



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

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Gigi Li, Board Chair

Susan Stetzer, District Manager

March 2014 Full Board Minutes

Meeting of Community Board #3 held on Tuesday, March 25, 2014 at 6:30pm at PS 20, 166 Essex Street.

Public Session:

Nancy Aviles-Jones (LES Power Partnership): Advocated for Latino health services at Beth Israel Medical Center.

Samoel Shakhl (Owner of Gaia Lounge): Spoke about his willingness to sign stipulations for SLA permit.

Leroy McCarthy (Advocate for Beastie Boys Square): Spoke about Beastie Boys positive contribution to the community and that their contributions were overlooked at the Transportation Committee meeting.

Tsepa Bayul (Students for a Free Tibet): Spoke in favor of naming Beastie Boys Square because of the band's contribution to the Free Tibet movement.

Deryk Demmer (400 Grand Street Tenants Association): Spoke on behalf of tenants' association asking Community Board to make a subcommittee dedicated to finding a home for tenants of 400 Grand St.

Gary Tai: Asked for the statute of Dr. Sun Yat-Sen continue to stand in Columbus Park until there's a decision by the Arts Commission.

Mae Lee (Chinese Progressive Association): Announced a new youth program (fliers distributed).

Robert DeGuzman (Bowery Mission Transitional Center): Announced free community health fair on May 3 provided by Weill Cornell Medical College (fliers distributed).

Ken Wan Chez (Board President for Cooper Square Mutual Housing Authority): Announced opportunities for low-income families to apply for co-ops.

Valerio Orselli: Requested that applications for Cooper Square housing not be sent certified mail.

Groups Speaking Regarding 75 Essex St.:

For Landmarking:

Mitchell Grubler (Friends of the Lower East Side): Spoke of the architectural significance of 75 Essex as the only Italianate building of its kind in the neighborhood and its proximity to the new Essex Crossing development.

Molly Garfinkel (City Lore): Spoke of the importance of saving the building as a symbol of the city's tradition.

Eileen Kim (LES Preservation Initiative): Spoke of the historical significance of the building.

Marcia Haddad-Ikunomopoulos (Kehil-Kedosha Janina): Asked that the board to finally come to a vote.

Joyce Mendelsohn (Friends of the Lower East Side): Spoke about the history of the preservation initiative.

Against Landmarking:

Jan Sasson: Spoke about the problem of cutting the landlord's property rights with preservation and that the building is not significant architecturally or for a particular use.

Erik Ofema: Spoke about the owner's loyalty to the community and the investment the owner has put into the building.

Michael Sharpe (Year Up New York): Announced job training and internship program for young adults out of high school.

Public Officials:

Mayor Bill de Blasio: Not Present

Public Advocate Letitia James: Not Present

Comptroller Scott Stringer: Not Present

Borough President Gale Brewer, Morris Chan: Introduced himself as the new representative of Borough President. Announced the "Education, Engineering and Enforcement" approach to the community boards. Expressed the Borough President's hope to bring more affordable housing in the area.

Congressmember Carolyn Maloney, Victor Montesinos: Announced support for the Women's History Museum.

Congressmember Nydia Velazquez, Iris Quinones: Not Present

Assembly Speaker Sheldon Silver, Zach Bommer: Announced that the state budget initiatives the Speaker hopes to push for such as Vision Zero and the DREAM Act.

Assemblymember Deborah J. Glick, Sarah Malloy-Good: Announced the Assemblymember supports Vision Zero, hopes to have more crossing guards and is concerned about the granting of a lease to a private restaurant to open on Union Square and cut down the amount of park land.

Assemblymember Brian Kavanagh, Marcela Medina: Announced bill to register sixteen year olds to vote and his support for Universal Pre-K.

State Senator Daniel L. Squadron, Mauricio Pazmino: Announced support for Universal Pre-K program, settlement house funding, campaign finance reform, DREAM Act; also announced Community Convention to be held in the community.

State Senator Brad M. Hoylman, Maya Kurien: Announced support for the DREAM Act, for a bill that would better support auxiliary police and for a bill that would require all smartphones have a kill switch that would erase its memory.

Morris Fajtelewicz: Thanked the Senator for the support of auxiliary police.

Councilmember Margaret Chin, Patricia Olan: Announced the enactment of paid sick leave legislation and stated the councilmember's work to protect seniors.

Councilmember Rosie Mendez, Rosemarie Diaz: Announced that the district office will move at the end of April to 250 Broadway and support of landmarking of the Town and Village Synagogue on 14th Street. Also, spoke about the Councilmember's advocating for special election districts to better represent minorities.

Members Present at First Vote:

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

Minutes:

Minutes of January 2014 were approved, as is.

33 YES 0 NO 1 ABS 0 PNV MOTION PASSED

Board Chairperson's Report:

Chairperson Gigi Li:

Announced that Karen Blatt will become chair of the Transportation Committee.

Thanked members leaving the board for their service and announced that at least five new members will be appointed next month.

Asked for volunteers to be mentors to email by March 31.

District Manager's Report:

District Manager Susan Stetzer

Reminded people that there will be a joint CB1, CB2 and CB3 meeting May 6 with the SLA and questions from board members are due by April 14.

Noted that the resolution by the Transportation Committee Item 6 regarding investigation of the need for a speed hump on East 4th Street between Avenues C and D has already been acted on by the Department of Transportation. They are expediting this by including it in the Slow Zone.

Reminded people that the draft agendas distributed at board meetings are subject to change and should not be relied on at the meetings. The final version is usually posted the afternoon after the board meeting.

Committee Reports:

Executive Committee

- Intro 28—support for local law requiring that CBs full board meetings be webcast

VOTE: TITLE: Community Board 3 Motion to Support Intro. 28 and Request Plan from the City to Implement

Whereas, CB 3 supports the concept of recording all public meetings in digital video format and providing live webcast of these meetings, and also archiving the recordings and making them available on the website and at the community board office, and

Whereas, the community board, to implement the recording and webcasting requirements, would need additional technology and to increase staff, training, overtime pay and technical expertise,

Whereas, the community board does not currently have the funding to purchase the necessary technology or to hire, train and employ staff to record the meetings there, so

Therefore be it resolved, that CB 3 supports having full board meetings digitally recorded and webcast and supports the City Council or the City implementing this law, provided that the City develop a plan to adequately address the costs and constraints associated with compliance with the law, which should include providing a portal to upload recorded meeting video files.

Discussion on the means by which webcasting would be implemented.

35 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Ethics, By-laws & Procedures Task Force

(from February 27th meeting)

- Review of bylaws
no vote necessary

Announcement that bylaws committee met and will work to reduce verbiage. The committee hopes to maximize transparency and will distribute a draft as soon as possible. The committee is going through higher priority issues before doing a top-to-bottom assessment.

Transportation & Public Safety and Environment Committee

Discussion on the Beastie Boys Square vote and clarification that there was no community opposition to the petition and our guidelines for street naming includes "when there is exceptional involvement linked to Community Board 3."

Discussion on the subjectivity of the naming criteria.

Discussion centered around the contribution of the Beastie Boys to hip hop and to the neighborhood.

Discussion on whether to permanently pull Transportation Committee Item 6.

1. Con Ed: New signage for potential electrical hazards/Q & A re stray voltage
no vote necessary

2. Street co-naming Beastie Boys Square at Rivington Street btwn Ludlow St and Essex St

THIS MOTION DID NOT PASS

VOTE: TITLE: CB3 Beastie Boys Square Resolution

Whereas the Beastie Boys were established in July 1981 as part of the Lower East Side's CBGB punk music scene, and frequently played in that venue;

Whereas the Beastie Boys' first album, "Polly Wog Stew," was recorded at 171A Studios, located at 171 Avenue A in the East Village;

Whereas in 1984, the Beastie Boys were the first white and the first Jewish hip hop group signed to Def Jam records, where they played a significant, early role breaking down racial barriers in 1980s music between rock (white audience) and hip hop (black and Latino audience), which in turn led to a greater cultural understanding and historic reduction in the racial divide between the groups according to the book and 2013 VH1 miniseries "The Tanning of America";

Whereas in 1988 the group released the album "Paul's Boutique," which brought the corner of Ludlow and Rivington Streets on the Lower East Side international fame by featuring an oversized picture of the corner on the cover of the album;

Whereas the cover art from "Paul's Boutique," which Rolling Stone magazine named the 156th greatest album of all time in 2009 and the Village Voice named 3rd on its list of the 50 Most New York Albums Ever in 2013, continues to draw fans from around the world to the corner of Ludlow and Rivington Streets;

Whereas, the Beastie Boys meet CB3's street co-naming guidelines because they have achieved "exceptional and highly acclaimed accomplishment or involvement linked to Manhattan Community Board 3," including that Rolling Stone ranked the CB3-founded band 77th on their list of the 100 Greatest Artists of All Time, VH1 ranked them 89th on their list of their 100 Greatest Artists of All Time, and they were inducted into the Rock and Roll Hall of Fame in 2012;

Whereas the Beastie Boys were active in numerous political issues of great importance to members of the CB3 community, including (1) their major support for Tibetan freedom efforts, which included their 1994 founding of the Milarepa Fund and the Tibetan Freedom Concert series, which provided major funding for the East Village-based Students for a Free Tibet organization, (2) their 2001 co-forming the New Power Project, a group of musical artists opposed to President George W. Bush's proposal to drill for oil on 2,000 acres of land in the Arctic National Wildlife Refuge, (3) their outspoken opposition to anti-Muslim prejudice and violence in the years leading up to and preceding the September 11, 2001 terrorist attack on New York City, including their post-9/11 founding of New Yorkers Against Violence through the Milarepa Fund, which offered relief efforts for victims of violence, and (4) their very active participation in raising funds for numerous charities including the Food Bank For New York, the Lunchbox Fund, ASPCA and Habitat For Humanity, all of which have directly benefited the residents of CB3;

Whereas in 2012, the premature death of Beastie Boys member Adam Yauch from salivary gland cancer at age 47 resulted in the premature death of the Beastie Boys band as well, which provides another, independent ground through which the Beastie Boys qualify for a street renaming under CB3's guidelines; and

Whereas 421 community members living in the immediate vicinity of the corner of Ludlow and Rivington Streets signed a petition in support of co-naming that corner Beastie Boys Square;

THEREFORE, BE IT RESOLVED that Manhattan Community Board #3 supports the co-naming of the block of Rivington St between Ludlow St and Essex St as "Beastie Boys Square," with the co-naming signage to hang below the street sign on the north-east corner of Ludlow and Rivington Streets.

THIS MOTION PASSED IN COMMITTEE AND WILL BE CONSIDERED BY THE FULL BOARD

VOTE: TITLE: Community Board 3 Resolution Opposing "Beastie Boys Square" Co-Naming at Corner of Rivington and Ludlow St

WHEREAS, the cover of the Beastie Boys' second album, "Paul's Boutique," was photographed at the intersection of Ludlow St and Rivington St in 1989. Four hundred twenty one residents of the blocks immediately surrounding the intersection have signed a petition to co-name the block "Beastie Boys

Square." The designation is requested to hang below the Rivington St signage on the Northeast corner of Ludlow St; and

WHEREAS, the CB 3 Guidelines for Street Co-naming adopted in May 2006 contain two main criteria that should be met by the proposed honoree: either the honoree should be a deceased individual involved in the community for 15 years, or a non-profit organization for 30 years; and

WHEREAS, this requested co-naming falls outside the guidelines criteria, so it would need to be recommended for approval under the clause: The Board may also approve applications outside of these guidelines when there is exceptional and highly acclaimed accomplishment or involvement linked to Manhattan Community Board 3; and

THEREFORE, BE IT RESOLVED, Community Board 3 believes that (1) creating cover art in the album "Paul's Boutique" from a location from the Lower East Side, (2) being one of the bands that played at CBGB during the punk music scene, (3) recording its first album at a studio on Avenue A, and (4) participating in and supporting various civic and political organizations that have city-wide or global significance rather than significant specific to Community Board 3 are not exceptional or highly acclaimed linkages to Manhattan Community Board 3.

THEREFORE, BE IT RESOLVED, CB 3 does not support a street co-naming for Rivington Street between Ludlow St and Essex St as "Beastie Boy Square" because it does not meet the CB3 co-naming guidelines.

3. Red Light Camera location priorities

VOTE: TITLE: CB 3 request for DOT to inspect intersections and install Red Light cameras at intersections where they will improve pedestrian safety

WHEREAS, In New York City, state law currently allows for red-light cameras at 190 intersections. The original state legislation has been modified several times, most recently in July 2013, when the state increased the limit from 150 to 190 red-light cameras; and

WHEREAS, The red-light cameras reduce violations by up to 40%, according to the Insurance Institute for Highway Safety. For example, it has been reported that the number of violations issued declined by 22% in a single year from 2010 to 2011; and

WHEREAS, The CB 3 Manhattan district has a complex street configuration, which is divided by various regional transportation corridors connecting three East River bridges (the Williamsburg, Manhattan and Brooklyn bridges), with the FDR Drive and the Hudson River tunnels on the west side of Manhattan. Crossing these transportation corridors is a pedestrian safety concern; and

WHEREAS, Many intersections in CB 3 Manhattan are dangerous for pedestrians and cyclists. Here is a partial list of intersections where it seems likely that red light violations could be a contributing factor to the high number of pedestrians and cyclists who were injured or killed by vehicle accidents. The crash, injury and fatality counts for the 5 year period from 2005-2009 were taken from a Transportation Alternatives study:

- Essex St and Delancey St – Pedestrian Crashes: 45, Injuries: 44, Fatalities: 1 – Cyclist Crashes: 17, Injuries: 17
- Delancey St and the Bowery – Pedestrian Crashes: 15, Injuries: 15 – Cyclist Crashes: 4, Injuries: 3, Fatalities: 1
- Ave A/Essex St and Houston – Pedestrian Crashes: 14, Injuries: 16 – Cyclist Crashes: 5, Injuries: 4, Fatalities: 1
- 2nd Ave/Chrystie and Houston – Pedestrian Crashes: 13, Injuries: 14 – Cyclist Crashes: 3, Injuries: 7
- Clinton St and Delancey St – Pedestrian Crashes: 10, Injuries: 10, Fatalities: 1 – Cyclist Crashes: 13, Injuries: 14; now

THEREFORE, BE IT RESOLVED, CB 3 Manhattan requests that DOT investigate whether red light violations are a contributing factor in accidents involving pedestrians at locations within the CB3 district, including, but not limited to, the intersections listed above. CB3 wants DOT to install some of the allowed 190 red-light cameras at any location where they would improve pedestrian safety.

4. Review Street Co-naming Guidelines

no vote necessary

Bus Stop Permit Applications

5. Taos Travel Inc, 95 Canal Street

VOTE: TITLE: Resolution Recommending a Curbside Bus Permit for Taos Travel Inc. at 95 Canal Street

WHEREAS, Taos Travel Inc. has applied for a designated bus stop for curbside loading/unloading operations located at 95 Canal Street. The buses will operate under the Taos Travel brand name, providing service between New York and Orlando, Florida with up to 1 arrival/departure daily between the hours of 11:30 am and 7:00 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 wait to board their bus and use the restroom facilities; and

THEREFORE, BE IT RESOLVED, that CB 3Manhattan recommends that DOT issue a permit for Taos Travel Inc to operate their bus service at a designated curbside bus stop at 95 Canal Street, and requests that the preceding list of stipulations agreed between the applicant and CB 3 will be attached to the DOT permit.

6. Request for safety speed hump on E 4th street between Avenues C & D. PS 15 and PS 94 located on this block as well as 2 residences for people with disabilities

VOTE: TITLE: Resolution Requesting a Speed Hump on E 4th St between Ave C and D

WHEREAS, There are reports of routine speeding violations on the block of East 4th St between Ave C and D. This block is the location of two schools (PS 15 and PS 92, a special education school), two residences for people with disabilities, and three community gardens that attract many seniors and tourists; and

THEREFORE, BE IT RESOLVED THAT, CB3-Manhattan appreciates the commitment made by DOT to prioritize the speed hump on East Fourth Street between Avenue C and Avenue D by including it in the East Village Slow Zone.

**35 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding Transportation Item 2)
20 YES 13 NO 2 ABS 0 PNV MOTION PASSED (Transportation Item 2)**

SLA & DCA Licensing Committee

Applications within Saturated Areas

1. Zaragoza Mexican Deli & Grocery (Zaragoza Mexican Deli & Grocery Inc), 215 Ave A btwn E 13th & E 14th Sts (b)

VOTE: TITLE: Community Board 3 Recommendation To Deny A Beer License For Zaragoza Mexican Deli & Grocery Inc., 215 Avenue A, Unless Stipulations Are Agreed To – Stipulations Attached

To deny the application for a beer license for Zaragoza Mexican Deli & Grocery Inc., doing business as Zaragoza Mexican Deli, for the premise located at 215 Avenue A, 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 stipulations that

- 1) it will operate as a bodega deli with fast food Mexican service, serving food during all hours of operation,
- 2) its hours of operation will be 10:00 A.M. to 12:00 A.M. Mondays through Thursdays, 10:00 A.M. to 4:00 A.M. Fridays and Saturdays and 11:00 A.M. to 12:00 A.M. Sundays,
- 3) it will play ambient background music only, consisting of recorded music, and not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 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 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 provide training to all employees to insure that they comply with the law and check identifications to insure no sales to minors, 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 beer application although this is a location in an area with numerous licensed premises because 1) this location has operated as an established deli for the past fourteen (14) years, has had sit down service for the past seven (7) years and had a beer license through July of 2011, 2), although it allowed its license to expire in July of 2011 and received two (2) violations for selling beer without a license in August and September of 2011, said violations are the only known violations which this applicant has received, and 3) the applicant has agreed to implement more rigorous training of its employees to insure compliance with all applicable laws.

2. Sigmund Pretzel Shop Inc, 29 Ave B (upgrade to op)
withdrawn
3. Paprika (Albatross Restaurant Corp), 110 St Marks Pl btwn 1st Ave & Ave A (op)

VOTE: TITLE: Community Board 3 Recommendation To Deny A Full On-Premise Liquor License For Albatross Restaurant

WHEREAS, Albatross Restaurant Corp. is seeking a full on-premise liquor license to operate an Italian restaurant, with a proposed business name of Nebbiolo, for the premise located at 110 St. Mark's Place, between First Avenue and Avenue A; and

WHEREAS, although this location previously housed a restaurant which operated for at least eleven (11) years, this location has never had a full on-premise liquor license; and

WHEREAS, while the applicant has stated in its application that there are sixteen (16) licensed premises within one (1) block of this location, there are, in fact, thirty-one (31) full on-premise liquor licenses within five hundred (500) feet of this location and twenty-two (22) licensed premises on St. Mark's Place, between First Avenue and Avenue A, nine (9) of which have full on-premise liquor licenses; and

WHEREAS, the applicant has failed to provide Community Board 3 with documentation of community support for its proposed business in that, although this applicant furnished Community Board 3 with petition signatures in support of its application, only seven (7) signatures are from the immediate area and only four (4) of those are from people residing on the street where the applicant is proposing to operate; and

WHEREAS, this applicant has failed to state any public or community benefit for the granting of this full on-premise liquor license at a location which has not had a full on-premise liquor license and on a street with numerous licensed businesses and numerous businesses operating with full on-premises liquor licenses; and

WHEREAS, although this applicant stated that it has had experience operating licensed businesses within the restaurant industry, it failed to provide any documentation of its history; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for a full on-premise liquor license for Albatross Restaurant Corp., with a proposed business name of Nebbiolo, for the premise located at 110 St. Marks Place, between First Avenue and Avenue A.

4. Nublu (Tatu LLC), 151 Ave C, 2nd fl, btwn E9th & E 10th Sts (op)

VOTE: TITLE: Community Board 3 Recommendation To Deny A Full On-Premise Liquor License For Tatu LLC, 151 Avenue C, Unless Stipulations Are Agreed To – Stipulations Attached

Understanding that this is sale of assets of a preexisting tavern with a full on-premise liquor license, doing business as Speakeasy, Community Board 3 moves to deny the application for a full on-premise liquor license for Tatu LLC, for the premise located at 151 Avenue C, second floor, between East 9th Street and East 10th Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a tavern with a prep area open and serving food during all hours of operation,
- 2) it will have a closed 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 Tuesday and 6:00 P.M. to 4:00 A.M. Wednesdays through Saturdays,
 - 4) it will employ at least one (1) security guard weekends, from 8:00 P.M. until closing,
 - 5) it will play recorded music and may have DJs, but will not have live music, promoted events, scheduled performances or any event at which a cover fee will be charged,
 - 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,"
 - 9) it will designate an employee to oversee patron congestion 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.
5. Bikinis (Eat Bikinis Inc), 56 Ave C btwn E 4th & E 5th Sts (extend license to patio and gallery space)

VOTE: TITLE: Community Board 3 Recommendation To Deny The Alteration Of A Wine Beer License For Eat Bikinis Inc., 56 Avenue C

WHEREAS, Eat Bikinis Inc., doing business as Bikinis, is seeking an alteration of its wine beer license, for the premise located at 56 Avenue C, between East 4th Street and East 5th Street, New York, New York, to wit extending its license to the adjacent southern storefront and to the concrete backyard patio; and

WHEREAS, this applicant was originally approved for a wine beer license by Community Board in March of 2012 with stipulations to 1) operate a full-service restaurant, serving food during all hours of operation, 2) have hours of operation of 11:00 A.M. to 12:00 A.M. all days, 3) play ambient background music only, consisting of recorded music, and not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee will be charged, 4) close any façade doors or windows at 10:00 P.M. every night, and 5) not commercially use the backyard for a period of two (2) years at which time it may revisit its use with the community board; and

WHEREAS, having opened in September of 2012, this applicant has now been operating for eighteen (18) months; and

WHEREAS, *all* of the residents from 56 Avenue C and the adjacent building located at 304 East 4th Street signed a petition in opposition to the alteration of this liquor license and provided documentation that ***this applicant has been continuously operating inconsistently from its stipulations which are conditions of its license in that residents provided time and date stamped photographs (attached hereto) that the applicant has 1) operated it business past 12:00 A.M., 2) served food and drinks at outdoor seating it created at its takeout counter window, 3) kept its doors and windows open past 10:00 P.M., including its takeout window;*** and

WHEREAS, these photographs also document ***the illegal service of alcohol outside as the applicant does not have a license which includes service to any outdoor areas*** and, when shown at least one photograph of a patron seated outside drinking what appeared to be red wine, the applicant conceded that the patron was, in fact, drinking alcohol; and

WHEREAS, the applicant failed to provide evidence of support from ***any*** residential tenants of its building or any adjacent buildings; and

WHEREAS, residential tenants provided a map of the block showing that there are seven (7) residential buildings with apartments overlooking the backyard, with tenants who would be adversely affected by its commercial use, tenants of 56 Avenue C stated that they refrain from using the backyard because they recognize any use of it will disturb their residential neighbors and tenants stated that commercial use of the backyard would result in intolerable noise in their apartments and the *de facto*, if not actual, inability of their use of their apartments; and

WHEREAS, the applicant is already operating the adjacent southern storefront as an area for events and patrons to gather in that residents appeared to complain that the applicant is already using the adjacent southern storefront to host events which cause noise and crowding on the sidewalk (photographs appended hereto) and the applicant stated that it intends to use this storefront as a waiting area, in addition to as a gallery; and

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

WHEREAS, Community Board 3 believes that granting an expansion of this wine beer license to an adjacent storefront and its back patio will only expand existing issues and violations given that the applicant has been operating its existing storefront inconsistent with its stated method of operation and with the stipulations which are conditions of its liquor license, illegally serving alcohol to patrons in front of its business in violation of its existing liquor license and failing to control crowds and noise in front of its existing storefront; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for an alteration of the wine beer license for Eat Bikinis Inc., doing business as Bikinis, for the premise located at 56 Avenue C, between East 4th Street and East 5th Street, New York, New York, to wit extending its license to the adjacent southern storefront and to the concrete backyard patio.

6. (Ducati Spina Bagels LLC), 175 Ave B (upgrade to op)
withdrawn

Sidewalk Cafe Application

7. Norman's Cay (Norman's Cay Group LLC), 74 Orchard St btwn Broome & Grand Sts

VOTE: TITLE: Community Board 3 Recommendation To Approve A Sidewalk Café For Norman's Cay Group LLC, 74 Orchard Street, With A Change Order

To approve the application for a sidewalk café permit for four (4) tables and eight (8) seats for Norman's Cay Group LLC, doing business as Norman's Cay, 74 Orchard Street, between Broome Street and Grand Street, because the applicant has signed a change agreement which will become part of its DCA license that

- 1) its hours of operation will be 12:00 P.M. to 10:00 P.M. all days, and
- 2) its tables will not block the residential entrance of the premise location.

Cabaret License Application

8. Bakers Dozen Associates LLC, 199 Bowery
withdrawn

New Liquor License Applications

9. Deb's Catering (Daily Bread Inc), 3 Madison St (op)
withdrawn

10. To be Determined, 117 2nd Ave (wb)
withdrawn

11. Foundation, 137 Essex St (op)
withdrawn

12. To be Determined, 536 E 5th St (wb)
withdrawn

13. Numero 28 (La Meridiana I Ltd), 176 2nd Ave btwn E 11th and E 12th Sts (wb)

VOTE: TITLE: Community Board 3 Recommendation To Deny A Wine Beer License For Meridiana I Ltd., 176 Second Avenue, Unless Stipulations Are Agreed To – Stipulations Attached

Understanding that this is a corporate restructuring of an existing business with a wine beer license and that the business name and method of operation as an Italian pizza restaurant will remain the same, Community Board 3 moves to deny the application for a wine beer license for La Meridiana I Ltd., doing business as Numero 28, for the premise located at 176 Second Avenue, between East 11th Street and East 12th Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service Italian pizza restaurant, with a kitchen open and serving food to within one (1) hour of closing,
- 2) its hours of operation will be 11:00 A.M. to 11:00 P.M. Sundays through Thursdays and 11:00 A.M. to 12:00 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 its sidewalk café no later than 10:00 P.M. every night,
- 5) it will close any façade doors and windows at 10:00 P.M. every night,
- 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 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.

14. Two Almontes Corp, 108 Stanton St (op)
withdrawn

15. Menkuitei (Shin Restaurant Inc), 63-69 Cooper Sq btwn E 7th St & St Marks Pl (op)

VOTE: TITLE: Community Board 3 Recommendation To Deny A Full On-Premise Liquor License For Shin Restaurant Inc., Unless Stipulations Are Agreed To-Stipulations Attached

Provided this location is not within two hundred (200) feet of The First Ukrainian Assembly of God Church, located at 9 East 7th Street, at the corner of East 7th Street and Cooper Square and with an entrance located on Cooper Square, Community Board 3 moves to deny the application for a change in class of the existing wine beer license to a full on-premise liquor license for Shin Restaurant Inc., doing business as Menkuitei, for the premise located at 63-69 Cooper Square, between East 7th Street and St. Marks Place, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service Japanese restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 11:30 AM. 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 will not have "happy hours,"
- 9) it will insure that there are no wait lines outside and it will designate an employee to oversee patron congestion 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

Community Board 3 is approving this application to upgrade to a full on-premise liquor license although this is a location in an area with numerous full on-premise liquor licenses because 1) the applicant has presented support from the surrounding community, in that it furnished thirty-nine (39) signature from area residents in support of its application, and 2) it has been operating without complaints for ten (10) years.

16. Cochinita Dos Inc, 49 Canal St btwn Ludlow & Orchard Sts (op)

VOTE: TITLE: Community Board 3 Recommendation To Deny The Full On-Premise Liquor License For Cochinita Dos Inc., 49 Canal Street

WHEREAS, Cochinita Dos Inc. is seeking a full on-premise liquor license to operate a restaurant, for the premise located at 49 Canal Street, between Ludlow Street and Orchard Street; and

WHEREAS, this is an application for an apparent quick-serve burrito restaurant with a small limited menu and proposed margarita service and hours of operation of 10:00 A.M. to 1:00 A.M. all days; and

WHEREAS, this premise would be located in a previously unlicensed location which has operated as a Chinese takeout restaurant; and

WHEREAS, there are eight full on-premise liquor licenses within 500 feet of this location; and

WHEREAS, this applicant has no experience operating a licensed business in this community board district and, although it has operated another quick-serve Mexican restaurant within New York City, its existing business operates without a full on-premise liquor license; and

WHEREAS, although the applicant provided evidence of community support for its proposed business, it has failed to establish an adequate community benefit for the granting of a full on-premise liquor license for a quick-serve burrito restaurant in this area, in that it has stated that its patrons at its existing location ask for liquor, there are no other Mexican restaurants in the immediate vicinity, it would be offering a "healthy hearty menu" and it would be occupying an empty storefront; and

WHEREAS, the applicant was asked to begin its business with a beer and wine license before asking the community board to consider granting it a full on-premise liquor license, given its lack of experience operating a full licensed business, the location of this proposed business and its method of operation; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for a full on-premise liquor license for Cochinita Dos Inc., for the premise located at 49 Canal Street, between Ludlow Street and Orchard Street.

17. Three Points (Three Points LLC), 1 Ludlow St @ Ludlow, Division & Canal Sts (op)
no vote necessary

18. Mesa Seaview (Mesa Seaview), 41-43 E 7th St btwn 2nd Ave & Cooper Sq (upgrade to op)

VOTE: TITLE: Community Board 3 Recommendation To Deny A Full On-Premise Liquor License For Mesa Seaview Corp., 41-43 East 7th Street, Unless Stipulations Are Agreed To – Stipulations Attached

Provided this location is not within two hundred (200) feet of St. George Ukrainian Catholic Church, located at 30 East 7th Street, between Second Avenue and Cooper Square, Community Board 3 moves to deny the application for a change in class of the existing wine beer license to a full on-premise liquor license for Mesa Seaview Corp., doing business as Jimmy's, for the premise located at 41-43 East 7th Street, between Second Avenue and Cooper Square, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service restaurant and bar, to wit an American restaurant, with a kitchen open and serving food to within two (2) hours of closing,
- 2) its hours of operation will be 12:00 P.M. to 2:00 A.M. Sundays through Tuesdays and 12:00 P.M. to 4:00 A.M. Wednesdays through Saturdays,
- 3) it will play ambient background music only, consisting of recorded and live music, and not have 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 not have "happy hours,"
- 9) it will designate an employee to oversee patron congestion 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

Community Board 3 is approving this application to upgrade to a full on-premise liquor license although this is a location in an area with numerous full on-premise liquor licenses because 1) the applicant has been an active community participant in non-profit associations, the green market and arts groups, and 2) it has been operating without complaints for eight and a half (8½) years.

19. Eric Thant Corporation, 57 1st Ave btwn E 3rd & E 4th Sts (wb) (Pudgie's)

VOTE: TITLE: Community Board 3 Recommendation To Deny A Wine Beer License For Eric Thant Corporation, 57 First Avenue, Unless Stipulations Are Agreed To – Stipulations Attached

To deny the application for a wine beer license for Eric Thant Corporation, for the premise located at 57 First Avenue, between East 3rd Street and East 4th Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service Japanese 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 11:00 P.M. all days,
- 3) it will play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 4) it will not commercially use any outdoor areas,
- 5) it will close any façade doors and windows at 10:00 P.M. every night,
- 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,
- 8) it will not have "happy hours,"
- 9) it will not host pub crawls or party buses,
- 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.

20. To be Determined, 269 E Houston St @ Suffolk St (op)

VOTE: TITLE: Community Board 3 Recommendation To Deny A Full On-Premise Liquor License For A Corporation To Be Determined, With Principal José González, Unless Stipulations Are Agreed To – Stipulations Attached

To deny the application for a full on-premise liquor license for a corporation to be determined, with principal José González, with a proposed business name of Patience and Fortitude, for the premise located at 269-271 East Houston Street, a/k/a 188 Suffolk Street, at the corner of East Houston Street

and Suffolk Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service restaurant, to wit a gastro pub, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 4:00 P.M. to 4:00 A.M. Mondays through Fridays and 7:00 A.M. to 4:00 A.M. Saturdays and Sundays,
- 3) it will play ambient background music only, consisting of recorded music, and not have 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,
- 5) it will have a closed fixed façade with no open doors or windows,
- 6) it will install additional soundproofing, if necessary,
- 7) it will insure that if it rents its establishment for a private event, it will remain responsible for overseeing congestion and noise on the sidewalk,
- 8) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 9) it will not have "happy hours,"
- 10) it will not host pub crawls or party buses,
- 11) it will designate an employee to oversee patron congestion 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.

21. Gaia Lounge (Sams 1 Lounge Inc), 103 E 2nd St btwn 1st Ave & Ave A (wb)

VOTE: TITLE: Community Board 3 Recommendation To Deny The Wine Beer License For Sams 1 Lounge Inc., 103 East 2nd Street

WHEREAS, Sams 1 Lounge Inc. is seeking a wine beer license to operate a tavern lounge, for the premise located at 103 East 2nd Street, between First Avenue and Avenue A; and

WHEREAS, this is an application for a hookah lounge with hours of operation f 12:00 P.M. to 3:00 A.M. all days, seats consisting of couches and hassocks, a sixteen (16) foot bar, no kitchen, four (4) televisions or monitors, happy hours to 8:00 P.M. every day, private parties once a month and security guards Fridays and Saturdays; and

WHEREAS, this premise is located on a residential side street zoned R8B and has not been previously licensed and was previously operated as a pet store and was approved as a grandfathered noncompliant use under Use Group 6 to serve local retail needs and Community Board has taken the position that it does not want the City to permit eating and drinking establishments on side streets where the zoning was not intended to permit them and where none had previously existed; and

WHEREAS, its operation as a hookah lounge with 3:00 A.M. closings all days, no kitchen, casual seating, happy hours, private parties and security guards on weekends is incompatible with its location in the middle of a residential side street composed of residential buildings; and

WHEREAS, there are numerous businesses of the same type in the immediate area, to wit on East 4th Street between First Avenue and Second Avenue, on East 3rd Street between First Avenue and Second Avenue, **on East 2nd Street between First Avenue and Avenue A**, on First Avenue between 3rd Street and 4th Street and on East 1st Street between First Avenue and Avenue A; and

WHEREAS, Community Board 3 is concerned about the ability of the applicant to operate a problem free licensed business because the applicant conceded that it had been employed at a now closed hookah lounge, doing business as Temple of Ankh, located at 58 Clinton Street, between East Houston Street and Stanton Street, for which the applicant surrendered its license and which Community Board 3 had recommended the denial of its wine beer license in January of 2013 (see motion attached hereto) because 1) there had been complaints from residents and businesses of the street of loud music until 4:00 A.M. most nights, unruly and loud patrons crowding its sidewalk late at night, yelling, fighting and vomiting, and patrons observed entering the business with alcohol for which the applicant had no license, 2) patrons had posted on YELP that they had been served alcohol at this business, 3) there had been fourteen (14) substantiated 311 commercial noise complaints from March 20, 2011 through September 1, 2012, between the hours of 12:00 A.M. and 3:30 A.M., and 4) there had been a nuisance abatement for underage sales and noise which was settled by the licensee; and

WHEREAS, although the applicant has stated that it was employed as a waiter at The Temple of Ankh, it conceded that it had posted notices at the 58 Clinton Street location and allowed publication of notice in local paper that the Temple of Ankh was moving to the subject location of 103 East 2nd Street; and

WHEREAS, this applicant has no other experience operating a licensed business in this community board district and although the applicant stated that it operated its own hookah and belly dancing lounge at 4076 Woodward Avenue, Queens, New York, Community Board 3 has no documentation regarding the operating history of this business which the applicant conceded has been operated without a liquor license; and

WHEREAS, the present business has only been open since December of 2013; and

WHEREAS, although the applicant provided signatures in support for its proposed business, it conceded that an unspecified number of them were from area businesses and their employees and it had failed to contact the local block association about this proposed business; and

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for a wine beer license for Sams 1 Lounge Inc., for the premise located at 103 East 2nd Street, between First Avenue and Avenue A.

Alteration

22. Leftfield (CDT Ludlow Inc), 87 Ludlow St btwn Delancey & Broome Sts (op/add live music/extend hours to 4am)

VOTE: TITLE: Community Board 3 Recommendation To Deny The Alteration Of A Full On-Premise Liquor License For CDT Ludlow Inc., 87 Ludlow Street

WHEREAS, CTD Ludlow Inc., doing business as Leftfield, is seeking an alteration of its full on-premise liquor license, for the premise located at 87 Ludlow Street, between Delancey Street and Broome Street, New York, New York, to wit extending its closing time to 4:00 A.M. all nights and adding live bands; and

WHEREAS, this applicant was originally approved for a full on-premise liquor license by Community Board in November of 2011 with stipulations to 1) operate a restaurant tavern, serving simple bar food to within one (1) hour of closing, 2) have hours of operation of 4:00 P.M. to 1:00 A.M. all days, 3) 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 would be charged, 4) not commercially use its backyard, and 5) designate an employee one of whose responsibilities would be to manage vehicular and pedestrian traffic and noise in front of the business; and

WHEREAS, this applicant had been heard by Community Board 3 in February of 2014 for the renewal of its full on-premise liquor license because there had been a complaint from the local police precinct that the applicant has been hosting live bands and having DJs and events at which cover fees have been charged in violation of its stipulations and there had been twenty-two (22) 311 calls from January 2013 through January 2014 and the applicant had confirmed that it has hosted live bands, DJs and events at which cover fees have been charged for at least the past six (6) months; and

WHEREAS, Community Board 3 had then moved to deny the application to renew the full on-premise liquor license for CTD Ludlow Inc. unless the applicant agreed before the SLA to reaffirm as conditions of its license and adopt additional stipulations that 1) it operate as a tavern with hours of operation of 4:00 P.M. to 1:00 A.M. all days, 2) it play ambient background music only upstairs, consisting of recorded music, have DJs in its basement if at all and not have live music, promoted events, scheduled performances or any event at which a cover fee will be charged, 3) it not apply for any alteration in its method of operation without first appearing before Community Board 3, 4) it have a closed fixed façade with no open doors or windows, 5) it not commercially use any outdoor areas, 6) it have "happy hours" no later than 7:00 P.M. each night, 6) it not host pub crawls or party buses, 7) it designate an employee to monitor patron noise and crowds on the sidewalk outside of its business, 8) it install additional soundproofing, if necessary, and 10) it provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

WHEREAS, given that the applicant had conceded last month that it had been operating inconsistent with its stated method of operation and with the stipulations which are conditions of its liquor license for approximately six (6) months, Community Board 3 believes that its request to alter its stipulations to allow for the previously unpermitted conduct is premature as there has been no opportunity to establish whether this applicant will comply with its existing stipulations; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for an alteration of the full on-premise liquor license for CTD Ludlow Inc., doing business as Leftfield, is seeking an alteration of its full on-premise liquor license, for the premise located at 87 Ludlow Street, between

Delancey Street and Broome Street, to wit extending its closing time to 4:00 A.M. all nights and permitting live bands.

Corporate Change (not heard at committee)

23. Pinalito City Restaurant Inc, 293 E Houston St (op)
no vote necessary

35 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Arts Task Force

1. Lower East Side History Month (May 2014) (Update)
no vote necessary
2. Lower East Side Cultural Resources Guide (Update)
no vote necessary
3. The Arts & Economic Development On The Lower East Side (Continued Discussion)
no vote necessary

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

Discussion on whether to postpone the vote on Parks Committee Resolution Item 8, specific to 75 Essex, in order to have the property owner present (who was not present because of a family emergency), or whether there has been sufficient discussion of the landmarking before the Landmarks Subcommittee, the Parks Committee and the Community Board.

1. Goals and priorities for the design of the park in Essex Crossing
no vote necessary
2. Ana Luisa Garcia Community Center proposals for programming/upgrading for Baruch Park JOP
no vote necessary
3. Funding proposal for Nike field in SDR Park
withdrawn
4. Request for support to re-name section of the Pike St Mall as Elisa Izquierdo Park (Cherry to Madison St)

VOTE: TITLE: Community Board 3 Resolution to Request Renaming Pike Street mall between Cherry and Madison St to Elisa Izquierdo Park

Whereas, Elisa Izquierdo was a resident of the Lower East Side, and suffered horribly at the abuse of her parents;

Whereas, Elisa's death highlighted the problems of child abuse and galvanized a need for reform for the City's children services;

Whereas, renaming a section of the Pike Street mall between Cherry and Madison Street across from the Rutgers Houses where Elisa resided will serve to remind all New Yorkers of the tragedy and to remain ever vigilant against child abuse;

Therefore be it resolved that CB#3 strongly urges NYC Parks to consider renaming that median Elisa Izquierdo Park in her memory.

5. Request for support for East Side Community High School – Phoenix Theatre Ensemble Arts-in-Education Collaboration, Spring 2014

VOTE: TITLE: Community Board 3 Resolution of Support for the Phoenix Theatre Ensemble

Whereas, the Phoenix Theatre Ensemble Arts-in-Education Program at East Side Community High School is a highly beneficial program to our community's public, Title I students, introducing theater and acting studios in the school curriculum;

Whereas, the closure of the East Side High School due to structural problems, the loss of primary program funding, and Hurricane Sandy threatened the program's existence in providing students with enriched curriculum;

Whereas, Phoenix Theatre Ensemble Arts-in-Education requested from CB3 a resolution and letter in support of the program to help with its efforts to fundraise from public and private sources;

Therefore be it resolved, that CB3 finds the Phoenix Theatre Ensemble Arts-in-Education program to be essential to our neighborhood school, and support the program in their endeavors to continue providing our children with access to theater, acting, and public speaking programs.

6. Request to have statue of Sun Yat Sen be permanently placed in Columbus Park

VOTE: TITLE: Community Board 3 Resolution for the Sun Yat Sen Statue in Columbus Park

Whereas, the Chinese Consolidated Benevolent Association (CCBA) received a statue of Sun Yat Sen to be displayed for the greater Chinatown community;

Whereas, the CB3 in the past has approved the Sun Yat Sen statue to be displayed in Columbus Park as part of temporary art programming with NYC Parks;

Whereas, Sun Yat Sen is an important historical figure to many residents in Chinatown and throughout the world for his role in the republican revolution and formation of the modern China;

Whereas, Sun Yat Sen conducted his historic organizing of the revolution in NYC's Chinatown;

Whereas, the placement of the statue has exceeded the 11 month period normally allotted for temporary art installations in NYC parks;

Therefore be it resolved, that CB3 requests that NYC Parks allow the Sun Yat Sen statue to temporarily remain in Columbus Park while CCBA goes through the Public Design Commission review process to apply for permanent placement in Columbus Park;

And further be it resolved, that CB3 supports CCBA in its application to have the statue be permanently placed in Columbus Park.

7. Request for support to build tennis bubble, club house for year round tennis in East River Park
no vote necessary

8. Report from Landmarks Subcommittee

VOTE: TITLE: Request for Community Board 3 to support a proposal to the Design Commission to add an accessible exterior ramp on the front façade of the building and an elevator at the rear of the Clemente Soto Vélez Cultural Center, 107 Suffolk Street.

WHEREAS, the first phase of the work proposed to improve accessibility to the Clemente Soto **Vélez** Cultural Center adds a ramp along the front facade, taking advantage of a window that will be enlarged, and adds an elevator at the rear of the building; and

WHEREAS, stairs at the current front entrance to the building make it inaccessible to the disabled and there is currently no elevator; and

WHEREAS, the center operates in a multi-cultural and inclusive manner, housing artist studios, promoting artists and performance events that fully reflect the cultural diversity of the Lower East Side and the city as a whole; and

WHEREAS, the cultural center is housed in a beautiful, historic CBJ Snyder school building, the former Public School 160, whose exterior has recently been renovated; and

WHEREAS, a master plan has been developed to address safety and accessibility issues and to bring the building into code compliance, as well as to make it generally more welcoming; so

THEREFORE BE IT RESOLVED, Community Board 3 applauds Clemente Soto **Vélez** for undertaking this important work, supports the proposed conceptual design, and requests that the applicants return when there is a more detailed design, including materials to be used on the façade.

VOTE: TITLE: Community Board 3 Resolution Supporting Landmarks Designation for 75 Essex Street, the former Good Samaritan/Eastern District Dispensary, built in 1890.

WHEREAS, the Italianate-style Good Samaritan/Eastern Dispensary building located at 75 Essex Street (corner of Broome Street), erected in 1890 and designed by distinguished architects Rose & Stone, is the only structure of its kind on the Lower East Side; and

WHEREAS, the four-story building, which is in excellent condition, is clad in orange and tan brick, laid in Flemish bond, with brownstone trim, featuring a series of five round-arched openings on the first story along Essex Street; and

WHEREAS, the Dispensary building was financed through private contributions, with operations funded by the City, and served the impoverished immigrant community of the Lower East Side; and

WHEREAS, the building survives as a testimony to social reformers in the late nineteenth and early twentieth centuries, whose vision and commitment propelled New York City to pioneer progressive social change; and

WHEREAS, a building that is part of the new Essex Crossing development will surround 75 Essex Street; and

WHEREAS, other historic buildings within the Seward Park Urban Renewal Area will be demolished, leaving 75 Essex Street as a lone architectural reminder of the history of the area; and

WHEREAS, that Friends of the Lower East Side have agreed to work with the owner, the Landmarks Preservation Commission, the City Council, and the City Planning Commission to assist the owner with realizing the value of the property's considerable air rights; so

THEREFORE BE IT RESOLVED, Community Board 3 supports the proposal that the Landmarks Preservation Commission calendar and designate 75 Essex Street as a New York City Individual Landmark.

VOTE: TITLE: Resolution in support of Certificate of Appropriateness for 1-story rear-yard extensions for 341-343 East 10th Street

WHEREAS, one-story enclosed rear-yard extensions to the buildings at 341 and 343 East 10th Street in the East 10th Street Historic District are proposed; and

WHEREAS, 341 and 343 East 10th Street are brick and brownstone tenement buildings constructed by William S. Wright, the original owner; and

WHEREAS, the rear lots are only 20 feet deep, making it impractical to leave open space behind the additions; and

WHEREAS, neither building has a rooftop addition; and

WHEREAS, the corner building at 345 East 10th Street has an existing rear-yard addition that blocks the view of the proposed rear-yard additions from Avenue B; so

THEREFORE BE IT RESOLVED, Community Board 3 supports the Certificate of Appropriateness for 1-story rear-yard extensions for 341-343 East 10th Street.

Block Parties

9. Henry Street Settlement Block Party, 5/3, Henry St (Montgomery & Jackson Sts)

VOTE: CB3 approves the Henry Street Settlement Block Party, 5/3, Henry St (Montgomery & Jackson Sts).

10. New York City International Film Festival Latino Film Day, 5/31, E 12th St (2nd & 3rd Aves)

no vote necessary

11. Mid-Autumn Moon Festival, 9/7, Forsyth St (E B'way & Division St)

VOTE: CB3 approves the Mid-Autumn Moon Festival, 9/7, Forsyth St (E B'way & Division St), to set up at 11am, and run from noon to 5pm, and taken down by 6pm.

35 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding Parks Item 8, 75 Essex Street)

34 YES 1 NO 0 ABS 0 PNV MOTION PASSED (Parks Item 8, 75 Essex Street)

Land Use, Zoning, Public & Private Housing Committee

1. 400 Grand Street - status of tenants

VOTE: TITLE: Community Board 3 Motion to Send the February Resolution Regarding 400 Grand Street to the New HPD Commissioner

WHEREAS, relocation plans are still not in place for the 400 Grand Street tenants, and

WHEREAS, no decision has been made as to their priority for placement in the Essex Street Crossing development, so

THEREFORE BE IT RESOLVED, CB 3 will send the February resolution with a brief cover letter to the new HPD Commissioner Vicki Been to acquaint her with the issue and its current status.

Honorable Vicki Been, Commissioner
Department of Housing Preservation and Development

100 Gold Street
New York, NY 10038

Subject: Relocation plans for tenants of 400 Grand Street (a building within SPURA to be demolished as part of the Essex Street Crossing development)

Dear Commissioner Been:

The purpose of this letter is to inform you of the situation in which the six tenants of 400 Grand Street find themselves and of the efforts of Manhattan Community Board 3 (CB 3) on their behalf. We ask for your commitment to complete their relocation plans as quickly as possible.

Throughout the years of deliberation by CB 3 regarding the Seward Park Urban Renewal Area (SPURA), we heard from the tenants of 400 Grand Street. These tenants were seeking information regarding their original participation in the TIL program, the termination of their TIL program, and their future housing options. During this time, the tenants and CB 3 received contradictory and confusing information from HPD.

In December, 2013, CB 3 passed a resolution calling for HPD to address their situation and to provide regular updates at CB 3 Land Use Committee meetings. In particular, we asked for HPD representatives who could speak to this specific situation rather than reiterating HPD policies and rules. Since then, HPD has been ably represented by Assistant Commissioner Vivian Louie. However, no specific plans for the six tenants of 400 Grand have been developed.

In February, 2014, CB 3 and the tenants were surprised to learn that HPD wanted the tenants relocated by June 30. CB 3 then passed another resolution calling for monthly updates by HPD and asking that the tenants of 400 Grand Street be given the same priority for housing in Essex Crossing as the former site tenants who had been displaced in the 1960s.

Please urge your staff to make every effort to complete the tenant relocation plans and to make available housing in Essex Crossing to those who opt for this and who meet the income qualifications.

Sincerely,

Enclosures: December and February CB 3 resolutions

December 2013

400 Grand Street – Status of Tenants

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 12, 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 January 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.

February 2014

WHEREAS, the NYC Department of Housing Preservation and Development (HPD) provided an update to the CB3 Land Use and Housing Committee at their February 2014 meeting on their plan to assist current tenants of 400 Grand Street with relocation; and

WHEREAS, HPD is now working under an expedited timeframe to relocate tenants by June 30, 2014 so that development of the site can begin; and

WHEREAS, the current site tenants currently do not have a first priority to be considered for affordable housing units at the planned Essex Crossing development; now

THEREFORE, BE IT RESOLVED, that Community Board 3 supports a first priority for the current tenants at 400 Grand Street to be considered for affordable housing units at the planned Essex Crossing development before the process is opened to other, non-right of return applicants, in the same manner as will apply for former site tenants of the Seward Park Urban Renewal Area.

THEREFORE, BE IT FURTHER RESOLVED, that Community Board 3 requests that HPD provide monthly updates to the CB3 Land Use and Housing Committee until all tenants have a final relocation plan in place.

2. Chinatown Working Group proposal: Committee discussion of Subdistrict A, Chinatown Core, proposed Special District, as well as the implications of the special district for the surrounding area

VOTE: TITLE: Community Board 3 Resolution Regarding the Chinatown Working Group (CWG) Plan for SubDistrict A (the Chinatown Preservation Area).

WHEREAS, Manhattan's Chinatown and its surrounding areas are among the oldest immigrant neighborhoods in New York City, housing successive groups of immigrants from Ireland, Germany, China, Italy, Puerto Rico and the Dominican Republic, starting in the early 1800s; and

WHEREAS, these diverse immigrant neighborhoods, with their historic tenement buildings, vibrant streetscapes, and affordable housing built for low-income working class families shed important light on New York City's past but are also a critical component in the City's future; and

WHEREAS, most buildings in SubDistrict A are five to nine stories and mixed use (stores, restaurants, and sometimes light manufacturing uses below; residential and commercial uses above); and

WHEREAS, in the absence of height limits, inappropriate developments (such as large hotels and condos) are beginning to appear within the SubDistrict; and

WHEREAS, the CWG plan for Chinatown, as it applies to SubDistrict A (the Chinatown Preservation Area), provides for an 85 foot height limit; and

WHEREAS, the CWG plan prohibits certain commercial business such as hotels and big box stores, requires special permits for bars and clubs, and limits the size of most stores and businesses to 2,500 square feet; and

WHEREAS, the CWG plans to add "G" designation to commercial and manufacturing zoning districts in SubDistrict A which will protect existing commercial and manufacturing uses within the district and allows new compatible manufacturing uses; so

THEREFORE BE IT RESOLVED, CB 3 supports the CWG SubDistrict A plan for purposes of casting our vote as members of the CWG with the following caveats:

- CB 3 does not support the proposal to allow significant buildings within the preservation area to transfer their air rights to developments outside SubDistrict A.
- While CB 3 generally supports the option, it seeks clarification of proposed Zoning "Option 1" regarding allowable FAR.

BE IT FURTHER RESOLVED, CB 3 will review the final, complete CWG plan when it has been agreed to by the CWG.

3. Support for legislation to allow residential co-ops to receive FEMA aid

VOTE: TITLE: Community Board 3 Resolution to Support H.R. 2887 and S. 1480

WHEREAS, currently co-ops are ineligible to receive FEMA assistance in the event of a major disaster such as Super Storm Sandy; and

WHEREAS, co-op residents within Community District 3 suffered significant losses during Super Storm Sandy and found they were ineligible for FEMA assistance; and

WHEREAS, this ineligibility is certainly an oversight in the federal laws governing the use of FEMA funds; and

WHEREAS, Senator Charles Schumer and Representative Steve Israel have put forward bills in the House of Representatives (H.R. 2887) and the Senate (S. 1480) to amend the "Robert T. Stafford Disaster Relief and Emergency Assistance Act" to provide assistance for housing cooperatives and condominiums damaged by a major disaster; so

THEREFORE BE IT RESOLVED, Community Board 3 urges passage of H.R. 2887 and S. 1480 to provide assistance for housing cooperatives and condominiums in the event of a major disaster.

4. HPD 421A Partial Tax Exemption Program Application for 84 3rd Ave (B556, L59)

VOTE: TITLE: Community Board 3 Resolution to Decline to Support the 421A Partial Tax Exemption Program Application for 84 3rd Avenue

WHEREAS, the applicant did not appear; and

WHEREAS, the development provides no affordable housing; and

WHEREAS, CB 3 has a long-standing position against granting 421A tax exemptions to developments that only provide market-rate housing; so

THEREFOR BE IT RESOLVED, CB 3 denies the 421A application for 84 3rd Avenue.

35 YES 0 NO 0 ABS 0 PNV MOTION PASSED

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

1. Urban Fellow project: Inventory of medical services and facilities in CB 3 and serving CB 3 and analysis of needs
no vote necessary
2. Working meeting for planning for a school on SPURA site--comments/revisions for white paper
no vote necessary

Economic Development

1. Continued discussion/update on East Village merchant organizing
no vote necessary
2. Continued discussion/update on East Village Retail Diversity Initiative
no vote necessary

Con Ed Task Force

Update that spring cycle of funding proposals are due April 2.
minutes not submitted

Members Present at Last Vote:

David Adams	[P]	Gloria Goldenberg	[A]	Ben Landy	[P]
Dominic Berg	[P]	Jan Hanvik	[P]	Mae Lee	[P]
Karen Blatt	[P]	Ayo Harrington	[P]	John Leo	[P]
Justin Carroll	[P]	Herman F. Hewitt	[P]	Ricky Leung	[A]
Jimmy Cheng	[A]	Anne K. Johnson	[P]	Alysha Lewis-Coleman	[P]
MyPhuong Chung	[P]	Linda Jones	[P]	Gigi Li	[P]
David Crane	[P]	Vaylateena Jones	[P]	William LoSasso	[P]
Stephanie Dominici	[A]	Meghan Joye	[P]	Chad Marlow	[P]
Morris Fajtelewicz	[P]	Lisa Kaplan	[P]	Bernard Marti	[A]
Flora Ferng	[A]	Carol Kostik	[A]	Penina Mezei	[A]

Alexandra Militano	[P]	Carlina Rivera	[P]	Elinor Tatum	[leave]
Chiun Ng	[P]	James Rogers	[P]	Julie Ulmet	[P]
Ariel Palitz	[A]	Richard F. Ropiak	[P]	Josephine Velez	[A]
Teresa Pedroza	[P]	Susan Scheer	[P]	Rodney Washington	[P]
Carolyn Ratcliffe	[P]	Nancy Sparrow-Bartow	[P]	Justin Yu	[P]
Joyce Ravitz	[P]	Wilson Tang	[A]	Thomas Yu	[A]

Meeting Adjourned