** WHEREAS, DDC has presented a preliminary design for the reconstruction of the Forsyth Street Plaza as part of the NYC Plaza Program. The purpose of the program is to create viable, long-term social public spaces, particularly in communities lacking public space, and work with community partners to operate the space long term, with trash cleaning, maintenance, and management of vendors and activities for the community on site; and

**WHEREAS**, Renaissance Economic Development Corporation (REDC), a community-based non-profit, proposed the site on Forsyth Street between Canal and Division Streets to the NYC Plaza Program. The proposal submitted by Renaissance called for a plan to benefit the Chinatown community by regulating the usage of the Forsyth Street Plaza, have more open space, to have adequate rules of operation and trash cleanup and maintenance, to program community education, health, arts, and cultural activities on the site, and to refurbish dilapidated portions and bring lighting under the bridge; and

**WHEREAS**, the following design elements were included in the preliminary design for the reconstruction of the Forsyth Street Plaza:

- Design elements will discourage rodent infestations and excessive skateboard activity, which were concerned expressed by CB3 Transportation committee at the January 2011 meeting during a preliminary presentation. DDC has also committed to working with DOH rodent experts to determine appropriate plantings to discourage rodents.
- There will be a few access connections between the Forsyth St sidewalk and the upper plaza. A dramatic stairway of concentric circles with some seating and plantings will provide pedestrian access. There will be a new ADA compliant access ramp around the south end of the plaza. The bike lane to the Manhattan Bridge will remain on the existing ramp around the north end of the plaza. The bike lane will be clearly separated from pedestrian spaces.
- Enclosed space under the new ramp will provided storage for equipment such as water hoses necessary to maintain and provide service for the sidewalk vendor areas on Forsyth St.
- The plaza itself will have plantings, a water fountain, seating and a location for a kiosk in the future.
- There will be a public art installation by Xu Bing on the upper plaza and the circular staircase; and

WHEREAS, the art installation designed by Xu Bing will carve a famous Chinese poem into stone. It will incorporate the original Chinese and an English translation. The main installation will be "square calligraphy" that presents English words in square blocks that visually resemble Chinese characters. The design will be a very interesting interplay between the two cultures; now

THEREFORE, BE IT RESOLVED that CB3 approves of the preliminary design for reconstruction of Forsyth St Plaza and the artwork design by Xu Bing, as presented at the CB3 Transportation Committee.

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

no vote necessary

4. Street Bike Rack in front of MudSpot Coffee Shop at 307 East 9th Street

**VOTE:** WHEREAS, DOT has proposed installing on-street bicycle parking in the parking lane in front of 307 E 9th St between First and Second Ave. This would provide eight bike parking spaces where there is currently space for one parked car. There is a great need for more bike parking in the area, and CB3 had requested this type of installation in Feb 2008; and

WHEREAS, Mud Cafe would be the maintenance partner, responsible for maintaining plantings, shoveling snow, etc.; now

THEREFORE, BE IT RESOLVED that CB3-Manhattan supports the installation of a street racks bicycle parking with planters in front of Mud Café at 307 E 9th St.

5. Request for speed bump on Orchard St (Stanton/Rivington)

no vote necessary

6. Status of Newsstand at 18 Bowery

*Tom Parker spoke at length in favor of leaving the newsstand where it is.*

**VOTE:** **Resolution Supporting Grandfathering Newsstand Business at 18 Bowery**

WHEREAS, Marilyn Louie has owned and managed the newsstand at 18 Bowery and Pell St since the 1980's, and before that her father, a WWII veteran, owned the newsstand since the 1970's. It is evident that this newsstand is a valued asset to the community that enhances the quality of life, as demonstrated by the large turnout of local residents at the CB3 Transportation Committee meeting and the 735 signatures gathered over 4 days on a petition in support of retaining the newsstand at the current location; and

WHEREAS, this newsstand is the standard NYC newsstand structure and was permitted in this location; and

WHEREAS, the Dept. of Consumer Affairs (DCA) cannot issue a license unless approved by the Dept. of Transportation (DOT). DOT has stated that this newsstand has not passed inspection. The amount of noncompliance in question is currently 3" and will be less with the new Cemusa structure; and

WHEREAS, NYC Administrative Code Title 20, Consumer Affairs, Chapter 2, Subchapter 7, 20-231-E allows for grandfathering; and

WHEREAS, there is a lack of consistency among NYC agencies regarding grandfathering. For example, the Dept. of Buildings (DOB) grandfatheres existing businesses even if they are contrary to zoning; and

WHEREAS, Marilyn Louie's newsstand is a small local mom-and-pop business, exactly the type of small business the City seeks to foster and help and Community Board 3 has a policy of retaining mom-and-pop local businesses; now

THEREFORE, BE IT RESOLVED CB3 believes that Marilyn Louie's newsstand at 18 Bowery should be grandfathered in the present location, regardless of whether a new structure is installed, because this is an existing newsstand business that has been in continuous operation at this location for over 35 years. This is consistent with grandfathering policies currently extended by City agencies.

7. Review of 2011 goals & accomplishments/committee goals for 2012  
no vote necessary

#### **Con Edison Task Force**

*Anne Johnson spoke in favor of people researching funding opportunities through Con Ed.*

1. Review of 2011 goals and accomplishments/committee goals for 2012  
no vote necessary
2. Review Con Ed Settlement Fund Application Guidelines

**VOTE:** To adopt the following Guidelines for proposals for funding from the Con Edison Settlement Fund and post them on the CB#3 website:

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#### **Guidelines to submit proposals for Community Board 3 Consolidated Edison Settlement Funds (REVISED FEBRUARY 2012)**

##### **NEXT SUBMISSION DEADLINE, FOR SPRING 2012 FUNDING CYCLE:**

- **FOR MANDATORY LETTER OF INQUIRY (IF APPLICABLE): MARCH 22, 2012**
- **FOR FULL PROPOSALS: MAY 1, 2012**
- **DEADLINES ARE 4 PM TO PERMIT PROMPT DISTRIBUTION OF MATERIALS TO TASK FORCE MEMBERS.**

##### **TASK FORCE MEETING TO REVIEW LETTERS OF INQUIRY: APRIL 12, 6:30 PM SHARP**

**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 Spring 2012 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.
- 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. Documentation of additional funding may be required by the Task Force.
- 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.
- Tax ID numbers will be required of successful applicants.

**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 (Spring/Summer, Fall/Winter); 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 required 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. Proposers must attend this meeting as well. The Task Force may not be able to consider a proposal for funding if the applicant is not present to answer questions.
- 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 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. As noted above, any planned proposal in excess of \$175,000 MUST first be submitted as a Letter of Inquiry.

**Submissions**

- Submissions should be made by email to the Community Board 3 office, which will distribute them to the Task Force members. The email address to submit to is: [conedsettlementfund@cb3manhattan.org](mailto:conedsettlementfund@cb3manhattan.org)

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### 3. Spring 2012 Funding Cycle Deadlines

**VOTE:** To set application deadlines as identified in the proposal Guidelines adopted above.

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

##### **Block Party Application**

Ricky Leung represented Thomas Yu.

1. LES Youth Market, 7/12/12 – 11/15/12, Grand St (Pitt St & Bialystoker Place)

**VOTE:** CB3 approves the block party application for the LES Youth Market, 7/12/12 – 11/15/12, Grand St (Pitt St & Bialystoker Place).

2. Local Spokes, 8/18, Pitt St (Stanton & E Houston Sts)

no vote necessary

3. FAB weekend walk, 8/18-8/19, 8/25-8/26 E 4th St (2nd Ave & Bowery)

**VOTE:** CB3 approves the FAB weekend walk, 8/18-8/19, 8/25-8/26 E 4th St (2nd Ave & Bowery), aka Fringe NYC.

4. Fringe NYC on Fourth, 8/26/12, E 4th St (2nd Ave & Bowery)  
no vote necessary
5. New Year's Eve in Chatham Square, 12/31/12-1/1/13 (this is a two day event), E Broadway (Chatham Square & Catherine St)  
no vote necessary
6. Review of 2011 goals & accomplishments/committee goals for 2012  
no vote necessary
7. Report from Landmarks Subcommittee  
no vote necessary

**Arts & Cultural Affairs Task Force** *No report*  
meeting canceled

**SLA & DCA Licensing Committee**

*There was one correction to a typo in Item # 5.*

There will be an additional public meeting to which, in particular, block associations will be invited.

1. Review of 2011 goals & accomplishments/committee goals for 2012  
no vote necessary

**Corporate Change**

2. Ugly Kitchen, 103 1st Ave (op)  
withdrawn
3. La Vie (Le Cave LLC), 64 E 1st St (op)

**VOTE:** **WHEREAS**, La Cave LLC, doing business as La Vie, 64 East 1st Street, between First and Second Avenues, has submitted an application for a corporate change, replacing a principal with Joseph Shienouda; and

**WHEREAS**, understanding that the original applicant, under the corporate name Star Foods, had entered into a memorandum of understanding with the East First Street Block Association, this application was originally approved by this community board as a restaurant and bakery; and

**WHEREAS**, Star Foods was then heard and denied by this community board in December of 2006 for an alteration to 1) add DJs, 2) add a retractable roof on the second floor, 3) add one hundred (100) people to its maximum occupancy, and 4) extend its closing hours to 2:00 A.M. weekdays and 4:00 A.M. weekends because the community board believed that approval of the alterations would be accompanied by an unauthorized change in the method of operation of this business; and

**WHEREAS**, this applicant, under the present corporate name of La Cave LLC, was then heard and denied for renewal in January of 2011 (discussion and motion appended hereto), in pertinent part, because 1) while the representatives who appeared claimed to be new owners as of October of 2010 they had failed to give notice to the SLA of the purported change in ownership and change of corporate name and residents stated that they were still addressing complaints to the original owners who had managerial control of the business, 2) residents were complaining consistently of loud late night noise and loud unruly patron crowds in front of this business, and 3) this business was advertising nightly DJs and dancing inconsistent from its agreed upon method of operation; and

**WHEREAS**, this applicant was then heard and denied by this community board in March of 2011 for 1) an alteration to eliminate a staircase adjacent to the DJ booth from the original plans because the applicant also submitted an application which included its intention to host scheduled performances with live musicians and DJs, promoted events and events where cover fees would be charged and operate from 5:00 P.M. to 4:00 A.M. every night, inconsistent from its agreed upon method of operation, and 2) there continued to be noise complaints from residents which had not yet been resolved; and

**WHEREAS**, three neighboring residents, one of which represents the tenants of the adjacent building at 62 East First Street and one of which is the president of the East First Street Block Association, appeared to confirm that problems with this business were ongoing, all citing unruly patron crowds in front of this business, incredibly loud noise from patrons, music and bass emanating from this business, patrons of this business climbing on the fire escape of adjacent buildings, complaints which have existed since 2006 and not been ameliorated by any change in principal as of 2010 and its continued operation as a club with live music, DJs, scheduled performances and promoted events (as evidenced by its own advertisements appended hereto),

and asking that the community board recommend that the renewal of this application be heard at a full SLA board hearing and denied ; and

**WHEREAS**, the 9th Precinct has reported that 1) there was an assault associated with this business the week before Thanksgiving of 2011, 2) slashing of four (4) people on Thanksgiving of 2011 by a knife wielding patron immediately after he left this location, 3) fifteen (15) violations issued on December 15, 2011, for, in pertinent part, unlicensed cabaret, unlit exit, no public assembly permit, overcrowding, unlicensed security and blocked exit, and 4) within the last month, a disorderly crowd in front of the business and a security guard arrested for trying to prevent a traffic agent from issuing a parking ticket; and

**WHEREAS**, the applicant has reported that to avoid the filing of a nuisance abatement against it, it will be entering into stipulations regarding its operation with the New York Police Department; and

**WHEREAS**, in response to the complaints from residents and the police of out of control patrons and noise, this new proposed principal has only articulated increasing security, sweeping the sidewalks and operating consistent as efforts to change this business; and

**WHEREAS**, this new proposed principal has no apparent experience operating a location of this scale or with this troubled history given that he has stated that he managed a similar location outside of New York City and operates a small Philly Cheese Steak restaurant within this community board; now

**THEREFORE, BE IS RESOLVED** that Community Board #3 cannot endorse the application for a corporate change for the full on-premise liquor license for La Cave LLC, doing business as La Vie, 64 East 1st Street, between First and Second Avenues; and

**FURTHER BE IT RESOLVED** that Community Board #3 notes that the method of operation of this business continues to be inconsistent with its application to the SLA, as evidenced by the repeated efforts of the applicant to alter its method of operation to conform it to its existing use, resident complaints, police reports and its own advertisements; and

**FURTHER, BE IT RESOLVED** that Community Board #3 reaffirms its denial of the renewal of this application in January of 2011 and asks that its renewal be heard by the commissioners of the New York State Liquor Authority instead of being administratively processed for all of the foregoing reasons.

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

4. To be Determined, 6 St Marks Pl (wb)  
withdrawn

5. JB Sushi (Marco's 88 Inc), 15 St Marks Pl (up/op) TYPO CORRECTION PER A MILITANO

**VOTE:** To deny the application for a *full on premises license* for Marco's 88 Inc., doing business as Jebon Noodle Shop, for the premise located at 15 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) the stated public benefit that the applicant requires a full on-premise liquor license to compete in this economy, that its method of operation as a restaurant would not change and that it has had no adverse history at this location for its six (6) years of operation is not compelling given the number of full on-premise liquor and beer wine licenses on this street, 4) although the applicant provided petitions with twenty-nine (29) resident signatures in favor of its application, representatives of the tenants association of both 8 St. Marks Place and 16 St. Marks Place appeared in opposition to the granting of an additional full on-premise liquor license on this street, citing the numerous licensed premises on the street and the noise and crowded conditions as a result of the existing locations.

6. Lebrini's Pizzeria (Lebrini's Pizzeria Corp), 31 Ave C (wb)

**VOTE:** To deny the application for a beer wine license for Lebrini's Pizzeria Corp., doing business as Lebrini's Pizzeria, for the premise located at 31 Avenue C, 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 pizzeria restaurant, serving food during all hours of operation, 2) its hours of operation will be 11:00 A.M. to 12:00 A.M. Sundays through Wednesdays and 11:00 A.M. to 2:00 A.M. Thursdays through Saturdays, 3) it will play ambient background music only, consisting of recorded music, and not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee will be charged, and 4) it will keep any facade doors and windows closed at all times and maintain a closed fixed façade. Community Board #3 is approving this beer wine application although this is a location in an area with numerous licensed premises because 1) this location has operated as a pizzeria restaurant since 2002 and has had a beer wine license until

the present applicant purchased the business in 2010, and 2) this applicant has continued to operate this business as a pizzeria since 2010.

7. Zaragoza Mexican Deli & Grocery Inc, 215 Ave A (b)  
withdrawn
8. San Matteo Panuozzeria E Birra (San Matteo Panuozzeria Inc), 121 St Marks Pl (b)  
no vote necessary
9. Nublu, 151 Ave C (op)  
withdrawn
10. To be Determined, 116 Ave C (op)  
withdrawn
11. To be Determined, 154 Orchard St (wb)

**VOTE:** To deny the application for a beer wine license for MCFNY LLC, for the premise located at 154 Orchard Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a full-service Chinese 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 only, consisting of recorded music, and not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee will be charged, and 4) its backyard will be enclosed and soundproofed.

12. BK's, 115 Ave C (op)  
withdrawn
13. Bardelo (Bardelo LLC), 157 Ludlow St (op)  
**VOTE:** To deny the application for a full on-premise liquor license for Bardelo LLC, wit the proposed business name of Bardelo, for the premise located at 157 Ludlow Street, because the applicant did not appear before Community Board #3 for review of its application or provide any application materials for review.
14. Yuca Bar & Restaurant Inc, 111 Ave A (up/op)  
no vote necessary
15. Yong Fa Restaurant Inc, 507 E 6th St (wb)  
no vote necessary

#### Alterations

16. Los Feliz (MPDRAW LLC), 109 Ludlow St (op)

**VOTE:** To approve the alteration of the full on-premise liquor license for MPDRAW LLC, doing business as Los Feliz, for the premise located at 109 Ludlow Street, to wit converting the twelve and a half (12½) foot service bar located on the mid level of the business and the fourteen (14) foot service bar located in its lower level to standup bars of the same length.

17. Fat Buddha (Lo Eng Inc), 212 Ave A (op)  
no vote necessary

#### New Liquor License Applications

18. Holiday Lounge, 75 St Marks Pl (op)

**VOTE:** To deny the application for a full on-premise liquor license for 75 St. Marks Place LLC, for the premise located at 75 St. Marks Place, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that it will close any façade doors and windows by 10:00 P.M. every night.

19. To be Determined, 197 1st Ave aka 351 E 12th St (wb)

**VOTE:** To deny the application for a beer wine license for RGD Wine & Dine Group Inc., for the premise located at 197 First Avenue a/k/a 351 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 Italian restaurant, serving food during all hours of operation, 2) its hours of operation will be 5:00 P.M. to 12:00 A.M. Mondays through Fridays and 11:00 A.M. to 12:00 A.M. Saturdays and Sundays, 3) it will play ambient background music only, consisting of recorded music, and not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee will be charged, and 4) it will close any facade doors and windows at 10:00 P.M. every night.

20. Izagara Gourmet Inc, 128 1st Ave (wb)

**VOTE:** To deny the application for a beer wine license for Izagara Gourmet Inc., for the premise located at 128 First Avenue, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a full-service Mediterranean restaurant, serving food during all hours of operation, 2) it will play ambient background music only, consisting of recorded music, and not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee will be charged, and 3) it will keep any facade doors and windows closed at all times and maintain a closed fixed façade.

21. Sauce Restaurant (Coda Di Bue LLC), 78-84 Rivington St (up/op)

**VOTE:** To deny the application to upgrade to a full on-premise liquor license for Coda Di Bue LLC, doing business as Sauce, for the premise located at 78-84 Rivington Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a full-service Italian restaurant, serving food during all hours of operation, 2) its hours of operation will be from

6:00 A.M. to 4:00 A.M. all days, 3) it will play ambient background music only, consisting of recorded music, and will not have DJs, live music, promoted events or events at which a cover fee would be charged, and 4) it will close any facade doors and windows at 10:00 P.M. every night.

22. To be Determined, 215 Bowery (op)

withdrawn

23. La Gente LLC, 303-305 Broome St (op)

**VOTE:** To deny the application for a full on-premise liquor license for La Gente LLC, for the premise located at 303-305 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 a full-service Italian restaurant on the ground floor, serving food to 2:00 A.M. every night, and operate a lounge in the basement consisting of two (2) rooms, 2) it would have hours of operation of 10:00 A.M. to 2:00 A.M. Sundays through Wednesdays and 10:00 A.M. to 4:00 A.M. Thursdays through Saturdays, 3) it will close any façade doors and windows at 10:00 P.M. every night, 4) it will play recorded background music and have DJs no more than three (3) times a months and in the basement level only, 5) it will employ doormen or security as needed or designate an employee to manage pedestrian traffic and noise in front of the business, and 6) it will install soundproofing.

24. Porsena (Service Bar LLC), 21 E 7th St (up/op)

**VOTE:** To deny the application to alter the beer wine license of Service Bar LLC, doing business as Porsena, 21 East 7th Street, to wit extending the business into the adjacent west storefront at this address, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a full-service Italian restaurant, serving food to within one (1) hour of closing, 2) it will keep any facade doors and windows closed at all times and maintain a closed fixed facade, 3) its hours of operation will be 12:00 P.M. to 11:00 P.M. Sundays through Thursdays and 12:00 P.M. to 12:00 A.M. Fridays and Saturdays, and 4) 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.

25. Sahara Citi, 137 E 13th St (wb)

no vote necessary

26. Ruby's Orchard LLC, 85 Orchard St (op)

withdrawn

27. Foundation, 137 Essex St (op)

withdrawn

28. Nevada Smiths (92 Nuns Walk Inc), 100 3rd Ave (op)

withdrawn

29. Sao Mai Vietnamese Cuisine Inc, 203 1st Ave (wb)

**VOTE:** To deny the application for a beer wine license for Sao Mai Vietnamese Cuisine Inc., for the premise located at 203 First Avenue, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a full-service Vietnamese restaurant, serving food during all hours of operation, 2) its hours of operation will be 11:00 A.M. to 11:00 P.M. all days, 3) it will play ambient background music only, consisting of recorded music, and not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee will be charged, and 4) it will close any doors and windows at 10:00 P.M. every night.

30. To be Determined, 155 Rivington St (op)

withdrawn

31. The Fuzzy Wuzzy LLC, 157 Suffolk St (op)

withdrawn

32. Mundo New York Inc, 207-213 Allen St aka 159-161 E Houston St (op)

**VOTE:** To deny the application for a full on-premise liquor license for Mundo New York Inc., for the premise located at 207-213 Allen Street a/k/a 159-161 East Houston Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a full-service Mediterranean restaurant, serving food during all hours of operation, 2) its hours of operation will be 7:00 A.M. to 12:00 A.M. Sundays through Thursdays and 7:00 A.M. to 2:00 P.M. Fridays and Saturdays, 3) it will play ambient background music only, consisting of recorded music, and not have DJs, promoted events, scheduled performances or any event at which a cover fee will be charged and if it has live music, it will only be acoustic, 4) it will not have open doors and windows when live music is playing or after 10:00 P.M. every night, and 5) it will install additional soundproofing, if necessary.

33. HI Delancey Restaurant LLC, 148-150 Delancey St (op)

**VOTE:** To deny the application for a full on-premise liquor license for HI Delancey restaurant LLC, with a proposed business name of Delancey Lounge and Grill, for the premise located at 148-150 Delancey Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a full-service American restaurant, serving food during all hours of operation, 2) its hours of operation will be 6:30 A.M. to 11:00 P.M. all days, and 3) it will play ambient background music only, consisting of recorded music, and not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee will be charged.

34. Bar North Group LLC, 77 Delancey St (op)

**VOTE:** To deny the application for a full on-premise liquor license for Bar North Group LLC, for the premise located at 77 Delancey Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a full-service seafood restaurant, serving food during all hours of operation, 2) its hours of operation will be 12:00 P.M. to 12:00 A.M. Sundays through Thursdays and 11:00 A.M. to 2:00 A.M. Fridays and Saturdays, 3) it will play ambient background music only, consisting of recorded music, and not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee will be charged, and 4) it will install soundproofing, if necessary.

35. Porcellino (Rar Royal New York Corp), 308 E 6th St (op)

**VOTE:** To deny the application for a full on-premise liquor license for RAR Royal New York Corp., with a proposed business name of Porcellino, for the premise located at 308 East 6th Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a full-service Italian restaurant, serving food during all hours of operation, 2) its hours of operation will be 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 play ambient background music only, consisting of recorded music, and not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee will be charged, and 4) it will keep any facade doors and windows closed at all times and maintain a closed fixed façade.

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

1. MBP resolution on public access to SLA license information

**VOTE:** To support the Manhattan Borough President Resolution in Support of Reforms to Improve Public and Police Access to Details of SLA Licenses with the following amendments: that the 9th whereas clause reads as follows "WHEREAS, the SLA honors Community Board requests for information but **it has been the experience of some community boards** that obtaining such information can be slow and burdensome; and" as this has not been the experience of this community board; and that the 10th whereas clause reads as follows "WHEREAS, even the local police precincts do not have real-time access to information which makes it difficult, if not impossible, for an officer to **observe and document noncompliance with** the terms of an operating license when responding to a complaint, and" as this is a more accurate reflection of how such information is utilized by the police.

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#### **RESOLUTION IN SUPPORT OF REFORMS TO IMPROVE PUBLIC AND POLICE ACCESS TO DETAILS OF SLA LICENSES**

WHEREAS, the New York State Liquor Authority (SLA) has the jurisdiction to issue on-premise licenses according to the Alcoholic Beverage Control (ABC) Laws, and is responsible for enforcing those laws; and

WHEREAS, Community Boards in Manhattan review and offer guidance to the SLA about the potential impact of a license on public safety and quality of life in our neighborhoods; and

WHEREAS, all licenses include a Method of Operation which defines the specific terms for how an establishment will be run and are legally enforceable; and

WHEREAS, Community Boards, as part of their review process, often negotiate stipulations with applicants in order to clearly define what is and isn't allowed including hours, the music system (e.g. whether it is recorded, DJ or live), soundproofing requirements, security procedures, use of outdoor space, how the entrances will be managed, and other considerations; and

WHEREAS, the existence and enforcement of such stipulations are generally viewed by the local community as key factors in determining whether bar and restaurant establishments are acting as good neighbors; and

WHEREAS, these stipulations form the basis for the Method of Operation and therefore dictate the terms of the overall operating license; and

WHEREAS, representatives from the SLA have stated repeatedly that they depend on Community Boards and members of the public to alert them to problem locations, so they can address the issues and deploy their limited enforcement resources effectively; and

WHEREAS, currently, there is no easy way to find out the specific rules for any establishment because this information is only available to the public if they file a request under the Freedom of Information Act, which makes it onerous and time-consuming for members of the general public to know whether a bar or restaurant is in compliance with the terms of their operating license; and

**WHEREAS, the SLA honors Community Board requests for information but **it has been the experience of some community boards** that obtaining such information can be slow and burdensome; and**

~~WHEREAS, as a courtesy, the SLA honors Community Board requests for information but it is a burdensome and slow process; and~~

WHEREAS, even the local police precincts do not have real-time access to information which makes it difficult, if not impossible, for an officer to observe and document noncompliance with the terms of an operating license when responding to a complaint, and

~~WHEREAS, even the local police precincts do not have real time access to this information which makes it difficult, if not impossible, for an officer to enforce the terms of an operating license when responding to a complaint; and~~

WHEREAS, every SLA license is legally available to any citizen who makes a request and should be readily accessible online.

THEREFORE, BE IT RESOLVED that the Manhattan Borough Board urges the SLA to reform its public information system to make the Method of Operation for every license available online; and

BE IT FURTHER RESOLVED that the Manhattan Borough Board urges New York State elected officials to take the necessary steps to support this important reform.

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2. Review of letter to residents in resolution areas re: creating exemption for early hours  
no vote necessary

**Economic Development Committee** *No report.*

1. Presentation: recently enacted NYS Benefit Corporations law  
no vote necessary
2. Intro to LES People's Federal Credit Union business services  
no vote necessary
3. Review of 2011 goals & accomplishments/committee goals for 2012  
no vote necessary

**Land Use, Zoning, Public & Private Housing Committee** *No report.*

**Thursday, February 2, 2012 - Land Use Meeting**

Monday March 5 there will be a special meeting of the Chinatown Working Group on the issue of using Lower Manhattan Development Corporation funds for hiring.

1. Chinatown Working Group: RFP for Planning Consultant

**VOTE:** Community Board 3 approves the Chinatown Working Group moving forward to issue an RFP to hire a planning consultant, with two conditions

- That refinement and redefinition of the map be considered and presented to the committee
- that further refinement of the scope of work be undertaken to focus clearly on the intent of the CAPZ agreements.

2. Chinatown Working Group: Summary of Agreements in CAPZ (zoning)

no vote necessary

3. CAAAV "Reimagining Rezoning: A Chinatown for Residents is a Chinatown for All"

no vote necessary

4. Review of 2011 goals & accomplishments/committee goals for 2012

no vote necessary

**Wednesday, February 15, 2012 - SPURA Meeting**

1. Seward Park Project Update

no vote necessary

2. Traffic/Transportation Presentation (a. Draft EIS Traffic analysis summary; b. City DOT - Delancey Street discussion)

no vote necessary

**Human Services, Health, Disability, & Seniors / Youth & Education Committee** *No report.*

1. Housing Works--reintroduce Primary Care Services at KC House on East 9th Street

no vote necessary

2. CEC District 1 and District wide choice policy

no vote necessary

3. Presentation on Senior Services by DFTA & United Neighborhood Services

no vote necessary

4. Review of 2011 goals & accomplishments/committee goals for 2012

no vote necessary

**(February 2012 Vote Sheet excluding Executive Committee)**

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

Members Present at Last Vote:

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

The vote was taken at 7:25 PM.

Meeting Adjourned 7:25 PM.