



# THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

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Gigi Li, Board Chair

Susan Stetzer, District Manager

July 2012 Full Board Minutes

Meeting of Community Board #3 held on Tuesday, July 24, 2012 at 6:00pm at The Great Hall at Cooper Union, 7 East 7th Street.

#### Public Session:

Vaylateena Jones: Member of Lower East Side Power Partnership – spoke to put gun buy-back program on agenda

Benjamin Krakauer: NYC Office of Emergency Management. Warned members that NYC is prone to hurricanes in summer; emphasized steps necessary to plan for and mitigate consequences of hurricane.

Joe Chan: Spoke about quality of life and vendors selling illegal goods on Canal Street; asked if he was in the right place to bring this concern. Gigi Li invited him to direct his concerns to elected officials representatives attending.

Reid Betz and Joe Keshner: Proposed tree planting near Con Ed substation on sound side of 14th between Ave. A and Ave. B and requested funds for tree planting. They mentioned they worked with a landscaping company to solve problems of planting trees near underground conduit.

Joyce Ravitz: Congratulated newly elected community board executive committee.

Carlo Giurdanella: Asked for truck loading at 408 E. 11th St. on eastern border and needs stepped-up traffic enforcement because people have been parking in his driveway and was assaulted. ??? addressed comment and promised to follow up.

#### Public Officials:

Mayor Michael Bloomberg, Pauline Yu: Not attending

Public Advocate Bill de Blasio, Phil Jones: Not attending

Comptroller John Liu: Not attending

Borough President Scott Stringer, David Czyzyk: East Village Town Hall was successful (over 100 people attended, including several elected officials) where attendees raised housing and other concerns, including better access to East River; will have an iftar dinner (breaking of fast) Tuesday, 7/31 at 165th and 166th Street on Broadway (Malcolm X Center)

Congressmember Jerrold Nadler, Katie Smith: Not attending

Congressmember Nydia Velazquez, Judy Lei: Secured \$20 million for non-profits to give veterans affordable housing; opposed attempts to repeal health care legislation; worked to help an immigration case in Queens involving cab driver detained for a year;

Congressmember Carolyn Maloney, Victor Montesinos: Not attending

Assembly Speaker Sheldon Silver, Zach Bommer: Responding to violence in the neighborhood near Smith Houses, the Speaker promoted Police League summer programming for children behind Knickerbocker; all NYCHA residents in CB3 get free scholarships at Basketball City. Morris Fajtelewicz asked that the Speaker address increased bus service

Assemblymember Deborah J. Glick, Sarah Malloy-Good: Reached out to Small Business Services to express concern to express LES BID to ensure community board's voice is heard over the express review process; reached out to NYS Attorney General's office to investigate potential conflict-of-interest issue in the Department of Education.

Assemblymember Brian Kavanagh: Spoke regarding bill passed in June in the Assembly that would rationalize election review and reporting process (using electronic counts from machines instead of current manual system) and in light of the recent primary results, the NYC Voting Board will be working to reform the system; addressed need to increase gun regulation; will be submitting formal comments in a hearing on installing security cameras

in public housing; collected 40,000 books for children and distributed them in district; starting in August there will be meetings regarding East River water access and cleanliness.

State Senator Daniel L. Squadron: Congratulated Gigi on election; introduced Mauricio Pazmino, new representative for Senator Squadron's office; announced restoration of bus routes (M9 will now go down to Battery Park and B39 will now go across Williamsburg Bridge; M8 weekend schedule not restored); brought Senator Schumer to LES for a beer to support craft brewers; successfully stopped fingerprinting requirement for food stamps in NYC through executive order; under newly passed law (to be signed into law) inter-city buses will now need permits to stop on curbs; bill to crack down on repeat domestic violence offenders will be signed into law; listed future legislation: Genda (gender equality statute); "in-plain-view" law that will reduce misdemeanors for youth marijuana offenders (usually affected minorities). Morris Fajtelewicz asked for the Senator to look at further M9 restoration and asked for a cross-town bus on Grand Street.

State Senator Thomas K. Duane, John Bartos: Extended congratulations to Gigi Lee on being elected CB3 chair.

Councilmember Margaret Chin, Umei: Asked Landmarks Commission to calendar Bialystoker Home; thanked those from community who have been in North Carolina showing support for Danny Chin during his trial; new budget restored several programs and introduced new programs.

Councilmember Rosie Mendez, Vanessa Lopez: Extended congratulations to new board; encouraged people to attend annual plan meeting for NYCHA; allocated funding to East River soccer field in new budget and Lower East Side fire boathouse

Members Present at First Vote:

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

Minutes:

Minutes of May 2012 were approved, as is.

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

Board Chairperson's Report:

Chairperson Gigi Li: No August full-board meeting. We will reconvene in September. She reminded board we will start at 6:00.

Some members expressed concern because they had trouble getting to the meeting by 6:00 because they had work until 6:00.

Li stated we would revisit start time in September.

District Manager's Report:

District Manager Susan Stetzer: We will vote on District Needs Statement tonight and then the next step in the budget process is to vote on funding priorities for CB3. In preparation for this, Stetzer encouraged members to attend meetings with city agencies for budget consult.

Astor-Lafayette Water Main project will end this year and then the reconstruction of Cooper Square traffic and Peter Cooper Park will take place.

Bike Share has been delayed due to technology glitches. DOT will come to CB3 in October or November after launch. 145 Stanton Street school rented out basketball court to Nike and residents were not notified. The

principals of the school can make these decisions without community input. Stetzer investigated permitting and discovered permits were not given by local precinct. Residents are organizing and putting up posters. This will be on the Youth/Education agenda in Septemeber.

CB3 has been getting calls about "seasonal homeless" (travelers) who are more aggressive than usual – the law doesn't give many avenues for recourse. Biggest issue in the office is still bar noise complaints.

Committee Reports:

**Executive Committee**

Gigi Li: Li presented three votes. No comments.

1. 9th Street A-1 Block party

**VOTE:** To approve the 9th A-1 block association party, showcasing the work of local residents and merchants, for Sept 15 from 11-5.

2. Request for support for NYS Council on the Arts funding for the Tenement Museum to market its new exhibit on

**VOTE:** To approve the following letter to NYS Council on Arts to support the Tenement Museum funding request.

Susan Peirez  
Director of Special Projects  
New York State Council on the Arts  
175 Varick Street  
New York, NY 10014

Attn: Regional Economic Development Council grant support

Dear Ms. Peirez:

I am writing on behalf of the Manhattan Community Board 3 to endorse the NYSCA application now being submitted by the Lower East Side Tenement Museum. The Museum is applying for arts funding set aside by Governor Cuomo's Regional Economic Development plan.

The Museum has, over the past several years, proven itself an effective partner in drawing tourism foot traffic and business activity to the Lower East Side. It has developed programs that work productively with local merchants to call attention to area shops, restaurants, galleries, and hotels. Museum press releases, which regularly find their way into important national and international publications, highlight local businesses as important features of the Lower East Side, and encourage Museum visitors to explore the neighborhood. The Museum website's "area guide" highlights many of our businesses. Many patrons tell us they are shopping, dining, or staying in the neighborhood because of the Museum.

The Museum currently employs 50 full-time and 52 part-time employees, primarily low and moderate income New York City residents. At present 12% of the Museum's staff members live in Lower Manhattan below Houston Street.

We believe that the Museum's proposed audience development project will promote the further growth of tourism in the lower Manhattan neighborhoods served by Community Board 3. It is important to note in this regard that tourism has figured importantly in the post 9/11 recovery of our communities. When funded, the Museum's audience development initiative will make the institution an even stronger contributor to the City's business climate and economic prosperity.

The Museum is about to open a new exhibit (on immigrant entrepreneurship in the neighborhood) that will allow it to serve—and to bring to the Lower East Side—tens of thousands of additional visitors annually. Community Board 3 enthusiastically supports the Museum's request for funding to develop and staff a marketing effort to promote its new exhibit. The Board hopes that NYSCA will support the Tenement Museum as strongly and enthusiastically as Community Board 3 does.

3. Amendment to resolution approving Con Edison settlement funds for 14 BC full block greening.

**VOTE:** WHEREAS in June 2011, the Community Board found that the 14 BC Apartment Corporation ("14 BC") proposal would improve air quality, health and safety, and quality of life on a full city block in immediate proximity to the East River Power Plant, and awarded Con Edison Settlement Fund funding of \$151,000 to 14 BC for the work identified in its proposal of April 15, 2011 as modified on May 26, 2011, and

WHEREAS The Community Board Resolution and the detailed 14 BC proposal materials were submitted to the New York City Law Department, which determined that it had no objection to the award and referred the project to Con Edison for final review, and

WHEREAS Con Edison has expressed reservations about paying out the full amount of the award at the beginning of the project, because the project entails both a research and design phase and a construction and planting phase, and if the project is found infeasible after the research and design phase there is no mechanism for Con Edison to recapture and reallocate the funds awarded for construction and planting, and

WHEREAS this project encompasses the full City block between Avenues B and C, including the western portion that is not heavily compromised by the steam pipe problem, so that even if the research and testing identifies unanticipated issues that preclude the planned full-block greening, improvements can take place on a substantial portion of the block as detailed in the proposal,

THEREFORE the Community Board hereby divides the \$151,000 award into two phases as follows:

- \$17,000 for the research, testing and design phase of the project, to be funded now by Con Edison in accordance with the approved project budget dated May 26, 2011. In the event that this work costs less than \$17,000, the residual funds would be held and applied to phase two. If the research and testing identifies unanticipated issues that preclude the full-block greening planned, the balance of funds provided in phase one will be fully expended to provide the maximum greening possible on the block, in accordance with the approved proposal. No further funds will be requested from the Con Edison Settlement Fund without returning to the full Community Board for a new Resolution.
- \$134,000 to be funded at the written direction of the Community Board Chairman to Con Edison, upon advice from the Con Edison Settlement Fund Task Force, after 14 BC's satisfactory completion of phase one and negotiation of a contract with the vendor for phase two construction and planting, in an amount that corresponds to the resources available.

**Personnel Task Force**

**does not meet until august 2nd (chair not present)**

**Con Edison Task Force (June 28, 2012 Meeting)**

Carol Kostik announced that all projects were still in progress.

- Final review of proposals for Settlement Funds (Ryan-NENA proposal)

**VOTE:** RESOLUTION FOR RYAN/NENA ASTHMA PROPOSAL

WHEREAS The Con Edison Settlement Fund (the "Fund") was established as an outcome of the Article X East River Power Plant Repowering Project, and

WHEREAS the Supplemental Joint Stipulation dated March 13, 2002 (the "Stipulations") establishing the Fund provided for monies to be used to write down the cost of fuel-switching for certain generators during the winter months, within certain price parameters and at the direction of Manhattan Community Board #3 ("CB3"), and separately to subsidize the cost of conversions to steam heat, if feasible conversions can be identified, and separately, other items of work that do not pertain to this Resolution, and

WHEREAS the Stipulations also provided for CB3 to recommend alternative uses for the Fund for "alternative air quality improvements in the general neighborhood of the East River Complex" [stipulation #7], and for alternative community benefit projects, except no such projects may be funded, "unless they assist the local community in in the development and implementation of projects such as local air quality improvement, health improvement, or amenities programs in the general vicinity of the East River Complex," and

WHEREAS in each case of an alternative proposal, it must be identified by CB3 and the City of New York and approved by Con Edison as "prudent expenditures" [stipulation #8], and

WHEREAS CB3 has created the Con Edison Task Force to administer the process of reviewing potential alternative uses and recommending them to the full CB3 for a vote, and

WHEREAS application guidelines were initially adopted by the Task Force in 2009, and revised periodically, most recently in February 2012, and in each case were posted on the CB3 web site and publicized at multiple CB3 meetings, and

WHEREAS this proposal review process was established so that the process was fully transparent; dates and criteria were clearly identified; the process was fully public and decisive and applied equally to all proposals; and all activities of the Task Force complied with Open Meetings law, and

WHEREAS the current application cycle began with a May 1, 2012 application deadline, and two applications were received before the deadline; one subsequently dropped its application, leaving one application with a revised funding request of \$225,000, and

WHEREAS according to records of the Con Ed Task Force, \$1,444,777 remains to available to spend of the Fuel Switching and Steam Boiler Conversion funds provided under the Stipulations, assuming funding of previously approved projects still under review by the New York City Law Department and/or Con Edison, and

WHEREAS the Task Force met on May 31, 2012 and conducted an initial review of the application, identifying questions and additional information needed from the applicant, and the applicant was requested to submit the supplementary materials by June 11th for the June 28, 2012 Task Force meeting, and did so, and

WHEREAS this application was received from the Ryan-NENA Community Health Center ("Ryan-NENA") to fund a portion of the cost of a new Asthma Care Team which will provide a substantially increased level of outreach, diagnosis and treatment of asthmatic individuals in the area in proximity to the Con Edison East River Generating Station, with the goal of helping impacted area residents gain more control over their asthma, and

WHEREAS Ryan-NENA is a non-profit community health center that since 1969 has been providing a full range of integrated, high quality, affordable, multi-lingual/multicultural health care, prevention and support services and is located at 279 East 3rd Street between Avenues C and D, and serves a predominantly low and moderate income population currently numbering 10,361 clients of whom 89 percent are at or below 200 percent of the federal poverty line and 40 percent are from the 10009 zip code in the general vicinity of the East River Complex, and

WHEREAS Ryan-NENA reports that asthma is a leading cause of missed school among children and the most common cause of hospitalization for children 14 years and younger; and over 1,000 patients at Ryan-NENA have been diagnosed with asthma, indicating that it is a serious, prevalent health issue in the area served by Ryan-NENA, and yet with control most asthmatics can lead normal, active, healthy lives, and

WHEREAS Ryan-NENA has proposed a program that will help asthmatic patients take control of their health and well being, and screen and find new cases of asthma in the target area, and has identified the following deliverables over the 18 month period of the proposed program: 1) 32 on-site and off-site free asthma screening events; 2) will provide 1,200 individuals with free asthma screenings via the on-site and off-site events; 3) will increase the number of Asthmatic patients seen at Ryan by 15 percent (from 1,000 patients to 1,150); 4) distribute 750 asthma kits to newly diagnosed asthmatic patients and existing patients who are not in control of their symptoms during one-on-one case management sessions; 5) conduct quarterly Asthma Control Tests on every asthmatic patient at the Center (this test is a standardized assessment tool of asthma's impairment which can measure and tracked overtime); and, 6) conduct surveys on each asthmatic patient that asks about perception of asthma control (before and after working with the Care Team), and

WHEREAS Ryan-NENA has further identified specific screening sites with the goal of reaching residents in the general vicinity of the Con Edison plant and other low-income residents, with sites including Immigrant Social Services, PS 63, Grand Street Settlement, Escuela Hispana Montessori, Inc., DeWitt Reformed Church, Inc., University Settlement Early Childhood Center, Good Old Lower East Side (GOLES), and Jacob Riis Child Care Center; and building on its experience in our community and East Harlem Ryan-NENA has committed to investigate working with additional tenant groups in NYCHA buildings and other housing developments in and around the immediate area of Con Edison and the Lower East Side generally, and

WHEREAS Ryan-NENA has the institutional capability to undertake this program as evidenced by its long-standing presence in community health care, the experienced medical and administrative leadership identified for this program and written support from City, State and Federal elected officials who are familiar with its work, and

WHEREAS the Con Edison Settlement Fund Task Force reviewed the program budget and timetable, which was originally proposed by Ryan-NENA to be a 12-month program with a total cost of \$176,000, of which \$150,000 would be funded by the Settlement Fund and the balance of \$26,000 would consist of in-kind support from Ryan-NENA, and based on the Task Force's evaluation of the program and proposal quality and importance to the community, asked Ryan-NENA to extend the proposal to cover 18 months, and the revised proposal budget is \$250,000 of which \$225,000 would be furnished from Settlement Funds, and

WHEREAS The Ryan-NENA proposal is found to be well thought out, complete, clear, realistic and ready to implement in accordance with the proposal timeline; to be consistent with the organization's mission and resources and to utilize those resources to cover part of the project cost; to address an important community health need; and to be fully consistent with the Stipulations and the CB3 Guidelines,

THEREFORE CB3 requests that \$225,000 be awarded to Ryan-NENA Community Health Center to implement the Asthma Program as detailed in its proposal of May 1, 2012 as modified on June 11, 2012.

**Land Use, Zoning, Public & Private Housing Committee**

Linda Jones: Jones recapped Land Use Committee hearing and was impressed hearing. Mentioned that SPURA former site tenants are being located.

Stetzer asked that office be informed because office sees SPURA former site tenant walk-ins.

Vaylateena Jones asked whether Whole Foods was considered a "big-box" store

Linda Jones stated they would not be excluded from SPURA

1. FY'2014 District Needs Statement & Budget Consultation Agenda

**VOTE:** To adopt the attached District Needs Statement.

2. 421A Partial Tax Exemption Application: 401 E 8th St

**VOTE:** Whereas, the applicant did not appear; and

Whereas, there is no mention of affordable housing; and

Whereas, they failed to provide information about local hiring and living wage; so

Therefore be it resolved that CB3 denies the application for the 421A Partial Tax Exemption Application: 401 E 8th St.

3. BSA No.299-82-BZ 2-26 Stanton St, a/k/a 207-217 Chrystie St, Substitution of portion of original site plan approved in 1982 for potential hotel on site  
withdrawn
4. Status of search for former SPURA site tenants.  
no vote necessary

**Economic Development Committee**

No report

1. FY'2014 District Needs Statement & Budget Consultation Agenda

**VOTE:** To adopt the attached District Needs Statement.

2. MiLES (Made in LES) an initiative that facilitates the transformation of vacant lots and storefronts in the LES by listening, co-creating, and prototyping with its residents

no vote necessary

**Transportation & Public Safety and Environment Committee**

No report

1. FY'2014 District Needs Statement & Budget Consultation Agenda

**VOTE:** To adopt the attached District Needs Statement.

2. Request for traffic light at Jefferson/Madison streets

**VOTE:** WHEREAS, The main entrance to Gouverneur Healthcare Services was relocated to the intersection of Madison St and Jefferson St when the new extension building was completed. The main entrance is now on Madison St and the ramp for disabled access is directly around the corner on Jefferson St. This has become a public safety concern since there are no traffic controls at this intersection; and

WHEREAS, Recently, there have been at least two accidents involving vehicles and/or pedestrians at this intersection; and

WHEREAS, The location of ambulette loading/unloading in front of the new extension building on Madison St has created visibility problems; and

WHEREAS, A community petition was submitted to CB3 requesting installation of a traffic light on Madison St and Jefferson St. There were 338 signatures, which included the executive director of Gouverneur Healthcare Services; and

THEREFORE BE IT RESOLVED, that CB3 asks DOT to look at the intersection of Madison St and Jefferson St to determine whether installation of a traffic light is warranted.

3. Requests for study by the Army Corps of Engineers for potential flooding related to storm surge in Manhattan and to explore the feasibility of installing sea gates and barriers, and request to require climate change preparedness to be a part of Environmental Impact Statements for all new projects in NYC

**VOTE: CB3-MANHATTAN RESOLUTION IN SUPPORT OF TIDAL SURGE PREPAREDNESS**

WHEREAS, Climate change will create significant challenges to New York City in the years and decades to come; and

WHEREAS, New York City's infrastructure, including its building stock, must be prepared to handle the effects of climate change; and

WHEREAS, the potential increasingly exists for New York City to be hit by a major storm which could cause a tidal surge of up to 20 feet; and

WHEREAS, the flooding caused by such a surge, which happened in the 19th Century, would be calamitous, particularly to those living within several blocks of the Hudson River; and

WHEREAS, sea gates have been built in London, Rotterdam and Venice to protect those cities, which could also be protective in New York City; and

WHEREAS, a study of both the potential for such a surge and an appropriate response would be prudent;

THEREFORE BE IT RESOLVED, that CB3-Manhattan requests a study by the Army Corps of Engineers for potential flooding related to storm surge in Manhattan and to explore the feasibility of installing sea gates and barriers, and

THEREFORE BE IT FURTHER RESOLVED, that CB3-Manhattan calls on the Department of City Planning and the New York State Department of Environmental Conservation to require climate change preparedness to be a part of Environmental Impact Statements for all new projects in New York City.

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

No report

1. FY'2014 District Needs Statement & Budget Consultation Agenda

**VOTE:** To adopt the attached District Needs Statement.

2. Mount Sinai Community Transformation Grant to work on healthy eating, active living, alcohol and tobacco issues in NYC communities

no vote necessary

3. Center for Hearing and Communication/ Dr. Hanin: hearing health – advocacy, education and incidence

no vote necessary

#### **Landmarks Subcommittee**

Carolyn Ratcliffe: recapped that there were concerns about one of the certificates of appropriateness on 110 East 10th Street and therefore passed the Certificate with stipulations. They were represented as excavations of 2.5 feet. In reality there were 7-foot excavations outside (and 2.5 feet inside) and boilers were going to be installed on the room. The Certificates were approved provided shifting was monitored by architects retained by building and fire-proof bulkheads were installed.

1. Certificate of Appropriateness: 110 East 10th Street

- rear yard excavation (2 ½' deep excavation, 8' out from rear wall, full width of yard but not full depth)

**VOTE: CERTIFICATE OF APPROPRIATENESS**

**BOROUGH OF MANHATTAN**

**12-7092 – Block465, lot 12-**

**110 East 10th Street - St. Mark's Historic District**

**A late Italianate style rowhouse, designed by J. J. Jardine and built in 1867.**

**Application is to excavate the rear yard.**

**Whereas**, 110 East 10th Street is a late Italianate style rowhouse, designed by J. J. Jardine and built in 1867; and

**Whereas**, the applicant proposes to excavate the rear yard to provide light in the cellar level of the building; and

**Whereas**, a rooftop bulkhead is proposed to enclose the stairs and elevator to the roof; and

**Whereas**, this bulkhead would not be visible from either East 10th Street or Third Avenue; and

**Whereas**, the buildings in the district are nearly 150 years old, and may be damaged by excavation performed on this building; and

**Whereas**, residents of the St. Mark's Historic District have had a very poor experience with the owner, Mark Sharfman, resulting in a high level of mistrust; so

**Therefore be it resolved**, that Community Board 3 approves the application for a Certificate of Appropriateness with the following conditions:

- An independent surveyor agreed upon by all parties (developer, neighboring building owners and E. 10th St. Block Association) shall be employed by the developer to monitor the aforementioned building's movement by placing marks on the aforementioned building and the adjacent buildings which will be triangulated daily to determine if and how much the buildings have shifted. Weekly monitoring reports will be distributed to all adjacent building owners so that they may determine whether or not their building has shifted.
- Shoring and excavation plans detailing the size of the excavation and the time frame for digging and filling it should be provided by the developer to the adjacent property owners before the work begins along with an excavation schedule.
- The bulkhead should be clad in materials similar to the façade and neighborhood character of the historic district

2. Certificate of Appropriateness: 106 East 10th Street

- rear yard excavation (2 ½' deep excavation, about half of irregular rear yard)
- rooftop stair and elevator bulkhead which will be visible from across 3rd Ave
- raise west side wall parapet

**VOTE: CERTIFICATE OF APPROPRIATENESS**

**BOROUGH OF MANHATTAN**

**12-6967 – Block 465, lot 10-**

**106 East 10th Street – St. Mark's Historic District**

**A late Italianate style row house designed by J. J. Jardine and built in 1867.**

**Application is to construct a rooftop bulkhead, modify a parapet, and excavate the rear yard.**

**Whereas**, 106 East 10th Street is a late Italianate style row house designed by J. J. Jardine and built in 1867; and

**Whereas**, the applicant proposes to excavate the rear yard to provide light in the cellar level of the building; and

**Whereas**; a rooftop bulkhead is proposed to enclose the stairs and elevator to the roof; and

**Whereas**; this bulkhead would not be visible from East 10th Street, but would be visible from Third Avenue; and

**Whereas**, it is necessary to provide a parapet around the rebuilt roof; and

**Whereas**, an elevator in a four story building seems unnecessary and its elimination would result in a less obtrusive bulkhead; and



**Whereas**, the buildings in the district are nearly 150 years old, and may be damaged by excavation performed on this building; and

**Whereas**; residents of the St. Mark's Historic District have had a very poor experience with the owner, Mark Sharfman, resulting in a high level of mistrust; so

**Therefore be it resolved**, that Community Board 3 approves the application for a Certificate of Appropriateness with the following conditions:

- An independent surveyor agreed upon by all parties (developer, neighboring building owners and E. 10th St. Block Association) shall be employed by the developer to monitor the aforementioned building's movement by placing marks on the aforementioned building and the adjacent buildings which will be triangulated daily to determine if and how much the buildings have shifted. Weekly monitoring reports will be distributed to all adjacent building owners so that they may determine whether or not their building has shifted.
- Shoring and excavation plans detailing the size of the excavation and the time frame for digging and filling it will be provided by the developer to the adjacent property owners before the work begins along with an excavation schedule.
- The bulkhead should be clad in materials similar to the façade and neighborhood character of the historic district
- The elevator be eliminated from the plan to reduce the size and visibility of the bulkhead
- A tankless boiler be considered for the rooftop to minimize the size of the required bulkhead and that this bulkhead to be clad in appropriate materials
- The neighbors to be kept informed on a weekly basis of the shoring plans, the construction schedule, and the surveyor's findings

#### **Waterfront Subcommittee**

Susan Stetzer: Committee was not happy with skateboard and bike lane areas. She proposed that CB3 request to EDC that EDC come back to CB3 before finalizing designs of skateboarding and bicycle lanes.

One member expressed concern that skateboarders were using newly installed seats for jumping and skateboarding.

V. Jones: There is already a designated skateboarding area under the Manhattan Bridge

R. Leung: There are issues that EDC needs to come back to CB3 because of other problems in addition to skateboarding (cited ping pong tables)

G. Li: Plan will come back to us and if there are flaws, we will be more contentious in our future revisions.

- Schematic design of East River Esplanade South from Pike/Allen to Catherine Slip  
**VOTE:** CB#3 supports EDC's preliminary schematic design of the East River Esplanade from south of Pike/Allen to Catherine Slip, so long as EDC revisits with CB3# the issue of bicycle lane safety against vehicle traffic, and whether skateboarding designated areas are appropriate and safe for this segment and that EDC come back to CB3 before finalizing designs of skateboarding and bicycle lanes.

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

Lisa Kaplan: She expressed concern that it seemed extreme that Open Road would be closed on Sundays

R. Leung: Residents indicated they would want a day off and skateboarders were not opposed to this.

S. Stetzer: A big change since we last dealt with this is that it is now a joint-operated playground. People want to use the playground but can't when skateboarders are using it. The purpose was not to be anti-skateboarding but that the principle concerns were safety issues. During school hours the school has exclusive use of the space so we will hear this again in September when school is back in session.

1. FY'2014 District Needs Statement & Budget Consultation Agenda  
**VOTE:** To adopt the attached District Needs Statement.
2. Public use of Open Road Joint Operated Playground (406 E 12 St)

**VOTE:** Whereas, the Joint Operated Playground (JOP) on E 12th Street is used by the adjacent Beacon and PAL youth programs, neighborhood residents, and park goers engaged in skateboarding activity;

Whereas, the simultaneous use of the JOP by different groups has caused problems of safety, particularly when stunt skateboarding is done next to children from the youth programs;

Whereas, tenants in nearby buildings complain about excessive noise all day from skateboarding use, as well as drug use and vandalism from a minority of skateboarders in the JOP;

Whereas, the NYC Parks Department sought input from the Community Board in terms of setting guidelines and usage hours for the JOP;

Therefore, be it resolved that in order to address the issues outlined above, CB3# recommends to NYC Parks that the hours when skateboarding is allowed in the JOP during the Summer should be 5pm or 6pm until 8pm on the weekdays (start time depending on when PAL program ends), noon to 8pm on Saturdays, and no skateboarding to be allowed all day on Sundays.

And further be it resolved that when skateboarding is allowed in the JOP, that Parks Department look to provide a moveable, temporary divider so that skateboarders would not collide with other park users.

### **Block Party Application**

3. Fall Orientation: Cooper Union's incoming students will see athletic exercises, 9/2/12, Cooper Square (E 8th - E 5th Sts)

**VOTE:** CB3# supports the block party application for Fall Orientation: Cooper Union's incoming students will see athletic exercises, 9/2/12, Cooper Square (E 8th - E 5th Sts).

4. Braking the Cycle Housing Works Inc, 9/30/12, E 9th St (Aves C & D)

**VOTE:** CB#3 supports the block party for Braking the Cycle Housing Works Inc, 9/30/12, E 9th St (Aves C & D).

5. Report from Landmarks subcommittee, including vote on Guidelines and Certificates of Appropriateness (see website for Guidelines)

**VOTE:** CB#3 approves the Certificates of Appropriateness as stipulated by the Landmarks Subcommittee.

6. Report from Waterfront Subcommittee

**VOTE:** CB#3 approves the resolution supporting the preliminary design with conditions as stipulated in the Waterfront Subcommittee.

### **Arts & Cultural Affairs Task Force**

Jan Hanvik: 4th Arts Block and Clemente Art Center submitted joint proposal for youth arts forum and hopes for letter of support.

1. FY'2014 District Needs Statement

**VOTE:** To adopt the attached District Needs Statement.

2. CB3 Arts Jobs Training Program Youth Forum

no vote necessary

3. NYS Council on the Arts Regional Economic Development grant

**VOTE:** To write a letter of support to the Regional Economic Development Council in support of the above application.

Whereas youth unemployment in District 3 has been rated as anywhere between 24 % and 55%, and

Whereas the cultural or creative sector is a growth sector in the district, with the addition of between 80 and 100 art galleries in the recent years, and

Whereas Governor Cuomo's Regional Development Council s have been available funding to create jobs through the mechanism of 11 regional councils, including \$4M being regranted through the New York State Council on the Arts, and

Whereas the New York State Council on the Arts approached the Clemente Soto Velez Cultural and Educational Center and FABnyc (Fourth Arts Block) about submitting a joint application to the fund to create the Lower East Side Cultural Corridor Arts Jobs Training Program, and

Whereas these two entities have submitted a joint application to the Regional Economic Development Councils on the July 16 deadline,

Therefore be it resolved that the Arts & Cultural Affairs Task Force recommends that Community Board 3 send the following letter of support, or a version of it, to the REDC, in support of that application:

July 18, 2012

Dear Regional Economic Development Council,

We strongly support the Consolidated Funding Application from Clemente Soto Velez Cultural and Educational Center for an "Art Project Grant" through the New York State Council on the Arts. Through this proposal, Clemente Soto Velez Cultural Center ("The Clemente") will work with Fourth Arts Block (FABnyc) to lead a Lower East Side Cultural Tourism & Arts Job Training Program that will create jobs, supply job training, bolster tourism, and provide marketing support to arts and business enterprise in the Lower East Side of Manhattan.

The Clemente and FABnyc are two anchors of major cultural activity, representing a community that stretches from Cooper Square to the Manhattan end of the Williamsburg Bridge. The Clemente operates in an inclusive manner, housing and promoting artists and performance events that reflect the cultural diversity of the Lower East Side. FABnyc is a neighborhood-wide coalition of arts and community groups that works to drive community and economic development, while also preserving the Lower East Side's rich heritage and creative energy.

Often called "America's Melting Pot," the Lower East Side is on both the National and State Register of Historic Places. According to the Lower East Side Preservation Initiative: "With its long and continuing history as a haven for immigrants, artists, musicians, poets, and political activists, the Lower East Side has been a cultural incubator from its earliest days. Ideas, movements, trends and customs that derive from either Old or New World cultures, or both, have been born and radiated from here."

The Clemente and FAB are well positioned to lead the neighborhood through a critical moment in its cultural development, connecting local, regional, national, and international arts appreciators and cultural tourists to the rich diversity of small business and cultural activity in the Lower East Side, much of which is artist and immigrant driven. While tourists find their way to the area, there is no coordinated mechanism to help connect them to the diverse cultural activity that is a primary feature of the neighborhood's identity. This issue is compounded by the fact that most LES arts organizations and small businesses are understaffed and/or underserved.

This project will develop an arts job training program to connect local youth to professional training opportunities, while strengthening small arts and businesses through the increase of staffing and support. This training will be for jobs in the arts for which regular incomes can be predicted: in set, costume, and lighting design; art gallery management; arts marketing, including online and social media marketing; fund development for the arts; art shipping and handling; and other areas. Through this increased capacity, the project will establish an accessible, unified network of physical cultural hubs and visitors centers to connect tourists to the diverse local offerings through unified marketing and other promotion for Lower East Side arts and businesses.

We appreciate your support for our community.

Sincerely,

**SLA & DCA Licensing Committee**

Alex Militano: Asked to delete parenthetical from SLA Task Force Preferred Stipulations

1. FY'2014 District Needs Statement & Budget Consultation Agenda

**VOTE:** To adopt the attached District Needs Statement.

**Corporate Change with Complaint History**

2. Veloce Pizzeria (FTCCM LLC), 103 1st Ave (op)  
withdrawn

**Sidewalk Café Application**

3. Piccola Positano (EU Restaurant LLC), 235 E 4th St

**VOTE:** To approve the application for a sidewalk café permit for fourteen (14) tables and twenty-eight (28) seats for EU Restaurant LLC, doing business as Piccola Positano, 235 East 4th Street, because the applicant has signed a change agreement which will become part of its DCA license that its hours of operation will be 5:00 P.M. to 10:00 P.M. Mondays through Thursdays, 5:00 P.M. to 11:00 P.M. Fridays, 11:30 A.M. to 11:00 P.M.

Saturdays and 11:30 A.M. to 10:00 P.M. Sundays which includes any time needed to break down or set up the café.

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

4. Ivrose B LLC, 195 Ave A (wb)

**VOTE:** To deny the application for a beer wine license for Ivrose B LLC, for the premise located at 195 Avenue A a/k/a 441 East 12th Street, because 1) this is an application for a French wine bar with a limited menu of appetizer and bite sized portions, proposed hours of operation of 5:00 P.M. to 2:00 A.M. Mondays through Fridays and 11:00 A.M. to 2:00 A.M. Saturdays and Sundays, food service ending three (3) hours before closing and no kitchen, 2) this applicant has no experience operating an eating and drinking establishment, has no experience operating a business which serves beer or wine and has no experience operating a business in this area which is already overwhelmed by the noise and congestion from people patronizing the numerous existing licensed businesses within two (2) blocks of this location, 3) despite this lack of experience operating a licensed premise, this applicant has chosen to locate its proposed business on the corner of 12th Street and Avenue A, within four (4) blocks of eighteen (18) licensed premises, next door to Café Ost, a French wine bar already located at 195 Avenue A, and on the same street as Terroir, another French wine bar located at 413 East 12th Street, consequently there is no public convenience and advantage served by the addition of this beer wine license, 4) as this location has never before been licensed, the approval of a beer wine license for this French wine bar will result in additional people entering this neighborhood which will increase the noise and crowds already suffered by residents, six (6) of whom appeared to complain about the noise and congestion at this particular intersection from nighttime patrons and ten (10) residents who live at this location wrote letters asking that an additional beer wine license for another French wine bar not be approved at this address, 5) as previously stated, this address already has a French wine bar whose advertised closing hour is 10:00 P.M. and granting a beer wine license to this applicant with its proposed hours of operation for the identical business at the same address would be inherently unfair to the existing business and unfair given that the approval of other licensed businesses in this already congested area have been, in part, conditioned upon earlier closing hours, to wit hours no later than 12:00 A.M.

5. Harrissa LLC, 115 Ave C (op)

withdrawn

6. To be Determined, 172 Ave B (op)

withdrawn

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

**VOTE:** To deny the application to upgrade the beer wine license for AO Café & Restaurant LLC, doing business as Cornerstone Café, for the premise located at 17 Avenue B, to a full on-premise liquor license because 1) this is an Italian café restaurant which has only been open since July of 2011 and which has only operated with a beer wine license since November of 2011 and the applicant has no other experience operating a licensed premise as its experience consists of operating unlicensed salumerias or delis in Brooklyn, 2) there are eight (8) full on-premise liquor licenses on this one block of Avenue B, between 2nd and 3rd Streets, as well as two (2) beer wine licenses, including the subject location, and numerous additional full on-premise liquor licenses within five hundred (500) feet of this location, and 3) it provided an insufficient public interest justifying an upgrade of its license in that the applicant stated that it wanted to serve liquor as an amenity to its menu and at the request of its patrons.

8. Golden C Hospitality Inc, 16 1st Ave (op) (Sutra Lounge)

withdrawn

9. The Wayland (Eldridge Bistro Inc), 700 E 9th St aka 140 Ave C (op/adding space)

**VOTE:** To deny the application for an alteration of a full on-premise liquor license for Eldridge Bistro Inc., doing business as The Wayland, 700 East 9th Street a/k/a 140 Avenue C, Storefront #4, to wit extending its business into the adjacent commercial storefront located at 140 Avenue C, Storefront #5, extending its bar to twenty (20) feet with an additional six (6) stools, adding an additional four (4) seats at tables and adding a kitchen already located in Storefront #5, 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 lounge with a full kitchen, serving food during all hours of operation, 2) it will close any façade doors and windows at 10:00 P.M. or when live music or a DJ is playing, 3) it will have only live acoustic music amplified by a microphone, and 4) it will have DJs no more than twice a month. Community Board #3 is approving this alteration of a full on-premise liquor license expanding this existing business although this is a location in an area with numerous licensed premises because 1) this applicant has operated this location without complaints for seven (7) months, 2) the area the business will expand into at Storefront #5 will be principally comprised of the kitchen and the applicant has expanded its food service to accommodate its patrons and the use of this full kitchen and has agreed that it will serve food during all hours of operation, and 3) it provided twenty-five (25) signatures in support of its application and there were no residents in opposition to this application.

#### **Alterations**

10. The Ten Bells (Flora & Jasper Inc), 247 Broome St (wb/adding space)

**VOTE:** To deny the application for an alteration of a beer wine license for Flora & Jasper Inc., doing business as The Ten Bells, 247 Broome Street, to wit extending its business into the rear commercial residential space located at said premise and adding twelve (12) seats and a prep area, 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 wine bar, serving small plates to within one (1) hour of closing, 2) its hours of operation will be 5:00 P.M. to 2:00 A.M. Mondays through Fridays and 3:00 P.M. to 2:00 A.M. Saturdays and Sundays, 3) it will not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee will be charged, 4) it will post signs outside asking its patrons to be quiet, 5) it will close any façade doors and windows at 9:00 P.M. every night, 6) it will position its speakers away from the ceiling and façade to minimize noise travelling to the street, and 7) it will designate an employee to keep the sidewalk free of noise and people.

11. Goat Town (511 E 5th St LLC), 511 E 5th St (op/extend front window hours)  
withdrawn

12. Mexicue (106 Forsyth LLC), 106 Forsyth St (op/extend bar counter space)

**VOTE:** To approve the application for an alteration of a full on-premise liquor license for 106 Forsyth LLC, doing business as Mexicue, 106 Forsyth Street, to wit lengthening the existing bar from seven and a half (7½) feet to six (6) by thirteen (13) feet and maintaining the existing fourteen (14) to sixteen (16) stools, and decreasing the number of tables and seats from eight (8) tables and sixteen (16) seats to seven (7) tables and fourteen (14) seats.

13. Croxley Ave B Inc, 28 Ave B (op/expanding space)

no vote necessary

14. Lakeside Lounge (La Ritt Inc), 162-164 Ave B (op)

no vote necessary

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

15. Hotel East Houston (Soho New York Lodging LLC), 151 E Houston St (hotel op)

**VOTE:** **WHEREAS**, the applicant, SOHO New York Lodging LLC, by its qualified representative or principal, is seeking to obtain a hotel liquor license for a six (6) story hotel with forty-two (42) rooms, doing business as Hotel East Houston, which is located at 151 East Houston Street, on the northeast corner of East Houston and Eldridge Streets, New York; and

**WHEREAS**, said applicant will maintain a primary method of operation of said location of renting hotel rooms and will operate a restaurant in its cellar with eight (8) tables and sixteen (16) seats and a rooftop dining area with six (6) tables and twelve (12) seats; now

**THEREFORE, BE IT RESOLVED** that, understanding that SOHO New York Lodging LLC has entered into a memorandum of understanding with the Eldridge Street Block Association regarding its method of operation (appended hereto), Community Board #3 moves to deny the application for a hotel liquor license for SOHO New York Lodging LLC, doing business as Hotel East Houston for the premise located at 151 East Houston Street, unless the applicant agrees before the SLA to include as conditions of its license the following signed, notarized stipulations that

**Generally**, 1) the entrance to the hotel which is located on East Houston Street, between Eldridge and Allen Streets, will be its primary entrance; 2) the side entrance of the hotel which is located on Eldridge Street, directly adjacent to the residential apartment building 246 Eldridge Street and across the street from the residential apartment building 249 Eldridge Street, will be used for emergency egress, a handicap ramp and luggage transport only; 3) to alleviate traffic congestion on Eldridge Street and to prevent taxis and limousines from blocking traffic on Eldridge Street, all loading and unloading of guests and service deliveries will be effected on East Houston Street rather than on Eldridge Street; 4) the applicant will make efforts to prevent taxis or limousines from standing on East Houston and Eldridge Streets, by assigning personnel whose responsibilities include monitoring hotel traffic; 5) all exterior lights located on the hotel roof or façade, including any on East Houston Street, will be low intensity and directed down or away from neighboring windows and facades; 6) the applicant will make all efforts to prevent patrons from loitering or smoking on Eldridge Street; 7) the applicant will employ an acoustical engineer to sufficiently soundproof the hotel bar lounge restaurant walls adjacent to 246 Eldridge Street and across the street from 249 Eldridge Street; 8) there will be recorded ambient background music only in the interior restaurant and bar spaces and no bass or sub woofer type speakers will be used; 9) the applicant will provide waiting areas within the hotel, rather than allowing patrons to wait outside; 10) the applicant will station security personnel at its ground floor entrance and in the hotel lobby to monitor patrons entering and leaving the hotel bar lounge restaurant located in the cellar; 11) the applicant will post signs outside asking patrons to be quiet; 12) there will be a manager or owner as a contact person onsite at all times to manage customer noise inside and outside and respond to any complaints from residents; 13) the applicant will be the sole owners of the rooftop dining area and cellar bar lounge restaurant; 14) the applicant will be respectful of and responsive to neighboring residents at all times; and

**Specifically**,

**With respect to the cellar bar restaurant,** 15) the applicant will not apply for a cabaret license for its basement bar restaurant; 16) only ambient recorded music will be offered as background accompaniment to the service of food and drink and there will be no scheduled live performances or music; 17) it will close no later than 12:00 A.M. Sundays through Wednesdays and 2:00 A.M. Thursdays through Saturdays; 18) food will be served to within one (1) hour of closing; 19) patrons of the bar restaurant who are not hotel guests will not be allowed access to the rooftop garden and the applicant will devise a system where access to the rooftop garden from the bar restaurant is blocked; and

**With respect to the rooftop garden and dining area,** 20) its regular use will be as a quiet gathering place for hotel guests; 21) there will be one (1) service bar located in the dining area and the applicant agrees that it will never seek to have said bar altered to a standup bar; 22) no music of any kind will be played in the rooftop garden and dining area; 23) this area will have no more than six (6) tables and twelve (12) seats and a maximum occupancy of fifteen (15) people consistent with its existing certificate of occupancy; 24) the square footage of the rooftop garden and dining area will be no more than nine hundred fifty (950) square feet and the area will never expand to any adjoining building; 25) its hours of operation will be from 6:00 A.M. to 9:00 P.M. all days, which includes regular daily use as well as use for private parties, and said closing hours may be revisited in the spring of 2013; 26) its method of operation will be as dining area serving food to within one (1) hour of closing; 27) as the rooftop garden and dining area is separated from the windows of residential apartment located at 249 Eldridge Street by only fifty-two (52) feet, a sound baffling wall of forty-two (42) inches will be maintained; 28) as there will be food and alcohol service in this area, the applicant will make substantial efforts to minimize any impacts of noise and noxious fumes from said service on the residents of 246 Eldridge Street and 249 Eldridge Street; 29) only low, dim ambient lighting will be used on the rooftop at night and light fixture type and fixture location and direction will be considered so that no glare is directed towards the windows of 249 Eldridge Street or towards the buildings located across the street on 1st Street, between First and Second Avenues, and efforts will be made to consult with residents of said buildings to ascertain if the rooftop lighting is an acceptable intensity.

16. SC Delancey LLC, 148 Delancey St (hotel op)

**VOTE: WHEREAS,** the applicant, SC Delancey LLC, by its qualified representative or principal, is seeking to obtain a hotel liquor license for an eight (8) story hotel with one hundred thirty-three (133) rooms, doing business as The Holiday Inn, which is located at 148 Delancey Street; and

**WHEREAS,** said applicant will maintain a primary method of operation of said location of renting hotel rooms with service to rooms and a mini bar in each room and will operate a restaurant with twenty (20) tables and forty (40) seats; and

**THEREFORE, BE IT RESOLVED** that, Community Board #3 moves to deny the application for a hotel liquor license for SC Delancey LLC, doing business as The Holiday Inn, for the premise located at 148 Delancey Street, unless the applicant agrees before the SLA to include as conditions of its license the following signed, notarized stipulations that it will operate a hotel providing room service, including the service of alcohol, to rooms and its basement conference room, during the hours of 6:00 A.M. to 11:00 P.M. every day and will provide alcohol stocked mini bars in each of its hotel rooms.

17. To be Determined, 201 E Houston St (op)  
withdrawn

18. Mexicue (106 Forsyth LLC), 106 Forsyth St (op)  
no vote necessary

19. The Bowery Diner (241 Bowery Corp), 241 Bowery (op)  
no vote necessary

20. Perbacco, 115 Allen St (op)  
withdrawn

21. Essex Café Group LLC, 21 Essex St (op)  
withdrawn

22. Calexico, 153 Rivington St (op)  
no vote necessary

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

**Corporate Change (not heard at committee)**

24. Bagel Café Ray's Pizza (St Mark's Café Inc), 2 St Marks Pl (b)  
no vote necessary

**SLA Policy Task Force (June 27, 2012 Meeting)**

1. Continued review of high density areas

no vote necessary

2. Continued discussion of standardized stipulations for beer wine licenses in resolution areas  
**VOTE:** To approve the addition of stipulations for beer wine licenses to the matrix of preferred stipulations above Houston Street (attached hereto) and, thereby, remove from the resolution areas businesses with proposed methods of operation which incorporate these stipulations.

**COMMUNITY BOARD #3 PREFERRED STIPULATIONS  
FOR LOCATIONS ABOVE HOUSTON STREET**

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.

	<b>COMMERCIAL</b>	<b>RESIDENTIAL WITH COMMERCIAL OVERLAY</b>	<b>RESIDENTIAL (for existing licensed locations only)</b>	<b>RESOLUTION AREA</b>
Method of Operation				Method of operation restricted to restaurant with primary revenue from food service only
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.	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.	Doors and windows closing at 10:00 P.M. or no open doors and windows depending on area conditions
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)	Ambient recorded background music only
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	No backyard use
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	No sidewalk café
Ability to Upgrade				Will not apply for an upgrade to a full on-premise liquor license

\*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

**(July 2012 Vote Sheet excluding District Needs Statement)**

**27 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding Exec Committee item 3)**

**26 YES 0 NO 1 ABS 0 PNV MOTION PASSED (Exec Committee item 3)**

**District Needs Statement**

**VOTE:** To approve District Needs Statement with changes.

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

**Members Present at Last Vote:**

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

Meeting Adjourned