



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

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Alysha Lewis-Coleman, Board Chair

Susan Stetzer, District Manager

January 2019 Full Board Minutes

Meeting of Community Board 3 held on Tuesday, January 22, 2019 at 6:30pm at PS 20, 166 Essex Street.

Public Session:

Harry Bubbins representing the GVSHP is in support of the East Village Special District which is shared by CB3.

Mae Lee on behalf of the Chinese Progressive Association, announcing one day events to assist people to apply for U.S citizenship. The first one is at Feb 11th 4:30pm-8pm at Educational Alliance Manny Cantor Center in three languages.

Public Officials:

Mayor Bill de Blasio, Gabrielle Dann-Allel:

Public Advocate Letitia James, Adam Chen:

Comptroller Scott Stringer, Michael Stinson:

Borough President Gale Brewer, Brian Lewis:

Provided update on 10th street garbage trucks parking in council district 2 – MBPO has several alternative solutions being proposed for approval. Jan 8th EDC proposed a meeting regarding the Brooklyn esplanade with 6 million being proposed to the redesign under the Brooklyn Bridge. State of the Borough address is February 24th 2pm-4pm at NYU. CB3 applications are live.

Congressmember Nydia Velazquez, Iris Quinones:

Is against the design and implementation of the Federal wall. CB3 report shared.

Congressmember Carolyn Maloney, Victor Montesinos:

Is against the federal government shutdown. The Cb3 report was shared.

Assemblymember Yuh-Line Niou, Monica Martinez:

Provided a CB3 report. Announced a townhall to be held Sunday at Feb 3rd to be located at Manny Cantor 11am – 6pm.

Assemblymember Deborah J. Glick, Charlie Anderson:

Assemblymember Harvey Epstein, Mike Schweinsburg:

Update on the New East River Alliance. Townhall January 31st hosted for constituents 345 East 24th street at NYU. Call out for youth council applications.

State Senator Brian Kavanaugh, Venus Galarza-Mullins:

Provided CB3 report. Announced a few bills that were passed by Senator Kavanaugh. Informed constituents to contact their office with any NYCHA related issues.

State Senator Brad M. Hoylman, Caroline Wekselbaum:

Provided CB3 report. Last week a bill was passed against Gay conversion therapy and bill to protect gender rights. L train update. East Side resiliency project update.

Councilmember Margaret Chin, Marian Guerra:

NYC Council Budget process for 2020 is open and announced applications are live. The hard deadline is Feb 19th 2019 for all 501 c3 organizations. Councilmember Chin's office is operating on a hard deadline of Feb 8th. February 20th is the hard deadline for capital funding. The Councilwoman's office passed a bill that stops retail businesses from receiving SAPO permits without first going through Community board review. Aging into poverty committee is meeting tomorrow at 1pm.

Councilmember Carlina Rivera, Sheila Rodriguez:

Joint hearing of East Side resiliency project to examine the updated project and the reasoning for the change. Meeting to be held at 1pm at City Hall. CB3 report shared.

Members Present at First Vote:

David Adams	[P]	David Ford	[P]	Antonio Martinez	[A]
Yaron Altman	[P]	Ryan Gilliam	[P]	Alexandra Militano	[P]
Jesse Beck	[P]	Debra Glass	[P]	Nancy Ortiz	[A]
Dominic Berg	[A]	Herman F. Hewitt	[A]	Carolyn Ratcliffe	[A]
Lee Berman	[P]	Trever Holland	[P]	Damaris Reyes	[A]
Victoria Berrios	[P]	Linda Jones	[P]	Richard F. Ropiak	[P]
Lisa Burriss	[A]	Vaylateena Jones	[P]	Robin Schatell	[P]
Karlin Chan	[P]	Meghan Joye	[P]	Laryssa Shainberg	[A]
Jonathan Chu	[P]	Lisa Kaplan	[P]	Clint Smeltzer	[P]
MyPhuong Chung	[P]	Olympia Kazi	[P]	Anisha Steephen	[P]
David Crane	[P]	Joseph Kerns	[A]	Sandra Strother	[P]
Paul DeRenzo	[P]	Mae Lee	[P]	Josephine Velez	[P]
Eric Diaz	[P]	Alysha Lewis-Coleman	[P]	Rodney Washington	[P]
Dean Diongson	[P]	Luis Lopez	[A]	Kathleen Webster	[P]
Alistair Economakis	[P]	Michael Marino	[P]		
Shirley Fennessey	[A]	Jeremy Markman	[P]		

Minutes:

Minutes of November 2018 were approved, as is.

35 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Board Chairperson's Report:

Chairperson Alysha Lewis-Coleman

Housing Townhall from 11am – 3pm at 301 Henry Street. Each Committee Chair and Sub Committee will be asked to give a 5 min presentation of who they are and what they do to the audience at the next full board meeting.

District Manager's Report:

District Manager Susan Stetzer

BRC confirmed a rise in homelessness this year similarly as in last year. They are finding people are more resistant to finding services. The L train tunnel is NOT shutdown. Theft of unattended property is rising. CB3 hosted a meeting on the garbage trucks parking on 10th street. Brooklyn DA office is expounding prior marijuana convictions, and Manhattan DA is waiting an expected three to four months before following. SNAP benefits for February have been received with the future of SNAP uncertain.

Committee Reports:

Executive Committee

1. Exec Committee Vote 1

VOTE: To include in holidays that CB 3 does not schedule meetings: Lunar New Year's Eve.

2. Exec Committee Vote 2

VOTE: To expand the Personnel Taskforce to include board member matters and to be called Personnel and Board Member Matters Taskforce.

36 YES 0 NO 0 ABS 0 PNV MOTION PASSED

SLA & DCA Licensing Committee

1. Approval of previous month's minutes approved by committee

Alterations

2. Katra (Pamdh Enterprises Inc), 217 Bowery btwn Rivington & Prince Sts (op/alt/change method of operation, add security guards, add DJs)

VOTE: TITLE: Community Board 3 Recommendation To Deny Unless Stipulations Agreed To—Stipulations Attached

WHEREAS, Pamdh Enterprises Inc. is applying for an alteration of its full on-premises liquor license for its venue, doing business as Katra, at its two-story premises located at 217 Bowery, between Rivington Street and Prince Street, New York, New York, to wit changing the method of operation of its business by adding security guards and DJs; and

WHEREAS, this applicant has stated that it is appearing to alter its method of operation to include security guards and DJs because, although both are established elements of its business, it cannot agree with the SLA whether these elements are included or not included in its approved method of operation; and

WHEREAS, this applicant has now represented it is operating a restaurant with a certificate of occupancy of two hundred eighty-nine (289) people, thirty-four (34) tables and one hundred thirty-six (136) seats, a twenty-two (22) foot bar with thirteen (13) stools on the ground floor and a twenty (20) foot bar with eleven (11) stools in the basement, hours of operation of 5:00 P.M. to 4:00 A.M. Mondays through Fridays and 11:30 A.M. to 4:00 A.M. Saturdays and Sundays, a kitchen serving food to within two (2) hours of closing, recorded music and DJs, no events, scheduled performances or events with cover fees promoted by outside promoters, one (1) television and three (3) to four (4) security guards; and

WHEREAS, this applicant was issued a full on-premises liquor license by the SLA on January 22, 2003; and

WHEREAS, an alteration application for this applicant was approved by Community Board 3 in April of 2003; and

WHEREAS, this applicant was heard by Community Board 3 in September of 2003 and October of 2003 for multiple complaints of noise, large crowds and vehicular traffic in front of its business and both times was asked to address complaints; and

WHEREAS, this applicant was then heard by Community Board 3 in November of 2005 for complaints of criminal activity in and in front of its business, most notably a shooting in front of its business that resulted in one death, and with a revocation hearing pending before the SLA, and Community Board 3 moved to support the revocation of its license; and

WHEREAS, the applicant then closed and reopened as a full-service Moroccan restaurant, doing business as Katra; and

WHEREAS, this applicant was approved by Community Board 3 in May of 2007 with stipulations to 1) play recorded music and have live music no more than ten (10) times per year on the lower level of the business only, 2) serve food to within two (2) hours of closing, 3) install soundproofing, and 4) employ a doorman, if necessary; and

WHEREAS, this applicant was heard by Community Board 3 in November of 2008 for renewal of its license because there had been multiple complaints of noise and large crowds in front of its business and was approved its renewal by Community Board 3 because it represented that it had been working with the local police precinct and neighboring residents to address the complaints by trying to reduce noise from music by removing its existing sound system and by minimizing wait lines outside; and

WHEREAS, the applicant had an April 22, 2014 conditional no contest plea for unlicensed security and failure to comply on August 18, 2012, a January 7, 2013 conditional no contest plea before the SLA for failure to comply with its application on February 3, 2012, sustained charges before the SLA on February 27, 2007, for failure to comply with its application on September 24, 2005, September 25, 2005, October 14, 2005 and January 13, 2006 and unlicensed cabaret on May 14, 2005, June 25, 2005, September 10, 2005, September 24, 2005 and September 25, 2005, and an April 1, 2005 conditional no contest plea for sale of alcohol to a minor on August 14, 2004; and

WHEREAS, notwithstanding its prior history, there have been no recent complaints about this business, except that one (1) person submitted a statement in response to this application complaining about crowds and noise from people loitering in the adjacent alley, and two (2) area residents appeared on behalf of the applicant; and

WHEREAS, given its lack of recent complaints and its lengthy operation with its current method of operation, Community Board 3 would approve the above-stated already existing alterations with more comprehensive stipulations memorializing its method of operation; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to recommend the denial of the application for an alteration of the full on-premises liquor license for Pamdh Enterprises Inc., doing business as Katra, at its two-story premises located at 217 Bowery, between Rivington Street and Prince Street, to wit changing the method of operation of its business by adding security guards and DJs, 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 Moroccan restaurant, with a kitchen open and serving food to within one (1) hour of closing,

- 2) its hours of operation will be 11:30 A.M. to 4:00 A.M. all days,
- 3) it will not commercially operate outdoor areas,
- 4) it will employ up to six (6) security guards,
- 5) it will close any front or rear façade entrance doors at 10:00 P.M. every night or when amplified sound is playing and will otherwise have a closed fixed facade with no open doors or windows,
- 6) it will play recorded music and may have DJs, promoted events, scheduled performances and events with cover fees provided it does not use third party or outside promoters, but will not have live music,
- 7) it will play recorded background music on its ground floor and may have entertainment level music in its basement,
- 8) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3,
- 9) it may have "happy hours" to 8:00 P.M.,
- 10) it will not host pub crawls or party buses,
- 11) it will designate an employee to oversee patrons and noise on the sidewalk,
- 12) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 13) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

Sidewalk Cafe Applications

3. Sonnyboy (Banter Nolita LLC), 65 Rivington St btwn Eldridge & Allen Sts

VOTE: TITLE: Community Board 3 Recommendation To Deny Unless Change Order Agreed To—Change Order Attached

Community Board 3 moves to approve the application for an unenclosed sidewalk café permit for five (5) tables and ten (10) seats for Banter Nolita LLC, doing business as Sonnyboy, for the premises located at 65 Rivington Street, between Eldridge Street and Allen Street, because the applicant has signed a change agreement which will become part of its DCA license that

- 1) its café will consist of five (5) tables and ten (10) seats which will be located against the façade of the business,
- 2) its hours of operation will be 9:00 A.M. to 10:00 P.M. all days, and
- 3) it will have an awning extended over its sidewalk cafe.

New Liquor License Applications

4. Samurice NY Inc, 115 Delancey St (wb)
withdrawn

5. Ying Ma Corp, 20 Pell St btwn Mott St & Bowery (wb)

VOTE: TITLE: Community Board 3 Recommendation To Deny Unless Stipulations Agreed To—Stipulations Attached

WHEREAS, Ying Ma Corp. is seeking a wine beer license for the premises located at 20 Pell Street, between Mott Street and Bowery, New York, New York; and

WHEREAS, this applicant is proposing to operate a Malaysian restaurant with a certificate of occupancy of less than seventy-four (74) people, five (5) tables and sixteen (16) seats, a fifteen (15) foot bar with seven (7) stools, hours of operation of 4:00 P.M. to 1:00 A.M. Sundays through Wednesdays and 4:00 P.M. to 3:00 A.M. Thursdays through Saturdays, a kitchen open during all hours of operation, two (2) televisions, recorded background music and live music from karaoke; and

WHEREAS, this location has never been licensed and has been operating as a beauty salon; and

WHEREAS, the applicant has not been previously licensed but has experience in the area as a manager at restaurants, both doing business as Komba Thai, located at 23 Pell Street, New York, New York, from 1987 to 2000, and at 611 Hudson Street, New York, New York, from 1996 to 2010; and

WHEREAS, the applicant has furnished evidence of community support, in that it provided petition signatures, fifty-six (56) of which are from area residents, in support of its application, and one (1) resident of the street appeared in support of this application; and

WHEREAS, the applicant stated in its community board application that it had did not intend to seek a change in class of a wine beer license to a full on-premises liquor license and Community Board 3 notes that this location is within two hundred (200) feet of a house of worship, in that this location is directly across the street from the First Chinese Baptist Church, located at 21 Pell Street, between Mott Street and Bowery; and

WHEREAS, Community Board 3 would approve this application for a wine beer license with the stipulations governing its method of operation, which include a reduction in its hours of operation; now

THEREFORE BE IT RESOLVED that Community Board 3 moves to recommend the denial of the application for a wine beer license for Ying Ma Corp., for the premises located at 20 Pell Street, between Mott Street and Bowery, 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 Malaysian 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 1:00 A.M. Sundays through Wednesdays and 4:00 P.M. to 2:00 A.M. Thursdays through Saturdays,
- 3) it will not commercially operate any outdoor areas,
- 4) it will install soundproofing,
- 5) it will close any front or rear façade entrance doors at 10:00 P.M. every night or when amplified sound is playing and will otherwise have a closed fixed facade with no open doors or windows,
- 6) it will play ambient background music only, consisting of recorded music and live music consisting only of patrons at tables occasionally singing karaoke, but will not have DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 7) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3,
- 8) it will not seek a change in class to a full on-premises liquor license,
- 9) it will not have "happy hours,"
- 10) it will not host pub crawls or party buses,
- 11) it will not have unlimited drink specials with food,
- 12) it will insure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 13) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 14) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

6. Avenue C Restaurant LLC, 102 Ave C @ E 7th St (op)

VOTE: TITLE: Community Board 3 Recommendation To Deny Unless Stipulations Agreed To—Stipulations Attached

WHEREAS, Avenue C Restaurant LLC is seeking a full on-premises liquor license for the premises located at 102 Avenue C a/k/a 230 East 7th Street, at the corner of Avenue C and East 7th Street, New York, New York; and

WHEREAS, this applicant is proposing to operate an American restaurant with a certificate of occupancy of sixty-five (65) people, ten (10) tables and forty-two (42) seats, a bar of unspecified size with six (6) stools, hours of operation of 11:30 A.M. to 12:00 A.M. Sundays, Tuesdays and Wednesdays, 11:30 A.M. to 1:00 A.M. Thursdays through Saturdays and closed Mondays, a kitchen open during all hours of operation, an open façade and recorded background music; and

WHEREAS, this applicant has stated that it is purchasing the assets of the existing business; and

WHEREAS, the previous applicant was denied wine beer application for this location by Community Board 3 in August of 2010 unless it agreed to make as conditions of its license stipulations that it would 1) operate as a full-service restaurant, serving seasonal Austrian cuisine to within one (1) hour of closing, 2) have hours of operation of 4:00 P.M. to 2:00 A.M. Mondays through Fridays and 11:00 A.M. to 2:00 A.M. Saturdays and Sundays, 3) close any doors and windows at 10:00 P.M. every night, 4) close the backyard garden at 10:00 P.M. every night, and 5) play ambient background music, consisting of recorded music; and

WHEREAS, the previous applicant was then denied a change in class of its wine beer license to a full on-premises liquor license by Community Board 3 in November of 2011 unless it agreed to make as conditions of its license stipulations that it would 1) operate as a full-service Austrian restaurant, serving food to within one (1) hour of closing, 2) have hours of operation of 4:00 P.M. to 2:00 A.M. Mondays through Fridays and 11:00 A.M. to 2:00 A.M. Saturdays and Sundays, 3) 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 would be charged, 4) close façade doors and windows at 10:00 P.M., and 5) close its backyard at 10:00 P.M.; and

WHEREAS, the previous applicant was issued its full on-premises liquor license by the SLA on March 29, 2012; and

WHEREAS, there are five (5) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant but there are fourteen (14) full on-premises liquor licenses and two (2) pending full on-premises liquor licenses within five hundred (500) feet of this location per the SLA LAMP map; and

WHEREAS, the applicant has stated that it intends to operate a full-service restaurant with moderate hours of operation, including daytime hours of operation; and

WHEREAS, the applicant has not been previously licensed but has experience operating a restaurant in Westchester County and has managed two (2) restaurants in New York City for twelve (12) years and three (3) years, respectively; and

WHEREAS, the applicant has furnished evidence of community support, in that it provided petition signatures, twenty-seven (27) of which are from area residents, in support of its application; and

WHEREAS, given that the applicant has experience operating and managing restaurants and will operate a full-service restaurant similar in method of operation to the existing business, Community Board 3 would approve this application for a full on-premises liquor license with stipulations governing its method of operation, which include a reduction in its hours of operation and daytime hours of operation; now

THEREFORE BE IT RESOLVED that Community Board 3 moves to recommend the denial of the application for a full on-premises liquor license for Avenue C Restaurant LLC, for the premises located at 102 Avenue C a/k/a 230 East 7th Street, at the corner of Avenue A and East 7th 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 American restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 11:30 A.M. to 12:00 A.M. Sundays, Tuesdays and Wednesdays and 11:30 A.M. to 1:00 A.M. Thursdays through Saturdays,
- 3) it will not commercially operate any outdoor areas,
- 4) it will close any front or rear façade doors and windows at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances,
- 5) it will play ambient background music only, consisting of recorded music, and will not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged and will have no more than ten (10) private parties per year,
- 6) it will not apply for any alteration in its method of operation or for any physical alterations 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 not have unlimited drink specials with food,
- 10) it will insure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 11) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 12) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

7. Cool Bar (Cool Bar Inc), 174 Rivington St btwn Clinton & Attorney Sts (op)

VOTE: TITLE: Community Board 3 Recommendation To Deny Unless Stipulations Agreed To—Stipulations Attached

WHEREAS, Cool Bar Inc. has applied for a full on-premises liquor license for the premises located at 174 Rivington Street, between Clinton Street and Attorney Street, New York, New York; and

WHEREAS, this applicant is proposing to operate a tavern lounge with a certificate of occupancy of seventy-four (74) people, nine (9) tables and forty (40) seats, a twenty-three (23) foot bar with an unspecified number of stools, hours of operation of 1:00 P.M. to 1:00 A.M. all days, a prep area serving food during all hours of operation, recorded background music, two (2) televisions, one (1) security guard and happy hours to 8:00 P.M.; and

WHEREAS, the previous licensee at this location was heard for a full on-premises liquor license by Community Board 3 in November of 2017 and was denied unless it agreed to make as conditions of its license stipulations that it would 1) operate as a tavern, with less than a full-service kitchen but serving food during all hours of operation, 2) have hours of operation of 1:00 P.M. to 1:00 A.M. all days, 3) not commercially operate any outdoor areas, 4) employ at least one (1) security guard all days, one of whose responsibilities would be monitoring crowds and noise outside and who would be stationed outside, 5) install additional soundproofing, 6) close any front or rear façade entrance doors at 10:00 P.M. every night or when amplified sound is playing and otherwise have a closed fixed facade with no open doors or windows, 7) 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 would be charged, 8) not apply for any alteration in its method of operation without first appearing before Community Board 3, 9) have "happy hours" to 8:00 P.M. each night, 10) not host pub crawls or party buses, 11) not have unlimited drink specials with food, 12) insure that there are no wait lines outside and designate an employee to oversee patrons and noise on the sidewalk, 13) use its back door only as an emergency egress, 14) conspicuously post this stipulation form beside its liquor license inside of its business, and 15) provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

WHEREAS, understanding that one of the two principals of the previous corporation is now applying for a full on-premises liquor license because he is taking over the business as the sole principal, Community Board 3 would approve this application with the same stipulations governing its method of operation, except amending its stipulation governing security guards; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to recommend the denial of the application for a full on-premises liquor license for Cool Bar Inc., with the proposed business name of Cool Bar, for the premises located at 174 Rivington Street, between Clinton Street and Attorney Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a tavern, with less than a full-service kitchen but serving food during all hours of operation
- 2) its hours of operation will be 1:00 P.M. to 1:00 A.M. all days,
- 3) it will not commercially operate any outdoor areas,
- 4) it will employ at least one (1) security guard Thursdays, Fridays and Saturdays, who will be stationed outside and whose responsibilities will include monitoring crowds and noise outside,
- 5) it will close any front or rear façade entrance doors at 10:00 P.M. every night or when amplified sound is playing and will otherwise have a closed fixed facade with no open doors or windows,
- 6) it will play ambient background music only, consisting of recorded music, and will not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 7) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3,
- 8) it may have "happy hours" to 8:00 P.M. each night,
- 9) it will not host pub crawls or party buses,
- 10) it will not have unlimited drink specials with food,
- 11) it will insure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 12) it will use its back door only as an emergency egress,
- 13) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 14) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

8. Mala Project (Mala Project East Village LLC), 122 1st Ave btwn E 7th St & St Marks Pl (upgrade to op)

VOTE: TITLE: Community Board 3 Recommendation To Deny

WHEREAS, Mala Project East Village LLC is seeking a change in class of its wine beer license to a full on-premises liquor license for its restaurant, doing business as Mala Project, for the premises located at 122 First Avenue, between East 7th Street and Saint Marks Place, New York, New York; and

WHEREAS, the applicant is also seeking to extend its full on-premises liquor license to include commercial use of its rear yard; and

WHEREAS, the applicant is also forming a new entity in the form of an LLC although its principals will remain the same; and

WHEREAS, this is an application for a Chinese hot pot restaurant with a certificate of occupancy of seventy-five (75) people, twenty-four (24) tables and sixty (60) seats inside and five (5) tables and ten (10) seats in a backyard, a fifteen (15) foot bar with eight (8) stools, a kitchen open during all hours of operation, hours of operation indoors of 11:00 A.M. to 12:00 A.M. all days and hours of operation outdoors of 12:00 P.M. to 10:00 P.M. all days, recorded background music, twelve (12) private parties per year and happy hours to 7:00 P.M.; and

WHEREAS, an application for a wine beer license for this applicant was administratively approved by Community Board 3 in July of 2015 because the applicant agreed to make as conditions of its license the stipulations that it would 1) operate a full-service restaurant with a kitchen open and 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) not commercially operate any outdoor areas, 4) close any front or rear façade doors and windows at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances, 5) play recorded background music and not have DJs, live music, promoted events, scheduled performances or any events at which a cover fee would be charged, 6) not apply for an alteration in its method of operation without first appearing before Community Board 3, 7) not host pub crawls or party buses, 8) have happy hours to 7:00 P., 9) not have wait lines outside, 10) conspicuously post its stipulation form beside its liquor license inside of its business, and 11) provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

WHEREAS, the wine beer license for the applicant was issued by the SLA on January 8, 2016; and

WHEREAS, the applicant has stated that it is applying for a full on-premises liquor license because it wants to serve Chinese cocktails with medicines and herbs to complement its menu; and

WHEREAS, the applicant has operated its business without apparent complaints since 2015; and

WHEREAS, the applicant has operated a similar business located at 41 West 46th Street, New York, New York, since February of 2018 which was issued a full on-premises liquor license on February 18, 2018, and which has operated without apparent complaints according to a letter provided by Community Board #5; and

WHEREAS, the applicant has furnished evidence of community support, in that it provided petition signatures, eighty-seven (87) of which are from area residents, including some from building residents, as well as three (3) letters, including one (1) letter from a building resident, in support of its application; and

WHEREAS, there are thirty-four (34) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant but there are forty-three (43) full on-premises liquor licenses and two (2) pending full on-premises liquor licenses within five hundred (500) feet of this location per the SLA LAMP map; and

WHEREAS, the applicant appeared before Community Board 3 for this application in October of 2018 but withdrew its application because residents of the top floor of the building appeared to complain that the business ventilation system had emitted constant noise, vibrations and odors since the business opened and the applicant then agreed that it would work with residents to alleviate their complaints, have its ventilation system evaluated, make improvements to the system such as installing a cage to contain the system, and install soundproofing to the upstairs windows; and

WHEREAS, while the applicant has now furnished three (3) invoices reflecting the evaluation of its ventilation system from November 26, 2018 to December 20, 2018 and repairs made on December 20, 2018, the applicant failed to speak with residents about their complaints and failed to provide notice until three (3) weeks after repairs had been made and only four (4) days prior to its community board hearing; and

WHEREAS, five (5) building residents have now appeared before Community Board 3 to complain about the noise and vibrations from the business ventilation system, as well as about concerns about approving this application given that the business was closed for numerous health violations in November of 2018, the applicant failed to conspicuously post notice of its application hearing and because there are numerous businesses with full on-premises liquor licenses whose patrons already crowd and disrupt the street; and

WHEREAS, the applicant agreed that it would not seek to commercially operate its backyard given that these complaints have remained unresolved; and

WHEREAS, notwithstanding that the applicant has operated its business without apparent complaints until October of 2018 and furnished evidence of support for its application, Community Board 3 is unwilling to approve this application without a resolution of the complaints from its immediate neighbors given that the applicant has been unable to resolve the complaints that have resulted from the operation of its business despite having been given an opportunity to do so and given the numerous full on-premises liquor licenses within close proximity; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to recommend the denial of the application for a change in class of a wine beer license to a full on-premises liquor license for Mala Project East Village LLC, doing business as Mala Project, for the premises located at 122 First Avenue, between East 7th Street and Saint Marks Place, New York, New York.

9. Dim Sum Sam Inc, 59 2nd Ave btwn E 3rd & E 4th Sts (wb)

VOTE: TITLE: Community Board 3 Recommendation To Deny Unless Stipulations Agreed To—Stipulations Attached

WHEREAS, Dim Sum Sam Inc. is seeking a wine beer license for the premises located at 59 Second Avenue, between East 3rd Street and East 4th Street, New York, New York; and

WHEREAS, this applicant is proposing to operate a Chinese dim sum restaurant with a certificate of occupancy of one hundred fifty-two (152) people, fifteen (15) tables and sixty-five (65) seats, a six (6) foot service bar, hours of operation of 11:00 A.M. to 2:00 A.M. all days, a kitchen open during unspecified hours of operation and recorded background music; and

WHEREAS, an application for a wine beer license for this applicant was going to be administratively approved by Community Board 3 in December of 2018 because the applicant agreed to make as conditions of its license the stipulations that it would 1) operate a full-service Chinese dim sum restaurant with a kitchen open and 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) not commercially operate any outdoor areas, 4) close any front or rear façade doors and windows at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances, 5) play recorded background music and not have DJs, live music, promoted events, scheduled performances or any events at which a cover fee would be charged, 6) not apply for an alteration in its method of operation without first appearing before Community Board 3, 7) not host pub crawls or party buses, 8) not have unlimited drink specials with food, 9) not have happy hours, 10) not have wait lines outside, 11) conspicuously post its stipulation form beside its liquor license inside of its business, and 12) provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

WHEREAS, Community Board 3 then scheduled this application to be heard in January of 2019 because it learned that the applicant has recently opened its business and is closing at 2:00 A.M. all days and was advertising that this business closed at 2:00 A.M. all days as reflected in the website for and articles about this business, contrary to the agreed upon terms of the administrative approval; and

WHEREAS, the tenants' association of 57-59 Second Avenue has submitted a statement in opposition to this application because the multiple adjacent bars, restaurants and sidewalk cafes along this side of the block have resulted too much noise and smoke and too many people on the street which has caused residents of the building to be unable to open their windows; and

WHEREAS, the applicant has now stated that it filled out the community board applications questions regarding the hours of operation for the business believing those questions were asking the hours of operation that beer and wine would be served and that the applicant always intended to have hours of operation of 11:00 A.M. to 2:00 A.M. all days; and

WHEREAS, the applicant stated that it has been operating this business since October of 2018; and

WHEREAS, the applicant has operated the same business at 334 West 46th Street since March of 2015 and at 47 West 55th Street since September of 2017 and has stated that at least one of these businesses closes at 2:00 A.M. all days and has alcohol service ending at 12:00 A.M all days; and

WHEREAS, although represented by an experienced expeditor, the applicant has stated that it was confused about the stipulations that it had signed and will agree to cease serving wine and beer at 12:00 A.M. all days; and

WHEREAS, the applicant stated that in its community board application that it did not intend to seek a change in class of a wine beer license to a full on-premises liquor license and Community Board 3 notes that this location is within two hundred (200) feet of a house of worship, in that this location is directly across the street from the Iglesia de Cristo a/k/a East Side Church of Christ, located at 56 Second Avenue, East 3rd Street and East 4th Street; and

WHEREAS, Community Board 3 would approve this application with stipulations governing its method of operation; now

THEREFORE BE IT RESOLVED that Community Board 3 moves to recommend the denial of the application for a wine beer license for Dim Sum Sam Inc., for the premises located at 59 Second 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 Chinese dim sum restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 11:00 A.M. to 2:00 A.M. all days but it will cease the service of alcohol at 12:00 A.M. all days,
- 3) it will not commercially operate any outdoor areas,
- 4) it will close any front or rear façade entrance doors at 10:00 P.M. every night or when amplified sound is playing and will otherwise have a closed fixed facade with no open doors or windows,
- 5) it will play ambient background music only, consisting of recorded music, but will not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 6) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3,
- 7) it will not seek a change in class to a full on-premises liquor license,
- 8) it will not have "happy hours,"
- 9) it will not host pub crawls or party buses,
- 10) it will not have unlimited drink specials with food,
- 11) it will insure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 12) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 13) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

10. Entity to be formed by Ryan Chadwick, Mark Miller, 90 Orchard St (op)
withdrawn

11. Local 138 (Pub 138 Inc), 181 Orchard St btwn E Houston & Stanton Sts (op) (removal from 138 Ludlow Street)

VOTE: TITLE: Community Board 3 Recommendation To Deny Unless Stipulations Agreed To—Stipulations Attached

WHEREAS, Pub 138 Inc., with a proposed business name of Local 138, is seeking to remove a full on-premises liquor license from the premises located at 138 Ludlow Street, south storefront, between Stanton Street and Rivington Street, New York, New York, to 181 Orchard Street, between East Houston Street and Stanton Street, New York, New York; and

WHEREAS, this is application for a tavern with a certificate of occupancy of ten (10) people but applying for a letter of no objection, four (4) tables and forty (40) seats including a rail with eight (8) stools, a twenty (20) foot bar with seventeen (17) stools, hours of operation of 2:00 P.M. to 4:00 A.M. all days, a prep area serving bar food during all hours of operation, a closed façade, three (3) televisions, recorded background music, no promoted events, scheduled performances or events with cover fees, happy hours to 9:00 P.M. and no wait lines outside; and

WHEREAS, this applicant was denied a full on-premises liquor license for the same business at the south storefront of 138 Ludlow Street by Community Board 3 in January of 2011, unless the applicant agreed to make as conditions of its license stipulations that it would 1) operate as a tavern serving light pub style food, 2) have hours of operation of 2:00 P.M. to 4:00 A.M. all days, 3) close any façade doors and windows at 10:00 P.M. every night, and 4) play background music only, consisting of recorded music; and

WHEREAS, this applicant was issued a full on-premises liquor license for the south storefront of 138 Ludlow Street by the SLA on May 26, 2011; and

WHEREAS, the business itself has existed on Ludlow Street for the past twenty-one (21) years; and

WHEREAS, there are thirty-nine (39) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant but there are forty-one (1) full on-premises liquor licenses, including the existing license, and two (2) pending full on-premises liquor licenses per the SLA LAMP map; and

WHEREAS, the building otherwise known as 138-140 Ludlow Street was recently purchased by Delshah Capital LLC, whose founder and chief executive officer is developer, landlord and nightlife operator Michael Shah, and the landlord gave the applicant the option of leaving the south storefront at the end of its lease or moving to the smaller north storefront, however, in order to lease the smaller storefront, the applicant had to sell its assets to the landlord, place its existing full on-premises liquor license in safekeeping and apply for a new full on-premises liquor license rather than seek to remove its existing license to the new location; and

WHEREAS, the applicant was then heard for a full on-premises liquor license application for the north storefront of 138 Ludlow Street by Community Board 3 and was denied unless the applicant agreed to make as conditions of its license stipulations that it would 1) operate as a tavern, serving food during all hours of operation, 2) have hours of operation of 2:00 P.M. to 4:00 A.M. all days, 3) not commercially operate any outdoor areas, 4) install soundproofing consistent with the recommendations of a sound engineer, 5) close any front or rear façade entrance doors at 10:00 P.M. every night or when amplified sound is playing and otherwise have a closed fixed facade with no open doors or windows, 6) 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 would be charged, 7) not apply for any alteration in its method of operation without first appearing before Community Board 3, 8) not host pub crawls or party buses, 9) not have unlimited drink specials with food, 10) have "happy hours" to 9:00 P.M. each night, 11) insure that there are no wait lines outside and designate an employee to oversee patrons and noise on the sidewalk, 12) conspicuously post this stipulation form beside its liquor license inside of its business, and 13) provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

WHEREAS, the applicant had stated at that time that it could not afford to lose this business which comprises half of its income or close it and displace its employees while searching for another location and removing its existing license in this area which has become increasingly unaffordable; and

WHEREAS, the applicant has now stated that its landlord was proposing to avail itself of licenses held by the applicant at 138 Ludlow Street and so has elected to find another building to house its business; and

WHEREAS, the applicant has also stated that it will remove its existing full on-premises liquor license from the south storefront of 138 Ludlow Street and will withdraw its application for a full on-premises liquor license for the north storefront of 138 Ludlow Street, leaving 138-140 Ludlow Street with no licensed premises; and

WHEREAS, while the applicant has operated this business for eight (8) years, it has also operated a tavern, located at 132 Ludlow Street, for eleven (11) years and a restaurant bar, located at 211 Avenue A, for four (4) years; and

WHEREAS, the applicant has operated its existing business at 138 Ludlow Street for eight (8) years without complaints and at its other locations without complaints; and

WHEREAS, the applicant furnished petition signatures, forty-seven (47) of which were from area residents and seven (7) of its employees, most of whom have worked for the applicant for more than four (4) years, appeared to speak on behalf of the applicant as a responsible, available business owner and community participant and the need to maintain their employment; and

WHEREAS, one (1) resident submitted a statement opposed to this application, citing the already problematic nightlife businesses located at the intersection of Orchard Street and Stanton Street which has resulted in uncontrollable crowds and noise in that area; and

WHEREAS, Community Board 3 is unlikely to favorably view an application for a full on-premises liquor license at 138 Ludlow Street given that the intent of the landlord was to either evict the applicant or

move the applicant to a smaller storefront in the same building and avail itself of its existing full on-premises liquor licenses; and

WHEREAS, notwithstanding the number of existing full on-premises liquor licenses within the immediate area, Community Board 3 would approve this application with stipulations governing its use given the good history of the applicant operating this business and in this community, the history of this business as an affordable tavern that caters to area residents and given that the approval of this full on-premises liquor license will not add a new licensed business to an already overburdened community but will maintain the existence of a stable business and business owner; now

THEREFORE BE IT RESOLVED that Community Board 3 moves to recommend the denial of the application for a full on-premises liquor license for Pub 138 Inc., with a proposed business name of Local 138, for the premises located at 181 Orchard Street, between East Houston Street and Stanton Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a tavern, with a prep area serving food during all hours of operation,
- 2) its hours of operation will be 2:00 P.M. to 4:00 A.M. all days,
- 3) it will not commercially operate any outdoor areas,
- 4) it will install soundproofing consistent with the recommendations of a sound engineer,
- 5) it will employ up to two (2) security guards when needed,
- 6) it will close any front or rear façade entrance doors at 10:00 P.M. every night or when amplified sound is playing and will otherwise have a closed fixed facade with no open doors or windows,
- 7) it will play ambient background music only, consisting of recorded music, and will not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 8) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3,
- 9) it will not host pub crawls or party buses,
- 10) it will not have unlimited drink specials with food,
- 11) it may have "happy hours" to 9:00 P.M. each night,
- 12) it will insure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 13) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 14) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

12. Entity to be formed by Derek O'Connor, 503 E 6th St (op)Sidewalk (Table 20 LLC), 94-96 Ave A (op) withdrawn

Items not heard at Committee

13. El Camion III LLC, 198 Ave A (wb)

no vote necessary

14. Biga (GRG NY Corp), 3 Clinton St (wb)

no vote necessary

15. Kahuna Wave Hospitality LLC, 43 Clinton St (wb)

no vote necessary

16. Uluh (Chibaola Inc), 152 2nd Ave (wb)

no vote necessary

17. Solid Liquids LLC, 115 St Marks Pl (wb)

no vote necessary

▪ Vote to adjourn

approved by committee

36 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Economic Development Committee

no meeting scheduled

Transportation, Public Safety, & Environment Committee

1. Approval of previous month's minutes

approved by committee

2. 293 Broome Street: Revocable consent to construct, maintain and use proposed overhead building projection; and existing stairs to the cellar with the fence to be located above and under south sidewalk

VOTE: TITLE: CB 3 approves the request for a revocable consent at 293 Broome Street to construct, maintain and use two overhead building projections and to use and maintain an existing stair to the cellar and sidewalk metal fence

WHEREAS, the property owner requested a revocable consent to construct, maintain and use two overhead building projections and to use and maintain an existing stair to the cellar and sidewalk metal fence at 293 Broome Street; and

WHEREAS, the specific overhead building projections include a 3'-10" deep x 10'-11" wide balcony at the 2nd floor at a minimum of 15'-11" above the sidewalk; a 4'-10" deep x 8'-0" wide balcony at the 5th floor at a minimum of 46'-6" above the sidewalk; and the use and maintenance of an existing stair to the cellar and sidewalk metal fence; and

WHEREAS, the petitioner states that the requested structures are intended for residential use; so

THEREFORE BE IT RESOLVED, Community Board 3 supports the request for a revocable consent at 293 Broome Street.

3. MTA: L Train general update
no vote necessary

4. DOT: Catherine St and Market St Community Bike Network presentation

VOTE: TITLE: DOT: Create the Catherine St and Market St bike network within the Two Bridges Community

WHEREAS, the Catherine and Market Streets Community Bike Network will improve the connections from the Manhattan Bridge to the East River Greenway bike path, and

WHEREAS, the bike network will provide connections to community facilities such as Coleman Square Playground, Tanahey Playground, Catherine Slip Park, Smith Recreation Center, Murry Bergtraum Softball Field, and PS 261, and

WHEREAS, the bike network will support Citibike ridership in the community by connecting to the bike share stations, and

WHEREAS, the proposed bike routes are to be located on

- Market Street/Slip between East Broadway and South Street;
- Catherine Street/Slip between East Broadway and South Street;
- Monroe Street between Catherine Street and Pike Slip;
- Water Street between Catherine Street and Pike Slip; and
- Cherry Street between Catherine Street and Market Street, and

WHEREAS, this installation will not remove any street-side parking and,

WHEREAS, the new bike routes will organize cyclist and vehicle traffic, improving safety for bicyclists and pedestrians, and

WHEREAS, there was not prior outreach by DOT (Department of Traffic) to the NORC (Naturally Occurring Retirement Community) Knickerbocker Village, and representatives from the Knickerbocker Village Tenant Association (KVTA) raised concerns, particularly regarding safety concerns for seniors and children in the area, and

WHEREAS, DOT has committed to work with the KVTA for further outreach to the area to address concerns and providing translation in Cantonese and Mandarin, and

WHEREAS, DOT has agreed to investigate safety upgrades (i.e. protected bike lines where possible, and a painted pedestrian island on Market Slip protected with bollards where yellow striping was shown in the presentation), so

THEREFORE BE IT RESOLVED, Community Board 3 approves of the installation of the Catherine Street and Market Street Community Bike Network given DOT's commitment to continue outreach to Knickerbocker Village Tenant Association and to consider incorporating upgraded bike lanes for additional safety.

5. Vote to adjourn
approved by committee

36 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Parks, Recreation, Waterfront, & Resiliency Committee

1. Approval of previous month's minutes

- approved by committee
- 2. EDC: Construction and timeline updates for Pier 35/Package 4; Pier 36; Pier 42
no vote necessary
- 3. EDC: Project Intro and Outreach Presentation on Brooklyn Bridge Esplanade
no vote necessary
- 4. Waterfront Alliance: Waterfront Edge Design Guidelines presentation
no vote necessary
- 5. East Side Coastal Resiliency-progress report
no vote necessary
- 6. La Plaza Cultural Community Garden: Solar pavilion project

VOTE: TITLE: To Support the Solar Pavilion Project at La Plaza Cultural Community Garden

WHEREAS, La Plaza Cultural Community Garden is proposing to construct a solar pavilion within their garden lot at 674 E 9th Street; and

WHEREAS, the solar pavilion will include a green roof and a solar roof; and

WHEREAS, the solar pavilion will be attached to a Tesla battery and therefore be self-sufficient and independent of the electrical grid; and

WHEREAS, the solar pavilion will provide an example of sustainable energy and permaculture in an openly accessible community space; and

WHEREAS, designers are willing to share the solar pavilion design and renderings with other gardens so they can pursue something similar if they so desire;

THEREFORE BE IT RESOLVED, that CB3 supports the design and plan for the solar pavilion in La Plaza Cultural Community Garden.

- 7. Parks Manager report
no vote necessary
- 8. Vote to adjourn
approved by committee

36 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding Parks item 6)

35 YES 0 NO 1 ABS 0 PNV MOTION PASSED (Parks item 6)

Land Use, Zoning, Public & Private Housing Committee

- 1. Approval of previous month's minutes
approved by committee
- 2. 167-171 Chrystie Street: Inclusionary Housing Plan application; 16 stories, 78 units, 14 IH units
no vote necessary
- 3. Mayor's Office of Criminal Justice/CAU: Manhattan Detention Center Update
no vote necessary
- 4. Report from Two Bridges Community Rezoning Co-Application
no vote necessary
- 5. Informational report on Economic Development Special District Proposal
no vote necessary
- 6. Vote to adjourn
approved by committee

Landmarks Committee

meeting canceled

Health, Seniors, & Human Services / Youth, Education, & Human Rights Committee

- 1. Approval of previous month's minutes
approved by committee
- 2. MSBI - updates including transformation, proposed services at 45 Rivington and Certificate of Need
no vote necessary
- 3. CAB updates
no vote necessary
- 4. Vote to adjourn
approved by committee

36 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Charter Revision Task Force

meeting canceled

Vote to adjourn

36 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Members Present at Last Vote:

David Adams	[P]	David Ford	[P]	Antonio Martinez	[A]
Yaron Altman	[P]	Ryan Gilliam	[P]	Alexandra Militano	[P]
Jesse Beck	[P]	Debra Glass	[P]	Nancy Ortiz	[A]
Dominic Berg	[P]	Herman F. Hewitt	[A]	Carolyn Ratcliffe	[A]
Lee Berman	[P]	Trever Holland	[P]	Damaris Reyes	[A]
Victoria Berrios	[P]	Linda Jones	[P]	Richard F. Ropiak	[P]
Lisa Burriss	[A]	Vaylateena Jones	[P]	Robin Schatell	[P]
Karlin Chan	[P]	Meghan Joye	[P]	Laryssa Shainberg	[A]
Jonathan Chu	[P]	Lisa Kaplan	[P]	Clint Smeltzer	[P]
MyPhuong Chung	[P]	Olympia Kazi	[P]	Anisha Steephen	[P]
David Crane	[P]	Joseph Kerns	[A]	Sandra Strother	[P]
Paul DeRenzo	[P]	Mae Lee	[P]	Josephine Velez	[P]
Eric Diaz	[P]	Alysha Lewis-Coleman	[P]	Rodney Washington	[P]
Dean Diongson	[P]	Luis Lopez	[A]	Kathleen Webster	[P]
Alistair Economakis	[P]	Michael Marino	[P]		
Shirley Fennessey	[A]	Jeremy Markman	[P]		

Meeting Adjourned