



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

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Gigi Li, Board Chair

Susan Stetzer, District Manager

October 2013 Full Board Minutes

Meeting of Community Board #3 held on Tuesday, October 22, 2013 at 6:30pm at PS 20, 166 Essex Street.

Public Session:

- David Czyzyk: Farewell (leaving the Borough President's office to work at Deputy
- James French: Project Contact (substance abuse program) is moving locations
- Add Mitcheltree: Promoting Toys for Tots program is available on the computer and US Marines will be distributing the toys.
- Rick Del Rio: Pledges his support to the community.
- Monica Harris: Announcing the Arts Jobs Training Program through the Clemente Soto Velez Cultural Center. Organizations and youth that participate in the jobs program will be paid.
- Gaspar Caro (LESEN coordinator): is hosting a construction jobs training October 30 from 6:00-8:00 at 301 Henry St.
- Chad Marlow (President of Tompkins Square Park Association): Thanked Community Board 3 for help with slow zones implementation in the East Village and accelerating the process. Thanked elected officials for their work on the project.
- Vaylateena Jones (Lower East Side Power Partnership): Community Night Thursday, November 7 and will be presenting a panel of elected officials on lessons learned from Sandy. NYCHA has a website that residents can go to in order to get information on resources for special needs residents. We need to find another ways to distribute this information
- Joanna Fantozzi (Reporter for Our Town Downtown):
- Diem Boyd: Thanking the Borough President for their support

Public Officials:

Mayor Michael Bloomberg, Pauline Yu: Not in attendance

Public Advocate Bill de Blasio, Phil Jones: Not in attendance

Comptroller John Liu, Alice Cancel: Not in attendance

Borough President Scott Stringer, Jessica Silver: David Czyzyk has left our office and people can reach me with questions.

Congressmember Carolyn Maloney, Victor Montesinos: Not in attendance

Congressmember Nydia Velazquez, Iris Quinones: Not in attendance

Assembly Speaker Sheldon Silver, Zach Bommer: E-Waste event (October 28th) on Grand St. The other event is a CUNY College Fair.

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

Assemblymember Brian Kavanaugh: We had a very expensive run-off election and we should have instant run-off on the ballot. The November election will have six-point font. We have an election-night procedures bill that will hopefully mean your end-of-night experience is much smoother. There will be online results posted. We have requested to increase the NY Rising boundary. We prevailed on NYCHA to withdraw the Request for Proposal process and instead they have put forward a Request for Expressed Interest. We have drafted a letter asking NYCHA not to make a deal with developers before the transition of power in January. I passed a bill that will create an online method for finding local laws around the State.

Meghan Joye: I have a problem finding where/how Hurricane Sandy funds were distributed.

Kavanaugh: The best way to approach this is if you have particular needs or interests – we can figure out the sources of funds and where the funds were used.

State Senator Daniel L. Squadron, Mauricio Pazmino: We are working to expand the coverage of NY Rising. There is a meeting on October 30.

Vaylateena Jones: the boundary does not include the evacuation point of Seward Park High School nor does it include the Con Ed building.

State Senator Brad M. Hoylman, Enrique Lopez: We sent a letter to Santa Con saying they are ruining our neighborhood. Thirty Hurricane Sandy victims living in hotels were facing eviction, and we helped them avoid this. October 1 is the beginning of heat season.

Councilmember Margaret Chin, Matt Viggiano: October 15, we testified that students deserve better than overcrowded classrooms. Co-locations in University Neighborhood High School would be a disservice to students. Hosted a career-readiness workshops

Councilmember Rosie Mendez, Rosemarie Diaz: There have been changes to Section 8 HPD vouchers – people are getting down-sized. We have been working with parents of Neighborhood School and Star Academy as the School Construction Authority prepares to do reconstruction on the school. On November 21, at Meltzer Senior Center, there will be a Medicaid Forum.

Dominic Berg: The Councilmember's office have been working very hard to give children a place to play.

Members Present at First Vote:

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

Minutes:

Minutes of July 2013 were approved, as is.

36 YES 0 NO 1 ABS 0 PNV MOTION PASSED

Board Chairperson's Report:

Chairperson Gigi Li

1. Announcement of 2 new members: Mae Lee and Stephanie Dominici
2. NY Rising is an organization that looks to ways to reconstruct after Hurricane Sandy
3. Lower East Side Dwellers (the "Dwellers")
 - a. The decision to suspend the Dwellers was made by me after substantial discussion with the Executive Committee. The suspension does not mean a group is prevented from speaking at the SLA Committee or full Board meeting.
 - b. There were concerns raised by the NYC Corporation Counsel. Counsel advised that they find no fault in the process and the way the decision was made.
 - c. Several people have reached out about revising the process. Proposing that we revisit the policies in the Executive Committee, a recommendation be put forth in Executive Committee to make a resolution in the full Board meeting in November that will dictate our policy with respect to recognition and treatment of block associations going forward.

Chad Marlow: It is uncomfortable for us to speak out against the Executive Committee. This has not reflected favorably on this Community Board – people all over the city are outraged and confused. There is nothing in the City Charter or the Bylaws that permits the Chair to suspend a group. If the powers are not there, then the Chair cannot step into the void. It does not appear that there was a real hearing process prior to suspension. I am concerned on First Amendment grounds. It denies the ability of a group to assemble and speak as one voice. It also creates a chilling effect – this suspension says to other groups that if you speak to a certain group in a certain way then you cannot speak in our process. Speaking to the SLA and applicants in a lawful manner should not take away their rights. We should not be involved in grey areas of the First Amendment. I do not think the Board Chair had the authority to do what she did. The community and the City is looking to what we do. If we do nothing, this will be seen as an affirmation of the decision. [Read a motion that would revoke the suspension of the Dwellers]

Dominic Berg: There is nothing in the bylaws that discuss block associations or the Chair's power with respect to recognition. Asked Li to iterate the history of her discussions with the Dwellers.

Li: I had conversations with the President and members of the Dwellers on their conduct.

Ann Johnson: How is it that the Dwellers are considered to be a block association when their boundaries extend beyond a block? How did they get our private emails?

Li: Emails were not given by the Board office. According to the Dwellers' President, the emails were acquired through legal search mechanisms. A block association can apply to the district office.

Johnson: How can they get block association status when they encompass more than a block and they are a one-issue organization.

Ariel Palitz: Things are getting out of control in our SLA meetings. Everyone on this Board is devoted to the betterment of the community. There is a nightlife proliferation problem. Rejecting all new licenses is not a solution. We need to craft our community into something we can be proud of. I was video-taped in the SLA Committee meetings and have made several complaints. I was forced to say something because I no longer wanted to be intimidated. Denying applicants based solely on the location hurts us. I am appealing to common sense. There needs to be flexibility and respect. We are on the same side and have the collective power to redirect the cultural fabric of our neighborhood.

Lisa Kaplan: We will have a taskforce to take a look at how block association participation and suspension should be handled. As a member of the SLA Committee, I would like to know more about the suspension process.

Joyce Ravitz: Can we wait to have a motion to go further?

Johnson: You've taken the action and we are not taking any other action tonight? What was the action you took?

Li: I have taken action. Suspending the Dwellers means they will not be given advance notice of applicants (before the normal advance notice given to all community members) in order to meet with applicants before the SLA Committee meeting.

Meghan Joye: At the Executive Committee meeting, we heard from Gigi what the Dwellers had done and what the potential actions might be – and no one on the Executive Committee said anything. Block Associations are important and have a powerful impact on the SLA Committee – we need to be careful about how we treat them.

Jones: What was the suspension about?

Li: There are guidelines written by the board office for the conduct of block associations. I felt that the Dwellers did not adhere to the guidelines and I suspended them. I made the decision and believed I had the support of the Executive Committee.

Ayo Herrington: I feel uncomfortable about this situation. The Community Board has to have some idea of who people represent and that the geographic area the block association should be. People have a right to define themselves. We should agree on a process as a community board, not in the Executive Committee. There are many block-associations referrals that affect more than the SLA.

David Crane: There has been so much controversy over this, and we could go back to where we were eight months ago and end the referral process.

Linda Jones: Let's have a good discussion in November about this and not vote on anything hasty today.

William LaSasso: We will be voting on this as a full board in November.

Joye: You can define yourself however you want, but if you're going to work in the Community Board process, there need to be requirements. This is a block association issues.

Julie Ulmet: Given the concerns that have been raised, why is it so important to keep the Dwellers suspended.

Li: I will follow whatever process is agreed upon by full board.

Marlow: I don't want to invalidate any of the comments on the tactics, but the Borough President took the step to ask us to reconsider the suspension.

LoSasso: You can't add gravity to your motion based on the political motivations of the Borough President.

Jessica Silver (representative of Borough President Scott Stringer): Our office was contacted by the Dwellers. The law department found no legal fault, but that aside, the Borough President wrote a letter to the officers of CB3

Herrington: I'd like to be a part of the taskforce.

Berg: I would have made the same choice Gigi made. I often had to figure out what to do along the way when the bylaws did not provide guidance. The concerns at the Executive Committee were that this process impacted our effectiveness.

Rogers: The issue is about the referral process, and the process should be suspended for the month while we review it.

Johnson: This group should never have been recognized as a block association. Why are we punishing everybody because of one group that has held us hostage.

Susan Stetzer: We created this process to facilitate communication between applicants and community members.

Li: We must move forward. I wanted the opportunity to clarify misconceptions and to express that I have been unfairly attacked in the press. I have not been able to speak because I was advised by counsel not to speak.

District Manager's Report:

District Manager Susan Stetzer:

There was a meeting two weeks ago regarding casino buses and bus permitting. The meeting was set up by Council Member Chin's office and was attended by Offices of Assembly Member Silver, Senator Squadron and DOT. Casino buses were not considered when bus permitting legislation was passed. The elected officials will investigate whether they can be separated from interstate buses in the processes. Non-MTA buses are not responding to violations issued by the NYPD—the violations have become a cost of business. DOT will work with NYPD to start towing buses in violation.

I brought a motion to the Executive Committee to close Peter Cooper Park because of the bad rat problem. It will be closed for reconstruction and it is necessary to close it early and deal with rat problem. Currently, travelers with their dogs – people are using the park as a restaurant and a bathroom. The DOH has suggested that the park be closed for a period—otherwise, if rats are not controlled before reconstruction, the area will be overrun by rats when reconstruction starts. DDC is refusing to close the park early, we think they do not want to do a change agreement.

The Capital and Expense priorities are very similar to last year's order. The Executive Committee voted on it and we will discuss it if necessary. One note: Number 20 under Capital priorities, regarding McKinley Playground will be under construction for the next four years so this should be moved to the bottom.

Justin Yu: How do we find an answer to the Casino Bus problem in the Bowery/Division St area. Stetzer: We will need to go back to the drawing board. We had a potential solution, but it turned out to be a problem for the school.

Committee Reports:

Executive Committee

1. Resolution to close Peter Cooper Park for extermination purposes

VOTE: Whereas CB 3 is an "urgent action required" area and currently has the highest finding of rat activity in Manhattan according the DOHMH rat indexing, and

Whereas Peter Cooper Park has a high level of rat activity according to DOHMH rat indexing, and

Whereas currently there are people in Peter Cooper Park every day all day and have been observed to use the park as both a kitchen and bathroom, and

Whereas DDC is currently baiting Peter Cooper Park once every two weeks, and

Whereas in the September 2013 walkthrough of the park with DDC and DOHMH, DOHMH stated that baiting once every 2 weeks was not sufficient, especially with competing efforts of park users that encourage increased rat activity, and

Whereas in the Sept 2013 rat walk through both DOHMH and DDC discussed that if the level of rat activity was not decreased before excavation, there would be a large movement of rats from the park in the immediate area, and

Whereas in the Sept 2013 walkthrough it was discussed and agreed that the most effective method of decreasing rat activity and impact on surrounding area would be to close the park before excavation and have intensive baiting as well as an ability to keep the park pristinely clean, and

Whereas Parks Department, as agreed that the park can be closed and

Whereas the CB has expressed desire to have a schedule of closing so that Homeless Outreach and NYPD precinct can coordinate and have sufficient time to work with homeless and try to encourage them to accept services,

So therefore CB 3 requests DDC to work with Parks and DOHMH and CB 3 to close the park early for intensive baiting and cleaning so that existing rats will not overrun the area during reconstruction and also to have time to offer services to homeless using the park.

2. FY '2015 Capital & Expense Priorities

VOTE: To adopt expense and capital priorities for FY 15 with modification to move capital item 20, McKinley Playground rehabilitate the comfort station, as the last item.

37 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding Exec item 1)

36 YES 0 NO 0 ABS 1 PNV MOTION PASSED (Exec item 1)

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

1. FY'2015 Capital & Expense Priorities

VOTE: To approve capital and expense budget priorities for FY 2015.

2. Presentation Police Athletic League

no vote necessary

3. Continue discussion and exploration of identified Youth & Education topics (see below) for possible inclusion in FY 2016's District Needs Statement

withdrawn

4. Topic 1: Discuss how to start identifying and tracking youth violence in CB 3

no vote necessary

5. Topic 2: Discuss school funding and policy issues pertaining to facilities for physical education, lack of small class size for students with disabilities, and space for mandated parental involvement

withdrawn

6. Topic 3: Learn more and hear from to be confirmed speaker(s) on youth aging out of foster care

withdrawn

7. Planning Fellow research re: requirements and questions for further research on healthcare needs including transition to the Affordable Care Act or impact of no Emergency Room or full scale hospital in CB 3

withdrawn

37 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Economic Development

1. FY'2015 Capital & Expense Priorities

no vote necessary

2. Introduction to Chinatown Partnership/Chinatown BID Director of communication/development and update on plans

no vote necessary

3. Next steps for Open Plans business survey data

no vote necessary

Con Ed Task Force

does not meet until October 29th

Transportation & Public Safety and Environment Committee

1. FY'2015 Capital & Expense Priorities

VOTE: To approve capital and expense budget priorities for FY 2015.

2. Placeholder—Ellen's on line questions withdrawn
3. Traffic safety issue: Bowery/Division/Catherine/Doyer intersection. Traffic flow in conflict with pedestrian safety

VOTE: WHEREAS, Bowery between Chatham Square and Canal Street is dangerous for pedestrians. Many accidents have occurred along this busy roadway, some resulting in death; and

WHEREAS, Crosswalks are provided at the corners of Division Street, Bayard Street and Canal Street and recently a center median was installed on the Bowery between Division St and Canal St to discourage jaywalking; and

WHEREAS, the section of the center median at Pell Street is not a raised median – it is painted safety zone with flexible plastic delineators, which is sufficient to prevent vehicles, but not pedestrians, from crossing the Bowery at Pell Street. This has no crosswalk but is used to cross to Confucius Plaza. In the last year, at least two accidents involving pedestrians have been reported at this location.

THEREFORE BE IT RESOLVED, that Community Board 3 asks the Department of Transportation consider the following potential resolutions, as well as any other potential resolutions, to alleviate the danger of people crossing midblock at Pell Street and also at the complex crossing at Division/Bowery/Catherine/Doyers

1. Install a substantial barrier such as fencing at mid-block crosswalk -intersection of Pell St/ Bowery
2. Program the traffic signal at Division/Bowery/Catherine/Doyer St as "Barnes Dance" so that all vehicles have a red light while pedestrians cross.

THEREFORE BE IT ALSO RESOLVED, that CB 3 requests that DOT return to CB 3 to report on results of these investigations and give their recommendation.

Bus Stop Applications

4. Z & D Tours, 59 Canal St

VOTE: WHEREAS, Z & D Tours has agreed to amend their application for a designated bus stop for curb-side loading/unloading operations located at 59 Canal St, and Z & D Tours will ask DOT to return to CB3 for input on the amended application. The original application said that buses would be providing service between New York and Richmond, Virginia with 2 arrivals/departures daily between the hours of 6:10 am and 5:00 pm. The applicant is actually requesting 3 arrivals/departures daily between the hours of 6:00 am and 9:30 pm; now

THEREFORE, BE IT RESOLVED, that CB3-Manhattan recommends that DOT reconsider the amended application for a permit for Z & D Tours to operate their bus service at a designated curbside bus stop at 59 Canal St, and resubmit to CB3 for our input.

5. Hong Yun Inc, opposite of 132 Madison St, east of Mechanic Alley, under the Manhattan Bridge

VOTE: WHEREAS, Hong Yun Inc. has applied for a designated bus stop for curb-side loading/unloading operations located opposite of 132 Madison Street, east of Mechanic Alley, under the Manhattan Bridge. The buses will be providing service between New York and North Wales and Hatfield, Pennsylvania with up to 1 arrival/departure daily between the hours of 12:30 am and 7:30 am; and

WHEREAS, the applicant has entered into an agreement with CB 3 to adhere to the following stipulations:

- Tickets will be sold only online, or at a designated ticket agency not on the street.
- Tickets will be sold only for specific boarding times and will not be oversold.
- Tickets will be sold in assigned boarding order system so that customers will not need to arrive early to jockey for positions.
- Sidewalk lines will be single file, and only for the next assigned bus.
- There will be a staff person on duty for every arrival and departure to guide loading / unloading, to have direct contact to dispatch to inform passengers of delays, and to engage in crowd and noise control.
- Trash bags will be used to collect litter and will be kept in storefront, or will leave with the bus.
- Staff will routinely clean up the sidewalk by bus stop.
- Buses will keep to schedules, which will be published online or printed, as much as possible.
- The number of buses at this stop will not exceed the stated number of buses per hour/per day.
- All buses purchased in the future will be equipped with diesel particulate filters and use ultra-low sulfur fuels, and will also be equipped with exhaust gas recirculation emission control technology; and

WHEREAS, CB 3 is concerned that the applicant would not agree to provide a storefront for the use of customers, so they may wait to board their bus and use the restroom facilities. This will inevitably cause crowds of passengers jockeying for position on the sidewalk, which will create nuisance and safety issues; now

THEREFORE, BE IT RESOLVED, that CB 3 Manhattan recommends that DOT issue a permit for Hong Yun Inc. to operate their bus service at a designated curbside bus stop opposite 132 Madison Street, east of Mechanic Alley, under the Manhattan Bridge, provided that the preceding list of stipulations agreed between the applicant and CB 3 will be attached to the DOT permit.

6. Pandora Travel Inc, 30 Pike St

VOTE: WHEREAS, Pandora Travel In.c has applied for a designated bus stop for curb-side loading/unloading operations located at 30 Pike St. The buses will be providing service between New York and Atlanta with up to 3 arrivals/departures daily between the hours of 10:30 am and 10:00 pm; and

WHEREAS, the applicant has entered into an agreement with CB3 to adhere to the following stipulations:

- Tickets will be sold only online, or at a designated ticket agency not on the street.
- Tickets will be sold only for specific boarding times and will not be oversold.
- Tickets will be sold in assigned boarding order system so that customers will not need to arrive early to jockey for positions.
- Sidewalk lines will be single file, and only for the next assigned bus.
- There will be a staff person on duty for every arrival and departure to guide loading / unloading, to have direct contact to dispatch to inform passengers of delays, and to engage in crowd and noise control.
- Trash bags will be used to collect litter and will be kept in storefront, or will leave with the bus.
- Staff will routinely clean up the sidewalk by bus stop.
- Buses will keep to schedules, which will be published online or printed, as much as possible.
- The number of buses at this stop will not exceed the stated number of buses per hour/per day.
- All buses purchased in the future will be equipped with diesel particulate filters and use ultra-low sulfur fuels, and will also be equipped with exhaust gas recirculation emission control technology; now

THEREFORE, BE IT RESOLVED, that CB3-Manhattan recommends that DOT issue a permit for Pandora Travel Inc. to operate their bus service at a designated curbside bus stop at 30 Pike St, provided that the preceding list of stipulations agreed between the applicant and CB3 will be attached to the DOT permit.

7. AA Bus Inc, 160 E Broadway

VOTE: WHEREAS, AA Bus Inc. has applied for a designated bus stop for curb-side loading/unloading operations located at 160 E Broadway. The buses will be providing service between New York and Chicago with up to 1 arrivals/departures daily between the hours of 10:00 am and 11:00 pm; and

WHEREAS, the applicant has entered into an agreement with CB3 to adhere to the following stipulations:

- Tickets will be sold only online, or at a designated ticket agency not on the street.
- Tickets will be sold only for specific boarding times and will not be oversold.
- Tickets will be sold in assigned boarding order system so that customers will not need to arrive early to jockey for positions.
- Sidewalk lines will be single file, and only for the next assigned bus.
- There will be a staff person on duty for every arrival and departure to guide loading / unloading, to have direct contact to dispatch to inform passengers of delays, and to engage in crowd and noise control.
- Trash bags will be used to collect litter and will be kept in storefront, or will leave with the bus.
- Staff will routinely clean up the sidewalk by bus stop.
- Buses will keep to schedules, which will be published online or printed, as much as possible.
- The number of buses at this stop will not exceed the stated number of buses per hour/per day.
- All buses purchased in the future will be equipped with diesel particulate filters and use ultra-low sulfur fuels, and will also be equipped with exhaust gas recirculation emission control technology.
- A storefront will be provided for the use of customers, so they may use the restroom facilities; and

WHEREAS, CB3 has a serious pedestrian safety concern about the precise location at 160 East Broadway, which is the northwest corner of East Broadway and Rutgers Street. We believe that the designated "No Standing" zone at 158 East Broadway was part of the installation of Safe Routes to

Schools safety improvements near Mesivtha Tifereth Jerusalem located at 141 E Broadway. Those improvements were approved by CB3 in May 2011. CB3 is also concerned about this location because many children cross at this corner to get to local schools and parks. CB3 recommends that DOT consider an alternate location further west on this block, not directly at the corner; now

THEREFORE, BE IT RESOLVED, that CB3-Manhattan recommends that DOT address CB3 concerns about the painted safety zone at the proposed location before issuing a permit for AA Bus Inc. to operate their bus service at a designated curbside bus stop at or near 160 E Broadway, provided that the preceding list of stipulations agreed between the applicant and CB3 will be attached to the DOT permit.

37 YES 0 NO 0 ABS 0 PNV MOTION PASSED

SLA & DCA Licensing Committee

1. FY'2015 Capital & Expense Priorities
no vote necessary

Renewal with Complaint History

2. IMOK, 247 Eldridge St op)
withdrawn
3. Il Bagatto, 192 E 2nd St (op)
withdrawn

Applications within Saturated Areas

4. Brownstone Lounge and Grill, 240 E 4th St btwn E 3rd & E 4th Sts (op) (aka 50 Ave B) (Affaire)
no vote necessary
5. JMMDR 127 Ludlow LLC, 127 Ludlow St btwn Rivington & Delancey Sts (op)
no vote necessary
6. To be Determined, 178 Ludlow St btwn E Houston & Stanton Sts (op)

VOTE: WHEREAS, Sweet Chick LES LLC is seeking a full on-premise license to operate a restaurant, for the premise located at 178 Ludlow Street, between East Houston Street and Stanton Street; and

WHEREAS, this is an application for a fried chicken and waffle restaurant with a certificate of occupancy of two hundred (200) people and proposed hours of operation of 11:00 A.M. to 4:00 A.M. all days; and

WHEREAS, although this location has been previously licensed, the building where this proposed business would be located is more than one hundred (100) years old and has never housed a restaurant with a ventilation system and kitchen; and

WHEREAS, this applicant has only seven (7) months experience operating a similar licensed business in Community Board #1 Brooklyn and furnished no documentation of the history of its existing business and, further, has no experience operating any business in this area; and

WHEREAS, this applicant has failed to consider how his proposed business plan will affect the building or area where it will be located and has failed to create a plan to address crowd control and noise issues that will result from the addition of its business; and

WHEREAS, this applicant has conceded that there are at least thirty-three (33) full on-premise liquor licenses within five hundred (500) feet of this location and there are actually fifty (50) liquor licensed establishments within a two (2) block radius of this location, ten (10) of which are on this block and at thirty-two (32) of which have full on-premise liquor licenses and 4:00 A.M. closing times; and

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

WHEREAS, this applicant furnished only thirty (30) signatures from area residents in support of this business, although this area is populated with residential and mixed use buildings; and

WHEREAS, residents of the building appeared before this community board to state that they are opposed to the granting of a full on-premise liquor license for a fried food restaurant with a closing time of 4:00 A.M. as this block is already heavily congestion with late noise and people; and

WHEREAS, this block 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 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 full on-premise liquor license for Sweet Chick LES LLC, for the premise located at 178 Ludlow Street, between East Houston Street and Stanton Street.

7. Yemma Bar Corp, 125 Rivington St btwn Essex & Norfolk Sts (op)
no vote necessary

8. Whynot Orchard LLC, 175 Orchard St btwn E Houston & Stanton Sts (op)

VOTE: WHEREAS, Whynot Orchard LLC is seeking a full on-premise license to operate a coffee wine cocktail cafe, with a proposed business name of Whynot Coffee, Wine & Cocktails, for the premise located at 175 Orchard Street, between East Houston Street and Stanton Street; and

WHEREAS, this is an application for coffee, wine and cocktail bar with a proposed certificate of occupancy of seventy-four (74) people, no kitchen, two (2) standup bars, proposed hours of operation of 7:00 A.M. to 1:00 A.M. Sundays through Thursdays and 7:00 A.M. to 2:00 A.M. Fridays and Saturdays and recorded and live music; and

WHEREAS, this is a previously unlicensed location which was formerly a clothing store; and

WHEREAS, this applicant has only five (5) months experience operating a similar business in Community Board #2 which has only had a beer wine license since September of 2013 and further, has no experience operating any business in this area; and

WHEREAS, there is no public benefit in the granting of a full on-premise liquor license for this location, in that there are numerous wine and cocktail bars in this area, numerous businesses which offer internet service and numerous art galleries and the applicant has stated without further explanation that it would like to serve specialty cocktails to its clients; and

WHEREAS, this applicant has conceded that there are at forty-one (41) full on-premise liquor licenses within five hundred (500) feet of this location and there are actually fifty (50) liquor licensed establishments within a two (2) block radius of this location; and

WHEREAS, this applicant only furnished forty-six (46) signatures in support of this business but conceded that approximately twenty-five (25) signatures are from surrounding businesses and, further, there are numerous residential units on this block including sixteen (16) residential units within this building; and

WHEREAS, residents of the street appeared before this community board to state that they are opposed to the granting of a full on-premise liquor license for a coffee, wine and cocktail bar as this area is already heavily congestion with late noise and people; and

WHEREAS, this block 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 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 full on-premise liquor license for Whynot Orchard LLC, with a proposed business name of Whynot Coffee, Wine & Cocktails, for the premise located at 175 Orchard Street, between East Houston Street and Stanton Street.

9. Spiegel (Spiegel Inc), 26 1st Ave @ E 2nd St (wb)

VOTE: To deny the application for a beer wine license for Spiegel Inc., with a proposed business name of Spiegel, for the premise located at 26 First Avenue, at the corner of First Avenue and East 2nd 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 Middle Eastern restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 8:00 A.M. to 12:00 A.M. all days
- 3) it will play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 4) it may apply for a sidewalk café permit for the East 2nd Street side of its business only but will not apply until it has been operating its business for at least one (1) year,
- 5) it will have a closed fixed façade with no open doors or windows,

- 6) it will not apply for any alteration in its method of operation without first appearing before Community Board #3,
 - 7) it will not seek an upgrade in class of its liquor license,
 - 8) it will not have "happy hours,"
 - 9) it will not host pub crawls or party buses,
 - 10) it will not have wait lines outside,
 - 11) it will install soundproofing, if needed, and
 - 12) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.
10. Maiden Lane (Yardbird LLC), 162 Ave B btwn E 10th & E 11th St (alt/wb/extend hours to 2am Sun-Sat)
- VOTE:** To deny the application for an alteration of the beer wine license for Yardbird LLC, doing business as Maiden Lane, for the premise located at 162 Avenue B, between East 10th Street and East 11th Street, to wit extending its closing hours to 2:00 A.M. all days and having a DJ once a month, 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 café wine bar, serving food during all hours of operation,
 - 2) its hours of operation will be 11:00 A.M. to 2:00 A.M. all days,
 - 3) it will play ambient background music only, consisting of recorded music, and may have a DJ once a month playing ambient background music, but will not have live music, promoted events, scheduled performances or any event at which a cover fee will be charged,
 - 4) it will close any façade doors and windows at 10:00 P.M. every night,
 - 5) it will not commercially operate any outdoor areas,
 - 6) it will not apply for an alteration of its method of operation without first appearing before Community Board #3,
 - 7) it will not host pub crawls or party buses,
 - 8) it may have happy hours to 6:00 P.M. every night,
 - 9) it will not seek an upgrade in class of its liquor license, and
 - 10) it will not have wait lines,
 - 11) it will employ a doorman or security, if needed, and
 - 12) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

Alterations

11. The Delancey (ADR Restaurant Inc), 168 Delancey St btwn Clinton & Attorney Sts (op/live music in basement only)
no vote necessary
12. Antler Dispensary Inc, 123 Allen St btwn Rivington & Delancey Sts (wb/extend hours Thur/Fri/Sat to 4am)
- VOTE:** To deny the application for an alteration of the beer wine license for Antler Dispensary Inc., doing business as Antler Beer and Wine Dispensary, for the premise located at 123 Allen Street, between Rivington Street and Delancey Street, to wit extending its closing hours to 4:00 A.M. Thursdays through Saturdays, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that
- 1) it will operate as a wine bar, serving food during all hours of operation,
 - 2) its hours of operation will be 10:00 A.M. to 2:00 A.M. Sundays through Wednesdays and 10:00 A.M. to 4:00 A.M. Thursdays through Saturdays,
 - 3) it will play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged, and
 - 4) it will have a closed fixed façade with no open doors or windows,
 - 5) it will not commercially operate any outdoor areas,
 - 6) it will not apply for an alteration of its method of operation without first appearing before Community Board #3,
 - 7) it will not host pub crawls or party buses,
 - 8) it will not have happy hours, and
 - 9) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

New Liquor License Applications

13. Fourthgen LLC, 127 Orchard St btwn Rivington & Delancey Sts (op)
- VOTE:** To deny the application for a full on-premise liquor license for Fourthgen LLC, for the premise located at 127 Orchard 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 full-service kosher-style dairy restaurant, with a kitchen open and serving food during all hours of operation,
 - 2) its hours of operation will be 8:00 A.M. to 12:00 A.M. all days,
 - 3) it will play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
 - 4) it will have a closed fixed façade with no open doors or windows,

- 5) it will not commercially operate any outdoor areas,
- 6) it will install soundproofing,
- 7) it will not apply for an alteration of its method of operation without first appearing before Community Board #3,
- 8) it will not host pub crawls or party buses,
- 9) it will not have happy hours,
- 10) it will not publicly display alcohol bottles in its restaurant, and
- 11) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints

Community Board #3 is approving this application for a full on-premise liquor license although this is a location in an area with numerous licensed premises because the applicant has a demonstrated commitment to this community in that it is the fourth generation of a family that has operated a one hundred (100) year old business on East Houston Street without complaints.

14. Yunnan Kitchen (The China Bull Noodle Shop LLC), 79 Clinton St btwn Rivington & Delancey Sts (upgrade to op)

VOTE: To deny the application to upgrade to a full on-premise liquor license for The China Bull Noodle Shop LLC, doing business as Yunnan Kitchen, for the premise located at 79 Clinton 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 full-service Chinese 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 12:00 A.M. Sundays through Thursdays and 11:30 A.M. to 2:00 A.M. Fridays and Saturdays,
- 3) it will play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 4) it will have a closed fixed façade with no open doors or windows,
- 5) it will not commercially operate any outdoor areas,
- 6) it will not apply for an alteration of its method of operation without first appearing before Community Board #3,
- 7) it will not host pub crawls or party buses,
- 8) it may have happy hours to 7:30 P.M. every night, and
- 9) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

15. 99 Cent Italian Taste Pizza, 174 Delancey St btwn Clinton & Attorney Sts (wb)

VOTE: To deny the application for a beer wine license for Rana Mouly Dutta Inc., with a proposed business name of 99 Cent Italian Taste Pizza, for the premise located at 174 Delancey Street, between Clinton Street and Attorney 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 pizza restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 9:00 A.M. to 12:00 A.M. all days,
- 3) it will not have music, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 4) it will have a closed fixed façade with no open doors or windows,
- 5) it will not commercially operate any outdoor areas
- 6) it will install soundproofing,
- 7) it will not apply for an alteration of its method of operation without first appearing before Community Board #3,
- 8) it will not host pub crawls or party buses,
- 9) it will not have happy hours, and
- 10) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

16. Mee Noodle Shop (Mee Enterprise Inc), 223 1st Ave btwn E 13th & E 14th Sts (wb)

VOTE: To deny the application for a beer wine license for Mee Enterprise Inc., with a proposed business name of Mee Noodle Shop, for the premise located at 223 First Avenue, between East 13th Street and East 14th 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 noodle 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 11:00 P.M. all days,
- 3) it will not have music, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 4) it will have a closed fixed façade with no open doors or windows,
- 5) it will not commercially operate any outdoor areas
- 6) it will install soundproofing,

- 7) it will not apply for an alteration of its method of operation without first appearing before Community Board #3,
- 8) it will not host pub crawls or party buses,
- 9) it will not have happy hours,
- 10) it will not have wait lines outside, and
- 11) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

17. Artichoke Basille's Pizza (Stanton Restaurant Associates LLC), 108 Stanton St @ Ludlow St (op)
withdrawn

18. To be Determined, 269 E Houston St (op)
withdrawn

19. The Egg Shop, 43 Canal St btwn Orchard & Ludlow Sts (op)

VOTE: To deny the application for a full on-premise liquor license for The Egg Shop LES LLC, with a proposed business name of The Egg Shop, for the premise located at 146 Orchard Street, between Orchard Street and Ludlow Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that

- 1) it will operate as a sandwich shop cafe, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 7:00 A.M. to 10:00 P.M. Sundays through Wednesdays and 7:00 A.M. to 11:00 P.M. Thursdays through Saturdays,
- 3) it will play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 4) it will close any façade doors and windows at 10:00 P.M. every night,
- 5) it will not commercially operate any outdoor areas,
- 6) it will install soundproofing, if necessary,
- 7) it will not apply for an alteration of its method of operation without first appearing before Community Board #3,
- 8) it will not host pub crawls or party buses,
- 9) it will not have happy hours,
- 10) it will not have wait lines outside, and
- 11) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints

20. To be Determined, 151 Rivington St (op)
withdrawn

21. Alegre (Alegre Orchard LLC), 146 Orchard St btwn Stanton & Rivington Sts (op)

THIS MOTION DID NOT PASS

VOTE #1: To deny the application for a full on-premise liquor license for Alegre Orchard LLC, with a proposed business name of Alegre, for the premise located at 146 Orchard 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 Mexican 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 2:00 A.M. all days,
- 3) it will play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 4) it will close any façade doors and windows at 10:00 P.M. every night,
- 5) it will not commercially operate any outdoor areas,
- 6) it will install additional soundproofing,
- 7) it will not apply for an alteration of its method of operation without first appearing before Community Board #3,
- 8) it will not host pub crawls or party buses,
- 9) it will not have happy hours,
- 10) it will not have wait lines outside, and
- 11) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints

Community Board #3 is approving this application for a full on-premise liquor license although this is a location in an area with numerous licensed premises because 1) this is a location which previously had a full on-premise liquor license with a business that closed at 4:00 A.M. all days, 2) the principals of this application have a collective eighty (80) years experience in the restaurant business, and 3) the applicant demonstrated significant support for this proposed business from its neighbors by providing one hundred seventy-three (173) signatures from nearby residents.

THIS MOTION PASSED

VOTE #2: To deny the application for a full on-premise liquor license for Alegre Orchard LLC, with a proposed business name of Alegre, for the premise located at 146 Orchard 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 Mexican 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 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,
- 4) it will close any façade doors and windows at 10:00 P.M. every night,
- 5) it will not commercially operate any outdoor areas,
- 6) it will install additional soundproofing,
- 7) it will not apply for an alteration of its method of operation without first appearing before Community Board #3,
- 8) it will not host pub crawls or party buses,
- 9) it will not have happy hours,
- 10) it will not have wait lines outside, and
- 11) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints

Community Board #3 is approving this application for a full on-premise liquor license although this is a location in an area with numerous licensed premises because 1) this is a location which previously had a full on-premise liquor license with a business that closed at 4:00 A.M. all days, 2) the principals of this application have a collective eighty (80) years experience in the restaurant business, and 3) the applicant demonstrated significant support for this proposed business from its neighbors by providing one hundred seventy-three (173) signatures from nearby residents.

22. To be Determined, 8 Extra Pl (op)
withdrawn

23. To be Determined, 17 Stanton St btwn Bowery & Chrystie St (op)

VOTE: To deny the application for a full on-premise liquor license for JBDP Stanton Corp., for the premise located at 17 Stanton Street, between Chrystie Street and Bowery, 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,
- 2) its hours of operation will be 12:00 P.M. to 12:00 A.M. Sundays, 5:00 P.M. to 2:00 A.M. Mondays through Fridays and 12:00 P.M. to 2:00 A.M. Saturdays,
- 3) its backyard will close no later than 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 close any façade doors and windows at 10:00 P.M. every night,
- 6) it will employ at least one (1) security guard Thursdays through Saturdays, from 10:00 P.M. to closing, to oversee patron noise and congestion on the sidewalk and otherwise designate an employee to perform this function on other nights,
- 7) it will not host pub crawls or party buses,
- 8) it may have "happy hours" to 8:00 P.M. every night,
- 9) it will not apply for any alteration in its method of operation without first appearing before Community Board #3,
- 10) it will not have wait lines outside, and
- 11) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints

24. Huertas (Molinero LLC), 107 1st Ave btwn E 6th & E 7th Sts (wb)

VOTE: To deny the application for a beer wine license for Molinero LLC, with a proposed business name of Huertas, for the premise located at 107 First Avenue, between East 6th Street and East 7th Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that

- 1) it will operate as a full-service Spanish restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be from 11:30 A.M. to 12:00 A.M. Mondays through Thursdays, 11:30 A.M. to 1:00 A.M. Fridays, 10:30 A.M. to 1:00 A.M. Saturdays and 10:30 A.M. to 12:00 A.M. Sundays,
- 3) it will play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 4) it will close any façade doors and windows at 10:00 P.M. every night,
- 5) it will not commercially operate any outdoor areas,
- 6) it will install additional soundproofing, if needed,
- 7) it will not apply for any alteration in its method of operation without first appearing before Community Board #3,
- 8) it may have "happy hours" to 7:00 P.M. every night,

- 9) it will not host pub crawls or party buses,
- 10) it will not have wait lines outside and will designate an employee to oversee patron congestion and noise on the sidewalk, and
- 11) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

25. Yi Zhang Fish Ball (J 2 Gao Inc), 41 Monroe St. btwn Catherine & Market Sts (wb)

VOTE: To deny the application for a beer wine license for J 2 Gao Inc, doing business as Yi Zhang Fish Ball, for the premise located at 41 Monroe Street, between Catherine Street and Market 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,
- 2) its hours of operation will be 9:00 A.M. to 12:00 A.M. all days,
- 3) it will play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 4) it will have a closed fixed façade with no open doors or windows,
- 5) it will not commercially operate any outdoor areas,
- 6) it will not apply for any alteration in its method of operation without first appearing before Community Board #3,
- 7) it will not have "happy hours,"
- 8) it will not host pub crawls or party buses,
- 9) it will install soundproofing, if necessary,
- 10) it will not have wait lines outside, and
- 11) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

Corporate Change (not heard at committee)

26. Cafe Rakka (Aghapy Corp), 81 St Marks Pl (wb)

no vote necessary

Old Business-complaint

27. The DL/Dinner on Ludlow (93 Ludlow St Inc), 95 Delancey St @ Ludlow St (op)

VOTE: WHEREAS, 93 Ludlow Street Inc., doing business as The DL, is seeking Community Board approval of the renewal of its full on-premise liquor license for its restaurant, bar, lounge and event space, on the ground floor, second floor and roof top of the premise located at 95 Delancey Street a/k/a 93 Ludlow Street, at the corner of Delancey Street and Ludlow Street; and

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

WHEREAS, an alteration application to extend this full on-premise liquor license to a second floor and rooftop was then denied by Community Board #3 because, in pertinent part, the applicant conceded that it had been serving alcohol on its second floor and roof top since its opening in October of 2011 without a license to do so, while not having opened its ground floor restaurant; and

WHEREAS, after multiple hearings of this application, after the applicant had entered into a settlement regarding its unlicensed selling of alcohol with the SLA on February 25, 2012 and after it added Paul Seres as its managing principal, Community Board #3 then approved said alteration with stipulations that would become conditions of its license that 1) its hours of operation for all floors would be 4:00 P.M. to 4:00 A.M. Mondays through Fridays, 11:00 A.M. to 4:00 A.M. Saturdays and 12:00 P.M. to 4:00 A.M. Sundays, 2) it would operate a full-service restaurant on the ground floor, specifically a tapas restaurant, an event and support space on the second floor which would be for private events and to accommodate patrons waiting to enter the ground or third floors, and a third floor lounge and all of the floors would have food service to within one (1) hour of closing every night, 3) it would incorporate a devised and submitted security and traffic plan as a condition of its liquor license and would employ at least one (1) security guard per night to monitor the main entrance and more as needed but no fewer than one (1) security guard per seventy-five (75) people consistent with the law, 4) security guards would employ identification scanners and occupancy counters daily which would be located at any entrance, 5) it would close all doors and windows on the ground and second floor at 10:00 P.M. every night and would close the retractable roof on the third floor no later than 11:00 P.M. Sundays through Wednesdays and 12:00 A.M. Thursdays through Saturdays, 6) on the ground floor, there would only be recorded background music, consisting of an iPod and no live music

or DJs, 7) on the second and third floor, there would be recorded back ground music, consisting of an iPod and DJs, and there might be occasional live music as part of private events only and not part of daily operations, 8) there would be no outside promoters used, scheduled performances may only occur as part of a private party and not regular daily operations and cover fees would only be permitted for private events which are charitable or political in nature, 9) it would notify Community Board #3 of any proposed corporate restructuring and if Paul Seres ceases to be a managing partner, and 10) it would not apply for a cabaret license, and

WHEREAS, this renewal was heard by Community Board #3 in September of 2013 where residents complained about noise from patrons and music coming from the roof top of this business and noise and crowds from patrons on the sidewalk outside its premise and submitted advertisements of events at this business which appeared to indicate that it holds regularly scheduled promoted events, hosted by third party promoters, and has hosted weekly dance parties without a cabaret license, which violates several of the aforementioned stipulations, as well as New York City cabaret laws; and

WHEREAS, Community Board #3 asked the applicant to meet with affected residents in an effort to address the ongoing complaints of noise from inside and in front of the business and unruly crowds outside of the business, as well as complaints about its method of operation; and

WHEREAS, the applicant and residents have now met but said complaints remain unresolved and the applicant now concedes that it has been violating its previously agreed stipulations by 1) having DJs on the first floor, 2) hiring third party promoters as recently as September of 2013, and 3) not having a kitchen open and serving food to within one (1) hour of closing every night, and, while the applicant has not conceded that it was hosting weekly dance parties through the summer of 2013 and hosting live events, scheduled performances and events with cover fees that were open to the public, advertisements from its business appear to indicate that it was doing so (see advertisements attached hereto), now

THEREFORE, BE IT RESOLVED that Community Board #3 is opposed to the renewal of the full on-premise liquor license for 93 Ludlow Street Inc., doing business as The DL, for the premise located at 95 Delancey Street a/k/a 93 Ludlow Street, at the corner of Delancey Street and Ludlow Street.

37 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding SLA item 6)

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

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

1. FY'2015 Capital & Expense Priorities

VOTE: To approve capital and expense budget priorities for FY 2015.

2. First Street Green is sponsoring a sculpture proposal for First Park from Rudy Shepherd

VOTE: Motion to approve the installation as proposed.

Sculpture proposal for First Park

WHEREAS, Rudy Shepherd seeks to install for a 6-month period, beginning in May 2014, a sculpture at First Park entitled the "Black Rock Negative Energy Absorber," which is from a series of similarly titled installations beginning in 2006; and

WHEREAS, the intention of the installation of the sculpture is to "expunge negative energy from viewers..by looking at the problems of society in a more comprehensive way;" and

WHEREAS, the sculpture is made of wood, metal and concrete and will be anchored directly into the ground, and will stand approximately 10 feet tall and 4.5 feet wide; and

WHEREAS, the Department of Parks and Recreation approves of the installation; and

THEREFORE, BE IT RESOLVED, Community Board 3 supports the installation of the "Black Rock Negative Energy Absorber" at First Park.

3. Installation of a water bench for First Park

VOTE: Motion to approve the installation as proposed.

Installation of a water bench for First Park

WHEREAS, First Park seeks to install a water bench which was developed by the BMW Guggenheim Lab for a 6-month period, beginning in December 2013; and

WHEREAS, the water bench is a physical installation that can be sat upon and has a water permeable top that is designed to absorb rain water and discharge it from a separate tap fixture in order to assist in the irrigation of First Park; and

WHEREAS, the water bench measures approximately 83 inches long, 35 inches wide, and 20 inches high, holds approximately 132 gallons of water, and is composed of approximately 50% recycled material; and

WHEREAS, the water bench is not expected to attract unwanted insects nor result in standing water, and has been approved by the Department of Parks and Recreation; and

THEREFORE, BE IT RESOLVED, Community Board 3 supports the installation of the water bench at First Park.

37 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Land Use, Zoning, Public & Private Housing Committee

1. EDC: Update on Seward Park Mixed Use Development project
no vote necessary
2. FY'2015 Capital & Expense Priorities
VOTE: To approve capital and expense budget priorities for FY 2015.
3. BSA 266-13-BZ, 515 E 5th St: request variance of ZR23-145 to legalize enlargement of a 6-story family dwelling
withdrawn
4. Proposal to return CHARAS / El Bohio Community Center to Old PS 64
no vote necessary
5. Community Learning School: Discussion for community use option for CHARAS (old PS64)
no vote necessary

37 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Old Business

Crane: I was confused about one of the bus stop addresses. We wrote 103 Canal St., but DOT wants a different address. They want 95 Canal St. This is just a formality, but we should make a motion to amend our September motion regarding this application.

MOVE TO AMEND SOMETHING PREVIOUSLY ADOPTED. WE PASSED THIS RESOLUTION IN SEPTEMBER 2013. NOW WE MUST CHANGE ADDRESS FROM 95 CANAL ST (NORTHEAST CORNER OF FORSYTH) TO 103 CANAL ST (MID-BLOCK BETWEEN FORSYTH AND ELDRIDGE). DOT ACTUALLY REQUESTED COMMENTS ABOUT 95 CANAL FOR THE BUS STOP, AND THE COMMITTEE (CHAIR) WAS CONFUSED BECAUSE 103 CANAL IS THE COMPANY'S STOREFRONT.

VOTE: WHEREAS, NYC Style Limo Inc has applied for a designated bus stop for curb-side loading/unloading operations located at ~~103 Canal St~~ **95 Canal St**. The buses will provide service between New York and Georgia and Ohio with up to 3 arrivals/departures daily between the hours of 9:30 am and 9:30 pm; and

WHEREAS, the applicant has entered into an agreement with CB3 to adhere to the following stipulations:

- Tickets will be sold only online, or at a designated ticket agency not on the street.
- Tickets will be sold only for specific boarding times and will not be oversold.
- Tickets will be sold in assigned boarding order system so that customers will not need to arrive early to jockey for positions.
- Sidewalk lines will be single file, and only for the next assigned bus.
- There will be a staff person on duty for every arrival and departure to guide loading / unloading, to have direct contact to dispatch to inform passengers of delays, and to engage in crowd and noise control.
- Trash bags will be used to collect litter and will be kept in storefront, or will leave with the bus.

- Staff will routinely clean up the sidewalk by bus stop.
- Buses will keep to schedules, which will be published online or printed, as much as possible.
- The number of buses at this stop will not exceed the stated number of buses per hour/per day.
- All buses purchased in the future will be equipped with diesel particulate filters and use ultra-low sulfur fuels, and will also be equipped with exhaust gas recirculation emission control technology.
- A storefront will be provided for the use of customers, so they may wait to board their bus and use the restroom facilities; now

THEREFORE, BE IT RESOLVED, that CB3-Manhattan recommends that DOT issue a permit for NYC Style Limo Inc to operate their bus service at a designated curbside bus stop at ~~103 Canal St~~ **95 Canal St**, provided that the preceding list of stipulations agreed between the applicant and CB3 will be attached to the DOT permit.

37 YES 0 NO 0 ABS 0 PNV MOTION PASSED

New Business

Marlow: Proposed motion to revoke the suspension of the Dwellers and that any punitive actions against a community group be decided by the full board.

WHEREAS, the full board of CB3-Manhattan disapproves of the Board Chair's suspension of the L.E.S. Dwellers; now,

THEREFORE, BE IT RESOLVED, CB3-Manhattan hereby revokes the suspension of the L.E.S. Dwellers; and

BE IT FURTHER RESOLVED, that any future punitive actions by CB3-Manhattan against any community group or association may be taken only pursuant to a vote of the full board.

Berg: Motion to table the motion.

VOTE: Motion to table the motion.

32 YES 2 NO 3 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	[A]
Karen Blatt	[P]	Lisa Kaplan	[P]	Carolyn Ratcliffe	[P]
Justin Carroll	[P]	Carol Kostik	[P]	Joyce Ravitz	[P]
Jimmy Cheng	[A]	Ben Landy	[P]	Carlina Rivera	[P]
MyPhuong Chung	[P]	Mae Lee	[P]	James Rogers	[P]
David Crane	[P]	John Leo	[P]	Richard F. Ropiak	[P]
Stephanie Dominici	[A]	Ricky Leung	[P]	Susan Scheer	[P]
Morris Fajtelewicz	[P]	Alysha Lewis-Coleman	[P]	Nancy Sparrow-Bartow	[P]
Flora Ferng	[A]	Gigi Li	[A]	Wilson Tang	[A]
Shoshannah Frydman	[A]	William LoSasso	[P]	Elinor Tatum	[leave]
Gloria Goldenberg	[P]	Chad Marlow	[P]	Julie Ulmet	[P]
Jan Hanvik	[P]	Bernard Marti	[P]	Josephine Velez	[A]
Ayo Harrington	[P]	Penina Mezei	[A]	Rodney Washington	[A]
Herman F. Hewitt	[P]	Alexandra Militano	[P]	Justin Yu	[P]
Anne K. Johnson	[P]	Chiun Ng	[P]	Thomas Yu	[A]
Linda Jones	[P]	Ariel Palitz	[P]		

Meeting Adjourned