



THE CITY OF NEW YORK
 MANHATTAN COMMUNITY BOARD NO. 3
 59 EAST 4TH STREET - NEW YORK, N.Y. 10003
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David McWater, Board Chair

Susan Stetzer, District Manager

NOVEMBER 2004

Meeting of Community Board #3 held November 18th, 6:40PM, PS 20, 166 Essex Street.

MEMBERS PRESENT AT TIME OF ROLL CALL:

- | | | |
|--------------------------|--------------------------|-------------------------------|
| David Adams [L] | Carolyn Jeffers [P] | Lois Regan [P] |
| Michael Auerbach [A] | Barbara Jeter [P] | Verina Reich [E] |
| Rev. Joan Brightharp [E] | Anne Johnson [P] | Richard Ropiak [P] |
| Mayra Cappas [P] | Joel Kaplan [L] | Estelle Rubin [P] |
| David Crane [P] | Lisa Kaplan [P] | Eunice Samuels [A] |
| Elizabeth Cruse [P] | Doreen Leon [A] | Deborah Simon [E] |
| Andrea Diaz [P] | Jennifer Lim [L] | Pia Simpson [P] |
| David Diaz [P] | Bernice McCallum [L] | Arlene Soberman [A] |
| George Diaz [P] | David McWater [P] | Nancy Rose Sparrow Bartow [P] |
| Harvey Epstein [E] | Alexandra Militano [P] | Mark Stein [P] |
| Morris Fajtelewicz [E] | Katrina Monzon [P] | Harold Stelter [P] |
| Anthony Feliciano [P] | Lillian Moy [E] | David Weinberger [P] |
| Rabbi Y.S. Ginzberg [P] | Jason Nagel [P] | Sara Weinstein [P] |
| Carlos Juan Gonzalez [A] | Roberto Ortiz-Arroyo [P] | Harry Wieder [P] |
| Herman Hewitt [P] | Barden Prisant [P] | Samuel Wilkenfeld [L] |
| Keisha Hogans [L] | Joyce Ravitz [P] | Echo Waisan Wong [A] |

PUBLIC SESSION:

1. Peter Cruz, Ed Torres and Catherine King were all requesting to save St. Brigid's Church from demolition by the New York Archdiocese which wanted to convert the property to a five story apartment building. Mr. Cruz said that they were requesting landmark status for the building. \$103,000 was collected for relief construction. Ed Torres noted that it was originally closed for repair of the east wall. Ms. King gave an extended history of the church and indicated that it was one of the few of its kind still existing in this country and the only one in New York City.
2. Roland Legiardi-Laura, East Village Community Coalition, spoke in regard to the student housing loophole in community facility use group 3 and requested a resolution from Community Board #3 to demand immediately of the Department of Buildings (DOB) to close this loophole and only issue DOB permits where a university or college is legitimately in place.
3. Sherry Bender, a resident at 500 East 11th Street, was seeking help from CB#3 regarding the live amplified music and DVD video events at a bar at 510 East 11th Street which she indicated had destroyed the quality of her life, especially since she shared a common wall with the bar.
4. Mary Spink, Lower East Side People's Mutual Housing Association, and Nancy Linn, Essex Street Block Association, spoke with regard to the issue of granting a liquor license to King Size. Ms. Spink spoke in favor of the establishment, saying that it was a restaurant, and that the owners were respectable community members since 1974, who had no record of doing anything illegal. Ms. Linn spoke in opposition to King Size, saying that it had no kitchen or stove and was scheduled to open from 9PM to 4 AM, therefore it was really a bar that was situated a half block away from a school.

ELECTED OFFICIALS:

1. There were no representative present from the offices of State Senators Steven Sanders and Martin Connor, Assemblymember Deborah Glick, Councilmember Margarita Lopez, Public Advocate Betsy Gotbaum and Mayor Bloomberg's Community Action Unit.
2. Assemblymember Sheldon Silver, Jessica Ashenberg, rep. The assemblymember addressed the LMDC and expressed concern that 9/11 moneys were not trickling down to our community for our hospitals and schools. Assemblymember Silver was also pushing for a bill to increase penalties for Driving While Intoxicated (DWI) killings as a result of an accident involving the killing of a child in Queens. The representative also mentioned that Governor George Pataki vetoed the Assembly Budget Reform Package.
3. State Senator Thomas K. Duane, Aliya Feldman, rep. She mentioned that Senator Duane was happy to have come before the board last month, but he was back in Albany that to formulate plans for the next legislative session, including real reform of the legislative process, revising the Rockefeller Drug Laws and ensuring fair funding to all of New York City's public schools. She also mentioned this month's forums, including the one in Beth Israel Hospital, on flu shots, SCRIE, EPIC and Medicare. Senator Duane testified at a Metropolitan Transit Authority (MTA) public hearing opposing massive fare increases and the elimination of token booths at various stations. He was also working hard to oppose the West Side Stadium.

4. Congressperson Carolyn Maloney, Victor Montesinos, rep. He extended the Congressperson's wish to the full board for a Happy Thanksgiving. He reported that the Congressperson was happy about the passage of the Debbie Smith Act, which she originally authored, which would expand crime-solving tools regarding sexual assault victims like providing funding for training forensic examiners and establishing a national standard for the collection of DNA evidence.
5. Congressperson Jerrold Nadler, Michael Kay, rep. The congressperson co-wrote a letter with five other congresspersons to the United States General Accounting Office demanding the office to undertake an investigation of possible voting irregularities in the 2004 elections. The representative also encouraged anyone in the auditorium to report to Congressperson Nadler's office if they know or suspect any such irregularities themselves. He also said that his office checked regarding Harry Wieder's request to look into any potential ADA violations for the removal of mailboxes, and he said that it was determined that no such violation could exist.

MINUTES OF SEPTEMBER 28th, 2004:

Approved, as is.

PUBLIC OFFICIALS (continued):

6. Manhattan Borough President C. Virginia Fields, Bradford Sussman, rep. He congratulated the new board members. He mentioned a Japanese Anime Festival and noted that not all anime are for children. Board member Bob Ortiz mentioned that he called 311 regarding the Manhattan Borough President's office and the operator said that she did not know who C. Virginia Fields was.
7. Councilmember Alan Gerson, Luis Reyes, rep. He mentioned that he was able to get a special amount of flu shots specially for Lower Manhattan. He mentioned that flu shots were to be given first at Rutgers Houses, then Confucius Plaza and then at seven other places in the area.

CHAIRPERSON'S REPORT:

The Chairperson mentioned that at the Borough Board meeting, the MTA announced that there would be a hearing at its headquarters at 347 Madison Avenue on December 9th between 5PM and 9PM regarding its current study of 15 bus rapid transit routes in the city, including the timing of travel and technological updating along these routes. Eventually the MTA would be expected to whittle the focus of its study down to five routes in the city. The hearing would be important because the only bus line that was mentioned at the Borough Board meeting was the M15 line.

The Chairperson also announced a Community-Based Planning Task Force Summit on November 30th at the Urban Center at 457 Madison Avenue between 5:30 and 9:30 which purpose was to work to define a meaningful role for communities in New York City's overall planning process and would consist of workshops designed, among other things, to increase public and political awareness of community boards as well as to encourage its diversity and participation of underrepresented communities. He also noted that Councilmember William Perkins was looking into the purpose of current community boards. A board member noted that the role of the community board was found in the City Charter, which could only be changed by amending that charter.

Noting that documents, including minutes, in the board office were missing, the Chairperson announced the policy of when a member of the public could read and make copies of files. He indicated that nobody could do so without a written request under the FOIL statute. The guidelines are as follows.

1. No one is permitted to read and make copies of files unless the Board receives a written request under the FOIL statute. The Board always requires a written request before releasing any information.

Everyone must make FOIL request for any information so that we treat everyone in fair and equal manner. Request can be made by e-mail. We always want to be sure that confidential and/or personal information is not released, i.e. names, addresses personal data, and any other information that may be not be foilable.

2. Information can be sent to requestor by e-mail if that is satisfactory and if we have it available electronically. We do not charge for information sent e-mail.

3. If request is for more than a few pages, it may take several days to find and copy. We should generally have information available within a week.

A person can only look at files that they have requested. If they ask for files that cover a period of time, such as what applications have been filed for liquor licenses, they must state for what time period. The Board must black out names and addresses.

4. Photocopies are \$.05. We can waive fees- we will not charge for a page or two. Person who collects money cannot be same person who makes copies and totals costs. We must give receipts for any money collected.

Before the information were to be sent out, the office would have to look at the material to make sure that no personal or confidential information would be released like names, addresses and Social Security numbers and medical records. In addition, complaint letters or petitions about establishments like a bar or restaurant need not be released since it may present some risk to the writers; an establishment had the right to request by FOIL the name of any person who willingly gives his or her name at a public meeting, since that person waived any expectation of privacy; information regarding ULURP or BSA request for variance must be FOILED.

The Chairperson spoke about getting the Outreach Committee started, but noted that only a couple of board members volunteered to join.

He also spoke about the annual holiday party and said that since people complained about the fact that the seating situation at Nice Guy Eddie's made it difficult for people to mingle from one board member to another he was looking into having the party at The Magician, around the corner from the general board meeting space.

DISTRICT MANAGER'S REPORT:

The minutes from October, 2004 have been distributed for first distribution.

The Greenmarket has been receiving calls from lower LES residents who want a greenmarket in their area. Any residents who have a possible location should call the CB office.

We are getting more calls about rats taking over areas-and we are working with the Department of Health pest control and with Parks and Sanitation Departments as a taskforce approach. Please let the office know about problem areas.

Because of complaints about changing protocols at Project Renewal on 3rd Street-the Department of Homeless Services came to the last District Service Cabinet meeting as did 2 community members and Deputy Inspector McCarthy-commanding officer of 9th precinct. There was not any kind of resolution at the meeting-but DHS verified that programs had changed and they were mandated to provide beds-and beds at Project Renewal had to be used at this time for overnight shelter. DHS has committed to working with the 9th precinct on issues impacting surrounding community and will return turn next month for an update.

A reminder for those who would like to have trees planted next fall-you can apply thru Dec. 15. You can get an application form on line or at the CB office.

EXECUTIVE COMMITTEE:

REPORT: Concerning Committee Vote

1. Quhnina, 45 E 1st St (upgrade/op)

COMMITTEE MOTION: To amend previous motion to approve an upgrade from Restaurant/Wine License to full liquor license of Quhnina, 45 East First Street so that it is a motion to approve based on a signed Memorandum of Understanding between licensee and The First Street Block Association, which is annexed hereto.

BOARD VOTE:

28 YES 0 NO 7 ABS 0 PNV

MOTION PASSED

SLA COMMITTEE:

REPORT: Concerning Committee Votes

DISCUSSION: Began regarding Item # 14 when a board member addressed the audience stating that King Size is really a restaurant and that it really should be approved with stipulations so that the Community Board would have some say in how the place should be run. She felt that by denying the license outright, that the State Liquor Authority would respond by outright rejecting the denial and approve the establishment as is. The SLA would more likely go with what the community wished if it were approved with restrictions placed by the board. This board member noted that she was not placing a motion, just making a comment. It was noted by other board members that the owners had another establishment in the area and had a good, long-standing relationship with the community. Another board member first suggested a motion, replacing the motion coming out of the SLA Committee, that the whole matter should go back to the SLA Committee for reconsideration regarding hours of operation and that it should always be run as a restaurant with a strong stand to the SLA itself not to approve the license until the committee had a chance to re-review it. She then made that motion when it was not clear how cooperative the owners would be. There was then a friendly amendment made, without any objections, by yet another board member which said the applicant must also request that the SLA not take up the matter until the committee re-reviews the matter. The Committee Chair felt that the full board should not be sending this matter back to its committee; rather it should make the determination at the current full board meeting. This led to yet another board member making a motion to allow board members to discuss in a separate area of the meeting place and come up with their own stipulations for a vote that night. It was then noted that three motions were on the floor without having voted for any one. The Board Chair then called the question to all three motions in reverse order. By consensus the board voted to end discussion on all three motions. All three motions themselves were then voted down by roll call in reverse order. Another board member noted that since all three motions were voted down, that the board was not taking any position at all and that the SLA must interpret that as it wished. A final board member made a motion to approve the license, but then withdrew the motion.

JOINT SLA/PUBLIC SAFETY/TRANSPORTATION COMMITTEE (regarding problems at Avenue B):

REPORT: Concerning Committee Votes

SLA Committee:

1. Ave B btwn Houston & 4th St: request to be added to resolution prohibiting additional liquor licenses within certain areas of CB#3

COMMITTEE MOTION:

That, given that Avenue B between Houston and Fourth Streets now has eight (8) operating licensed establishments, and

Given that there have been the numerous and vocal resident complaints regarding noise emanating from existing licensed establishments and their patrons on Avenue B between Houston and Fourth Street, and

Further, because the operation of said establishments in conjunction with the physical narrowing of Avenue B below Fourth Street has resulted in increased pedestrian and vehicular congestion, and

Whereas, the aforementioned conditions have already necessitated an increased police response in that there has been an increase in patrols and the issuance of summonses by the Ninth Precinct on weekends as well as the closing of lanes of traffic by police roadblock on Avenue B weekends after 10 p.m.,

Therefore, Community Board 3 now adds Avenue B between Houston and Fourth Streets to its resolution prohibiting the approval of additional licensed establishments, their physical expansion or the upgrade of existing licenses (see amended resolution attached hereto). All of the terms and conditions of said resolution will apply to this area.

Liquor License Renewals w/Complaints:

2. Baldovino, 126 E 7th St

COMMITTEE MOTION: To approve renewal of license. Representative of licensee appeared with copy of license but did not turn it in to committee chair.

3. Ratner's, 138 Delancey St

COMMITTEE MOTION: To strongly deny renewal of license because this licensee has previously failed to appear for application to alter this premise, has failed to provide information specifically requested by Community Board 3 regarding its operation and has failed to make any good faith efforts to Community Board 3 to respond to complaints of noise and large crowds coming from its premise and, further, asking the State Liquor Authority to address why, given the prior history of noncompliance (see prior motions attached hereto) with Community Board 3, it continues to approve the renewal of this license.

4. Ulli, 178 Ludlow St

COMMITTEE MOTION: To approve renewal of license. Representative of licensee appeared with copy of license but did not turn it in to committee chair.

Alterations/Transfers/Upgrades:

5. Solution Enterprises, 16 1st Ave (trans/op)

COMMITTEE MOTION: That, as Solution Enterprises, 16 1st Avenue, has withdrawn its application for a transfer of license before Community Board 3, the State liquor Authority should not grant said transfer unless and until said applicant resubmits and application to and is reviewed by Community Board 3

6. Super Taste House, 49 Division St (trans/rw)

COMMITTEE MOTION: To approve the transfer of restaurant/wine license to Super Taste House, 49 Division Street

7. El Patio Café, 141 Attorney St (alt)

COMMITTEE MOTION: To deny the alteration of El Patio Café, 141 Attorney Street, due to the nonappearance of the applicant before Community Board 3 as well as its failure to provide any application materials regarding the proposed business.

New Liquor License Applications:

8. Dummy Restaurant, 332 E 11th St (op)

COMMITTEE MOTION: To deny a full on-premises license to Dummy Restaurant, 332 East 11th Street, due to the nonappearance of the applicant before Community Board 3 as well as its failure to provide any application materials regarding the proposed business.

9. Spice Cove, 326 E 6th St (rw)

COMMITTEE MOTION: To approve a restaurant/wine license for Spice Cove, 326 East 6th Street.

10. Markov & Sons, 153 2nd Ave (op)

COMMITTEE MOTION: That, as Markov & Sons, 153 2nd Avenue, has withdrawn its application for a transfer of license before Community Board 3, the State liquor Authority should not grant said transfer unless and until said applicant resubmits and application to and is reviewed by Community Board 3.

11. Bourgeois Pig, 122 E 7th (rw)

COMMITTEE MOTION: To approve the restaurant/wine license for Bourgeois Pig, 122 East 7th Street, provided it furnishes a signed notarized stipulation that 1) it will close its business every night no later than 12 am.

12. Normal, 74 Orchard St (op)

COMMITTEE MOTION: That, as Normal, 74 Orchard Street, has withdrawn its application for a transfer of license before Community Board 3, the State liquor Authority should not grant said transfer unless and until said applicant resubmits and application to and is reviewed by Community Board 3.

13. Su-Ra, 105 E 9th St (rw)

COMMITTEE MOTION: To deny a full restaurant/wine license to Su-Ra, 105 East 9th Street, due to the nonappearance of the applicant before Community Board 3 as well as its failure to provide any application materials regarding the proposed business.

14. King Size, 21 Essex St (op)

COMMITTEE MOTION 1: To postpone until Board Members can confer with applicant about whether there would be stipulations.

COMMITTEE MOTION 2: To refer back to Committee with the purpose to attempt to work out a stipulation for approval including restricting the hours of operation and the guarantee that the business will remain a restaurant at all times and for both the Community Boards and the applicant to write letters to SLA not to decide on the application until the Committee considers it.

COMMITTEE MOTION 3: To deny the full on-premises license for King Size, 21 Essex Street.

BOARD VOTE (ALL ITEMS EXCEPT #14):
36 YES 0 NO 0 ABS 0 PNV
MOTION PASSED

BOARD VOTE (ITEM #14, MOTION 1):
6 YES 25 NO 4 ABS 0 PNV
MOTION DID NOT PASS

BOARD VOTE (ITEM #14, MOTION 2):
10 YES 17 NO 10 ABS 0 PNV
MOTION DID NOT PASS

BOARD VOTE (ITEM #14, MOTION 3):
14 YES 9 NO 14 ABS 0 PNV
MOTION PASSED

Public Safety & Sanitation Committee

1. Avenue B between Houston-4th Street. Need for increased police enforcement for noise as well as transportation and SLA regulations

COMMITTEE MOTION: To write a letter thanking the 9th Precinct for the extra enforcement on Avenue B and to request that they keep the enforcement in place every Friday and Saturday night. (see below)

Dear Deputy Inspector McCarthy,

Manhattan Community Board #3 would like to thank you for the quick and efficient manner in which you have addressed our community's concerns in regards to the Avenue B situation. Your intervention into the matter prior to our joint SLA/Public Safety/ Transportation committee meeting shows how seriously you take our community's complaints and concerns. We have definitely seen a significant improvement in Police and Community relations since your arrival at the 9th Precinct.

We respectfully request that you continue to monitor the situation on Avenue B by maintaining the extra police presence currently assigned there on Friday and Saturday nights and by continuing to close off Avenue B southbound from 10pm – 4am on Friday and Saturday nights.

Once again I would like to thank you on behalf of Manhattan Community Board #3 for all of your hard work.

Sincerely yours,

Transportation Committee

1. On Avenue B from Houston to 4th Street: change traffic design to eliminate gridlock, honking, Request to limit parking to 1-side of street, enforce regulations for honking and loud radios

COMMITTEE MOTION 1: To ask DOT to do a signal study of the feasibility of a left turn arrow for vehicles turning off of Houston St onto Ave B. The capacity of the left turn bay is being exceeded, causing backup of traffic onto Houston St, and the resulting honking and general chaos.

COMMITTEE MOTION 2: To ask DOT to install "No Parking Anytime" signage on the west side of Ave B between 3rd St and 4th St. There is a constriction of the road bed just north of 3rd St which is causing terrible congestion. There is a bus stop and a fire hydrant on the west side of this block, so there would be a net loss of roughly 6 parking spaces.

COMMITTEE MOTION 3: To ask DOT to remove parking spaces on Avenue B and on the side streets at the following intersections: the west side at 4th St, and the east side at 2nd and 3rd St. "Day lighting" the corners for side-street traffic approaching Ave B would increase the turning radius for emergency vehicles, and increase visibility around corners. There would be a net loss of roughly 12 parking spaces.

BOARD VOTE:
35 YES 0 NO 0 ABS 0 PNV
0 YES 0 NO 0 ABS 1 PNV (TRANSPORTATION ITEMS #1-#3)
MOTION PASSED

PARKS COMMITTEE

REPORT: Concerning Committee Votes

1. Request to support landmark designation for St Brigid's Church, Ave B & E 7th St

COMMITTEE MOTION: To support the request for landmark designation for St. Brigid's Church, Avenue B and East 8th Street.

2. Support for Greenthumb designation for 1st Street Garden

COMMITTEE MOTION: To support the request for Greenthumb designation for 1st Street Garden in accordance with the attached Memorandum of Understanding.

BOARD VOTE:

29 YES 0 NO 3 ABS 0 PNV
0 YES 1 NO 0 ABS 0 PNV (ITEM #2)
MOTION PASSED

HOUSING COMMITTEE:

REPORT: Concerning Committee Votes

1. Update from CCM Lopez's office of efforts to place our community in the economic exclusion zone (allowing 421-A exception only for buildings that contains specified segments of affordable housing)

COMMITTEE MOTION:

WHEREAS housing market conditions have changed considerably since the introduction of the 421-a program, and it having become apparent that it is no longer necessary to provide tax incentives to spur market-rate development in the East Village and Lower East Side area and that such tax incentives are better utilized to spur construction of affordable housing,

Community Board Three supports the passage of City Council Intro 204, which would extend the economic exclusion zone of the 421a tax abatement program to include our community.

Accordingly, it is resolved that CB#3 shall circulate letters seeking support for Intro 204 to members of the City Council. CB#3 shall also circulate letters to other community boards seeking their support for this measure and requesting their assistance in gaining passage of this important legislation (proposed letters annexed hereto).

2. Postgraduate Center for Mental Health request for support for 8-bed children's residence at 276 E 3rd St (replacing 536 E 13th St)

COMMITTEE MOTION: To support the Postgraduate Center for Mental Health's request for site control of 276 E 3rd Street to construct a four (4) floor, eight (8) bed children's residence.

3. Status of tenants rights after the fire at 40, 42, & 44 Ave B

MOTION: To write to HPD Commissioner Donovan demanding emergency repairs including, but not limited to: restoring heat and hot water, repairing the front entrance lock, checking emissions and that the HPD Litigation Unit take immediate action to compel the landlord to comply with any and all warranty of habitability requirements for the remaining tenants.

4. Review of 4 E 3rd St status of audit objections

NO ACTION TAKEN.

BOARD VOTE:

35 YES 0 NO 0 ABS 0 PNV
0 YES 0 NO 1 ABS 0 PNV (ITEM #1)
0 YES 2 NO 0 ABS 0 PNV (ITEM #2)
MOTION PASSED

NEW BUSINESS:

A board member who was upset by the huge rats roaming near a board committee meeting a couple of weeks earlier made a motion to require the City Council to enact legislation prohibiting the storage of plastic bags overnight on residential streets. Members of the board noted that such a law was already on the books. The Chairperson indicated that rather vote on the motion that that board member could have her concerns handled at an upcoming committee meeting.

Another board member announced that she heard that Deborah Simon was in Iraq and that the board should send her a care package. The Chairperson assigned that board member to head the effort.

MEMBERS PRESENT AT LAST VOTE:

- | | | |
|--------------------------|--------------------------|-------------------------------|
| David Adams [P] | Carolyn Jeffers [P] | Lois Regan [P] |
| Michael Auerbach [A] | Barbara Jeter [P] | Verina Reich [E] |
| Rev. Joan Brightharp [E] | Anne Johnson [P] | Richard Ropiak [P] |
| Mayra Cappas [P] | Joel Kaplan [P] | Estelle Rubin [P] |
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| Keisha Hogans [P] | Joyce Ravitz [P] | Echo Waisan Wong [A] |

MEETING ADJOURNED: 9:22PM