



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

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Gigi Li, Board Chair

Susan Stetzer, District Manager

December 2013 Full Board Minutes

Meeting of Community Board #3 held on Tuesday, December 17, 2013 at 6:30pm at PS 20, 166 Essex Street.

Public Session:

Victoria Freeman: Speaking in support of her restaurant at 29 2nd Ave.

Anna-Marie McCullagh: Speaking in support of 29 2nd Ave. She assured that she would not try to transfer the liquor license.

Michelle Truong: Speaking against D&Z bus tours outside of 54 Canal St.

Carlo Giurdanella: Attempted to get a parking ticket to someone who parked in front of his driveway. Police department made false statements about his conduct.

David Wang: Speaking against a bus stop at 18 Allen St. There are already too many buses stopping at this address.

Chi Yuen: Speaking against 18 Allen and 14 Allen St. bus stops.

William Mojica: Intersections near public housing are the most dangerous intersections in NYC. Asking for passage of Transportation Committee resolution on traffic calming.

Benjamin Choi: Speaking against bus stop on 18 Allen because there are too many bus stops.

Chino Garcia: Speaking on behalf of CHARAS/El Bohio community center. Culture groups cannot afford to rent space from private landlords. We need to rebuild the center and renovate it.

Susan Howard: Speaking in support of return of PS 64 – CHARAS to the community.

Karen Loew: with the Greenwich Village Society for Historic Preservation speaking in support of CHARAS.

Public Officials:

Mayor Michael Bloomberg, Pauline Yu: Not Present

Public Advocate Bill de Blasio, Phil Jones: Not Present

Comptroller John Liu: Thanked board for their work. We have saved \$5billion. We have paid off some of our loans and our investment portfolio is up 58%. Shared his gratitude for his position and ability to run for mayor.

Borough President Scott Stringer, Hunter Johansen: We are accepting applications for the community board – they are available on the website.

Congressmember Carolyn Maloney, Victor Montesinos: Not Present

Congressmember Nydia Velazquez, Iris Quinones: Not Present

Assembly Speaker Sheldon Silver, Zach Bommer: Knickerbocker Village will be getting rent credit from Sandy. Speaker Silver met with Mayor-Elect Bill DiBlasio to discuss transition.

Assemblymember Deborah J. Glick, Sarah Malloy-Good: Thanked Community Board for our work and wished everyone a happy holiday.

Assemblymember Brian Kavanaugh, Marcela Medina: Corporations Committee is having a public hearing on the MTA. Wished everyone a happy holiday.

State Senator Daniel L. Squadron, Mauricio Pazmino: Integrated SNAP application with NYCHA application. We have helped to bring down scaffolding at 286 South St.

State Senator Brad M. Hoylman, Enrique Lopez: The Senator wrote to request an extension for STAR tax deadline. The Senator spoke at a hearing on Maximum Based Rent to demand more fair rent level increases. Senator spoke in support of Jerry's Newstand on Astor Place. Regarding Santacon, we are working to mind a solution.

Councilmember Margaret Chin, Matt Vigiano: City approved the co-naming of Private Danny Chen Way. 265-275 Cherry St. is moving into Section 8 tax abatement for 40 years.

Councilmember Rosie Mendez, Rosemarie Diaz: Held a hearing at the Public Housing Committee on the impacts of Sandy. The repairs at Baruch Houses alone will be \$22million. To do remediation will be \$6million. The other developments are not as much money. We do not know whether NYCHA will be getting money from the federal government and how much it will get from the city. Tomorrow I will hold a hearing on allocation of NYCHA repairs. The City Council passed the co-naming of Janet Freeman Way in City Council District 1 (CB2). We will also be co-naming Miriam Freedlander Way on a corner she lived and frequented. We will conduct the co-naming in the spring. We have been fighting to keep Jerry in his newsstand on Astor Pl. We are not sure what the next steps will be with the NYCHA in-fill project.

Members Present at First Vote:

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

Minutes:

Minutes of October 2013 were approved, as is.

36 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Board Chairperson's Report:

Chairperson Gigi Li

CB3 Annual Holiday party will be at Donnybrook after the December meeting. There is a \$10 suggested donation. Ben Landy will be handling kosher food.

If there are spelling or grammar corrections to the minutes, please email Jamie Rogers at James.P.Rogers@gmail.com. If the revisions to the minutes are more substantive, the changes will be discussed at the board meeting.

We have secured funding for education providers.

Community engagement meeting for NY Rising meeting on December 2 at University Settlement at 6:00PM – the organization will be determining where to allocate \$25million.

If there is not quorum, any vote that comes out of the committee will be deemed a recommendation and then voted on at full board. There was not quorum at the second session of SLA this month. Committee chairs should announce this at the beginning of meetings and include it in the vote sheet.

There is speculation on whether board members need to recuse themselves from voting when the board member has had a prior business relationship with an applicant. The Conflict of Interest Board determined that past relationships do not present a conflict of interest. This came up regarding Ariel Palitz's past business relationship and she is allowed to vote.

At Executive Committee, we discussed our board's block association policy. We reached a framework in which we identified goals such as maximizing participation. We will begin listing community groups. This includes community gardens, civic associations and merchant's associations, as well as block associations. We have a framework we are working on that we will put online for public review. We felt like the public should have an opportunity to comment on changes made to our policy. We will discuss the framework and comments at the December Executive Committee meeting.

District Manager's Report:

District Manager Susan Stetzer

The Board office keeps contact information for all members, and any member can request this from the office. Please note that at the top of the list is a statement that this is confidential and for use only by CB members for CB work.

The Office will be collecting toys for the 9th precinct children's holiday party. There will be a box in the office and you can drop them off any time before Dec 13.

I would like to give an example of how effective our resolutions can be. After the Board voted on resolution regarding protocols for getting rid of rats in Peter Cooper Park before reconstruction, there was immediate first response by the City, and then Assembly Member Deborah Glick organized a response by our local elected officials—and all Community Board requests were followed.

I would like to send a Thank You to Two Boots. Our demographer held focus groups with teachers and community partners and Two Boots donated pizza.

People are very upset about Santacon – it would be very helpful if people complain about specific locations. I have only a few complaints in the last two years, and both are regarding area above Houston Street.

Meghan Joye: Even if you do not sign up for Santacon, people come into your establishment. It is hard to stop them, and you do not want to turn them away because they are good for business.

Stetzer: Some Businesses do turn Santas away. But that is not what we are saying-- we want people to mitigate the problems.

Committee Reports:

Executive Committee

- [Continued discussion of community group policy](#) (click for more info)
no vote necessary

Justin Carroll (speaking about Community Group Protocol draft): We began discussing protocols and best practices for dealing with community groups. We have two different documents. One document details how we will list community groups and when we would take a community group off the list. The other document lists the community group comment form. We will have a public meeting on January 23rd.

Ayo Harrington: I was very concerned that the community board was going to define who was representative of this community. I and others were told we would be involved in such discussion, and we were not. The document is only accessible if one clicks on a link – it is not immediately accessible on the CB3 website. I feel as if I have been excluded, and this should not have been developed only in the Executive Committee.

Gigi Li: Discussions have been ongoing at Executive Committee, but we invited all members to participate at these meetings during the full board meeting.

Harrington: Outreach for participation did not happen. If a board member says they want to participate then they should not be ignored.

Li: I sent an email to the full board inviting people to participate in the meeting. And the process is still not complete. We are having an opening meeting in January specifically dedicated to discuss this in January before the Executive Committee votes.

Harrington: There are aspects of this document that I find very dangerous. When we come to the board meeting, no one asked us who was here. In this draft, it requires lists of participation.

William LoSasso: Many public members who are not on the Executive Committee came to the Executive Committee meeting.

Chad Marlow: There are elements here similar to what was done in the south before the Civil Rights Movement.

Land Use, Zoning, Public & Private Housing Committee

1. 400 Grand Street—status of tenants

VOTE: WHEREAS, 400 Grand Street is home to six (6) tenants who will ultimately be displaced by the Essex Crossing (aka SPURA) development due to the demolition of their longtime homes, with construction of said development anticipated to begin in Spring 2015; and

WHEREAS, the six (6) tenants have been seeking information and answers to reasonable and legitimate questions for approximately two (2) years from the New York City Department of Housing Preservation and Development ("HPD"), which owns 400 Grand Street, about the process and plan for their relocation from 400 Grand Street as a result of said development; and

WHEREAS, the six (6) tenants have been seeking information and answers to reasonable and legitimate questions for approximately two (2) years from HPD about the various options available to them through this relocation, including but not limited to eligibility for HPD's Tenant Interim Lease ("TIL") Program, eligibility for residence in public/affordable housing, and eligibility for residence in the Essex Crossing development once completed; and

WHEREAS, HPD has not yet to date provided these tenants with sufficient information or explanation of the next steps in the process affecting their housing, nor a clear explanation of the options available to them, such that they have an understanding of the next steps in this process nor their available options; and

WHEREAS, multiple tenants from 400 Grand Street have submitted testimony to the CB3 Committee on Land Use, Zoning, and Public & Private Housing that they have already been residents of 400 Grand Street for more than ten years; and

WHEREAS, multiple tenants from 400 Grand Street have submitted testimony to the CB3 Committee on Land Use, Zoning, and Public & Private Housing that they were previously displaced from previous homes, specifically 199 Orchard Street, to 400 Grand Street with the understanding that this relocation would be temporary in nature; and

WHEREAS, multiple tenants from 400 Grand Street have submitted testimony to the CB3 Committee on Land Use, Zoning, and Public & Private Housing that their interactions with, and continued requests to, HPD representatives regarding information on the planned process for their relocation have been uninformative and lacking in substance; and

WHEREAS, multiple tenants from 400 Grand Street have submitted testimony to the CB3 Committee on Land Use, Zoning, and Public & Private Housing that they felt that HPD's outreach to, and interaction with, them to date has been merely *pro forma* and lacking in an intent to provide substantive information and understanding of the next steps in this process and the options available to them; and

WHEREAS, multiple tenants from 400 Grand Street have submitted testimony to the CB3 Committee on Land Use, Zoning, and Public & Private Housing that they felt that HPD's outreach to, and interaction with, them to date had occurred with nominal advanced notice and had been scheduled at times inconvenient to them; and

WHEREAS, multiple tenants from 400 Grand Street and their designated representatives provided to the Committee a letter transmitted to them in November 2013 that appeared to have out-of-date information within it; and

WHEREAS, at the December 11, 2013 meeting of CB3's Committee on Land Use, Zoning, and Public & Private Housing, a representative from HPD apologized for that Agency's past missteps with respect to this issue and assured the Committee members, affected tenants, and members of the public present that HPD would take substantive and expeditious steps to remedy the situation and insure that the affected tenants are provided with answers to their questions and an understanding of the planned relocation process, including the options available to them; so

THEREFORE, BE IT RESOLVED, that Manhattan Community Board 3 requests that representatives from HPD that possess knowledgeable and an understanding about the long-term strategy for addressing this situation, as well as information about the options available to these affected tenants, including but not limited to eligibility for the Tenant Interim Lease ("TIL") Program, eligibility for residence in public/affordable housing, and eligibility for residence in the Essex Crossing development once completed appear at the February 2014 meeting of CB3's Committee on Land Use, Zoning, Public &

Private Housing to explain the planned next steps in this important process - specifically Mr. Lloyd Brown, Director, Division of Property Management and Client Services, and Ms. Vivian Louie, Assistant Commissioner, Division of Property Management and Client Services; and

FURTHER, BE IT RESOLVED, that Manhattan Community Board 3 implores HPD to schedule a meeting with the affected tenants of 400 Grant Street and their designated representatives within thirty (30) days of the passing of this resolution on December 17, 2013 (an effective meeting "due date" of January 16, 2014), where a meaningful and informative dialogue can occur, with such meeting to address the many unanswered questions that the affected tenants have including whether their relocation will be permanent or temporary in nature, what the planned next steps are, and what the options available to them are; and

FURTHER, BE IT RESOLVED, that Manhattan Community Board 3 requests that said representatives contact the affected tenants and their designated representative in advance of the meeting to inquire as to the specific questions they have so that HPD representatives and the affected tenants can jointly form an agenda for the scheduled meeting, and so that HPD can perform appropriate research such that they are able to answer all reasonable questions at the time of the scheduled meeting, and that HPD provide the affected tenants the agenda for the scheduled meeting in advance of the meeting date; and

FURTHER, BE IT RESOLVED, that Manhattan Community Board 3 requests that such meeting should be scheduled with sufficient notice to tenants and their designated representatives, but in no case should notice be less than two (2) weeks (i.e. 10 business days), and such meeting should be held at a time which accommodates all affected tenants at 400 Grand Street, regardless of whether that meeting occurs during normal business hours (i.e. 9:00am - 5:00pm); and

FURTHER, BE IT RESOLVED, that Manhattan Community Board 3 requests that upon conclusion of the scheduled meeting HPD provide minutes of the meeting to the affected tenants, and a written summary of the next steps in this process, complete with projected timelines and deadlines and the options available to the tenants as discussed at the scheduled meeting.

2. Consideration of a resolution regarding community use of the former PS64, 605 E 9th Street

VOTE: Whereas, 605 East 9th Street, the former P.S. 64 school building, also known as CHARAS/El Bohio Community Center, was a beloved community facility that served the Lower East Side community for over a hundred years; and

Whereas, for over 70 years it was a public school serving immigrants from eastern and southern Europe, as well as Latin America; and

Whereas, during the fiscal crisis of the mid-1970's, New York City closed the school building and it was rented to the Interfaith Adopt a Building Program ; and

Whereas, in 1977, community activists, artists of CHARAS, Inc. and Interfaith Adopt-a-Building jointly formed El Bohio, a community development center, negotiated a short term, month-to-month lease with the City, and created a vibrant community center, reflective of the diversity of the Lower East Side, where local not-for-profit organizations and artists thrived for over 22 years; and

Whereas, during that period, CHARAS/El Bohio performed ongoing renovations to the building with support from both public and private funding, and innumerable hours of community volunteer labor commonly referred to as 'Sweat Equity'; and

Whereas, in 1997, the Giuliani Administration agreed to negotiate in good faith to sell the building to the not-for-profit organization known as CHARAS/El Bohio; and

Whereas, in response, CHARAS created a comprehensive proposal, including architectural plans and funding for the restoration and purchase of the building; and

Whereas, in 1999, the City under the leadership of Mayor Rudolph Guiliani went back on its promise to negotiate in good faith and did not sell the building to the not-for-profit known as CHARAS /El Bohio (who was occupying the building), although the it did sell other city-owned buildings to the not-for-profit organizations that were occupying those buildings for the nominal sum of \$1.00; then with wide-spread community opposition and against the will of elected representatives sold the former school at a public auction to a private developer; and

Whereas, as a condition of sale, the buyer was required to provide the Department of City-wide Administrative Services proof of the ability to comply with the community facility use restriction within 30 days of sale; and

Whereas, the buyer did not provide proof other than a statement comporting to comply with the use restriction; and

Whereas, after three lengthy court battles, which included a unanimous jury decision that the new owner did not intend to comply with the community use restriction, CHARAS/ El Bohio Community Center was evicted at the very close of the Giuliani Administration, on December 27, 2001; and

Whereas, since the eviction in 2001, the community has suffered great hardship from the displacement of the invaluable services that CHARAS / El Bohio Community Center provided; and

Whereas, in 2004, the owner filed plans to demolish the building to construct a 20-story dormitory, "University House", though the owner had no accredited educational institution participation; and

Whereas, after a concerted community effort, the NYC Department of Buildings denied the demolition permit, based on Rule 51-01 that governs the Classification of Student Dormitories, requiring submission of a full lease by an accredited educational institution for a minimum of 10 years, and a restrictive declaration that the building would only be used as a dormitory; and

Whereas, in an unprecedented community campaign, in 2006, the NYC Landmarks Preservation Commission designated the Former P.S. 64 school building as a landmark, recognizing both its physical, cultural and historical distinction; and

Whereas, after the landmark designation, the owner removed the building's cornices and dormers, as well as removed the architectural detail at the roof line, leaving the building open to the elements; and

Whereas, the owner has allowed the building to fall into extreme disrepair; and

Whereas, the DOB has issued over 42 violations since 2008, including the failure to maintain the premises; and

Whereas, the owner currently owes the City of New York approximately \$30,000 in unpaid penalties for ECB violations; and

Whereas, in 2012, again the owner filed to convert the building to a dormitory; and

Whereas, the owner's current application for dormitory use does not meet the NYC Department of Buildings' criteria for a dormitory under Rule 51-01, as there is no lease for the entirety of the facility with one or more accredited educational institution for a minimum of 10 years, nor is there a restrictive declaration that the building will be used exclusively as a dormitory; and

Whereas, it has been 14 years since the auction sale and the owner has been unable to comply with the conditions of sale to develop a community facility; and

Whereas, since the sale and privatization of 605 East 9th Street, the community has faced displacement of vital community services, community organizations and community space; and

Whereas, the building has not been properly maintained by the current owner and has become a threat to public safety due to, among other things, a lack of proper snow and ice removal and a failure to consistently maintain construction scaffolding; so

Therefore, be it known that Community Board 3 requests that the new mayoral administration return the former P.S. 64 school building to the community by legally retrieving and then selling or giving it to a well-established not-for-profit organization(s) with a long history of serving the people of the Lower East Side/East Village including, but not limited to restoring the not-for-profit organization known as CHARAS / El Bohio to the building located at 605 East 9th Street.

3. Discussion to formulate questions for EDC regarding Essex Street Market vendor process and procedures

VOTE: WHEREAS, the Committee on Land Use, Zoning, and Public & Private Housing of Community Board 3 heard testimony that Carmen Salvador had been a permit holder of the Essex Street Market for more

than twenty years, and that during that time she had demonstrated a strong track record of performance in her business situated there; and

WHEREAS, the Committee on Land Use, Zoning, and Public & Private Housing of Community Board 3 heard testimony that Ms. Salvador's contract with the Essex Street Market was terminated by the New York City Economic Development Corporation (NYCEDC) on September 30, 2013, which operates that Market, due to a claimed failure to maintain operating hours as stipulated in her contract; and

WHEREAS, the Committee on Land Use, Zoning, and Public & Private Housing of Community Board 3 heard testimony that Ms. Salvador's claimed violation was a result of unique circumstances, was temporary in nature, and was not reflective of her established track record of performance during the past twenty years at the Essex Street Market; and

WHEREAS, the Committee on Land Use, Zoning, and Public & Private Housing of Community Board 3 heard testimony that Ms. Salvador's contract was terminated without written notice of the claimed violations, nor a warning of NYCEDC's intent to terminate her contract, nor were formal translation services provided during her discussion with representatives of NYCEDC, nor was she given an ability to cure the claimed violations; now

THEREFORE, BE IT RESOLVED, based on the testimony provided to the Committee on Land Use, Zoning, and Public & Private Housing, Manhattan Community Board 3 objects to the termination of Ms. Salvador's contract without written warning, without formal translation services, without an opportunity to cure the claimed violations; and

FURTHER, BE IT RESOLVED, that that Manhattan Community Board 3 requests that representatives from NYCEDC appear before the Committee on Land Use, Zoning, and Public & Private Housing to explain the process by which the contracts of permit holders at the Essex Street Market are terminated, including a detailing of the criteria used to make such determination and any established process that is followed when instituting such action; and

FURTHER, BE IT RESOLVED, that that Manhattan Community Board 3 requests that NYCEDC make every effort to assist existing permit holders of the Essex Street Market in remaining permit holders at both the current and future Essex Street Market, as such permit holders make and have made strong contributions to the economic development, culture and vitality of this community; and

FURTHER, BE IT RESOLVED, that Manhattan Community Board 3 requests that NYCEDC extend to existing permit holders at the Essex Street, from the period of the passing of this resolution until their relocation to the new Essex Street Market at the Essex Crossing development, the same protections that were promised to Community Board 3 of existing permit holders from the period of the time of their relocation from the current Essex Street Market to the new Essex Street Market.

4. Pratt Center / Collective Partnership: Plan for Chinatown and Surrounding Areas
no vote necessary

35 YES 0 NO 0 ABS 0 PNV MOTION PASSED

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

Dominic Berg: We had a presentation of our Urban Fellow on the state of the health of the neighborhood. We are putting together a white paper on the SPURA school site. Community Education Council 1 is hosting a SPURA school visioning in January.

1. Urban Fellow Project: Inventory of medical services and facilities in CB 3 and serving CB 3, and analysis of district needs
no vote necessary
2. Planning for a school on SPURA site (project update)
no vote necessary
3. Discussion on youth aging out of foster care
no vote necessary

Economic Development

No meeting scheduled for December

Con Ed Task Force

No meeting scheduled for December

Transportation & Public Safety and Environment Committee

David Crane: We will be creating an email called redlightcamera@cb3.org so people can email us about which intersections they would like red-light cameras.

Carol Kostik: Why isn't there any discussion of the bus stop at 18 Allen?

Crane: the Buddhist temple located on the site has not complained about the stop.

Ann Johnson: Rutgers should be named after our late board member Carolyn Jeffers, and I am opposed to co-naming of Frank T. Modica Way. He moved to Westcheter because he did not want to raise his children in this neighborhood. He put people on as the representative from Smith Houses of Hamilton-Madison Houses who did not represent the community.

Trevor: I am a resident of Rutgers Slip. He helped the community of that block. 100% of the residents of 82 Rutgers Slip support the co-naming.

1. Request for parking space on Forsyth between Stanton and Houston for Parks Dept. garbage truck

VOTE: Community Board 3 Resolution in Support of a Parking Space Designated for a Department of Parks and Recreation Garbage outside of Sara D. Roosevelt Park.

WHEREAS, Sara D. Roosevelt Park (SDR) has a sanitation problem exacerbated by lack of suitable parking facility for a New York City Department of Parks and Recreation (DPR) garbage truck. DPR has been storing a garbage truck within the park on the Stanton Street transverse, adjacent to the basketball court, a children's playground and a building currently used for storage. Odors and seepage from the truck creates an unsanitary condition that is also very unpleasant for SDR park users;

WHEREAS, DPR has removed the truck and is now parking it on Parks property at East River Park; now

THEREFORE, BE IT RESOLVED, that CB 3 supports parking of the DPR garbage truck at its current location at East River Park and not in SDR park.

2. Con Ed: transformer replacement at Ave. A & 6th Street

no vote necessary

3. Request for traffic light study at the Intersection of Delancey and Pitt Streets

VOTE: Community Board 3 Resolution Requesting Safety Measures at the Intersection of Delancey Street North and Pitt Street

WHEREAS, the Intersection of Delancey Street North and Pitt Street is unsafe for pedestrians and vehicles. It has an irregular street geometry caused by the dramatic change in the width of both streets as they cross the intersection. Statistics assembled by Transportation Alternatives using NYPD data show that between August 2011 and 2013, there were 4 pedestrians and 3 cyclists injured at this intersection, as well as 20 car crashes stemming from 14 incidents; and

WHEREAS, this intersection is heavily trafficked, very wide and presents a traffic safety issue for parents with children, students, the physically disabled and seniors who have to cross this intersection on a daily basis. This is a major pedestrian corridor for residents to reach public transportation options to the west of Pitt St; and

WHEREAS, this intersection is within 5 blocks of numerous elementary, middle and high schools, churches and synagogues. CB 3 received 9 letters requesting safety measures at this intersection from a variety of neighborhood stakeholders, including school heads, parent coordinators or the PTA president of 6 schools – P.S. 140 (the Nathan Straus Preparatory School of Humanities, 123 Ridge St), P.S. 142M (the Amalia Castro School, 100 Attorney St), the Manhattan Charter School for Curious Minds (100 Attorney St), P.S. 110 (the Florence Nightingale School, 285 Delancey St), the Cooke Center Grammar School (219 Stanton St) and P.S. 20 (the Anna Silver School, 166 Essex St); and

WHEREAS, CB 3 has previously asked DOT to install traffic signals at this intersection, most recently in December 2006; now

THEREFORE, BE IT RESOLVED, that CB 3 requests that DOT evaluate conditions at the intersection of Delancey St North and Pitt St to determine whether conditions warrant the installation of pedestrian safety and traffic calming measures such as traffic control signals, right turn only lanes, sufficient lighting under the Williamsburg Bridge and a pedestrian refuge island.

4. Street co-naming: Rutgers Street btwn South & Cherry Sts as Frank T Modica Way

VOTE: Resolution Supporting Co-Naming Rutgers Slip between South & Cherry Streets as "Frank T Modica Way"

WHEREAS, Frank T. Modica, a long-standing advocate for the many diverse communities of Manhattan's Lower East Side, and Chairman of the Board at Two Bridges Neighborhood Council, died from natural causes on Wednesday, September 25, 2013. He was 81 years old; and

WHEREAS, A social worker by training, Mr. Modica was a celebrated leader in the settlement house movement and social services sector throughout New York City, primarily in the Two Bridges and Lower East Side areas of Manhattan. From 1976 – 2010, he served as Executive Director of Hamilton-Madison House (HMH), a more-than-century-old non-profit settlement house dedicated to improving the quality of life for individuals and families. Under his 34 years of stewardship, HMH grew to become one of the nation's leading providers of Behavioral Health Services to Asian and Asian-American communities; and

WHEREAS, Mr. Modica also served on the boards of a number of local, national, and international organizations including United Neighborhood Centers of America; and International Federation of Settlements and Neighborhood Centers. Most notably, Mr. Modica served on the Board of Two Bridges Neighborhood Council since 1977, during which time the organization created permanently affordable housing for thousands of families and individuals; and

WHEREAS, The block of Rutgers Slip between South & Cherry Streets is at the center of the urban renewal district developed by Two Bridges Neighborhood Council, including the buildings at 80 and 82 Rutgers Slip, 265 and 275 Cherry St, 257 Clinton St, the Two Bridges Townhouses along Cherry and Clinton St, the Pathmark Supermarket, and 253 and 286 South St; and

WHEREAS, There is substantial community support for co-naming the block of Rutgers Slip between South & Cherry Streets as "Frank T Modica Way," evidenced by a petition signed by essentially 100% of the residents of the two large residential building on the block (80 and 82 Rutgers Slip), as well as many signatures from the surrounding blocks. The CB 3 guidelines for street co-naming requests, adopted in May 2006, require a petition signed by a minimum 75% of the total number of residential units on the block, in part to ensure that the local community is aware of and supports the street so-naming; now

THEREFORE, BE IT RESOLVED, that CB 3 formally requests the NY City Council and the Mayor to enact legislation co-naming Rutgers Slip between South & Cherry Streets as "Frank T Modica Way."

5. Street co-naming: East 3rd Street & Avenue D as Deacon Maxie L Marshall Way
no vote necessary

6. Prioritize locations for red light cameras
no vote necessary

Bus Stop Applications

7. Z & D Tours, 59 Canal St

VOTE: Community Board 3 Resolution to Approve With Stipulations

WHEREAS, Z & D Tours Inc has applied for a designated bus stop for curb-side loading/unloading operations located at 59 Canal Street. The buses will operate under the Z & D Tours brand name, providing service between New York and Virginia and Ohio with up to 3 arrivals/departures daily between the hours of 6:10 am and 9:15 pm; 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.
- A storefront will be provided for the use of customers, so they may wait to board their bus and use the restroom facilities; and

WHEREAS, CB 3 has a serious public safety concern about the proposed location at 59 Canal St. Evidence presented during public comments indicate there is a fire hydrant at 55 Canal St, either at or too close to the proposed bus stop. This location is already a designated bus stop used by Virginia Seagull Travel. This bus stop should be relocated further down this block if there is insufficient room for a bus to operate without blocking the fire hydrant; and

THEREFORE, BE IT RESOLVED, that CB 3 Manhattan requests that DOT address CB 3 concerns about the fire hydrant at the proposed location before issuing permit for Z & D Tours Inc to operate their bus service at a designated curbside bus stop at or near 59 Canal Street, and requests that the preceding list of stipulations agreed between the applicant and CB 3 will be attached to the DOT permit.

8. Princess Tour Inc, 18 Allen Street

VOTE: Community Board 3 Resolution to Approve With Stipulations

WHEREAS, Princess Tour Inc has applied for a designated bus stop for curb-side loading/unloading operations located at 18 Allen Street. The buses will operate under the Princess Tour brand name, providing service between New York and Indiana with up to 1 arrival/departure daily between the hours of 10 am and 10 pm; 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.
- A storefront will be provided for the use of customers, so they may wait to board their bus and use the restroom facilities; and

WHEREAS, CB 3 has a serious pedestrian and traffic safety concern about the proposed location at 18 Allen St:

- Evidence presented during public comments indicates that there is only 89 feet between a driveway and the crosswalk at the corner. This is insufficient curb space to accommodate two buses simultaneously loading/unloading. Since this location is already designated for two other companies – No 1 Bus Tour (5 arrivals/departures) and Eastern Coach (16 arrivals/departures) – CB 3 is concerned that this bus stop is already beyond capacity.
- This location is directly adjacent to an active house of worship, the Yuan tong Shi Buddhist Temple. Loading/unloading activities for the existing companies is already disruptive to services; now

THEREFORE, BE IT RESOLVED, that CB 3 Manhattan requests that DOT address CB 3 concerns about the insufficient length of the bus stop at the proposed location before issuing a permit for Princess Tour Inc to operate their bus service at a designated curbside bus stop at or near 18 Allen Street, and requests that the preceding list of stipulations agreed between the applicant and CB 3 will be attached to the DOT permit.

9. UTWT Bus Lines Inc, 14 Allen Street

withdrawn

10. Lucky River Transportation Corp, 15 Chrystie Street

VOTE: Community Board 3 Resolution to Approve With Stipulations

WHEREAS, Lucky River Transportation Corp has applied for a designated bus stop for curbside loading/unloading operations located at 15 Chrystie Street. The buses will operate under the Lucky Star brand name, providing service between New York and Boston, Massachusetts with up to 21 arrivals/departures daily between the hours of 12:15 am and 11:15 pm; 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.
- A storefront will be provided for the use of customers, so they may wait to board their bus and use the restroom facilities; and

WHEREAS, CB 3 has serious concerns about the proposed 15 Chrystie Street location because it would eliminate a truck loading zone designated from 8am to 7pm, Mon-Sat, on a block that has existing businesses that require loading and unloading. There is already another permitted bus stop for General Bus and Blue Sky located on the same block of Chrystie St. DOT has proposed expanding the existing bus stop by 40' of curb space, which would eliminate the truck loading zone. Three businesses that actively use that truck loading zone appeared at the CB 3 meeting in April 2013 to present their concerns – Sun Da Apparel (a garment factory on the 2nd floor of 47-53 Chrystie St), Hollywood Nail Supplies (a business at 51 Chrystie St), and An Qing Corp (a restaurant supply business at 53 Chrystie St); now

THEREFORE, BE IT RESOLVED, that CB 3 Manhattan requests that DOT address CB 3 concerns about the elimination of the truck loading zone before DOT issues a permit for a designated bus stop at 15 Chrystie Street. If DOT does issue a permit for Lucky River Transportation Corp to operate their Lucky Star brand of bus service at a designated bus stop for curbside loading/unloading operations located at or near 15 Chrystie Street, the preceding list of stipulations agreed between the applicant and CB 3 should be attached to the DOT permit.

35 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding Transportation item 4)
26 YES 4 NO 5 ABS 0 PNV MOTION PASSED (Transportation item 4)

SLA & DCA Licensing Committee

Sidewalk Cafe Application

1. Durden (Atlas Hugged Inc), 213 2nd Ave @ E 13th St (unenclosed)
VOTE: To approve the application for a sidewalk café permit for twelve (12) tables and twenty-four (24) seats for Atlas Hugged Inc., doing business as Durden, 213 Second Avenue, at the corner of East 13th Street and Second Avenue, because the applicant has signed a change agreement which will become part of its DCA license that
 - 1) its café will consist of twelve (12) tables and twenty-four (24) seats to be located on Second Avenue only,
 - 2) it will operate its café 4:00 P.M. to 10:00 P.M. Mondays through Thursdays, 4:00 P.M. to 11:00 P.M. Fridays, 12:00 P.M. to 11:00 P.M. Saturdays and 12:00 P.M. to 10:00 P.M. Sundays, and
 - 3) it will install an awning which will be extended over the café during its hours of operation.

Applications within Saturated Areas

2. To be Determined, 511 E 6th St (op)
withdrawn
3. Con Artist Collective Inc, 119 Ludlow St btwn Rivington & Delancey Sts (wb)
VOTE: WHEREAS, Con Artist Collective Inc. is seeking a wine beer license to operate a tavern, for the premise located at 119 Ludlow Street, between Rivington Street and Delancey Street; and

WHEREAS, this is an application for tavern, art gallery and performance arts space with promotional sales, which would have a certificate of occupancy of thirty (30) people and proposed hours of operation of 11:00 A.M. to 12:00 A.M. all days; and

WHEREAS, this premise would be located in a previously unlicensed location which has operated as artists work stations with an art gallery for the past four (4) years; and

WHEREAS, this applicant has no experience operating a licensed business in this community board district and, although it states that it has experience working in licensed premises throughout this city, has furnished no documentation of its history at these other businesses; and

WHEREAS, this premise has operated as an art gallery and sales business for four (4) years with approximately one hundred seventy-five (175) exhibitions in the past year and it is of minimal size, consequently, the addition of a wine beer license is unnecessary to the method of operation of this business; and

WHEREAS, the licensing of this art gallery would invite applications from the numerous art galleries in the immediate area, most of which now operate without any license and would place them at a competitive disadvantage from this business, if licensed; and

WHEREAS, this applicant has conceded that there are at least forty-four (44) liquor licenses within five hundred (500) feet of this location, twelve (12) of which are within one (1) block; and

WHEREAS, this applicant only furnished twenty-six (26) 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 area furnished eighty-two (82) signatures from area residents in opposition to this application, twenty-five (25) of which are from residents who would be directly impacted by the addition of this license; and

WHEREAS, this area 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 wine beer license for Con Artist Collective Inc., for the premise located at 119 Ludlow Street, between Rivington Street and Delancey Street.

4. Claw Daddy's (Hachi Enterprises), 185 Orchard St btwn Houston & Rivington Sts (op)

no vote necessary

5. Swauto Ltd, 25 Ave A (upgrade to op)

withdrawn

6. ABC Beer Co (Alphabet City Beer Co LLC), 96 Ave C btwn E 6th & E 7th Sts (upgrade to wb)

VOTE: To deny the application for a change in class of the existing beer license to a wine beer license for Alphabet City Beer Co. LLC, doing business as ABC Beer Co., for the premise located at 96 Avenue C, 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 beer tavern and retail store with deli case, selling 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 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, including its backyard,
- 6) it will not apply for an alteration of its method of operation without first appearing before Community Board #3,
- 7) it will not seek an upgrade in class of its liquor license to a full on-premise liquor license,
- 8) it will not host pub crawls or party buses,
- 9) it will not have happy hours,
- 10) it will insure that there are no 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 to upgrade to a wine beer license although this is a location in an area with numerous licensed premises because 1) the applicant furnished one hundred forty-two (142) signatures from area residents in support of its application, 2) it has been operating without complaints for one and a half (1½) years, and 3) its business includes a teaching component in that its hosts beer and cheese pairing classes.

7. Ethos Meze (167 AA Rest Corp), 167 Ave A btwn E 10th & E 11th Sts (op)

VOTE: Understanding that the applicant has entered into a memorandum of understanding with the North Avenue A Neighborhood Association (appended hereto), Community Board 3 moves to deny the application for a wine beer license for 167 AA Rest Corp., with a proposed business name of Ethos Meze, for the premise located at 167 Avenue A, 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 Mediterranean Greek 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 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 not commercially use any outdoor areas, including its backyard,
- 5) it will have a closed fixed façade with no open doors or windows in both the front and rear of the business,
- 6) it will install additional soundproofing, if necessary,
- 7) it will employ security Fridays and Saturdays, if necessary, Thursdays and for private parties, of which it will have no more than two (2) per month,
- 8) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 9) it will not seek an upgrade in class of its liquor license without first appearing before the community board,
- 10) it may have "happy hours" between 4:00 P.M. and 7:00 P.M.,
- 11) it will not host pub crawls or party buses,
- 12) it will designate an employee to oversee patrons and noise on the sidewalk, and
- 13) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

Alterations

8. Cha Chan Tang (Tea Bistro Inc), 45 Mott St @ Bayard St (wb/add service bar to cellar)

VOTE: To deny the application for an alteration of the wine beer license for Tea Bistro Inc., doing business as Cha Chan Tang, for the premise located at 45 Mott Street, at the corner of Bayard Street and Mott Street, to wit adding a seven (7) foot by ten (10) foot stand up bar to the cellar, 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 to within one (1) hour of closing,
- 2) its hours of operation will be 7:30 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 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 insure that there are no wait lines outside,
- 9) it will not seek an upgrade in class of its liquor license, and
- 10) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

9. Nublu (Tatu LLC), 151 Ave C btwn E 9th & E 10th Sts (op/expand to upstairs)

VOTE: Understanding that the second story of 151 Avenue C is presently being operated as a tavern with a full on-premise liquor license, doing business as Speakeasy, Community Board #3 moves to deny the application for an alteration of the full on-premise liquor license of Tatu LLC, doing business as Nublu, for the premise located at 151 Avenue C, between East 9th Street and East 10th Street, to wit extending its full on-premise liquor license to the second story of this premise, 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 restaurant and music performance space with a kitchen open and serving food to within one (1) of closing,
- 2) it will have a close fixed façade with no open doors or windows,
- 3) its hours of operation will be 6:00 P.M. to 2:00 A.M. Sundays through Thursdays and 6:00 P.M. to 4:00 A.M. Wednesdays through Saturdays,

- 4) it will construct a vestibule with double doors, as well as constructing a "box within a box" to insulate music from travelling outside of the building and engage in other sound mitigation, including installing additional soundproofing to the second story, if necessary,
 - 5) it will employ two (2) security guards at all times
 - 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.,
 - 9) it will designate an employee to oversee patrons and noise on the sidewalk, and
 - 10) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints and post contact information for residents.
10. Apartment 13 (115 Avenue C LLC), 115 Ave C btwn E 7th & E 8th Sts (op/extend hours to 2am)
- VOTE:** To deny the application for an alteration of the full on-premise liquor license of 115 Avenue C LLC, doing business as Apartment 13, for the premise located at 115 Avenue C, between East 7th Street and East 8th Street, to wit extending its closing time to 2:00 A.M. all days, 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 2:00 A.M. Sundays through Wednesdays and 4:00 P.M. to 2:00 A.M. Thursdays through Saturdays,
 - 3) it will close any façade doors and windows at 9:00 P.M. weeknights and 10:00 P.M. Fridays and Saturdays,
 - 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 only commercially use the second floor patio if it is first completely enclosed and soundproofed,
 - 6) it will install additional soundproofing, if necessary, per the recommendation of a sound engineer,
 - 7) it will designate an employee to control crowds and noise on the sidewalk,
 - 8) it will not apply for an alteration of its method of operation without first appearing before Community Board #3,
 - 9) it will not host pub crawls or party buses,
 - 10) it may have "happy hours" between 5:00 P.M. and 8:00 P.M.,
 - 11) it will designate an employee to oversee patrons and noise on the sidewalk, and
 - 12) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints and post contact information for residents.

New Liquor License Applications

11. Fuleen Seafood Restaurant Inc, 11 Division St @ Catherine, Bowery & Market Sts (wb)
- VOTE:** Understanding that this is a sale of assets of a preexisting restaurant with a wine beer license, Community Board #3 moves to deny the application for a wine beer license for Fuleen Seafood Restaurant Inc., for the premise located at 11 Division Street, at the intersection of Catherine Street, Bowery 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 to within one (1) hour of closing,
 - 2) its hours of operation will be from 11:00 A.M. to 2:00 A.M. all days,
 - 3) it will have a closed fixed façade with no open doors or windows,
 - 4) it will play ambient recorded background music and will not have DJs, live music, promoted events, scheduled performances or any events at which a cover fee will be charged,
 - 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 host pub crawls or party buses,
 - 8) it will not have "happy hours,"
 - 9) it will insure that there are no wait lines outside, and
 - 10) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.
12. Mei E Iron Sushi 38 Inc, 212 E 10th St btwn 1st & 2nd Aves (wb)
no vote necessary
13. John's of 12th Street (DSW Rest Inc), 302 E 12th St btwn 1st & 2nd Aves (op)
- VOTE:** Understanding that this is a sale of assets of a one hundred five (105) year old restaurant with a full on-premise liquor license and that the name, method of operation, employees and management will remain the same, Community Board #3 moves to deny the application for a full on-premise liquor license for DSW Restaurant Inc., with a proposed business name of John's of 12th Street, for the premise located at 302 East 12th Street, between First Avenue and Second 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 to within one (1) hour of closing,
 - 2) its hours of operation will be from 5:00 P.M. to 12:00 A.M. Sundays through Thursdays and 5:00 P.M. to 1:00 A.M. Fridays and Saturdays,
 - 3) it will have a closed fixed façade with no open doors or windows,
 - 4) it will play ambient recorded background music and will not have DJs, live music, promoted events, scheduled performances or any events at which a cover fee will be charged,
 - 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 host pub crawls or party buses,
 - 8) it will not have "happy hours,"
 - 9) it will designate an employee to oversee patrons and noise on the sidewalk, and
 - 10) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.
14. Two-Bits Retro Arcade (Doustan Development Corp), 153 Essex St btwn Stanton & Rivington Sts (upgrade to op)

VOTE: WHEREAS, Doustan Development Corp is again 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, as well as seeking an extension of the closing time to 4:00 A.M. all nights; 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, an application to upgrade this license for this business to a full on-premise liquor license was heard and denied by Community Board 3 in June of 2013 because of its proximity to more than three (3) full on-premise liquor licenses within five hundred (500) feet, its short operating history and its apparent proximity to a New York City public school; and

WHEREAS, Community Board 3 still 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, this applicant has not furnished sufficient proof that it is not within two hundred (200) feet of a school, in that in June of 2013 this applicant submitted a letter from a licensed contractor which states that his measurement of the distance from the door of the subject location to the door of the school was more than two hundred (200) feet but failed to explain what formula was used to reach this calculation, which door of the school was used or if it accounted for the fact that the school doors are set back from the sidewalk; and

WHEREAS, the applicant concedes that it is within five hundred (500) feet of thirty-five (35) full on-premise liquor licenses; and

WHEREAS, this business has only been operating for thirteen (13) months; and

WHEREAS, the applicant has failed to articulate a public benefit in the granting of a full on-premise liquor license to another tavern in an area populated with numerous taverns; and

WHEREAS, there is substantial community opposition to this application, in that residents submitted seventy-six (76) signatures in opposition to this application from residents from the impacted area, while the applicant furnished only nine (9) signatures in its support from area residents and two (2) letters of support from neighboring businesses; 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 153 Essex Street, between Stanton Street and Rivington Street, as well as the extension of closing time to 4:00 A.M. all days.

15. Robotaya (America Ootoya Inc), 231 E 9th St btwn 2nd & 3rd Aves (op)
no vote necessary

16. RHLF Extra LLC, 16 Extra Pl btwn 2nd Ave & Bowery (wb)

VOTE: To deny the application for a wine beer license for RHLF Extra LLC, for the premise located at 16 Extra Place, between Second Avenue 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 quick-serve lobster and seafood restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be from 11:00 A.M. to 12:00 A.M. Sundays Thursdays and 11:00 A.M. to 1:00 A.M. Fridays and Saturdays,
- 3) it will have a closed fixed façade with no open doors or windows,
- 4) it will play ambient recorded background music and will not have DJs, live music, promoted events, scheduled performances or any events at which a cover fee will be charged,
- 5) it will not commercially operate any outdoor areas, including not having any food or alcohol service by wait staff in the public plaza on Extra Place,
- 6) it will not apply for any alteration in 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,"
- 9) it will not seek an upgrade in class of its liquor license, and
- 10) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

17. El Diablito Taqueria, 60 E 3rd St btwn 1st & 2nd Aves (wb)

VOTE: To deny the application for a wine beer license for El Diablito Taqueria Inc., doing business as El Diablito Taqueria, for the premise located at 60 East 3rd Street, between First Avenue and Second 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 Mexican taqueria restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 4:00 P.M. to 11:30 P.M. Mondays through Fridays and 11:00 A.M. to 11:30 P.M. Saturdays and Sundays,
- 3) it will have a closed fixed façade with no open doors or windows,
- 4) it will play ambient recorded background music and will not have DJs, live music, promoted events, scheduled performances or any events at which a cover fee will be charged,
- 5) it will not apply for any alteration in its method of operation without first appearing before Community Board #3,
- 6) it will not commercially operate any outdoor areas,
- 7) it will not host pub crawls or party buses,
- 8) it will not have "happy hours,"
- 9) it will not seek an upgrade in class of its liquor license, and
- 10) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

18. Figaro Bistro Grill (Figaro Villaggio Inc), 344 E 6th St @ 1st Ave (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 Figaro Villaggio Inc., with a proposed business name of Figaro Bistro Grill, for the premise located at 344 East 6th Street, at the corner of First Avenue and East 6th Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that

- 1) it will operate as a full-service Italian restaurant, with a kitchen open and serving food to within one (1) hour of closing,
- 2) its hours of operation indoors will be from 10:00 A.M. to 12:00 A.M. Sundays through Thursdays and 10:00 A.M. to 1:00 A.M. Fridays and Saturdays and its hours of operation for its sidewalk café will be from 11:00 A.M. to 10:00 P.M. Sundays through Thursdays and 11:00 A.M. to 11:00 P.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 recorded background music and will not have DJs, live music, promoted events, scheduled performances or any events at which a cover fee will be charged,
- 5) it will not apply for any alteration in its method of operation without first appearing before Community Board #3,
- 6) it will not host pub crawls or party buses,
- 7) will designate an employee to oversee patrons and noise on the sidewalk, and
- 8) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

19. To be Determined, 342 East 6th St btwn 1st & 2nd Aves (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 corporation to be determined, with principals Jason Soloway and Brendan McHale, for the premise located at 342 East 6th Street, between First Avenue and Second 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 New American restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation indoors will be from 5:00 P.M. to 1:00 A.M. Mondays and Tuesdays, 5:00 P.M. to 2:00 A.M. Wednesdays through Fridays, 11:00 A.M. to 2:00 A.M. Saturdays and 11:00 A.M. to 1:00 A.M. Sundays,
- 3) it will close any façade doors and windows at 10:00 P.M. every night,
- 4) it will not commercially operate any outdoor areas,
- 5) it will play ambient recorded background music and will not have DJs, live music, promoted events, scheduled performances or any events at which a cover fee will be charged,
- 6) it will not apply for any alteration in 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,"
- 9) it will designate an employee to oversee patrons and noise on the sidewalk, and
- 10) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

20. To be Determined, 29 E 2nd St (op)

VOTE: WHEREAS, a corporation to be determined, with principals Anna-Marie McCullagh, Victoria Freeman, Marc Meyers and Chris Paraskavaides, is seeking a full on-premise liquor license to operate a Latin influenced restaurant, for the premise located at 29 East 2nd Street, a/k/a 37 Second Avenue, at the corner of East 2nd Street and Second Avenue; and

WHEREAS, this is an application for a restaurant with a certificate of occupancy of ninety-three (93) people, a sidewalk café of thirty-two (32) seats, a twenty-two (22) foot bar, recorded music and hours of operation of 10:00 A.M. to 1:00 A.M. Sundays, 11:30 A.M. to 1:00 A.M. Mondays through Thursdays and 11:30 A.M. to 2:00 A.M. Fridays and Saturdays; and

WHEREAS, the previous licensee for this location, Christos Restaurant LLC, doing business as Boukies, had originally been denied a full on-premise liquor license in February of 2009 despite its long history as a restaurant owner without complaints in Community Board #3 because, in pertinent part, this community board expressed concerns about the number of full on-premise licensed establishments on the same side of the street and adjacent to this location and because it did not want to approve a full on-premise liquor license in a residential building for the mentally ill, owned and operated by Community Access; and

WHEREAS, the previous applicant was then approved for a wine beer license in March of 2009 with its express agreement that it would not seek to upgrade its license to a full on-premise liquor license because of the above-stated conditions; and

WHEREAS, when the previous applicant attempted to upgrade its license in September of 2011, it was denied by this community board, as well as by the New York State Liquor Authority; and

WHEREAS, although the above-stated conditions on the street and in the building have not changed, the present applicant asks that its full on-premise liquor license application be approved based upon its good history as restaurant operators and community members; and

WHEREAS, the applicant concedes that it is within five hundred (500) feet of twenty (20) full on-premise liquor licenses; and

WHEREAS, this location is still within one (1) block of twelve (12) full on-premises liquor licenses, three (3) of which occupy four (4) of the five (5) adjacent storefronts on the same side of the street, as well as additional licensed businesses, including a restaurant with a wine beer license occupying the remaining storefront on the same side of this street as the applicant; and

WHEREAS, the applicant has failed to articulate a public benefit in the granting of a full on-premise liquor license to a Latin influenced restaurant in an area with many similar themed restaurants, other than the general statement that it would add value to the community; and

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the application for a full on-premise liquor license for a corporation to be determined, with principals Anna-Marie McCullagh, Victoria Freeman, Marc Meyers and Chris Paraskavaides, for the premise located at 29 East 2nd Street, a/k/a 37 Second Avenue, at the corner of East 2nd Street and Second Avenue.

21. 119 Orchard Property Inc, 119 Orchard St (hotel op)
withdrawn
22. Simone NY LLC, 134 1st Ave (op)
withdrawn
23. To be Determined, 55 Canal St (op)
withdrawn
24. To be Determined, 120 Orchard St (op)
withdrawn
25. Moonstruck (88 2nd Ave Food Corp), 88 2nd Ave @ 2nd Ave (op)
no vote necessary
26. Via Tribunali (Pizza Vita NYC LLC), 122 Ludlow St (op) (saturated area)

VOTE: WHEREAS, Pizza Vita NYC LLC is seeking a change in class of its existing beer wine license to a full on-premise liquor license for its pizzeria restaurant, doing business as Via Tribunali, for the premise located at 122 Ludlow Street, between Rivington Street and Delancey Street; and

WHEREAS, this is an application for a tavern restaurant with a certificate of occupancy of forty (40) people, a fourteen and a half (14½) foot bar, recorded music and hours of operation of 12:00 P.M. to 2:00 A.M. Mondays through Fridays and 11:00 A.M. to 2:00 A.M. Saturdays and Sundays all days; and

WHEREAS, this applicant chose to open its business in an area with numerous licensed establishments and degraded quality of life conditions as a result of those businesses, in that it first applied to Community Board 3 for a wine beer license in August of 2010 and was denied because 1) the intersection of Ludlow Street and Rivington Street was then overwhelmed by nighttime licensed establishments of all types, as well as incredible weekend vehicular and pedestrian traffic congestion attendant to the number of those businesses, 2) the 7th Precinct and Community Board 3 had asked the Department of Transportation to eliminate weekend nighttime parking on one side of Ludlow Street, between Houston and Delancey Streets, to alleviate the existing pedestrian and traffic congestion and to minimize noise, 3) there were already numerous late night eating and drinking establishments in the immediate area and its proposed brick oven pizza restaurant with hours of operation of 8:00 A.M. to 1:00 A.M. Sundays through Thursdays and 8:00 A.M. to 3:00 A.M. Fridays and Saturdays offered no significant public benefit to the community, and 4) adding another licensed premise would exacerbate the existing quality of life conditions on this already overburdened street; and

WHEREAS, the applicant concedes that it is within five hundred (500) feet of eighteen (18) full on-premise liquor licenses and, in fact, it is within five hundred (500) feet of thirty-one (31) full on-premise liquor licenses and forty-four (44) licensed businesses in total, twelve (12) of which are on this block; and

WHEREAS, this business has been operating for less than two (2) years and the applicant who appeared stated that he had assumed managerial control of this business on October 4, 2013, giving rise to the fear that this business is about to be sold and that the new operator has had little experience operating this business in this community; and

WHEREAS, this applicant furnished only fifteen (15) signatures from area residents in support of this business, although this area is populated with residential and mixed use buildings, and conceded that three (3) of them were from area businesses; and

WHEREAS, three (3) residents from the area appeared and furnished seventy-nine (79) signatures from area residents in opposition to this application; and

WHEREAS, residents from the area also investigated the fifteen (15) signatures submitted in support of this application and have found only four (4) to be from residents living in buildings directly impacted by this location; and

WHEREAS, this area 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; and

WHEREAS, the applicant has failed to articulate a public benefit in the granting of a full on-premise liquor license to a pizzeria restaurant in an area with many similar themed restaurants, most of which operate with only a wine beer license with the one notable exception being a pizzeria which operated for seven (7) years without complaints before seeking a change of class of its liquor license; and

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the change in class of the beer wine license to a full on-premise liquor license of Pizza Vita NYC LLC, doing business as Via Tribunali, for the premise located at 122 Ludlow Street, between Rivington Street and Delancey Street.

35 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Arts Task Force

1. LES Cultural Resources Guide (update)
no vote necessary
2. LES Cultural Resources Guide (update)
no vote necessary

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

1. [Presentation of the proposed Master Plan and Phase 1 plan for Pier 42](#) (Plans to be reviewed by the Public Design Commission and subject to change)

VOTE: Community Board 3 Resolution in Support of the Pier 42 Conceptual Master Plan and Phase 1

WHEREAS, NYC Parks Department and its planning consultant firm Mathews Nielsen have held several public input sessions in the past year to solicit feedback regarding design recommendations and best uses from the community for Pier 42;

WHEREAS, the general community and the CB 3 were in favor of a design that maximized open recreational space, while only requiring a partial demolition of the existing shed in order to save costs;

WHEREAS, Mathews Nielsen organized the public feedback and presented its design concept to retain a part of the shed steel framing near the entrance to the proposed park;

WHEREAS, other design features include open grassy knolls, wetlands for storm surge resiliency, retention of some pilings for shellfish nurseries, a small comfort station and food kiosk under the steel shed frame, a playground, and possible area for the launch of kayaks to be further reviewed;

WHEREAS, NYC Parks and Mathews Nielsen presented this as the Master Plan, with certain items being able to move forward in Phase I due to a limited, estimated \$9 million budget;

THEREFORE, BE IT RESOLVED, that CB 3 approves the conceptual Master Plan and Phase 1 to go before the Design Commission and move ahead with more in depth cost and work scoping in the next year.

2. SDR Coalition: Creating a seeing-impaired "touch and scent garden" in front of the BRC at Delancey in SDR
no vote necessary
3. Report from Landmarks Subcommittee

VOTE: Community Board 3 Resolution in Support of the Certificate of Appropriateness for LPC #14-6990 – Block 447 Lot 1, 88 Second Avenue, Manhattan

WHEREAS, applicant, John Kapetanos, owner of Moonstruck at 88 2nd Avenue, appeared before the CB 3 Landmarks Subcommittee to seek approval for changes made to the window casements and base along East 5th Street side of his establishment at the behest of the NYC Department of Consumer affairs which gave applicant 30 days in which to effect the changes or have the sidewalk cafe demolished.

WHEREAS, according to the Applicant, NYC Landmarks Commission has informed him that they will only approve the use of a bronze color paint to cover the recently altered cement base.

WHEREAS, the original height of the base between the windows and the sidewalk was between 24"-27" and NYC Department of Consumer Affairs guidelines required that the base should be of a height of 19", the applicant had to restructure the base meet this height requirement.

WHEREAS, the Landmarks Commission has instructed the applicant that he must match the color of the base to the bronze of the window casements on his sidewalk cafe.

THEREFORE, BE IT RESOLVED, that CB 3 approves the bronze color paint (sample provided) for the base between the windows and the sidewalk to meet the Landmarks Preservation Commission's requirements.

35 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Members Present at Last Vote:

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

Meeting Adjourned