



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

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Gigi Li, Board Chair

Susan Stetzer, District Manager

June 2013 Full Board Minutes

Meeting of Community Board #3 held on Tuesday, June 25, 2013 at 6:30pm at PS 20, 166 Essex Street.

Public Session:

- Councilmember Jessica Lappin (Chair of committee on aging): NYCHA In-fill should go through the ULURP process. Congratulated CB3 on SPURA. Social adult day care centers need to be registered.
- Ryan Natividad (Coalition for Asian American Children & Families): Offering free fitness classes (refer to flyer)
- Chad Marlow (Akkas Ali Fundraiser): Akkas Ali was severely injured by a drunk driver – we are raising funds on giveforward.com/akkasali.
- Banny Chen (cousin of Danny Chen): Speaking in support of Danny Chen memorial so people in the Chinatown community can remember him.
- Mimi Wang (Post commander of American Legion Post in Chinatown): Seeking co-naming a section of Elizabeth St. as Danny Chen Way – members of the post have supported Chen's parents, attended the court-martial and advocating for a change in legislation.
- Wah Lee (Business owner at 17 Elizabeth St.): Speaking in support of renaming Elizabeth St. to Danny Chen Way. Most people in Chinatown have experienced hate crimes and he has treated people who have been victims of hate crimes. Chen was idealistic and did not realize the danger he was in at the hands of his own military unit.
- Lily Woo (Principal of PS 130 – Chen's former school): Speaking in support of renaming Elizabeth St. Need to address hazing that all minorities face. We need to confront hate crimes at an early age.
- Angie Hu (reading statement on behalf of Senator Gillibrand): Speaking in support of conaming Elizabeth St. to Danny Chen Way. Working with OCA New York to introduce legislation to track hazing.
- Sook Ling Lai: Supporting conaming Elizabeth St. to Danny Chen Way from Bayard to Canal Sts. He wanted to serve our country – We were outraged when we heard about his death. People serving in the army should be treated with respect. We cannot forget Danny.
- Elizabeth Ouyang: America has a history of persecution of Asian-Americans. Called for a show of hands of those in support of conaming Elizabeth St. (approximately 100 hands raised). Asked CB3 to support conaming – Street sign will be a permanent reminder of a fight for equality.
- Dale Goodson (North Ave. A Neighborhood Assoc.): Speaking in support of SLA #12 Memorandum of Understanding
- Suzan Rosen (American Red Cross): Asking for people those affected by Hurricane Sandy to contact the Red Cross.
- Justin Cooke: Thanking SLA committee for designing beer and wine protocols to minimize noise and apply these to SLA #12
- Perry Doustan: Asking for liquor license upgrade for Two-Bits Arcade – Board member stated that PS 20 was within 200 feet of establishment. The address of the establishment is 153 Essex (not 131 Essex, as the committee believed). A professional measurement indicates the establishment is over 200 feet.
- Alexandra McAurthur: Speaking about challenges to access.
- Meghan Joye: Educational Alliance community center will open in the winter – there will be programming in Seward Park.
- Dave Currence: Speaking in support of Children's Magical Garden. Asked for support for a land swap and clarification on language of the Parks Department resolution
- Ray Theodore (President of NYC Community Garden Coalition): Strong support of children's magical garden. Thinking of the land as only real estate value doesn't do the land justice – the land has environmental value as well as important for children to be steward of sustainability.
- (Supporters of Children's Magical Garden have petition of 2500 signatures. Forty people stood in support of garden at the meeting)

Public Officials:

Mayor Michael Bloomberg, Pauline Yu: Not Attending

Public Advocate Bill de Blasio, Phil Jones: Not Attending

Comptroller John Liu, Alice Cancel: Not Attending

Borough President Scott Stringer, David Czyzyk: Immigration reform dialog in Harlem.

Congressmember Carolyn Maloney, Victor Montesinos: Not Attending

Congressmember Nydia Velazquez, Iris Quinones: Thanked everyone in support of conaming Danny Chen Way. Legislation passed in Congress to help prevent hazing.

Assembly Speaker Sheldon Silver, Zach Bommer: Pushing for more public input on bus permitting. Smith Houses gas has gone out again (5th time in the last two years). Increasing minimum wage bill passed and more restrictive gun law passed. Legislation that did not pass: Dream Act, decriminalizing small amounts of marijuana. Sponsored LES fishing outing. Governor's Island is open.

Assemblymember Deborah J. Glick, Sarah Malloy-Good: Not Attending

Assemblymember Brian Kavanagh, Marcela Medina: Book drive held at PS 34 was successful.

State Senator Daniel L. Squadron, Mauricio Pazmino: Campaign finance reform did not pass. Gender Expression Non-Discrimination Act did not pass (protection for trans-gender). Stop-and-frisk reform also did not pass. Passage of SAFE Act (regulations and common-sense fixes to gun control). More accessibility to Mitchell-Lama. Passed Diego's law – more comprehensive traffic control. Introduced bill to help park conservancies to improve neglected parks.

State Senator Brad M. Hoylman: Did not get a NYS Dream Act passed. Did not get a woman's right to choose as part of the Women's Equality Act. Did not decriminalize small amounts of marijuana. Did not pass legislation on SLA transparency. Did pass legislation for meningitis vaccination to be available at pharmacies state-wide. Testified before the rent guidelines board against rent increases.

Councilmember Margaret Chin, Patricia Olan: Hoping to pass city budget this month. Seward Park Community Center and Rutgers Community centers will remain open. This also includes restoration of funding for afterschool programs. There will be funding for ten additional gun buy-back programs. More funding for senior homebound case management. Introduced legislation on building preparedness. Sara D. Roosevelt bathroom locks have been installed. Councilwoman plans to introduce legislation on after-hour noise created by DOE outdoor space rentals (i.e., dodgeball games).

Councilmember Rosie Mendez: City Council had a handshake agreement on the budget (no cutting money to child care, no teacher layoffs, keep every NYCHA community center open for the year). Some centers will be moved to DYCB (Department of Youth and Community Development) and others to the Department of Aging (because NYCHA doesn't have funding to support community centers).

Members Present at First Vote (also a vote for Transportation #5):

David Adams	[P]	Vaylateena Jones	[P]	Thomas Parker	[A]
Dominic Berg	[P]	Meghan Joye	[P]	Teresa Pedroza	[P]
Karen Blatt	[P]	Lisa Kaplan	[A]	Carolyn Ratcliffe	[P]
Justin Carroll	[P]	Carol Kostik	[P]	Joyce Ravitz	[A]
Jimmy Cheng	[A]	Ben Landy	[P]	Carlina Rivera	[P]
MyPhuong Chung	[P]	John Leo	[P]	Jamie Rogers	[P]
David Conn	[A]	Ricky Leung	[P]	Richard Ropiak	[P]
David Crane	[P]	Gigi Li	[P]	Susan Scheer	[P]
Morris Fajtelewicz	[P]	Alysha Lewis-Coleman	[P]	Nancy Sparrow-Bartow	[P]
Flora Ferng	[A]	William LoSasso	[P]	Wilson Tang	[A]
Shoshannah Frydman	[A]	Chad Marlow	[P]	Elinor Tatum	[L/A]
Gloria Goldenberg	[P]	Bernard Marti	[P]	Rodney Washington	[P]
Jan Hanvik	[P]	David McWater	[A]	Julie Ulmet	[P]
Ayo Harrington	[P]	Penina Mezei	[P]	Josephine Velez	[P]
Herman Hewitt	[P]	Alexandra Militano	[P]	Justin Yu	[A]
Anne Johnson	[P]	Chiun Ng	[P]	Thomas Yu	[P]
Linda Jones	[P]	Ariel Palitz	[A]		

Minutes:

Minutes of April 2013 were approved, as is. Transportation Resolution #5 passes.

- Exception (Marlow): For SLA#29 discussion, the minutes should read: "Marlow: Why are we renewing this license when the applicant has not complied with its existing stipulations. Moves to strike all stipulations and deny license."

38 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Election of Executive Board

Board Chairperson's Report:

Chairperson Gigi Li: Dominic Berg will be serving as interim chair of Human Service Committee. Two new member trainings will be scheduled in the future. EDC will give a presentation on SPURA developer selection at the July full board meeting (not the Land Use Committee due to a scheduling conflict)

District Manager's Report:

The July meeting will be in the (air conditioned) Rose Auditorium at Cooper Union.

Please remember that the draft agenda distributed at board meetings is a draft, and all committee chairs should check the draft for errors. Last month a location changed after the draft was distributed.

The Transportation Committee meeting in July will focus on bike share issues. However, there have been very few complaints since the bikes have been installed. If you have any problems that need immediate response, please send me an email.

With the warm weather, there have been complaints about noise outside of bars from open doors and windows or from crowds on the sidewalk. I have asked the Seventh and Ninth precincts to speak to nightlife business owners to ask them to monitor windows and doors closed at 10 and sidewalk crowd management.

The Rat workshop for businesses was successful--we can have more workshops if requested and we can have bilingual workshops.

Committee Reports:

Executive Committee

- Refresh: Post Sandy community celebration July 27 6th Street (btwn Ave D & FDR)

VOTE: To approve Refresh block party: post Sandy celebration on July 27 to be held on 6th Street between Ave D and FDR.

38 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Transportation & Public Safety and Environment Committee

1. FY'15 District Needs Statement & Budget Consul Agenda
no vote necessary

2. "No Parking Anytime" area be installed on the south side of East 8th Street, between Avenues C and D

VOTE: WHEREAS, the Girls' Club at 402 E 8th St between Ave C and D will open in September 2013. This facility will have a planetarium and science, technology and arts programs that are expected to provide services for school groups citywide. Many groups will arrive by bus, so curb space will be needed during the day for safe pickups and drop-offs; and

WHEREAS, the Girls' Club is located on the same bloc as the PSA 4 building, so double parking or buses would be a public safety hazard; now,

THEREFORE, BE IT RESOLVED, CB3-Manhattan approves of the installation of a No Parking Zone, 8am – 6pm, 7 days a week, adjacent to the curb cut for the Girls' Club building at 402 E. 8th St. and extending for the remaining 50-foot width of the building.

3. Safety concerns between Grand and Clinton Street

VOTE: Request for DOT Traffic evaluation at Clinton and Grand Streets

WHEREAS, Changes to the street network around the intersection of Clinton and Grand Streets made in the summer of 2012 have created a safety and noise problem for the surrounding community. At many times of the day, but especially during the evening rush hour, cars waiting to access to the Williamsburg Bridge back up on Clinton St all the way to Grand Street and onto several nearby streets. Cars from westbound Grand St trying to turn right and from northbound Clinton St trying to cross Grand St are both getting stuck in the intersection when the light turns red. This causes backups on westbound Grand St to E. Broadway, on northbound Clinton St, and even on eastbound Grand St. Traffic also backs up around the corner onto Willett St/Bialystoker Place, which is the first access point to Grand St from Delancey St for traffic coming from the southbound service road of the FDR Drive; and

WHEREAS, Along Grand St, westbound cars often drive on top of the bike lanes trying to bypass those in the travel lane. When this happens, it creates conflict at the intersection with Clinton, which is worsened when cars are waiting curbside at the Rite Aid store. The cars who have either formed a fake double lane or try to outflank one another then jockey for the single lane on the right turn onto

Clinton St to get to the Williamsburg Bridge. Cars that want to continue westbound will use the left turn bay to bypass right turning traffic and often also use the yellow striped divider as a travel lane, especially if turning left. Buses often use the yellow lanes to bypass traffic; and

WHEREAS, This traffic congestion is an unexpected traffic pattern that developed after the Delancey Street Pedestrian Safety Plan was implemented in summer 2012. In particular, that plan included this change: "Convert Clinton St between Grand and Delancey to one-way north-bound, allowing easier and conflict-free access to the Williamsburg Bridge from the FDR Drive." It had been expected that about half of the traffic that had previously taken Norfolk St from Grand St to Delancey St for access to the Williamsburg Bridge would relocate onto Clinton St. Instead, it is clear that traffic backs up severely on Clinton St, while traffic on Norfolk St seems relatively light; now

THEREFORE, BE IT RESOLVED, CB3-Manhattan requests that DOT evaluate traffic patterns on the whole corridor of Grand St from the FDR Drive to Essex St, in the context of the traffic patterns related to the Delancey St approach to the Williamsburg Bridge. CB3 would like DOT to evaluate measures such as the following to reduce traffic congestion in this area:

- Signage indicating suitable options for access to the Williamsburg Bridge.
- Signal timings along Grand St and Delancey St.
- Flexible plastic delineators to separate the travel lane and the right turn lane for westbound traffic on Grand St at the intersection with Clinton St.
- Evaluate whether it is feasible to convert the dedicated bike lane into a shared bike lane for a portion of Grand St in order to create a second westbound moving traffic lane approaching the intersection with Clinton St.
- A left turn bay or other changes that would make it easier to make the left turn off southbound Willett St at the intersection with Grand St.
- And the evaluation of any other traffic measure to alleviate the traffic problem at Grand and Clinton St.

VOTE: Request NYPD Traffic enforcement at Clinton and Grand Streets

WHEREAS, Changes to the street network around the intersection of Clinton and Grand Streets made in the summer of 2012 have created a safety and noise problem for the surrounding community. At many times of the day, but especially during the evening rush hour, cars waiting to access to the Williamsburg Bridge back up on Clinton St all the way to Grand Street and onto several nearby streets. Cars from westbound Grand St trying to turn right and from northbound Clinton St trying to cross Grand St are both getting stuck in the intersection when the light turns red. This causes backups on westbound Grand St to E. Broadway, on northbound Clinton St, and even on eastbound Grand St. Traffic also backs up around the corner onto Willett St/Bialystoker Place, which is the first access point to Grand St from Delancey St for traffic coming from the southbound service road of the FDR Drive; and

WHEREAS, Along Grand St, westbound cars often drive on top of the bike lanes trying to bypass those in the travel lane. When this happens, it creates conflict at the intersection with Clinton, which is worsened when cars are waiting curbside at the Rite Aid store. The cars who have either formed a fake double lane or try to outflank one another then jockey for the single lane on the right turn onto Clinton St to get to the Williamsburg Bridge. Cars that want to continue westbound will use the left turn bay to bypass right turning traffic and often also use the yellow striped divider as a travel lane, especially if turning left. Buses often use the yellow lanes to bypass traffic; and

WHEREAS, This traffic congestion is an unexpected traffic pattern that developed after the Delancey Street Pedestrian Safety Plan was implemented in summer 2012. In particular, that plan included this change: "Convert Clinton St between Grand and Delancey to one-way north-bound, allowing easier and conflict-free access to the Williamsburg Bridge from the FDR Drive." It had been expected that about half of the traffic that had previously taken Norfolk St from Grand St to Delancey St for access to the Williamsburg Bridge would relocate onto Clinton St. Instead, it is clear that traffic backs up severely on Clinton St, while traffic on Norfolk St seems relatively light; now

THEREFORE, BE IT RESOLVED, CB3-Manhattan requests that NYPD provide targeted traffic enforcement from 4-8 PM at the intersection of Grand St and Clinton St because Grand St is severely impacted by traffic patterns related to the Delancey St approach to the Williamsburg Bridge.

4. Proposal for a distinctive sidewalk at 9 Orchard St aka 54 Canal St and 60 Canal St

VOTE: WHEREAS, The proposed installation of a distinctive sidewalk around Jarmulowsky's Bank Building at the south-west corner of Orchard St and Canal St (9 Orchard, 54 Canal St and 60 Canal St) requires approval of the Public Design Commission. The sidewalk would have textured glass pavers within 3 feet of the building, over the vaults under the sidewalk. The vaults must be rebuilt as part of a project

to convert the building for use as a hotel. This is a landmarked building and the proposed pavers would meet ADA accessibility requirements; now

THEREFORE, BE IT RESOLVED, that CB3-Manhattan approves of the installation of a distinctive sidewalk around Jarmulowsky's Bank Building at 9 Orchard, aka 54 Canal St and 60 Canal St.

5. Street co-name for Danny Chen (Elizabeth St btwn Canal and Bayard Sts (pulled for early vote)

VOTE: Resolution Supporting Co-Naming a Block of Elizabeth St as Danny Chen Way

WHEREAS, Danny Chen was a native son of Chinatown, born on May 26, 1992; and

WHEREAS, Danny Chen grew up at 92-96 Elizabeth Street where he lived for 13 years from 1992 to 2005; and

WHEREAS, Danny's parents, Su Zhen Chen and Yan Tao Chen continue to live in Chinatown; and

WHEREAS, Danny Chen attended Chinatown Head Start, P.S. 130, I.S. 131 and graduated from Pace High School; and

WHEREAS, Danny Chen attended Chinese language and drawing classes at Chinese Consolidated Benevolent Association, played in Columbus Park, and worshipped at Heavenly Grace Buddhist Temple with his parents; and

WHEREAS, Danny Chen ate at restaurants throughout Chinatown, particularly at Jing Fong Restaurant almost daily when he was a child; and

WHEREAS, Danny Chen enlisted in the U.S. Army with hopes of becoming a police officer one day; and

WHEREAS, he was found dead in Afghanistan on October 3, 2011 after being hazed and racially maltreated by several superiors; and

WHEREAS, his tragic death Galvanized the Chinatown community to lead the nation and the world in an historic fight for justice; and

WHEREAS, Community Board 3 publicly supported a thorough and transparent investigation; and

WHEREAS, Eight superiors were subsequently found guilty in connection with his death either by court martial or administrative proceedings held in Fort Bragg, North Carolina; and

WHEREAS, Danny Chen's death further led to military reforms that will benefit all those who defend the United States; and

WHEREAS, City Council unanimously passed Resolution 1188-2012, introduced by City Councilwoman Margaret Chin, urging the Department of Defense to provide diversity training in the military, and

WHEREAS, New York's U.S. Senator Kirsten Gillibrand and U.S. Representative Nydia Velazquez introduced anti-hazing legislation in Congress; and

WHEREAS, on January 2, 2013, President Obama signed the National Defense Authorization Act which contains provisions requiring the military to take affirmative steps to prevent hazing; and

WHEREAS, Danny Chen's legacy must live on to ensure all our sons and daughters are treated with respect and dignity when they enlist in the military to protect our country, the United States of America; now

THEREFORE, BE IT RESOLVED, CB3-Manhattan formally requests the NY City Council and the Mayor to enact legislation that Elizabeth Street between Canal and Bayard Streets in Manhattan's Chinatown be co-named "Danny Chen Way."

38 YES 0 NO 0 ABS 0 PNV MOTION PASSED (Transportation 5)

39 YES 0 NO 0 ABS 0 PNV MOTION PASSED (remaining Transportation items)

SLA & DCA Licensing Committee

1. FY'15 District Needs Statement & Budget Consult Agenda
no vote necessary

- Support for Manhattan Boro Board resolution in support of NYS Senate Bill S3075 and NYS Assembly Bill A5356 that will "allow the State Liquor Authority ("SLA") to include certain terms and conditions as part of an on-premises license, assuring that the premise is lawfully operated"

VOTE: COMMUNITY BOARD #3 RESOLUTION IN SUPPORT OF NYS SENATE BILL S3075 AND NYS ASSEMBLY BILL A5356

WHEREAS, the New York State Senate and New York State Assembly Economic Development Committees have before them, a proposed bill, A5356/S3075, sponsored by New York State Assemblymember Richard Gottfried and New York State Senator Brad Hoylman, titled, "An act to amend the alcoholic beverage control law, in relation to authorizing the imposition of certain terms and conditions as part of certain licenses for on-premises consumption;" and

WHEREAS, the purpose of this bill is "to allow the State Liquor Authority ("SLA") to include certain terms and conditions as part of an on-premises license, assuring that the premise is lawfully operated;" and

WHEREAS, Community Boards in New York City have a mandated role to give input to the SLA as to the terms and conditions of any new on-premise liquor license, especially those that fall within the parameters of the "Padavan 500' rule;" and

WHEREAS, local communities have concerns about the negative impact of some bars and clubs on the quality of life for neighboring residents and the safety and security of patrons in and around establishments because of noise, traffic, violence, vandalism and underage drinking and/or quality of life problems caused by oversaturation; and

WHEREAS, applicants often enter in to agreements with Community Boards, called "stipulations" that put self-imposed limits on the "Methods of Operation" for their license in regards to such items as hours of operation, live music, dancing, the impact of the establishment on the street, and more; and

WHEREAS, the SLA has begun to enforce the terms and conditions of these stipulations as part of their regulatory oversight; and

WHEREAS, this bill would allow the SLA to clearly state the terms and conditions of a license in the Methods of Operation, and give this policy a permanent, binding statutory foundation.

THEREFORE BE IT RESOLVED, that Community Board 3 supports NY State Senate Bill S3075 and State Assembly Bill A5356, and urges the Senate and Assembly Economic Development Committees to authorize these bills to go to the full Senate and Assembly for an immediate vote; and

BE IT FURTHER RESOLVED, that the Manhattan Borough Board urges the NY State Senate and NY State Assembly to pass a joint bill into law.

- Support for Manhattan Boro Board resolution in support of NYS Senate Bill S3077 and NYS Assembly Bill A6073 that will "insure that the State Liquor Authority ("SLA") maintains on its website public information regarding the method of operations of establishments under its jurisdiction"

VOTE: COMMUNITY BOARD #3 RESOLUTION IN SUPPORT OF NYS SENATE BILL S3077 AND NYS ASSEMBLY BILL A6073

WHEREAS, the New York State Senate and New York State Assembly Economic Development Committee have before them, a proposed bill, S3077/A6073, sponsored by New York State Senator Brad Hoylman and New York State Assemblymember Deborah Glick, titled, "An act to amend the alcoholic beverage control law, in relation to requiring the State Liquor Authority to make available on its automated public license query website and database information pertaining to any conditions it imposes on a licensed premises;" and

WHEREAS, the purpose of this bill is "to insure that the State Liquor Authority ("SLA") maintains on its website public information regarding the method of operations of establishments under its jurisdiction;" and

WHEREAS, Community Boards in New York City have a mandated role to give input to the SLA as to the terms and conditions ("stipulations") of any new on-premise liquor license, especially those that fall within the parameters of the "Padavan 500' rule;" and

WHEREAS, applicants often enter in to agreements, i.e. stipulations, with community boards that put self-imposed limits on the "Methods of Operation" for their license in regards to such items as hours of operation, live music, dancing, the impact of the establishment on the street, and more; and

WHEREAS, whenever there is a question about the specific terms of a license, there is no easy way for the public or the police to know what is and is not allowed under the Methods of Operation; and

WHEREAS, the SLA maintains a public website with information about every license but it does not explicitly and clearly state the Methods of Operation, and so it is necessary to go through the lengthy and cumbersome process of filing a request under FOIA, "(Freedom of Information Act)"; and

WHEREAS, this bill would also save time and labor for SLA staff as the public would no longer need to request this information through an SLA public information officer; and

WHEREAS, it is essential for the public, the police, and the applicant to know exactly the terms of every license granted by the SLA, in an open and transparent way, to ensure that every licensed establishment operates correctly, and that the law can be appropriately enforced;

THEREFORE BE IT RESOLVED, that Community Board #3 supports NY State Senate Bill S3077 and State Assembly Bill A6073, and urges the Senate to immediately bring the former to the floor for a vote and urges the Assembly Economic Development Committee to authorize the latter to go to the full Assembly for an immediate vote; and

BE IT FURTHER RESOLVED, that Community Board #3 urges the NY State Senate and NY State Assembly to pass a joint bill into law.

Renewal with Complaint History

4. Slipper Room, 167 Orchard St at Stanton St (op)
no vote necessary

5. South Brooklyn Pizza, 122 1st Ave btwn E 7th St & St Marks Pl (wb)

VOTE: WHEREAS, 122 First Pizza Inc. is seeking a renewal of its beer wine license to operate a pizza restaurant, doing business as South Brooklyn Pizza, for the two (2) storefronts located at 122 First Avenue, between East 7th Street and St. Marks Place; and

WHEREAS, this applicant was originally approved by Community Board #3 in April of 2011 provided it make as conditions of its license a stipulation that 1) it would operate as a full-service Italian pizza restaurant, serving food during all hours of operation, 2) its hours of operation would be from 11:00 A.M. to 5:00 A.M. every day but it would cease serving alcohol at 1:00 A.M. Sundays through Thursdays and 2:00 A.M. Fridays and Saturdays, 3) it would not commercially use its backyard, 4) it would maintain a closed fixed façade and have no open doors or windows, and 5) it would not have any promoted events and would play ambient background music only, consisting of recorded music; and

WHEREAS, six (6) resident of 122 First Avenue appeared to complain about this business, and there have been additional complaints to the community board from residents of this building, that the façade of the south storefront of this business is left wide open and the business has a bar abutting the sidewalk at this opening, which causes loud music and noise from patrons to emanate from the open storefront and noise and congestion on the sidewalk from patrons milling on the sidewalk by the bar; and

WHEREAS, residents of this building have complained that this storefront is often open until 2:00 A.M. and 3:00 A.M. which appears to be in violation of its stipulation that alcohol service would cease by 1:00 A.M. Sundays through Thursdays and 2:00 A.M. Fridays and Saturdays; and

WHEREAS, residents of this building have complained that patrons of this business block the apartment building entrance of this location which is situated between the two storefronts, thereby preventing apartment tenants from accessing the building entrance; and

WHEREAS, residents of this building have complained that the applicant has commercially used its backyard on at least two (2) occasions, which violates its stipulation that it will not use its backyard; and

WHEREAS, residents of this building have complained that the music emanating from this business is played at entertainment levels rather than at ambient or background levels as agreed to by this applicant; and

WHEREAS, the applicant has confirmed that it has accordion floor-to-ceiling doors on its south storefront which it opens during operating hours and that it has hosted a party on at least one occasion in its backyard; and

THEREFORE, BE IT RESOLVED that Community Board #3 moves that the beer wine license for 122 First Pizza Inc., for the premises located at 122 First Avenue, between East 7th Street and St. Marks Place, not be administratively renewed and that it be heard by the full board of the SLA, with an opportunity for residents of the building to be heard.

Applications within Saturated Areas

6. Tre (Jersey Boys LLC), 173 Ludlow St btwn Stanton & Rivington Sts (up/op)

VOTE: To deny the application to upgrade the existing beer wine license of Jersey Boys LLC, doing business as Tre, to a full on-premise liquor license, for the premise located at 173 Ludlow Street, between Stanton Street and Rivington Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that

- 1) it will operate as a full-service Italian restaurant, serving food during all hours of operation,
- 2) its hours of operation will be 9:00 A.M. to 11:00 P.M. Sundays through Thursdays and 9:00 A.M. to 12:00 A.M. Fridays and Saturdays,
- 3) it will close any façade doors and windows at 10:00 P.M. every night,
- 4) it will play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged, and
- 5) its hours of operation of its backyard will be 12:00 P.M. to 10:00 P.M. all days, there will be no music played in its backyard and there will be seating for dining, consisting of nine (9) tables with eighteen (18) seats in its backyard, with food served during all hours that it is open

Community Board #3 is approving the change in class of this license to a full on-premise liquor license although this is a location in an area with numerous licensed premises because 1) this applicant has operated its business for five (5) years with a beer wine license without apparent complaints, 2) there is substantial support for this application in that the applicant furnished eighty-eight (88) signatures from area residents in its support, and 3) the applicant has entered into a memorandum of understanding with the L.E.S. Dwellers, the local residents association (attached hereto).

7. Rouge NYC (Alpha 94 LLC), 94-96 Rivington St btwn Ludlow & Orchard Sts (wb)

VOTE: **WHEREAS**, Alpha 94 LLC is seeking a beer wine license to operate a tavern, with a proposed business name of Rouge NYC, for the premise located at 94-96 Rivington Street, between Ludlow Street and Orchard Street; and

WHEREAS, this is an application for a wine bar, with proposed hours of operation of 9:00 A.M. to 1:00 A.M. Sundays through Thursdays and 9:00 A.M. to 2:00 A.M. Fridays and Saturdays, no kitchen and an open facade; and

WHEREAS, this location has not been previously licensed and previously operated as a deli; and

WHEREAS, this applicant has no experience operating a licensed business or a business in this area; and

WHEREAS, this applicant has conceded that there are sixty-one (61) liquor licensed establishments within a two (2) block radius of this location, four (4) of which are on this block; and

WHEREAS, the L.E.S Dwellers, a local residents association, has submitted testimony in opposition to this application (attached hereto), citing the already overwhelming pedestrian and vehicular traffic and loud noise from music and patrons in this area as a result of all of the existing licensed businesses, which have resulted in the local police precinct closing the streets surrounding this two block area on weekend nights to insure public safety; now

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the application for a beer wine license for Alpha 94 LLC, with a proposed business name of Rouge NYC, for the premise located at 94-96 Rivington Street, between Ludlow Street and Orchard Street.

8. Via Tribunali (Pizza Vita NYC LLC), 122 Ludlow St (up/op)

no vote necessary

9. Fa Tebene Fratelli LLC, 130 St Marks Pl btwn 1st Ave & Ave A (wb)

VOTE: Understanding that this is the location of a preexisting restaurant with a beer wine license, Community Board #3 moves to deny the application for a beer wine license for Fa Tebene Fratelli LLC, for the premise located at 130 St. Marks Place, between First Avenue and 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 Italian restaurant, serving food during all hours of operation,

- 2) its hours of operation will be 11:00 A.M. to 11:30 P.M. all days,
- 3) it will maintain a closed fixed façade with no open doors or windows,
- 4) it will play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 5) it will not commercially use any outdoor areas, and
- 6) it will not seek a change of class of its license to a full on-premise liquor license

Community Board #3 is approving this beer wine license although this is a location in an area with numerous licensed premises because 1) this location was previously licensed by a business with a beer wine license and a similar method of operation, 2) this applicant has five (5) years' experience managing a restaurant on 13th Street, and 3) this applicant is agreeing to operate a full-service restaurant with limited hours and is agreeing not to seek an upgrade of its license, consistent with community board policy for this oversaturated area.

10. Amuse (Soul Happy LLC), 121 Ludlow St btwn Rivington & Delancey Sts (wb)

VOTE: To deny the application for a beer wine license for Soul Happy LLC, with a proposed business name of Amuse, for the premise located at 121 Ludlow Street, between Rivington Street and 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 wine bar, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 12:00 P.M. to 12:00 A.M. Sundays through Thursdays and 12:00 P.M. to 2:00 A.M. Fridays and Saturdays,
- 3) it will close any façade doors and windows at 9:00 P.M. every night,
- 4) it will play ambient background music only, consisting of recorded music and low tempo live jazz music, and not have DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 5) it will not seek a change of class of its license to a full on-premise liquor license; and
- 6) it may have "happy hours" to 7:00 P.M. weekdays and 8:00 P.M. Saturdays and Sundays

Community Board #3 is approving this beer wine license although this is a location in an area with numerous licensed premises because 1) this location was previously licensed by a business with a beer wine license, a similar method of operation and 4:00 A.M. closing times, 2) this applicant has earlier closing times than the preexisting business, 3) it has agreed not to upgrade its license, and 4) although this applicant has no experience managing a restaurant, it does have culinary experience and is planning a menu-focused establishment.

Militano: This did not pass because of the 61 other permits within a two-block radius, the applicants have no experience operating a business and the business has no community benefit. The vote was split 3-2-1. Since the committee did not pass the motion, there were no stipulations.

Rivera: The concept seemed acceptable.

11. Ivan Ramen USA LLC, 25 Clinton St (wb)

withdrawn

12. To be Determined, 186 Ave A btwn E 11th & E 12th Sts (wb)

VOTE: Understanding that this location had a preexisting restaurant with a beer wine license, Community Board #3 moves to deny the application for a beer wine license for a corporation to be determined, with principal Demetrias Klidonas, for the premise located at 186 Avenue A, between East 11th Street and East 12th Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that

- 1) it will operate as a full-service global tapas restaurant, with a kitchen open and 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 a closed fixed façade with no open doors or windows,
- 4) it will play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 5) it will not seek a change of class of its license to a full on-premise liquor license;
- 6) it will stop using its rear façade door at 5:00 P.M. every day,
- 7) it will insure that any venting or other outdoor equipment will make minimal amounts of noise, and
- 8) it will not commercially use any outdoor areas.

13. East Village Social (TDDG Inc), 122-126 St Marks Pl btwn 1st Ave & Ave A (up/op)

VOTE: To deny the application to upgrade the existing beer wine license of TDDG Inc., doing business as East Village Social, to a full on-premise liquor license, for the premise located at 122-126 St. Marks Place, between First Avenue and 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 tavern, with a kitchen open and serving food until closing every night,
- 2) its hours of operation will be 2:00 P.M to 4:00 A.M. all days,
- 3) it will close any façade doors and windows at 10:00 P.M. every night,

- 4) it will play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 5) it will not host pub crawls or party buses, and
- 6) it may have "happy hours", which will end at 8:00 P.M.

Community Board #3 is approving the change in class of this license to a full on-premise liquor license although this is a location in an area with numerous licensed premises because 1) this applicant has operated its business for one (1) year with a beer wine license without apparent complaints, 2) there is substantial support for this application in that the applicant furnished six hundred (600) signatures from area residents in its support, two hundred (200) of which are from within two (2) blocks of this location and 3) the principals of this business have an aggregate thirty (30) years' experience operating bars in this area and residents from the area and building appeared to speak on its behalf.

14. To be Determined, 172 Orchard St btwn E Houston & Stanton Sts (wb)

VOTE: Understanding that this is a sale of assets of a preexisting restaurant with a beer wine license, Community Board #3 moves to deny the application for a beer wine license for a corporation to be determined, with principal Scott Kasen, for the premise located at 172 Orchard Street, between East Houston Street and Stanton Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that

- 1) it will operate as a full-service Chinese Mexican restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 12:00 P.M. to 2:00 A.M. all days,
- 3) it will close any façade doors and windows at 10:00 P.M. every night,
- 4) it will locate pick up for takeout food inside of the location and text waiting patrons when tables are available to minimize pedestrian congestion in front of the business,
- 5) 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
- 6) it will designate an employee to oversee patron congestion and noise on the sidewalk

Community Board #3 is approving the change in class of this license to a full on-premise liquor license although this is a location in an area with numerous licensed premises because this applicant has operated a business with a similar method of operation on the same street and without complaints which began operation with a beer wine license and is currently operated with a full on-premise liquor license.

15. 100 Montaditos (100 EM FCH Ludlow LLC), 177 Ludlow St btwn E Houston & Stanton Sts (wb)

VOTE: WHEREAS, 100 EM FCH Ludlow LLC is seeking a beer wine license to operate a tapas restaurant, with a proposed business name of 100 Montaditos, for the premise located at 177 Ludlow Street, between East Houston Street and Stanton Street; and

WHEREAS, this is an application for an apparent fast food tapas restaurant with a certificate of occupancy of one hundred twenty (120) people, proposed hours of operation of 11:00 A.M. to 2:30 A.M. Sundays through Thursdays and 11:00 A.M. to 3:30 A.M. Fridays and Saturdays, an open façade and televisions displaying menus and games; and

WHEREAS, this location has not been previously licensed and previously operated as an organic food market; and

WHEREAS, this applicant has no experience operating a licensed business in this area as it is a chain store which has not yet opened any stores in the New York City area; and

WHEREAS, this applicant has conceded that there are at least fifty (50) liquor licensed establishments within a two (2) block radius of this location, ten (10) of which are on this block; and

WHEREAS, there are also two (2) hotels about to open on this block, both of which have public licensed premises, and

WHEREAS, the L.E.S Dwellers, a local residents association, has submitted testimony in opposition to this application as it is presently constructed, stating that the fast food character of the business combined with the certificate of occupancy of one hundred twenty (120) people will result in a constant flow of an additional large number of people on this block, which is already overwhelmed by pedestrian and vehicular traffic and loud noise from patrons and cars as a result of all of the existing licensed businesses and which has resulted in the local police precinct closing the streets surrounding this two block area on weekend nights to insure public safety; now

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the application for a beer wine license for 100 EM FCH Ludlow LLC, with a proposed business name of 100 Montaditos, for the premise located at 177 Ludlow Street, between East Houston Street and Stanton Street.

16. 117 Ave A Food & Drink LLC, 117 Ave A (op)

withdrawn

17. Inside Bar (Bi-Brainnn Inc), 221 Ave B btwn E 13th & E 14th Sts (op)

VOTE: **WHEREAS**, Bi-Brainnn Inc. seeking a full on-premise liquor license to operate a tavern, with a proposed business name of Inside Bar, for the premise located at 221 Avenue B, between East 13th Street and East 14th Street; and

WHEREAS, this is an application for a bar with a certificate of occupancy of seventy-four (74) people, proposed hours of operation of 4:00 P.M. to 4:00 A.M. all days, a commercially used backyard consisting of six (6) tables and twenty-four (24) seats and DJs and recorded music; and

WHEREAS, this location has not been previously licensed and previously operated as a Chinese food restaurant; and

WHEREAS, this applicant has no experience operating a licensed business or a business in this area; and

WHEREAS, there are numerous full on-premises liquor licenses within five hundred (500) feet of this location, four of which are on the same corner as this business and two (2) of which flank this location, and all of said four (4) existing licensed businesses are taverns with late night closing times; and

WHEREAS, although the applicant provided two hundred fifteen (215) signatures from area residents in support of its application, three (3) residents of this block appeared in opposition to this application because of its method of operation, its proposed hours and backyard use, the noise issues on the block because of the existing late night businesses and because they had no notice of this application and the applicant did no community outreach to residents of this block, and

WHEREAS, although the applicant stated that its business would have "accessible prices," it has failed to state a public benefit justifying the addition of another late night bar in this area with numerous late night bars; now

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the application for a full on-premise liquor license for Bi-Brainnn Inc., with a proposed business name of Inside Bar, for the premise located at 221 Avenue B, between East 13th Street and East 14th Street.

Sidewalk Cafe Application (unenclosed)

18. Forgtmenot (Plan A Group LLC), 138 Division St

VOTE: To approve the application for a sidewalk café permit for four (4) tables and sixteen (16) seats, for Plan A Group LLC, doing business as Forgtmenot, 138 Division Street, because the applicant has signed a change agreement which will become part of its DCA license that

- 1) the café will consist of four (4) tables with sixteen (16) seats,
- 2) its hours of operation will be from 12:00 P.M. to 10:00 P.M. all days, and
- 3) it will install an awning over its sidewalk cafe.

19. Alder Restaurant LLC, 157 2nd Ave btwn E 9th & E 10th Sts

VOTE: To approve the application for a sidewalk café permit for eight (8) tables and sixteen (16) seats, for Alder Restaurant LLC, doing business as Alder, 157 Second Avenue, between East 9th Street and East 10th Street, because the applicant has signed a change agreement which will become part of its DCA license that

- 1) the café will consist of eight (8) tables with sixteen (16) seats, and
- 2) its hours of operation will be from 6:00 P.M. to 11:00 P.M. Mondays through Wednesdays, 6:00 P.M. to 12:00 A.M. Thursdays and Fridays, 11:30 A.M. to 12:00 A.M. Saturdays and 11:30 A.M. to 11:00 P.M. Sundays.

20. Spitzer's Corner (NYLA Cafe LLC), 101 Rivington St at Ludlow & Rivington Sts

VOTE: **WHEREAS**, NYLA Café LLC is seeking a sidewalk café permit for seven (7) tables and fourteen (14) seats to be located on Ludlow Street, for its restaurant, doing business as Spitzer's Corner, located at 101 Rivington Street, at the corner of Ludlow Street and Rivington Street; and

WHEREAS, this business previously had a sidewalk café permit for five (5) tables and ten (10) seats on Ludlow Street which was surrendered in 2009 for apparently illegal measurements; and

WHEREAS, said prior sidewalk café was approved over community board objection after an agreement was reached between the business and Councilmember Alan Gerson that the café would consist of five (5) tables and ten (10) seats and close no later than 9:00 P.M. weekdays and 10:00 P.M. weekends; and

WHEREAS, said applicant attempted to apply to Community Board #3 for a new sidewalk café permit for nine (9) tables and eighteen (18) seats in May of 2009, after its prior permit was surrendered and

without notice to Councilmember Gerson, and was denied because of existing conditions of pedestrian congestion and noise on the corner where this business is located, its history of sales of alcohol to minors and noise complaints, its pending nuisance abatement action and because the applicant walked out of its community board hearing prior to any decision when confronted by a representative from the councilmember's office about its attempts to obtain a permit without notice to or consultation with the councilmember (see Community Board #3 motion of May 2009 and testimony to DCA appended hereto); and

WHEREAS, although it was represented to Community Board #3 in August of 2010 that this business was being sold, Community Board #3 believes that Rob Shamlan, who held the original café permit, is the current principal operator of this business, in that he submitted the present application to DCA and, consequently, the same entity that once held a sidewalk café permit at this location is again applying for a sidewalk cafe; and

WHEREAS, street and sidewalk conditions around this business have worsened since the previous permit was surrendered, in that the two block area surrounding this premise is so overwhelmed by pedestrian and vehicular traffic and loud noise from patrons and cars as a result of all of the existing licensed businesses, including Spitzer's Corner, that the 7th Precinct has implemented a practice of closing the streets surrounding this area on weekend nights to insure public safety; and

WHEREAS, approval of a café for this business would further congest the sidewalk as residents of this building and representatives of the L.E.S. Dwellers, a local tenants organization appeared before Community Board #3 to complain that patrons from this business currently overrun the sidewalk around the business and block the residential entrance to 126 Ludlow Street, which is the residential address of this location and against which the proposed café would abut, and

WHEREAS, this business now encourages its patrons to congregate on its sidewalks in that it currently allows its floor-to-ceiling windows along Ludlow Street to be open during operating hours, resulting in patrons standing on the sidewalks in front of this business to mill around its open façade, as well as patron sitting on the ledge of the building where the windows open in order to be served;

WHEREAS, this business has done no community outreach regarding its proposed sidewalk café, despite the congested area in which it would be located and its problematic history with its neighbors; and

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the application for a sidewalk café permit consisting of seven (7) tables and fourteen (14) seats, for NYLA Café LLC, doing business as Spitzer's Corner, for the premise located at 101 Rivington Street, at the corner of Ludlow Street and Rivington Street.

Alterations

21. Affaire (Chow Main Corp), 50 Ave B (alt/op/additional stand-up bar)
withdrawn

New Liquor License Applications

22. Cutting Board Inc, 53 Bayard St at Elizabeth St (wb)

VOTE: To deny the application for a beer wine license for Cutting Board Inc., for the premise located at 53 Bayard Street, at the corner of Bayard Street and Elizabeth 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 fusion restaurant, with a kitchen open and serving food to within half (½) an hour of closing,
- 2) its hours of operation will be 11:00 A.M. to 11:00 P.M. all days,
- 3) it will have a closed fixed façade with no open doors or windows,
- 4) it will not commercially use any outdoor areas,
- 5) it will not seek any alteration of its license,
- 6) it will not seek a change in class of its liquor license to a full on-premise liquor license,
- 7) 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,
- 8) it will not have "happy hours,"
- 9) it will not host pub crawls or party buses, and
- 10) it will insure that there are no waiting lines outside of its business.

23. Black Iron Burger (Sabor de Espana LLC), 540 E 5th St btwn Aves A & B (wb)

VOTE: Understanding that this is a sale of assets of a preexisting restaurant with a beer wine license, Community Board #3 moves to deny the application for a beer wine license for Sabor de Espana LLC, doing business as Black Iron Burger, for the premise located at 540 East 5th Street, between Avenue A and Avenue

B, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that

- 1) it will operate as a full-service burger restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 12:00 P.M. to 12:00 A.M. all days,
- 3) it will have a closed fixed façade with no open doors or windows,
- 4) it will not seek a change of class of its liquor license to a full on-premise liquor license,
- 5) 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
- 6) it will not commercially use any outdoor areas.

24. Fire & Ice Cafe (3rd Street Cafe Inc), 189 E 3rd St btwn Aves A & B (op)

VOTE: Understanding that this is the location of a preexisting business with a full on-premise liquor license, Community Board #3 moves to deny the application for a full on-premise liquor license for 3rd Street Café Inc., with a proposed business name of Fire & Ice Cafe, for the premise located at 189 East 3rd Street, between Avenue A and Avenue B, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that

- 1) it will operate as a full-service Mediterranean restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 3:00 P.M. to 3:00 A.M. Sundays through Wednesdays and 3:00 P.M. to 4:00 A.M. Thursdays through Saturdays,
- 3) it will close any façade doors and windows at 10:00 P.M.,
- 4) it will play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged, and
- 5) it will not commercially use any outdoor areas

Community Board #3 is approving this full on-premise liquor license although this is a location in an area with numerous licensed premises because 1) this is a previously licensed location, 2) this applicant has operated a similarly sized establishment with a similar method of operation in Long Island, and 3) there is substantial support for this application in that the applicant furnished eighty-two (82) signatures from area residents in its support and people appeared in support of this application, including one (1) resident of the building where this business would be located.

25. Bottega Clinton LLC, 79 Clinton St (wb)

withdrawn

26. Pinot's Palette (People-R-People Inc), 178 Stanton St (wb)

withdrawn

27. Golden Unicorn Gourmet Corp, 18 E B'way btwn Market & Catherine Sts (op)

VOTE: Understanding that this is the sale of assets of a preexisting restaurant operating for thirty (30) years, Community Board #3 moves to deny the application for a full on-premise liquor license for Golden Unicorn Gourmet Corp., doing business as Golden Unicorn, for the premise located at 18 East Broadway, between Market Street and Catherine Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that

- 1) it will operate as a full-service Chinese restaurant, with a kitchen open and serving food during all hours of operation, and
- 2) its hours of operation will be 10:00 A.M. to 10:00 P.M. all days.

28. To be Determined, 17 Stanton St (op)

no vote necessary

29. Horse Trade (Horse Trade Management Group), 85 E 4th St btwn 2nd Ave & Cooper Sq (wb)

VOTE: Understanding that this location is a preexisting theatre on a designated arts block, Community Board #3 moves to deny the application for a beer wine license for Horse Trade Management Group, with a proposed business name of Horse Trade, for the premise located at 85 East 4th Street, between Second Avenue and Cooper Square, 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 theatre performance space with stage shows and a beer wine concession,
- 2) it will maintain a closed fixed façade with no open doors or windows,
- 3) it will have one (1) to two (2) scheduled performances per night on weekdays and one (1) to three (3) scheduled performances per night on Saturdays and Sundays,
- 4) it will serve alcohol during scheduled performances only and only to ticket holders, and
- 5) it will designate an employee to oversee patron noise and congestion on the sidewalk.

Hanvik: Questioned whether this activity is allowed in a city-owned cultural facility.

Militano: There is already a comedy club. And there are other city-owned facilities with a license.

30. North River (Parlor Restaurant LLC), 166 1st Ave btwn E 10th & E 11th Sts (op)

VOTE: Understanding that this is a sale of assets of a preexisting restaurant with a full on-premise liquor license, Community Board #3 moves to deny the application for a full on-premise liquor license for Parlor Restaurant LLC, with a proposed business name of North River, for the premise located at 166 First Avenue, between East 10th Street and East 11th Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that

- 1) it will operate as a full-service American restaurant, with a kitchen open and serving food during all hours of operation,
 - 2) its hours of operation will be 11:00 A.M. to 1:00 A.M. Sundays through Thursdays and 11:00 A.M. to 2:00 A.M. Fridays and Saturdays,
 - 3) it will close any façade doors and windows at 10:00 P.M., and
 - 4) it will play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged.
31. Two-Bit's Retro Arcade (Doustan Development Corp), 153 Essex St btwn Stanton & Rivington Sts (up/op)

VOTE: **WHEREAS,** Doustan Development Corp is seeking a change in class of its existing beer wine license to a full on-premise liquor license, for its vintage video arcade and tavern, doing business as Two-Bit's Retro Arcade, for the premise located at 153 Essex Street, between Stanton Street and Rivington Street; and

WHEREAS, this applicant was originally approved by Community Board #3 in August of 2012 provided it make as conditions of its license a stipulation that 1) it would operate as a vintage video arcade, serving food during all hours of operation, 2) its hours of operation would be 4:00 P.M. to 2:00 A.M. all days, 3) it would maintain a closed fixed façade with no open doors or windows, 4) it would play ambient background music only, consisting of recorded music, and would not have DJs, live music, promoted events or events at which a cover fee would be charged, 5) it would employ at least one (1) security guard daily, from 7:00 P.M. to closing, and 6) it would install additional soundproofing, if needed, and

WHEREAS, Community Board #3 believes that this location is within two hundred (200) feet of a school, to wit P.S. 20, because a report on the SLA website calculates the distance between this location and said school as one hundred twenty (120) feet and the LAMP map on the SLA website indicates that the distance is one hundred sixty-eight point sixty-seven (168.67) feet; and

WHEREAS, per the SLA website, there are at least twenty-nine (29) full on-premise liquor licenses within five hundred (500) feet of this location; and

WHEREAS, this business has only been operating for six (6) months; now

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the change in class of the beer wine license of Doustan Development Corp., doing business as Two-Bit's Retro Arcade, for the premise located at 131 Essex Street, between Stanton Street and Rivington Street.

Kostik: Questioned the relevance of the inaccurate address in the hearing and it's impact on the measurement from PS 20.

Millitano: Measured distance between the establishment and PS 20 was less than 200 feet. They have only been open six months and is within 500 feet of 29 licenses.

32. Bruno Pizza LLC, 204 E 13th St btwn 2nd & 3rd Aves (op)

VOTE: To deny the application for a beer wine license for Bruno Pizza LLC, for the premise located at 204 East 13th Street, between Second Avenue and 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 Italian restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 11:30 A.M. to 2:00 A.M. all days,
- 3) it will maintain a closed fixed façade with no open doors or windows,
- 4) it will play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 5) it will install soundproofing, and
- 6) it will not commercial use any outdoor areas.

33. To be Determined, 100 Stanton St (wb)

VOTE: To deny the application for a tavern wine license for a corporation to be determined, with principal Nick Morgenstern, for the premise located at 100 Stanton Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that

- 1) it will operate as a coffee shop cafe, serving food during all hours of operation,

- 2) its hours of operation will be 8:00 A.M. to 11:00 P.M. all days,
- 3) it will close any façade doors and windows at 10:00 P.M.,
- 4) it will not commercially use any outdoor areas,
- 5) it will not seek a change of class of its liquor license to a full on-premise liquor license, and
- 6) 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

Community Board #3 is approving this beer wine license although this is a location in an area with numerous licensed premises because 1) this location was previously operated as a coffee shop café with daytime operating hours and this business would return such a service to the community, 2) the applicant has early closing hours, 3) the applicant has successfully operated another licensed business in the area and 4) the applicant has entered into a memorandum of understanding with the L.E.S. Dwellers, the local residents association (attached hereto).

34. For Play, 120 Orchard St (op)
no vote necessary

35. Breakroom (M&C Food & Beverage LLC), 83 Baxter St (wb)
withdrawn

38 YES 1 NO 0 ABS 0 PNV MOTION PASSED (SLA 6)

30 YES 8 NO 1 ABS 0 PNV MOTION PASSED (SLA 10)

38 YES 1 NO 0 ABS 0 PNV MOTION PASSED (SLA 13)

39 YES 0 NO 0 ABS 0 PNV MOTION PASSED (remaining SLA items)

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

Waterfront Subcommittee

1. DockNYC: preview programming at Pier 36, present BillyBey as single operator for berthing sites

VOTE: Whereas, CB3 and the general public has participated in numerous waterfront planning initiatives, such as CB3's own waterfront planning process with EDC, the MBPO's Blueway study, City Planning's Vision 2020 Waterfront Plan, et al;

Whereas, previous RFPs and proposals by EDC have come before the CB3 Waterfront Subcommittee in good faith to discuss rationale and impacts of any decisions before moving ahead;

Whereas, the Thursday June 13, 2013 meeting was the first time CB3 has been informed of the decision to bring in a docking operator for Pier 36;

Whereas, all public plans have indicated a desire by the community for low to no cost waterfront access for kayaking and fishing at those locations;

Whereas the waterfront vendor appeared before the Waterfront Committee to ask for programming preferences, but not present any options and or explanation of what is possible, so

Therefore, be it resolved that CB3 asks that EDC come before the Waterfront Subcommittee in July 2013 to give a more detailed background of the RFP process and envisioned programming, such as outreach for the RFP in the community and intent of how revenue from the docking will be used.

Yu: Asked

2. Hester St Collaborative: update on the progress of the Paths to Pier 42 interim use project
no vote necessary

Parks Committee

1. FY '15 District Needs Statement & Budget Consult Agenda
no vote necessary

2. Proposed three sculptures of dancers, made of steel and painted brightly for the East River Park promenade for the end of June to November 2013
no vote necessary

3. First Park (33 E 1st St) proposal for temporary art project

VOTE: CB3 supports the First Park (33 E 1st St) two proposals for the 12x12 Project temporary art installation, as well as the Urban Forest temporary art installation.

4. Abe Lebewohl Park -- upcoming summer events and Stuyvesant Street Block Association care of park
no vote necessary

5. Children's Magical Garden -- request for support for permanent status and: 1- immediately transfer the 2/3 of the community garden under this agency into Parks GreenThumb and 2- offer a swap to the developer

VOTE: Whereas, Children's Magical Garden is located at 129 Stanton Street (Block 354 lot16, 18 &19) and is a beloved community garden that has served the Lower East Side for 31 years; and

Whereas, in 1982 committed local community residents, after the burning down of the previously existing housing, cleared the rubble, garbage and chased the drug dealers off the block; and

Whereas, community residents started the Children's Magical Garden as a children's community garden; and

Whereas, collaborative gardening projects provide free mentorship and nature-based education for hundreds of children growing their own food; and

Whereas, the community garden provides community composting and water runoff mitigation; and

Whereas community gardeners work currently and for many years with four adjacent schools: P.S. 20, Marta Valle High School, School for Global Leaders, Lower East Side Prep High School, and many other educational after school programs, and the Community Board has received support letters from the principals of all four schools asking for this resolution, as well as many support letters from principals of previous years, teachers and students; and

Whereas the Lower East Side below Houston Street has well below the open space planning goal established for NYC of 2.5 acres per 1,000 residents; and

Whereas, 2,500 community members have signed a petition, the majority from zip codes surrounding the community garden, asking for support of this resolution; and

Whereas, on May 15th, 2013, the developer Serge Hoyda, citing insurance reasons, installed a fence that goes through the vegetable beds of the children, preventing children and community gardeners from accessing roughly one half of the garden, and

Whereas, the developer maintained the fence even after he had been named as an additional insured by a liability policy taken out by the Children's Magical Garden, and indemnified by the Garden for accidental liabilities; and

Whereas, the developer has received calls and letters from Councilmember Chin and Speaker Quinn requesting that he take down the fence but has still refused to do so; and

Now therefore be it resolved, that Community Board 3 very strongly favors a proposal to the extent possible to preserve the whole community garden at its present location by transferring two (2) city-owned lots (Block 354 lots 16 & 18) from HPD to Parks GreenThumb and local elected official spearhead negotiations to acquire the privately owned middle lot for the same purpose.

Crane: If we mention we want the city to engage in negotiations, the city may not transfer the lots.

Hewitt: Speaker Quinn's name is in the resolution as supporting the gardens, but she did not fight with us when trying to fight for more open space. The city will not negotiate with a private developer for the lot.

6. New Yorkers for Parks request to endorse their Parks Platform 2013

VOTE: Whereas, New Yorkers for Parks (NY4P), the citywide independent organization championing quality parks and open spaces for all New Yorkers in all neighborhoods, is undertaking a campaign during the 2013 New York City election year to make parks a priority among Mayoral and City Council candidates running for office in 2013, and

Whereas the NY4P 2013 Parks Platform calls upon the next Mayor and Administration to:

OVERHAUL HOW THE PARKS DEPARTMENT IS FUNDED.

- 1) The Parks Department should have its own discretionary capital budget.
- 2) The Parks Department's maintenance budget should be increased, and funding for core functions should be baselined – meaning automatically renewed – in its annual expense budget.
- 3) The Parks Department provides an essential city service and should be staffed accordingly.

INCREASE THE TRANSPARENCY AND EFFICIENCY OF THE PARKS DEPARTMENT TO ENSURE EQUITABLE DISTRIBUTION OF RESOURCES.

- 4) The Parks Department should know the cost to maintain every City park, as well as the amount of public and private funding that supports each.
- 5) The Parks Department should adopt the best practices of other capital projects agencies to improve its own process.
- 6) Organizations in public-private partnerships with the Parks Department should report annual revenues, expenses and other critical financial information in a simple, consistent manner to be shared on the Department's website.

RESTRICT AND STRONGLY REGULATE THE PRIVATIZATION OF PARKLAND.

- 7) Parkland alienation should not occur unless no other land is available to serve an essential public need.
- 8) State and local laws regulating parkland alienation should be strengthened to require earlier and broader notification of alienation actions, and to mandate acre-for-acre replacement of lost parkland.

INTEGRATE PARKS PLANNING INTO NEIGHBORHOOD, CITYWIDE AND RESILIENCY PLANNING.

- 9) Parks are part of a broad network of public spaces, and City agencies should collaborate to maximize neighborhood open space and citywide environmental benefits.
- 10) The City should be more proactive in involving neighborhood residents in their parks, both as volunteer stewards and in planning for the future, and increase access with multilingual signage.

and,

Whereas, Community Board 3 shares NY4P's interest in raising awareness in this election year about the importance of parks to the residents of this and all other New York City communities, and understands how undervalued our parks are in government funding and policy making, so

Therefore, CB 3 adds its name as an endorser of NY4P's Parks Platform 2013.

7. Modification of Block Party regulations: applications to be heard by committee for first 2 years only unless complaints (auto-approval for other applications)
VOTE: CB3 approves the Modification of Block Party regulations, so that applications are to be heard by committee for first 2 years only unless there are complaints; otherwise auto-approval for other applications by the CB3 office.

8. Thurs evening films in Tompkins Square Park
no vote necessary

9. Report from Landmarks Subcommittee

VOTE: CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN

14-3924 – Block 164, Lot 37, 25-29 Mott Street – Former Zion English Lutheran Church, Church of the Transfiguration-Individual Landmark--A Georgian Gothic style church built in 1801. Application is to legalize the installation of canopies, and to install art work.

Whereas, The Church of the Transfiguration was built in 1801 of native fieldstone in the Georgian-Gothic style; and

Whereas, it represents a type of church that was very popular at the beginning of the Nineteenth Century, of which few examples remain; and

Whereas, the 1966 Landmarks Designation Report notes that it represents a good expression of masonry construction and that it is one of the finest ecclesiastical buildings of its time; and

Whereas, with regard to the proposed installation of art work, the proposed scrim is intended to provide a central visual point when viewed from up the street, and

Whereas, the scrim is made of anodized, pearl-colored aluminum, and

Whereas, the scrim is to be attached to the existing shelf holding the statue of Felix Varela and not to the stonework, and

Whereas, the placement of the scrim is such that it will not detract from the front facade of the church, and

Whereas, with regard to the legalization of the existing awnings, installed without a permit, said awnings were installed some time ago. We find that they obscure the windows and the front door, thereby obstructing the view of the church facade, and

Whereas, the church agrees to supply architectural renderings and material samples for replacement awnings to be made of a transparent material to be anchored through the masonry joints in order to protect the precious fieldstone blocks, so

Therefore be it resolved that CB3 approves the installation of artwork --an anodized, pearl-colored aluminum scrim—in the corner between the Church of the Transfiguration and the school building at 29 Mott Street, to be anchored by the existing platform, and

Be it further resolved that CB3 opposes legalization of the existing awnings, preferring replacement awnings utilizing a transparent material, designed in such a way as to enhance the view of the historic church from the street.

- 10. Report from Waterfront Subcommittee
no vote necessary

Block Parties

- 11. Sara Curry Day, 10/5, St Marks Place (First Ave & Ave A)

VOTE: CB3 supports the block party Sara Curry Day, 10/5, St Marks Place (First Ave & Ave A).

38 YES 0 NO 0 ABS 1 PNV MOTION PASSED (Parks 5)
38 YES 0 NO 0 ABS 1 PNV MOTION PASSED (Parks 6)
38 YES 0 NO 0 ABS 1 PNV MOTION PASSED (Parks 11)
39 YES 0 NO 0 ABS 0 PNV MOTION PASSED (remaining Parks items)

Land Use, Zoning, Public & Private Housing Committee

- 1. FY'15 District Needs Statement & Budget Consult Agenda
no vote necessary
- 2. [Text Amendment: The proposed Flood Resilience Text Amendment modifies zoning to enable buildings to meet the latest flood zone requirements, removes additional impediments to flood-resistant construction, modifies regulations to mitigate potential negative effects of flood-resistant construction on the streetscape and public realm, CB3 Powerpoint Presentation](#) (click links for more info)

VOTE: WHEREAS, CB 3 was presented with the proposed Flood Resilience Text Amendment at it June Committee meeting, and

WHEREAS, the zoning text amendment is a very important, detailed, and complex amendment that will have great impact on CB 3, and

WHEREAS, DCP offered an informational session to the public the previous month, but community boards were not notified that this meeting would be necessary prerequisite for the committee presentation and in fact would not allow the committee as a whole to use its combined expertise to respond to the amendment and request further necessary information, and

WHEREAS, the committee has not had sufficient time to review and consider such a complex plan, and public safety, as well as commercial viability are among our major concerns, and

WHEREAS, it is this board's concern that those developers who opt in to this plan may be able to increase bulk to their structures that can severely alter the characteristics of architecture in the neighborhood, so

THEREFORE, BE IT RESOLVED that, fully understanding the urgency of this amendment, we ask City Planning to postpone consideration of this plan as it relates to higher density neighborhoods until more information and a clearer explanation is provided so that we have more time to consider the total effects on our community and its high density areas.

- 3. Request for support for Public Housing Disaster Preparedness Act of 2013 -- A bill to require PHAs to develop

- & implement disaster response & relief plans to protect assets and assist tenants for natural disasters
withdrawn
- 4. Safely Sheltering Disaster Victims Act of 2013 to increase the number of tenant-based rental assistance vouchers made available for low-income families displaced by Hurricane Sandy
withdrawn
- 5. Raising Employment in Affordable Communities and Homes (REACH) Act of 2013 -- To improve the implementation and oversight for the program under section 3 of the Housing and Urban Development Act of 1968 for training and hiring requirements for public housing, Indian housing assistance, and housing and community development programs
withdrawn
- 6. Community Learning School: Discussion for community use option for CHARAS (old PS 64) 605 E 9th Street
withdrawn

Li: Update on NYCHA infill – There are demonstrations and letters in opposition to infill moving forward. There have been a number of information sessions. Working with elected officials to increase transparency of NYCHA. NYCHA is maintaining a July 1 RFP release.

Hanvik: Asked where he could find information on the issues.

Li: The three community boards involved are putting together their own website.

Hewitt: Asked whether legal action has been taken

Li: Legal aid has yet to be presented with a defensible claim.

Pedroza: There are three suits regarding NYCHA maintenance compliance.

Li: Last month we passed a resolution on CB3's position on the NYCHA infill. We have revised the language to make it stronger – the revised resolution will be introduced as Old Business.

38 YES 0 NO 0 ABS 1 PNV MOTION PASSED (Land Use 2)

39 YES 0 NO 0 ABS 0 PNV MOTION PASSED (remaining Land Use items)

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

- 1. FY'15 District Needs Statement & Budget Consult Agenda
no vote necessary
- 2. Update on Fellow project: Inventory & analysis of senior services
no vote necessary
- 3. Planning for a school on SPURA site
no vote necessary
- 4. Support for Manhattan Boro Board resolution for the 2013 GED Campaign to Finish and calls on City agencies and partners to connect eligible New Yorkers to GED preparation programs and testing to maximize the number of GED passer before the changes in 2014

VOTE: WHEREAS, the GED® exam is being phased out in New York as the primary pathway to a high school equivalency (HSE) diploma. Starting in January 2014, New York will use a new HSE exam that will phase in higher standards and computer-based testing; and programs and students need support to prepare for this major transition.

WHEREAS, New York City's current FY2014 budget plan includes no city funds for DYCD's community-based adult literacy services, which risks closing classroom doors to nearly 7,000 New Yorkers who want to earn a high school equivalency diploma and improve their literacy skills and employment prospects.

WHEREAS, New Yorkers who have passed some but not all sections of the GED® exam must finish the exam in 2013, or they will lose their earlier scores and have to start over with the new test in 2014.

WHEREAS, the Fund for Public Advocacy, with a coalition of partners, has launched the GED® Campaign to Finish to reach and engage 3,000 young adults who have begun the GED® preparation and testing process and support successful 2013 GED® completion for at least 2,000 individuals.

WHEREAS, adult literacy programs offer a high return on investment: for less than \$1,000 per student, adult learners become more prepared for the workforce, parents can better help children in school, young adults get back on track to educational and career advancement, and immigrants gain English language skills; and every high school credential earned generates \$324,000 in net benefits for the city.

WHEREAS, the need for adult literacy services in New York City is tremendous, with 1.2 million adults without a high school credential; 1.8 million adults lacking English proficiency; and 170,000 young adults ages 16 to 24 who are neither in school or working. The new federal policy of Deferred Action

for Childhood Arrivals (DACA) is expected to further increase demand for adult literacy as an estimated 16,000 applicants in New York City strive to meet the educational criteria;

THEREFORE BE IT RESOLVED that CB 3 supports adult literacy education in New York City; and calls on Mayor Bloomberg and the City Council to reach a FY2014 budget agreement that restores \$5.2 million for DYCD's Adult Literacy programs, \$1.5 million for the City Council's Adult Literacy Initiative, \$4.0 million for the Immigrant Opportunities Initiative, and funds Speaker Quinn's Adult Education DACA Initiative to expand adult education program seats.

BE IT FURTHER RESOLVED that CB 3 supports the 2013 GED® Campaign to Finish and calls on City agencies and partners to connect eligible New Yorkers to GED® preparation programs and testing to maximize the number of GED® passers before the changes in 2014.

5. Presentation: Rosie's Theatre Kids: an arts education organization dedicated to enriching the lives of children through the arts
no vote necessary
6. Presentation: 72, Church Street School for Music and Art's creative arts and music program for teens
no vote necessary
7. PS 142 Attorney St kickball permit schoolyard complaints
VOTE: Resolution Requesting Review Process for Outdoor Extended Use Permits in CB 3 Schools

Whereas CB 3 has received continuing complaints of noise from sports games at night in DOE playgrounds, and

Whereas DOE has previously met with CB 3 because of problems caused by DOE rental of playgrounds at night to sports groups in densely populated residential areas, and

Whereas in September, 2012 CB 3 met with a DOE representative and community members who suffered impacts from Nike/Rivington Court and also kickball games, and

Whereas DOE has not addressed this problem nor made any changes in process to prevent this situation from reoccurring, and

Whereas CB 3 in the September resolution requested that DOE work with the community to reform extended use permit process with the objective to identify those permits that might impact the community and should have community input through the community board, so

Therefore be it resolved that CB 3 requests that DOE immediately meet with the community board to review all Lower East Side outdoor extended use permits for summer of 2013 that extend past 8:00 pm, and relocate those permits that will impact nearby residents, and also

Further be it resolved that CB 3 requests that DOE work with the community board to have an ongoing review of outdoor permits for CB 3 that extend past 8:00 p.m. for the purpose of locating sports activities in appropriate areas that will not impact residents.

8. NY Asian Women's Center & Mayor's Office to Combat Domestic Violence: Manhattan Family Justice Center: walk-in center for survivors of domestic violence and elder abuse
no vote necessary

39 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Economic Development

1. FY'15 District Needs Statement & Budget Consult Agenda
no vote necessary
2. Planning for business data survey
no vote necessary

Joye: This Saturday at 3:00PM we will conduct a business data survey.

Con Ed Task Force

1. Phase Two Funding -- 14 BC Greening Project
withdrawn
2. Updates on previously funded projects
VOTE: Cooper Square Committee

WHEREAS the Cooper Square Committee ("CSC"), a 501c3 non-profit organization formed in 1959, applied for and was awarded \$65,000 in Con Edison Settlement Funds to fund a program to assist Housing Development Fund Corporations ("HDFCs") with energy conservation work, and

WHEREAS CSC had identified three census tracts closest to the Con Edison 14th Street plant in which it would target its work, with the southernmost boundary being East 6th Street, but has also been assisting a low income HDFC on East 4th Street between Avenues C and D that experienced boiler damage from Hurricane Sandy, and

WHEREAS CSC has successfully enrolled this HDFC in the Weatherization (WAP) and EmPower NY programs, working in partnership with Northern Manhattan Improvement Corp., and collected the income eligibility forms from the shareholders to qualify the building for the programs, and the building will be getting almost \$80,000 in renovation work done in the coming months, and

WHEREAS the \$65,000 grant to CSC allocated \$35,000 for personnel and \$30,000 for capital funds to re-grant to HDFCs that take on weatherization work (including installing gas fired boilers), and CSC seeks to grant the HDFC up to \$6,000 to assist it putting up about \$39,000 in matching funds for the WAP program, and

WHEREAS the Con Edison Task Force has reviewed the request and finds that it is consistent with the intent of the CSC application for Settlement Funds that was approved by the Community Board in January 2012,

THEREFORE the Community Board approved the expansion of the CSC project area to south two blocks to East 4th Street, east of Avenue B.

3. Fall 2013 Funding Cycle Revised Guidelines and Calendar

VOTE: Resolved, Community Board #3 adopts the following Guidelines for the Fall 2013 Funding Cycle for Proposals to Use Con Edison Settlement Fund Monies:

**Guidelines to Submit Proposals for Community Board 3 Consolidated Edison
Settlement Funds
(REVISED June 2013)**

NEXT SUBMISSION DEADLINE, FOR FALL 2013 FUNDING CYCLE:

- **FOR MANDATORY LETTER OF INQUIRY (IF APPLICABLE): SEPTEMBER 10, 2013**
- **FOR FULL PROPOSALS: OCTOBER 7, 2013**
- **DEADLINES ARE 4 PM TO PERMIT PROMPT DISTRIBUTION OF MATERIALS TO TASK FORCE MEMBERS.**

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

What we are looking for. Proposals that:

- Benefit residents of the area around the plant and prioritize air quality improvement effort closest to the plant.
- Prioritize benefits to air quality, health and safety, consistent with the nature of the Article X involvement of the community.
- For the Fall/Winter 2012/2013 funding cycle, CB3 is seeking proposals that primarily seek to ameliorate air quality, health and/or quality of life problems in the vicinity of the Con Ed plant. **Proposals that are primarily educational, research or outreach in nature are not being sought.**
- Projects led by or that engage with local organizations with a strong connection to the CB3/CB6 areas, and projects that provide for local resident involvement and employment.
- Achieve measurable goals related to improvement in the environment.
- Proposals must be for projects that are fully scoped and for which the proposer has already received written external bids or estimates for any significant work or services being procured outside the organization. Relationships with any partners outside the proposer's organization must be established prior to the proposal being made. Funds cannot be reallocated once a project is approved.
- Funding Amounts: Initial funding amounts will be in the range of \$50,000-\$150,000 (though exceptions can be made for strong proposals that demonstrate a greater need). Proposals in excess of \$175,000 MUST first be submitted as a letter of inquiry before a proposal may be submitted (see "Letters of Inquiry" below).

Projects outside Manhattan CB3 and CB6 will NOT be considered.

Proposal content -- limit to 10 pages:

- Written description including goals, activities, leadership, how proposed project fits in organizational mission.
- Timeline.
- Deliverables including measurement of impacts if applicable.
- Detailed project budget. All elements of your proposal must be scoped and budgeted. Proposers are encouraged to identify their own sources of contingency funding if needed for their project. Requests for contingency funds for a project will receive close scrutiny and proposals must identify how such funds will be applied if not ultimately used for the project. Phased projects must have separate budgets for each phase and will be subject to additional review prior to release of funds for each stage after the first.
- Identify other funding that has been or is being sought for this project. Describe how your project will be sustainable after receiving funding from the Settlement Fund. Documentation of additional funding may be required by the Task Force.
- Description of organization including form of incorporation, history, annual budget, and audited financial statements. Audited financial statements will not be counted towards the 10 page limit.
- Tax ID numbers will be required of successful applicants.

Evaluation criteria:

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

Process/timeline

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

Letters of Inquiry

While proposals will not be accepted outside of the two annual cycles, interested parties may at any time submit a brief (2-3 page) letter of inquiry to ascertain on a preliminary, non-binding basis whether their project fits the general goals of the Settlement Fund. Feedback from the Task Force will be entirely informal and will in no way create a presumption that an eventual proposal would be recommended for funding. As noted above, any planned proposal in excess of \$175,000 MUST first be submitted as a Letter of Inquiry.

Submissions

- Submissions should be made by email to the Community Board 3 office, which will distribute them to the Task Force members. The email address to submit to is:

conedsettlementfund@cb3manhattan.org

37 YES 0 NO 0 ABS 2 PNV MOTION PASSED

Old Business

- Amended NYCHA infill resolution
VOTE: Whereas Community Board 3 ("CB 3") possesses five of the developments in the current New York City Housing Authority ("NYCHA") Land Use Plan, known as the "Infill Plan," and its related Request For Proposal ("RFP"); and

Whereas a super majority of these developments (4) oppose the Infill Plan; and

Whereas CB3 has not received answers to questions about the in-fill plan that were sent to NYCHA two months in a row; and

Whereas the Infill Plan and process are not considered viable due to the lack of a transparent public process; and

Whereas because the RFP is not subject to a Uniform Land Use Review Procedure ("ULURP"), CB3 has asked to open up the RFP process to include meaningful community engagement and to slow down the timeline to allow for this engagement; and

Whereas there is legislation in the NY State Legislature to require NYCHA properties to go through a ULURP process for the Infill Plan; and

Whereas resolutions are pending in the New York City Council that call for stopping payments to the New York Police Department for services to NYCHA properties and halting the issuance of an RFP to allow for a more open process that engages the public; and

Whereas the Manhattan Borough President has engaged in dialogue with the Bloomberg administration and proposed that NYCHA follow the City of New York's ULURP; so

Therefore be it resolved, that Community Board 3 supports the NYS legislation that would require NYCHA land disposition to be subject to ULURP in the New York State Legislature; and

Be it further resolved, that Community Board 3 supports the City Council resolutions that calls for stopping payments to the NYPD for services to NYCHA properties and also halting the issuance of an RFP to allow for a more open process that engages the public and

Be it further resolved, that Community Board 3 supports the Borough President's call for NYCHA to follow the ULURP; and

Be it further resolved, that Community Board 3 opposes the current Infill Plan based on the lack of public process buy NYCHA as well as the absence of any response to Community Board 3's questions.

39 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Members Present at Last Vote:

David Adams	[P]	Vaylateena Jones	[P]	Thomas Parker	[A]
Dominic Berg	[P]	Meghan Joye	[P]	Teresa Pedroza	[P]
Karen Blatt	[P]	Lisa Kaplan	[P]	Carolyn Ratcliffe	[P]
Justin Carroll	[P]	Carol Kostik	[P]	Joyce Ravitz	[A]
Jimmy Cheng	[A]	Ben Landy	[P]	Carlina Rivera	[P]
MyPhuong Chung	[P]	John Leo	[P]	Jamie Rogers	[P]
David Conn	[A]	Ricky Leung	[P]	Richard Ropiak	[P]
David Crane	[P]	Gigi Li	[P]	Susan Scheer	[P]
Morris Fajtelewicz	[P]	Alysha Lewis-Coleman	[P]	Nancy Sparrow-Bartow	[P]
Flora Ferng	[A]	William LoSasso	[P]	Wilson Tang	[A]
Shoshannah Frydman	[A]	Chad Marlow	[P]	Elinor Tatum	[L/A]
Gloria Goldenberg	[P]	Bernard Marti	[P]	Rodney Washington	[P]
Jan Hanvik	[P]	David McWater	[A]	Julie Ulmet	[P]
Ayo Harrington	[P]	Penina Mezei	[P]	Josephine Velez	[P]
Herman Hewitt	[P]	Alexandra Militano	[P]	Justin Yu	[A]
Anne Johnson	[P]	Chiun Ng	[P]	Thomas Yu	[P]
Linda Jones	[P]	Ariel Palitz	[A]		

Meeting Adjourned