



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD NO. 3

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Dominic P. Berg, Board Chair

Susan Stetzer, District Manager

April 2012 Full Board Minutes

Meeting of Community Board #3 held on Tuesday, April 24, 2012 at 6:30pm at La Mama, 74 East 4th Street.
Called to order 6:20.

Public Session:

On issues with multiple speakers, DB is limiting speakers to 6 per side. If time remains, additional speakers can speak. All speakers will be recognize.

- MARCIA IKONOMOPOULOS is a museum curator and speaks in favor of the landmarking of Bialystoker. It's one of the most important buildings that has come up for landmarking to date. Independence Hall was almost sold. It would be as sad if Bialystoker was sold and disappeared.
- RICHARD MCBEE writes for the Jewish press and on Jewish art. He did an article on Bialystoker. It was the largest community from Bialystok, destroyed and disintegrated by WWI. The façade has 2 important words on it and with symbols of the 12 Hebrew tribes, meaning it is important artistically. It's the twin of Temple EmanuEl uptown.
- ELISA SAMPSON is an urban geographer. Bialystoker is the last remaining Jewish immigrant remnant on that block. The WPA Writers Project documented it. Can we afford to lose another visible remnant of that immigrant heritage? Workers in the garment trade paid \$10/brick to make it possible.
- GARY AMBROSE is a Bialystoker board member for 10 years. He opposes landmarking because they have worked with nursing homes and others to keep it going, unsuccessfully. It owes \$13M, including \$4M to people. They have a buyer who will enable them to pay back all of their creditors. They plan to preserve architectural components. If it's landmarked, no developer will be interested.
- ALYS KREMER has been on the Bialystoker board for 15 years. Her father is a survivor of the Bialystoker ghetto. All board members have deep roots in the center. When they had no choice but to sell, they searched for a buyer who would maintain it. It was always a global organization; it was never contained within this building.
- ERIC MANDELBAUM is President of the Seward Park Housing Association, but he's speaking as a private citizen. No one disputes its historic value. It should be landmarked on its merits. His maternal side has roots in Bialystok. Referring to the Forward Building, it was landmarked, which didn't destroy its development. Air rights to Seward Park would not be lost to landmarking as there is an adjoining park with air rights. (He submitted a written statement for the record: The Board of Directors of Seward Park Housing Corporation does not know of any reason why the landmarking of the Bialystoker Home building will result in the loss of \$20 million in air rights owned by the Corporation. John Ryan, Treasurer. (Unsigned.)
- BRETT LEITNER read remarks of Tal Rev. He and his wife chose this community for him and his children for its diversity. He spoke with a developer who told him Bialystoker was never marketed as a landmarked property. He is not clear about the issue of landmarking eliminating the possibility of restoring back pay to former employees. Saving stories will not accomplish what saving the building will.
- MITCHELL GRUBLER has been involved with preservation most of his working life. Today is the culmination of Immigrant Heritage Week. There is no more important building for this issue than perhaps Ellis Island. The Centers in Sydney, Argentina, and elsewhere are modeled after this one. The board numbers 5 people who have set up a false Sophie's Choice. Losing money for 10 years is due to mismanagement. The building next store was sold at undermarket value to the President of the Board. The bidding process should be opened for this and for the vacant property next door.
- LEONARD BLANK is speaking for Bialystoker workers, of which he was one, many with children and elderly parents. They are looking for back pay, pensions, and health benefits, which they won't get if it's landmarked and can't be sold.
- MENDY EREZ says the Forward can't be compared to the Bialystoker. Paying past employees should be uppermost in people's minds. The loss of \$12M in air rights to 700 Seward Park families should not be discounted. He mentions another Jewish building that was landmarked and is now a haunted house.
- LELA CHAPMAN is with Greenmarket. The Tuesday St. Mark's Greenmarket opens soon. Tompkins Park Greenmarket is open year round. There are materials to take. They have had Sunday textile recycling. This past weekend they started their food scrap recycling program. They accept food stamps.
- DAVID GOLDBERG spoke about 139 Attorney Street. They are concerned about open space and light and air. It is over 15,000 sq ft. He had handouts.
- RACHEL EVANS from NY Public Library, manager of the Seward Park Branch, spoke of the Mayor's FY13 proposed budget cuts which would mean a 44% budget total cut. More New Yorkers are coming all the time to access services not provided anywhere else. She outlined reductions and asked the public to contact the elected officials. Susan Stetzer: She has asked for 3 months for information to make a statement.
- MOLLY GARFINKEL of CityLore urges the landmarking of Bialystoker. It's one of only 2 remaining structures representing that culture and that era, when there were 40,000 Bialystokers in the neighborhood.

- ROB HOLLANDER spoke for the LES History Project. They support the preservation of the Bialystoker. The Forward is an economically viable building that was turned into condos. The Bialystoker could be a gold mine and could pay for all those employees. He reiterates the need for an open call for developers.
- KERRI CULHANE of Two Bridges spoke of the critical need for affordable housing which could be created in the Bialystoker and the adjoining lot. It would preserve one of the most unique cultural touchstones on the LES.
- JOYCE MENDELSON founded the Friends of the Bialystoker Home. They deal with facts. In 2010 the Executive Director working 35 hours a week earned over \$200,000, more than the Governor's salary. She strongly supports back pay for workers AND preservation of the building and the history it represents. She asks to get it back on the market for the benefit of the community. It is not private property but a not-for-profit that should answer the concerns of the LES Jewish community.
- DAVID MULKINS of the Bowery Alliance of Neighbors, as a history teacher, spoke of the extreme importance of this building as evidencing the vitality of Jewish immigrant populations to the City.

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, Jessica Silver: She congratulates 5 new board members of CB3. April is Sexual Assault Awareness Month. There will be a self-defense workshop tomorrow at 145 Stanton Street at the High School, for girls/women 12 and older. Last Friday there was a press conference for 4th Arts Block's Model Block Initiative to pool energy efficient savings. The BP has been proposing alternatives to MTA fare hikes. He proposes bringing back the Commuter Tax dedicated to the MTA, not the general fund. It wouldn't be a tax on New Yorkers, but on commuters. This would enable upgrades.

Congressmember Jerrold Nadler, Daniel Weisfeld: Absent

Congressmember Nydia Velazquez, Judy Lei: She attended a press conference calling on the Department of Defense to investigate anti-hazing policies to prevent similar tragedies from happening. On April 19 she stated that there was nothing in a Republican-sponsored tax bill which would benefit only millionaires and large companies. She attended many events in Chinatown including the Cherry Blossom Festival.

Congressmember Carolyn Maloney, Victor Montesinos: On April 19 she introduced the Childcare Affordability Act. Many workings parents lose money by going back to work because child care is so expensive. The bill raises the tax credit cap. Details are in her CB Report.

Assembly Speaker Sheldon Silver, Zach Bommer: Today he, Senator Squadron, and Council Member Chin came up with a bus bill to control the dropping and pickup of passengers in the middle of the street, at MTA stops, etc. This will create a permitting system. CB3 has worked hard on this. Sales tax for clothing under \$110 has been repealed because it's a regressive tax disproportionately affecting low-income people. Rent protection: Last year after almost 2 decades, protection was passed and another package of bills was passed this year to push farther on eliminating loopholes and giving renters more power. Information is on the website. Another bill passed will end racial profiling in NYC for the NYPD. He supports the Citizenship Now event going on for a week. This Friday with Assembly Member Kavanagh there will be a Business Tax Credit Day which will help employers hire locally. Call the office for information. He has a 1 page FAQ on the recently-passed budget.

Assemblymember Deborah J. Glick, Sarah Malloy-Good: This Friday there is a hearing on illegal hotels at 250 Broadway. Last week was the symbolic Equal Pay Day to highlight the fact that the average woman earns \$.77 for each \$1 a man earns.

Assemblymember Brian Kavanagh, Leslie Pena: Absent

State Senator Daniel L. Squadron, Rosemarie Diaz: She highlighted the permit system for busses. This is a good collaboration between federal, state, and local officials. Last week he joined Assemblyman Kavanagh and Speaker Quinn about reforming rent guidelines before the annual vote. He joined the DOT to start working on road repairs, especially ponding in Chinatown. She listed amounts of recent appropriations.

State Senator Thomas K. Duane, Robert: The NYS Budget was passed with only a slight increase in education funding. He reported on hydrofracking. Outside CB3 borders, he still mentioned NYU's massive expansion and a hearing on it tomorrow.

Councilmember Margaret Chin, Matt Viggiano: On April 17 she joined 100s of children and parents to advocate against cuts to child care. She is a member of the Black, Latina, and Asian, and Women's Caucuses. There was a court martial jurisdiction change for those charged in the death of Danny Chen. On May 24 there will be a fundraiser for his family to send them to North Carolina for the trial. Re SPURA, he read a statement thanking CB3 for its meticulous work over several years in setting guidelines. This is 50 years in the making. There are still issues about big box stores, permanent affordability, etc. so she urges community members to keep raising their voices. Her office got a 100% rating from the League of Conservation.

Councilmember Rosie Mendez, Michele Burger: There is a hearing on Section 8 housing. There is a May 6 ceremony for a street-naming for Harry Weider. She supports legislation to stop stop-and-frisk and to stop non-emergency weekend work. She advocates for City agencies to work together. There is an update on redistricting and she urges people to vote.

Members Present at First Vote:

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

Minutes:

Minutes of February 2012 were approved, as is.

Board Chairperson's Report:

Chairperson Dominic P. Berg. He thanks La Mama for hosting us. There was a great Town Hall on SPURA, reviewing the ULURP process. It's a very good start. The ULURP includes a lot of what the guidelines included. Key remaining issues that still need to be addressed e.g. permanent affordability were expressed by community members. It stands at 60 years. Should the Essex Street Market move, tenants should be supported with relocation expenses, and paying rents with commensurate with existing rents. There are no plans for a school, which CB3 called for. To control big boxes, they are limited to the second floor. He welcomed and introduced new members. There is a New Member Welcome this Sunday. New members and those wishing to change committees should pick up and fill out Committee Request Forms. He may need to move people around. The Nominating Committee will be chaired by Richard Ropiak. In particular, he will emphasize attendance as a criterion. Anne Johnson: Many people do other things. If the regular day of a meeting is changed, we should be excused. DB: It has to be addressed in the Bylaws, and discussed with committee chairs. DB committed to speaking with Joel Kaplan re addressing this. He won't run again for Chair so this issue will be ongoing.

District Manager's Report:

District Manager Susan Stetzer: She asked new members to email the office as email is answered fast, and to check the website. We count on the diversity of board members to bring issues to the CB's attention. First call 311 then inform CB3 with the complaint number. Re bus legislation, she thanks the electeds. This is an example of how inter-agency collaboration is successful. The committee worked hard on this too. Re illegal building construction, lack of permits and not adhering to them, posting is required. People assume construction is done with permits. In a private building, a staircase was removed with no permits, tenants were in residence and had to be removed by a cherry picker. The BP had a meeting last night with the SLA and 12 CBs. Issues that came up provided insights into how decisions are made. Don't assume the SLA knows. You can go on their website to make complaints as 311 complaints don't always get to them. The SLA generally supports CBs if the CB opposes a license involving the 500-foot rule i.e. more than 3 licenses within 500 feet. There is a DRAFT agenda. Committee Chairs must check their dates. Tomorrow afternoon there is a job fair for jobs at Basketball City, being held by the LES Employment Network. She's been getting requests for Bike Share maps. DOT promises we'll have them next week.

Committee Reports:

Executive Committee

DB referred to the 2 Dream bills. This is a Borough President/Borough Board resolution. Exec change the message to include mention of the T.A.P program. Allowing these additional financial aid applicants would add only 2% of \$17M to the existing T.A.P. programs. The Dream Fund would allow the opening of college savings accounts with a tax I.D. This is piecemeal but at least start to address the issue of not having comprehensive immigration reform. Susan Scheer delivered a report on this from the Fiscal Policy Institute.

- Support for "Dream Act" state legislation: make scholarships available to students without regard to their documentation status.

VOTE: **WHEREAS,** America is a nation of immigrants and New York City is sustained by our immigrant past, present and future; and

WHEREAS, New York City is home to the largest population of immigrants of any city in the U.S.; well over three million foreign-born residents comprise nearly 40 percent of New York City's total population; and immigrants compose over 40 percent of the city's workforce and are essential to our economic output and stability; and

WHEREAS, over 30 percent of Manhattan's residents are foreign-born and a number of the borough's community districts are majority foreign-born; and

WHEREAS, the State of New York and the nation as a whole could benefit from passage of DREAM legislation including the NYS DREAM Act (S.4179-b/A.6829-b) and NYS DREAM Fund (A. 8689); and

WHEREAS, the federal DREAM Act Legislation has failed to pass; and

WHEREAS, the States of Texas, California, New Mexico and Illinois have voted to sign DREAM legislation into law; and

WHEREAS, the State of New York must move to pass the NYS DREAM Act and NYS DREAM Fund in order to enable our youth to maximize their potential and make valuable economic and social impacts in our communities, strengthening our ability to compete and thrive in a global economy and society; and

WHEREAS, the legislation would provide assistance to undocumented immigrant students who had moved to the United States before the age of 16, who wants to attend college in New York State, by:

1. Extending the Tuition Assistance Program (T.A.P.) to include eligible students.
2. Create a privately funded "Dream Fund" to support scholarship programs.
3. Allowing 529 College Savings Accounts to be opened with a federal tax ID.

THEREFORE BE IT RESOLVED that the Manhattan Borough Board applauds Senator Perkins and Assemblymember Linares for the introduction of the New York State DREAM Act; and

THEREFORE BE IT FURTHER RESOLVED that the Manhattan Borough Board applauds Assemblymember Moya for his introduction of the New York State DREAM Fund; and

THEREFORE BE IT FURTHER RESOLVED that the Manhattan Borough Board offers full support for the DREAM legislation introduced in the State Assembly and State Senate that will open doors for higher education and civic engagement to all students in New York State regardless of their immigration status; and

THEREFORE BE IT FURTHER RESOLVED that the Manhattan Borough Board urges passage of the New York State DREAM legislation.

Personnel Task Force

The BP's office created one that wasn't instituted. Another CB did one. Various CBS are comparing versions so CB employees know what their responsibilities are.

- Employee Handbook
no vote necessary

Transportation & Public Safety and Environment Committee

They discussed DOT. David Crane discussed the process of deciding details of the bus rules governing curbside drop-offs.

not submitted

Con Edison Task Force

No report.

1. Letter of Interest from Solar One
no vote necessary
2. Letter of Interest from White Roofs
no vote necessary

Human Services, Health, Disability, & Seniors / Youth & Education Committee
(no quorum, recommendations only)

Susan Scheer reported although she wasn't there. She calls attention to 2 voting items. She asks for endorsement of the Coalition to Save Child Care, calling on the Mayor to oppose 2 cuts. The second resolution was about District 1 and the co-location of the new charter school. A lot of discussion ensued about whether they support the local population.

1. Budget cuts to child care and after-school programs

VOTE: WHEREAS, the Mayor's FY13 Preliminary Budget puts 47,000 children at risk of losing their child care and after-school program; and

WHEREAS, this is the 5th straight year of cuts to both child care and after-school, and the newest cuts in the FY 13 Preliminary Budget, combined with the current Early Learn NYC and Out-of-School Time RFP's, would mean that more than 90,000 children will be left without care since 2009; and

WHEREAS, both child care and after-school programs provide children with critical educational opportunities that pave the way for future success, and kids who attend these programs do better in school, are more likely to graduate, and have lower incidences of violence, drug-use and teen pregnancy; and

WHEREAS, child care and after-school programs allow working parents to keep their jobs, and without access to these programs, working parents will be forced to make potentially unsafe arrangements for their children in order to keep their jobs; now

THEREFORE BE IT RESOLVED, that Manhattan Community Board 3 endorses the Campaign for Children, a partnership of The Emergency Coalition to Save Child Care and the NYC Youth Alliance;

BE IT FURTHER RESOLVED that Manhattan Community Board 3 calls on Mayor Bloomberg to take the steps necessary to support the child care and after-school systems in his Executive Budget by restoring \$104 million to the Administration for Children's Services for child care and \$66 million to the Department of Youth and Community Development for after-school programs.

2. Opening/co-location of Manhattan Charter School II building MO56 (currently housing 3 schools)

VOTE: Calling on the Panel for Educational Policy to Oppose the Opening and Co-Location of Manhattan Charter School II in Building MO56

WHEREAS, Manhattan Charter School I (MCS I) has been operating a co-located K- 5th grade elementary charter school on the Lower East Side for 6 years;

WHEREAS, MCS I applied for authority to "replicate" itself and create a second MCS on the Lower East Side;

WHEREAS, the State University of New York (SUNY) Charter Schools Institute authorized the replicated charter for Manhattan Charter School II (MCS II) in June 2011;

WHEREAS, MCS I, after being open for 6 years, in the PS 142 building, does not serve a single ELL student;

WHEREAS, 13% of the students enrolled in PS 142 are classified as ELL students, and 12% of District One students are ELL designated;

WHEREAS, the outreach materials of MCS II have only been in English;

WHEREAS, the Chinese version of the DOE Public Notice of the Joint Public Hearings on March 8, 2012, about the opening and siting of MCS II provided the wrong address (including the wrong borough);

WHEREAS, the Spanish translator provided by the DOE for the Joint Public Hearings on March 8, 2012, arrived more than an hour after the Hearings started;

WHEREAS, there were an insufficient number of translation devices available at the Joint Public Hearings on March 8, 2012;

WHEREAS, MCS II has repeatedly stated publicly and to the local elected officials that it was looking for private space in which to locate instead of a public school, although its proposed budget has no line item for building rent or lease;

WHEREAS, the Corlears 56 Complex located at 220 Henry St., already houses the Henry Street School for International Studies (MS292), University Neighborhood Middle School (MS 332), and Collaborative Academy of Science, Technology, and Language Arts Education (MS345)

THEREFORE, Be It Resolved that Community Board 3 calls on the Panel for Education Policy to vote against the replication of MCS I until MCS I serves the same percentage of ELL students as other District 1 schools; or, in the alternative, CEC1 calls on the Panel for Education Policy to postpone the vote on the opening and co-location of MCSII for NOT LESS than 12 months until evidence can be provided that MCS I serves the same percentage of ELL students as other District 1 schools and that MCS II has dramatically enhanced its outreach to non-English-speaking families.

3. Support for "Dream Act" state legislation: make scholarships available to students without regard to their documentation status
withdrawn
4. Cosponsor meeting with Henry St Settlement re tax incentives to hire unemployed and disadvantaged youth and RFPs for training programs

VOTE: To support cosponsoring a meeting with Henry Street Settlement regarding tax incentives to hire unemployed and disadvantaged youth and RFPs for training programs.

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

No report. David Waters pulled # 4 for discussion, which began at 8:50 PM. In Jewish culture, bankruptcy doesn't avoid a debt. He asked Gary Ambrose of the Board to explain the finances. 3 issues: 1) Self-dealing: No board member is gaining a penny by any sale. All 3 lots – 2 buildings and a lot – are being sold as a package. All rents go to Bialystoker, all recorded by the AG's office. 2) Board mismanagement: About 10 years ago, it was advised to shut down. The board instead tried to be loyal to the workers and the residents. They brought in advisors. They ended up in effect bankrupt, stiffing everyone except the staff who provided patient care. They ran a personal risk by not paying payroll taxes. 3) Staff compensation: He hasn't seen the figures. He imagines they combined the CEO and CFO lines. 4) Announcement for sale: They put out a call for bids online and any means they could conceive of and only one strong bidder withdrew under the threat of landmarking. Anne Johnson asked if it was true that the President bought a \$4M building for \$1.5M, and if board members would recuse themselves from a vote on the sale and loss of air rights. Gary Ambrose: The \$1.5M sale was a loan to Bialystoker, a "sale" to be reversed when the deal for the sale went through. \$1.5M was the appraised value.

1. Chinatown Partnership Earth Day
no vote necessary
2. Parks - rec fields lighting and permitting issues

VOTE: Whereas, the monopoly of a few grandfather leagues that control lighting for night games in CB3 Parks have led to complaints by non-profit youth leagues over more equitable sharing and usage of lighting;

Whereas, permission granted by CB3 for current night lighting has not been reassessed for many years;

Therefore be it resolved that, CB3 asks that NYC Parks Department bring in leagues using CB3 area ball fields at night before the CB3 Park Committee, for the purposes of reassessing lighting permissions each year to better ensure fair usage and sharing, particularly for youth and non-profit leagues.

3. Coleman Oval Dog Run- Improvements by the Adopt a Park agreement between Parks and Architecture for Humanity
no vote necessary
4. Report from Landmarks Subcommittee, re: vote to support landmarking of Bialystoker

VOTE: WHEREAS, the Bialystoker Center and Home was constructed between 1929 and 1931; and

WHEREAS, the building was designed in the Art Deco style with a golden brick façade and a unique arched entrance framed by twelve medallions representing the twelve tribes of Israel; and

WHEREAS, its architect Harry Hurwitt designed several other Lower East Side buildings, most of which have been demolished or obscured; and

WHEREAS, the Bialystoker Home is one of three tall buildings on East Broadway, each representing a significant site in Lower East Side Jewish history, the other two being designated New York City Landmarks (the Jewish Forward Building and the Jarmulowski Bank); and

WHEREAS, the Bialystoker Center and Home housed the largest and most prominent of all the "landsmanschaftern" (mutual aid societies) on the Lower East Side; and

WHEREAS, the Bialystoker Home has closed and its residents have been placed elsewhere, leaving the building empty; and

WHEREAS, the building has been listed for sale as a development site; and

WHEREAS, the Bialystoker Center and Home is significant architecturally, historically, and culturally, so

THEREFORE BE IT RESOLVED that Community Board 3 calls upon the Landmarks Preservation Commission to promptly calendar and designate the Bialystoker Home as a New York City Landmark.

Block Party Application

5. Make Music New York, 6/21, Suffolk St (btwn Rivington & Delancey Sts)

VOTE: CB3 supports the block party application for Make Music New York, 6/21, Suffolk St (btwn Rivington & Delancey Sts).

SLA & DCA Licensing Committee

Renewal with Complaint History

We got all the stipulations except # 24 which therefore becomes a recommendation to deny. Gloria Goldenberg asked for an explanation of "No vote necessary." AM: Generally it's a "Withdrawn" because not enough paperwork was presented at the meeting. 33 was a mistake. They were not supposed to come back to us. The SLA had already approved it.

1. Pyramid Club (Moonwalkers Restaurant Corp), 101 Ave A (op)

VOTE: WHEREAS, Moonwalkers Restaurant Corp., doing business as Pyramid Club, is seeking to renew its full on-premise liquor license located at 101 Avenue A; and

WHEREAS, this is the third time that this licensee has been asked to appear before Community Board #3 to address issues of loud, unruly intimidating patrons in front of its business, noise emanating from its business Tuesdays and Thursdays through Sundays and an inability of its staff to control crowds and noise; and

WHEREAS, this licensee has now failed to appear before this community board to address these complaints; now

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the renewal of the full on-premise liquor license for Moonwalkers Restaurant Corp., doing business as Pyramid Club, for the premise located at 101 Avenue A, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) security will be located in front of the establishment every night and will be specifically directed to insure that patrons are quiet, orderly and remain off the majority of the public sidewalk, and 2) it will keep any facade doors and windows closed to prevent patrons from migrating from its establishment to the sidewalk; and

BE IT FURTHER RESOLVED that Community Board #3 requests that the New York State Liquor Authority inspect this business, particularly to insure that said licensee is making its best efforts to control its patrons in front of its establishment.

Corporate Change with Complaint History

2. Ugly Kitchen, 103 1st Ave (op)

VOTE: WHEREAS, FTCCM LLC, which holds a full on-premise liquor license for the premise located at 103 First Avenue is seeking a one hundred percent (100%) change of its corporate structure, replacing principals Frederick Twomey and Christophe Chatrin Michaud with Sinkong Wong and Joeah Song, and has already changed its business name to Ugly Kitchen; and

WHEREAS, Community Board #3 previously approved a full on-premise liquor license for FTCCM LLC, for said premise, provided that the applicant agree to make as conditions of its license stipulations to 1) operate as a full-service restaurant, serving food to within one (1) hour of closing every night, 2) close no later than 2:00 A.M. every night, 3) have a closed façade, with no open doors or windows, 4) keep its refuse inside until one (1) hour before pickup, 5) not commercially use the

sidewalk or backyard, and 6) not have DJs, live music, promoted events or events where a cover fee would be charged; and

WHEREAS, residents of the adjacent buildings on First Avenue have complained that since this location has changed its business name, it has had loud, drunk unruly patrons on the sidewalk in front of its business Thursdays through Saturdays well past 2:00 A.M., has completely opened its façade, has music blaring from its interior into the street and has stopped food service; and

WHEREAS, this licensee, although having acknowledged that it would attend its hearing before Community Board #3, has now failed to appear before this community board to address these complaints, the apparent change in its method of operation and its apparent failure to abide by the agreed upon stipulations; now

THEREFORE, BE IT RESOLVED that Community Board #3 cannot support the request for a corporate change by FTCCM LLC, for the premise located at 103 First Avenue, and asks the New York State Liquor Authority to refrain from hearing this application until the applicant appears before Community Board #3 to address these complaints, the apparent change in its method of operation and its apparent failure to abide by the agreed upon stipulations.

Sidewalk Café Application

3. Gelato Ti Amo (Quality Edibles LLC), 68 2nd Ave (unenclosed)

VOTE: To approve the application for a sidewalk café permit for five (5) tables and thirteen (13) seats, for Quality Edibles LLC, with a proposed business name of Gelato Ti Amo, for the premise located at 68 Second Avenue.

4. Veselka Bowery LLC, 9 E 1st St (unenclosed)

VOTE: To approve the application for a sidewalk café permit for seven (7) tables and twenty-eight (28) seats for Veselka Bowery LLC, doing business as Veselka Bowery, 9 East 1st Street, because the applicant has signed a change agreement which will become part of its DCA license that its hours of operation will be 8:00 A.M. to 11:00 P.M. every day.

Applications within Resolution Areas

5. To be Determined / The Great Life Hospitality Group LLC, 34 Ave A (wb)
withdrawn

6. To be Determined, 68 Clinton St (wb)

VOTE: To deny the application for a beer wine license for a corporation to be determined, with principals Rick Camac and Leah Cohen, for the premise located at 68 Clinton Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a full-service Southeast Asian 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 Wednesdays and 12:00 P.M. to 2:00 A.M. Thursdays through Saturdays, 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) if permitted by a separate certificate of occupancy to commercially use its backyard, it may use its backyard for dining only provided it close no later than 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 operated five (5) restaurants since 2004 and has obtained a letter of good standing for the operation of one of its restaurants within Community Board #7, 2) there was no opposition to this application and the applicant provided sixty (60) signatures in support of its application from nearby residents, and 3) this location has been previously licensed with a beer wine license since 2006.

7. Ellsfred Inc, 520 E 6th St (op)

VOTE: To deny the application for a full on-premise liquor license for Ellsfred Inc., with a proposed business name of Josie's, for the premise located at 520 East 6th Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that it will maintain a closed façade with fixed plate glass windows and no open doors or windows.

8. Liberty Head Tavern, 116 Ave C (op)
withdrawn

9. Downtown Dining LLC, 5 Ave A (op)

VOTE: To deny the application for a full on-premise liquor license for Downtown Dining LLC, for the premise located at 5 Avenue A, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a full-service American restaurant, serving food to within one (1) hour of closing, 2) its hours of operation will be 11:00 A.M. to 4:00 A.M. Mondays through Fridays and 10:00 A.M. to 4:00 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 façade doors and windows at 10:00 P.M. every day.

10. San Matteo Panuozzeria E Birra (San Matteo Panuozzeria Inc), 127 St Marks Pl (b)

VOTE: To deny the application for a beer license for San Mateo Panuozzeria Inc., doing business as San Matteo Panuozzeria, for the premise located at 127 St. Mark's Place, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a full-service Italian café and sandwich shop, serving food during all hours of operation, 2) its hours of operation will be 12:00 P.M. to 11:00 P.M. all days, 3) it will play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged, and 4) it will close any facade doors and windows at 10:00 P.M. every night. Community Board #3 is approving this beer application although this is a location on a block with twenty-one (21) liquor licenses because 1) this applicant has an existing business of the same type which it has operated for two (2) years and has obtained a letter of good standing for its operation from Community Board #8, 2) there was no opposition to this application and the applicant provided twenty-eight (28) signatures in support of its application from nearby residents, and 3) the size and scale of this business is very small.

11. Yong Fa Restaurant Inc, 507 E 6th St (wb)

VOTE: To deny the application for a beer wine license for Yong Fa Restaurant Inc., with a proposed business name of Yong Fa Restaurant, for the premise located at 507 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 Asian restaurant, serving food during all hours of operation, 2) its hours of operation will be 11:00 A.M. to 12:00 A.M. all days, 3) it will have no music, and 4) it will close any facade 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 close proximity to numerous licensed premises because 1) this applicant is occupying a location which has housed a business of the same type for at least ten (10) years, 2) this applicant has been the chef of an Asian restaurant in Flushing for at least ten (10) years and has five (5) years of managerial experience at other Asian restaurants, and 3) there was no opposition to this application and the applicant provided fourteen (4) signatures in support of its application from nearby residents.

12. Babel, 129 Ave C (op)

withdrawn

Alterations

13. Taverna Di Bacco (Osteria Grano LLC), 175 Ludlow St (wb/extend license to backyard)

VOTE: Notwithstanding the petition signatures submitted in support of this application, Community Board #3 moves to deny the alteration of the beer wine license for Osteria Grano LLC, doing business as Taverna Di Bacco, for the premise located at 175 Ludlow Street, to wit expanding its restaurant and beer wine license into the backyard, consisting of eleven (11) tables and twenty-two (22) seats and with daily hours of 11:00 A.M. to 11:00 P.M. because 1) there are already eight (8) licensed premises on this block, and 2) this is mixed residential and commercial street which is already suffering from excessive nighttime noise and police enforcement issues in part because of the noise and allowing the operation of a backyard by a commercial tenant on this street would effectively extend the noise on the street into the rear of the building and its residential apartments.

14. Sorella (Piedmont Hospitality LLC), 95 Allen St (op/expanding to adjacent space)

VOTE: To deny the alteration of the full on-premise liquor license for Piedmont Hospitality LLC, doing business as Sorella, for the premise located at 95 Allen Street, to wit expanding its restaurant and full on-premise liquor license into the adjacent north storefront at the same 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 Northern Italian restaurant, serving food to within one (1) hour of closing, 2) its hours of operation will be 12:00 P.M. to 10:00 P.M. Sundays, 3:00 P.M. to 12:00 A.M. Mondays and 3:00 P.M. to 2:00 A.M. Tuesdays through Saturdays, 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.

15. The Standard East Village (Cooper AB LLC), 25-33 Cooper Sq (op/close 2nd floor bar terrace/new outdoor space on north/alter hours/other alts)

no vote necessary

16. The DL (93 Ludlow St Inc), 95 Delancey St (op/extend license to 2nd & 3rd Floors)

VOTE: WHEREAS, 93 Ludlow Street Inc. is seeking an alteration of its premise located at 95 Delancey Street a/k/a 93 Ludlow Street, to wit extending its full on-premise liquor license to the second and third floors; 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 applicant proposes that the second floor will have a certificate of occupancy of one hundred seven (107) people, ten (10) tables and fifty-five (55) seats and a seventeen (17) foot bar with seven (7) stools, and will function as an event and support space for private events and to accommodate patrons waiting to enter the first and third floors; and

WHEREAS, the applicant proposes that the third floor will have a certificate of occupancy of one hundred ninety-seven (197) people, thirty (30) tables and one hundred twenty-four (124) seats and a twenty-seven (27) foot bar, and will function as a lounge with food service and a retractable roof closing at 11:00 P.M. Sundays through Wednesdays and 12:00 A.M. Thursdays through Saturdays; and

WHEREAS, this alteration application was denied by Community Board #3 because, in pertinent part, the applicant had conceded that it has been serving alcohol on its second floor and roof top since its opening in October of 2011 without a license to do so, and had yet to open its previously approved ground floor restaurant; and

WHEREAS, the ground floor restaurant at this location has now been operating since March 5, 2012, and the applicant has now attached a new principal, Paul Seres, who has asserted that he will manage the daily operations of the entire business; now

THEREFORE, BE IT RESOLVED THAT Community Board #3 denies the alteration of the full on-premise liquor license for 93 Ludlow Street Inc., doing business as The DL, for the premise located at 95 Delancey Street a/k/a 93 Ludlow Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) its hours of operation for all floors will be 4:00 P.M. to 4:00 A.M. Mondays through Fridays, 11:00 A.M. to 4:00 A.M. Saturdays and 12:00 P.M. to 4:00 A.M. Sundays, 2) it will operate a full-service restaurant on the ground floor, specifically a tapas restaurant, an event and support space on the second floor which will be for private events and to accommodate patrons waiting to enter the ground or third floors, and a third floor lounge and all of the floors will have food service to within one (1) hour of closing every night, 3) it will incorporate the attached security and traffic plan as a condition of its liquor license and will employ at least one (1) security guard per night to monitor the main entrance and more as needed but no fewer than one (1) security guard per seventy-five (75) people consistent with the law, 4) security guards will employ identification scanners and occupancy counters daily which will be located at any entrance, 5) it will close all doors and windows on the ground and second floor at 10:00 P.M. every night and will close the retractable roof on the third floor no later than 11:00 P.M. Sundays through Wednesdays and 12:00 A.M. Thursdays through Saturdays, 6) on the ground floor, there will only be recorded background music, consisting of an iPod and no live music or DJs, 7) on the second and third floor, there will be recorded background music, consisting of an iPod and DJs, and there may be occasional live music as part of private events only and not part of daily operations, 8) there will be no outside promoters used, scheduled performances may only occur as part of a private party and not regular daily operations and cover fees will only be permitted for private events which are charitable or political in nature, 9) it will notify Community Board #3 of any proposed corporate restructuring and if Paul Seres ceases to be a managing partner, and 10) it will not apply for a cabaret license.

17. Stanton Public (JCNV Realty LLC), 17 Stanton St (op/remove kitchen/expand seating)

VOTE: To approve the alteration of the full on-premise license for JCNV Realty LLC, doing business as Stanton Public, for the premise located at 17 Stanton Street, to wit removing a ten (10) by nine (9) foot kitchen, adding eight (8) seats and allowing for an increase in occupancy of thirty (30) people provided that is consistent with the certificate of occupancy, as well as a corporate change adding two (2) principals.

New Liquor License Applications

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

VOTE: To deny the application for a beer wine license for Ichibantei LLC, with a proposed business name of Ichibantei, for the premise located at 401 East 13th 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 restaurant, serving food during all hours of operation, 2) its hours of operation will be 1:00 P.M. to 11:30 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 façade doors and windows at 10:00 P.M. every night.

19. Rustic LES (Rustic LES Inc), 124 Ridge St (wb)

VOTE: To deny the application for a beer wine license for Rustic LES LLC, with a proposed business name of Rustic LES, for the premise located at 124 Ridge Street because this location had already been a grandfathered noncompliant commercial use as a retail business other than an eating and drinking establishment on a residentially zoned side street and such use was permitted to serve local retail needs and Community Board

- #3 believes such noncompliant use should not be extended by approving any liquor license for an eating and drinking establishment at this location.
20. To be Determined, 90 3rd Ave (op)
VOTE: To deny the application for a full on-premise liquor license for a corporation to be determined with principals Niall Henry and Declan Rainsford, with a proposed business name of The Brazen Fox, for the premise located at 90 Third Avenue, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a full-service American restaurant, serving food during all hours of operation, 2) its hours of operation will be 11:00 A.M. to 4:00 A.M. all days, 3) it will play ambient background music 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, 4) it will close any façade doors and windows at 10:00 P.M. every day, and 5) it must apply separately for any sidewalk use.
21. Tara Thai Cuisine, 137 1st Ave (wb)
 withdrawn
22. The Northern Spy Food Company (The Northern Spy Food Co LLC), 511 E 12th St (op/upgrade)
Harvey Epstein asked for an explanation of this. Alex Militano explained.
VOTE #1: To deny the application to upgrade to a full on-premise liquor license to Northern Spy Food Co., 511 East 12th Street, between Avenue A and Avenue B, because 1) this location had already been a grandfathered noncompliant commercial use as a restaurant with a beer wine license in the middle of a residentially zoned side street and such use was permitted to serve local retail needs and Community Board #3 believes such use should not be extended by approving an upgrade of its liquor license, 2) seven (7) residents from this street appeared in opposition to the upgrade of this license in the middle of a residential block and given that there is already noise on this street from pedestrians traveling between businesses on Avenues A and B and from the applicant whose business attracts long lines of patrons waiting on the sidewalk, and 3) there are nineteen (19) full on-premise liquor licenses within five hundred (500) feet of this location.

VOTE #2: To approve the alteration of the beer wine license for Northern Spy Food Co., 511 East 12th Street, between Avenue A and Avenue B, to wit removing an existing market from its method of operation, adding two (2) tables and counter seating, and adding five (5) feet to the existing bar.
23. Extra Place (Extra Place America LLC), 8 Extra Pl (wb)
VOTE: To deny the application for a beer wine license for Extra Place America LLC, with a proposed business name of Extra Place, for the premise located at 8 Extra Place, 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 Swiss and Mediterranean restaurant, serving food during all hours of operation, 2) its hours of operation will be 10:00 A.M. to 12:00 A.M. Mondays through Thursdays and 10:00 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, 4) it will close any façade doors and windows at 10:00 P.M. every night, and 5) it will not have any alcohol service outside.
24. Sake Bar Satsko (Aw Creative Associates LLC), 202 E 7th St (wb)
VOTE: To deny the application for a beer wine license for AW Creative Associates LLC, doing business as Sake Bar Satsko, for the premise located at 202 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 continue to operate as a full-service Japanese and Pan Asian restaurant, serving food to within one (1) hour of closing, and 2) its hours of operation will 4:00 P.M. to 12:00 A.M. all days. **This application is denied because the applicant withdrew agreed upon stipulations.**
25. Hotel East Houston (Soho New York Lodging LLC), 151 E Houston St (hotel op)
 withdrawn
26. Raclette (New York Raclette LLC), 508 E 12th St (wb)
VOTE: To deny the application for a beer wine license for New York Raclette LLC, with a proposed business name of Raclette, for the premise located at 508 East 12th Street because 1) this location had already been a grandfathered noncompliant commercial use as a retail business other than an eating and drinking establishment in the middle of a residentially zoned side street and such use was permitted to serve local retail needs and Community Board #3 believes such noncompliant use should not be extended by approving any liquor license for an eating and drinking establishment at this location, 2) seven (7) residents from this street appeared in opposition to the approval of this license in the middle of a residential block and given that there is already noise on this street from pedestrians traveling between businesses on Avenues A and B and from patrons waiting outside of the existing businesses on this street, and 3) there are numerous licensed businesses within close proximity to this location, including nineteen (19) full on-premise liquor licenses within five hundred (500) feet of this location.
27. To be Determined, 176 Delancey St (op)
VOTE: To deny the application for a full on-premise liquor license for a corporation to be determined, with principal Jessica Lee Wertz, for the premise located at 176 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

8:00 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, 4) it will maintain a closed façade with fixed plate glass windows and no open doors or windows, and 5) it will not commercially use any outdoor areas.

28. Raasa (Mumbai New York Corp), 328 E 6th St (wb)
withdrawn

29. Miller's Near & Far LLC, 65 Rivington St (op)

VOTE: To deny the application for a full on-premise liquor license for Miller's Near & Far LLC, with a proposed business name of Near & Far, for the premise located at 65 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 American 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, 4) it will close any façade doors and windows at 10:00 P.M. every day, and 5) it must apply separately for any sidewalk use.

30. Foundation, 137 Essex St (op)

VOTE: WHEREAS, Foundation Lounge Corp., is seeking a corporate restructuring of its premise doing business as Foundation, at 137 Essex Street, by making its principals Joseph Torres and Ann Van Dyke; and

WHEREAS, this applicant was originally approved as a restaurant in 2003 and was subsequently approved for an alteration in August of 2010 to reduce its kitchen, convert it to a cold kitchen, change its business name to Foundation, change its food to American and its method of operation to a tavern and extend its hours to 7:00 P.M. to 4:00 A.M. all days, with stipulations to 1) operate as a tavern, serving food during all hours of operation, 2) employ at least one (1) security guard at the door during its hours of operation and at least two (2) security guards Thursdays through Saturdays, 3) maintained a cordoned off area outside to prevent patrons from overtaking the sidewalk, and 4) close any façade doors and windows at 10:00 P.M. every night; and

WHEREAS, subsequent to the approval of its alteration application, Community Board #3 learned that the applicant had numerous pending SLA violations, issued from 2009 through 2011, for, in pertinent part, unlicensed cabaret, unlicensed security, underage sales and alteration of the method of operation of the business; and

WHEREAS, this applicant was also nuisance abated in June of 2011 and is currently operating under stipulations as part of the settlement of that action; and

WHEREAS, Joseph Torres, the remaining principal from the original corporate structure, has asserted that the removed principal was solely in control of the daily operations of this business and solely responsible for the violation history of the business; now

THEREFORE, BE IT RESOLVED that Community Board #3 denies the corporate change of the full on-premise liquor license for Foundation Lounge Corp., doing business as Foundation, for the premise located at 137 Essex Street, with principals Joseph Torres and Ann Van Dyke, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate my business as a tavern, serving food during all hours of operation, 2) it will incorporate all of the stipulations of settlement of its nuisance abatement, including employing at least two (2) security guards Sundays through Thursdays and three (3) security guards Fridays and Saturdays, one (1) of which will always be at the door, 3) security guards will employ identification scanners, 4) it will have no open doors or windows to minimize noise from music or patrons travelling outside, 5) it will maintain a cordoned off area in front of the business to prevent patrons from loitering on the public sidewalk, 6) Joseph Torres will be the manager of day-to-day operations, and 7) it will not apply for a cabaret license for the life of this license and will have no dancing.

31. MR Restaurant Holding Corp, 320 E 6th St (wb)

VOTE: To deny the application for a beer wine license for MR Restaurant Holding Corp., for the premise located at 320 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 North African restaurant, serving food during all hours of operation, 2) its hours of operation will be 12:00 P.M. to 11:00 P.M. Sundays through Thursdays and 12:00 P.M. to 1:00 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 maintain a closed façade with fixed plate glass windows and no open doors or windows .

32. Bar Chevere (O and O Wine Corp Inc), 181 Essex St (wb)

VOTE: To deny the application for a beer wine license for O and O Wine Corp., with a proposed business name of Bar Chevere, for the premise located at 181 Essex Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a full-service restaurant, specifically a wine and tapas 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 and Mondays, 11:00 A.M. to 1:00 A.M. Tuesdays through Thursdays and 11:00 A.M. to 3:00 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 close any doors and windows at 10:00 P.M. every night.

33. Porchetta LLC, 110 E 7th St (wb)
no vote necessary

34. Lo-Fi (KAD LLC), 21 Essex St (op)

VOTE: To deny the application for a full on-premise liquor license for KAD LLC, with a proposed business name of Lo-Fi, for the premise located at 21 Essex Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a tavern, serving food during all hours of operation, 2) its hours of operation will be 11:00 A.M. to 2:00 A.M. Sundays through Thursdays and 11:00 A.M. to 4:00 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 close any façade doors and windows at 10:00 P.M. every day.

35. Golden Cadillac, 500 E 11th St (op)
withdrawn

Corporate Change (not heard at committee)

36. To be Determined, 157 Ludlow St (op)
withdrawn

SLA Policy Task Force

Alex Militano reported that this has been on the agenda for several months in order to take comments. David McWater asked to pull the Policy Vote for discussion. His objection was the Commercial Overlay, which might cause a backfire. He wanted no standardized hours. AM thought this was there to meet local retail needs. These are preferred stipulations, not required. SS: It should add "Excluding Resolution Areas" under the heading of the middle column. DM: Inexperienced business owners agreeing to close at 12 or 2 will go out of business. Lisa Kaplan: What are the implications of the committee meeting and the applicant wanting to be excepted from the rule. AM: The idea is to make clear what will readily be approved, so some are standardized. Many businesses do come to them with a request for earlier hours. LK: She questions if there should be a blanket policy not approving any new licenses on residential streets. SS: This chart does not change any existing regulations. LK: Why is this applicable only above Houston? DB: We want to test this because there is more residential above, and more Commercial Overlay below. Meghan Joyce supports this because it will streamline the process although no right-minded tavern owner would agree to all these stipulations. DM asked for a straw poll re changing the hours to "no standardized hours" for "Residential with Commercial Overlay."

1. Continued discussion and vote of standardized stipulations above Houston Street

VOTE: To approve standardized stipulations for locations above Houston Street.

COMMUNITY BOARD #3 PREFERRED STIPULATIONS FOR LOCATIONS ABOVE HOUSTON STREET (excluding all resolution areas)

Community Board #3 prefers the enumerated stipulations for businesses seeking to operate above Houston Street. Applicants appearing before Community Board #3 who agree to these stipulations are more likely to be approved by this community board without debate, provided there is no community opposition to their applications or poor applicant history. Applicants may elect to present their applications with these stipulations included as part of their method of operation.

	COMMERCIAL	RESIDENTIAL WITH COMMERCIAL OVERLAY (excluding resolution areas)	RESIDENTIAL (for existing licensed locations only)
Method of Operation			
Hours	No standardized hours	Closing no later than 12:00 A.M. weekdays and 2:00 A.M. weekends	Closing no later than 12:00 A.M.
Doors and Windows	Doors and windows closing at 10:00 P.M.	Doors and windows closing at 10:00 P.M.	Doors and windows closing at 10:00 P.M.

Music	Music type variable as to volume and recorded versus live or DJ (no scheduled performances permitted)	Ambient background music (except that scheduled performances may be considered for C2 commercial overlay only)	Ambient background music (no scheduled performances, promoted events or events at which a cover fee is charged permitted)
Backyard, Sideyard and Rooftop	Backyard closing no later than 10:00 P.M.*	Backyard closing no later than 9:00 P.M.*	No backyard use by law
Sidewalk Cafe	Sidewalk café closing no later than 12:00 A.M. weekdays and 1:00 A.M. weekends**	Sidewalk café closing no later than 11:00 P.M. weekdays and 12:00 A.M. weekends**	No sidewalk café by law

*Any backyard must have its own certificate of occupancy before it can be used commercially

**The operation of any café on a public sidewalk requires a separate permit from the Department of Consumer Affairs

- Continued discussion of concentration areas
no vote necessary

Economic Development Committee

Meghan Joye reported. Bike Friendly businesses ask for racks outside their businesses, or give discounts to riders. The BID events won't be a typical fair, but the use of DesignNYC designs to bring in modern-day pushcarts. The idea is to get more foot traffic and shoppers.

- LES BID presentation June 3rd Sunday Festival on 3 blocks of Orchard between Houston and Delancey
no vote necessary
- Presentation: NYC's first Bike Friendly Business District in LES to promote local businesses/cultural destinations
no vote necessary

Land Use, Zoning, Public & Private Housing Committee

Thursday, April 05th - Land Use

David McWater reported on this and took a friendly amendment from Lisa Kaplan. "Yes HPD we want you to talk to the developer." The Town Hall was great. People from all walks of life were there, octogenarians, it was an affirmation of community. Almost everyone spoke about permanent affordability, and against big box, and for a school. EDC seemed to be backing out of a promise to pay for relocation of Essex Street vendors. The community seemed very unified. Local jobs was another issue.

- Inclusionary Housing project located at 139 Attorney Street for 14 units with 3 affordable units

VOTE: Whereas the lots have remain undeveloped for decades; and

Whereas the developer has committed to the affordable housing being affordable in perpetuity; and

Whereas we support maximizing permanent affordable housing in the neighborhood (as opposed to maximizing city revenue); and

Whereas the developer is committed to local hiring during construction and operation; and

Whereas we expect the developer and HPD to return to the CB in two months with more details regarding the income targets; and

Therefore let it be resolved CB3 supports HPD's ongoing negotiations with the developer of 139 Attorney Street;

Therefore, CB3 approves the proposal but would like to know what affordable program this falls under; if more than 3 affordable units could be produced; and if there is a guarantee that the units are permanently affordable.

Wednesday, April 18th - Seward Park Mixed-Use Development Project

- A Town Hall format discussion on the ULURP and EIS of the Seward Park Mixed-Use Development Project
no vote necessary

A vote was taken on everything except Bialystoker at 8:45.

(April 2012 Vote Sheet excluding Parks Committee Item 4)

38 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding Human Services item 2, Executive Committee, SLA Committee item 9, and SLA Policy)

36 YES 2 NO 0 ABS 0 PNV MOTION PASSED (Human Services item 2)

37 YES 1 NO 0 ABS 0 PNV MOTION PASSED (Executive Committee)

37 YES 0 NO 0 ABS 1 PNV MOTION PASSED (SLA Committee item 9)

37 YES 1 NO 0 ABS 0 PNV MOTION PASSED (SLA Policy)

(Parks Committee item 4)

20 YES 12 NO 4 ABS 0 PNV MOTION PASSED

Members Present at Last Vote:

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

Meeting Adjourned 9:28 PM.