



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD NO. 3

59 East 4th Street - New York, N.Y. 10003
Phone: (212) 533-5300 - Fax: (212) 533-3659
www.cb3manhattan.org - info@cb3manhattan.org

David McWater, Board Chair

Susan Stetzer, District Manager

APRIL 2005 MINUTES

Meeting of Community Board #3 held April 26th, 2005, 6:50PM, at, the Chinatown YMCA Beacon Center located inside MS 131 at 100 Hester Street.

MEMBERS PRESENT AT FIRST VOTE:

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

PUBLIC SESSION:

1. Gil Horowitz and Ron Barney, West 8th Street Block Association, spoke in support of Mayor Bloomberg's legislation revising the noise code particularly regarding motorcycles. Horowitz talked about the reliability of decibel meter gauges as evidence in courts and was requesting a collective standard of noise more specific than the phrase in the current law "a whole lot of noise". He thought that the current 200 feet standard was too soft and was seeking a 50 feet standard, but had indicated a willingness to compromise and support a 100 feet standard. Barney mentioned that he did not understand the 50 feet standard and noted that Community Board #2 the previous Thursday passed a similar motion.
2. Trish Horney, Transportation Alternatives, spoke in support of the Joint CBs#2 and #3 Astor Place Task Force regarding the traffic pattern around the Astor Street area.
3. Frank Geresi, Elizabeth Street Block Association, indicated that when CB#3 supported Avalon Chrystie's plan for retail space, Avalon Chrystie had stated that would not bring in Sam's Liquor Store, a megastore, that would compete with smaller liquor stores in the neighborhood. Avalon Chrystie also stated that Whole Foods would not have a liquor license at this site. He stated that Avalon Chrystie violated its agreement with the community by placing Whole Foods Liquor store at that very site. He is asking the Community Board to revisit the issue in light of the new developments.
4. Gail Goldsmith, 82 Forsyth Street, noted a fire hydrant in front of her building for over a month, due to what she believed were unloading trucks backing into the hydrant, and said that before she came to the public session, she tried to get the repairs done by contacting Councilmember Alan Gerson, 311, the CB#3 office, but to no avail. She also expressed concern about trucks parking at that spot all day long.
5. Lois Sturm, Charles Komanoff, Jeff Perlman, from the Neighborhood Energy Network, and Carol Kostik from the East River Environmental Coalition (EREC), all spoke in favor of seeking a letter of support from the Community Board regarding a feasibility study for the organizing of greening blocks instead of the East River power plant buy-down, indicating that to do so would be the best way to improve the environment.
6. Mike Lonski, Life Matters, spoke about a Chinatown Youth program that would deal with 9/11 psychological trauma issues.
7. Councilmember Margarita Lopez and District Leader Rosie Mendez, spoke in support of two issues: The building of the Girl's Club of New York on Avenue D between 7th and 8th Streets and the co-naming of East 3rd Street between Avenues B and C. For the Girl's Club issue, they were joined by Marilyn Lee of the Economic Development Corporation, who did a presentation of what will be at the Girl's Club, and for the street co-naming by Jonathan Greene of Federation of East Village Artists (FEVA). Ms. Lee notified the board that FEVA would also have office and theatre space at the Girl's Club. Lopez, Mendez and Greene mentioned the value of Pedro Pietri, who recently died, to the Lower East Side, as a resident poet and activist, frequently performing at the Nuyorican Poets' Café. Councilmember Lopez mentioned that this would be the first Girl's Club in New York State. The Boy's Club promised the board to push for a Girl's Club if they supported their expansion to a neighboring site so that they could get a swimming pool. The board at the time voted for the expansion with that understanding, but soon afterwards discovered that the Boy's Club reneged on that promise. She indicated that the Girl's Club now has the land and money for such an endeavor because of the efforts of Mayor Bloomberg. She indicated that while she highly praised the Mayor on this, she noted that with the issue of Critical Mass, which she said that her representative (see below) would report on, she was strongly opposed to his actions. In her report,

Rosie Mendez added that a former board member, Esther Cartagena, as of the day before was in a coma and requested that the board send a letter of condolences to the family.

8. Anne Frederick, Hester Street Collaborative, and Martha Sobhani, Rebuild Chinatown Initiative, spoke in favor of a beautification project at the Allen/Pike Streets corridor, whereby temporary art installations would be installed. A board member asked Ms. Frederick if they planned to make the installations permanent to which she replied that she saw the installation as a pilot project for further consideration.
9. Marion Rodriguez, CCR, sought to gain support from the Board regarding the New York Campaign for Telephone Justice in its fight against a contract between MCI and the NYC Department of Correctional Services, which would create a hardship between convicts and families.

PUBLIC OFFICIALS:

1. There were no representatives present for Manhattan Borough President C. Virginia Fields, Congressmember Nydia Velazquez and Comptroller William Thompson. Dolores Hernandez, the representative for Assemblymember Steven Sanders was present, but because she had laryngitis, the Board Chairperson requested that board members consult the Assemblyperson's written report handed out at the meeting.
2. Congressperson Carolyn Maloney, Victor Montesinos, representative. He mentioned that the Congressperson reintroduced legislation that would cut off tax deductions on business expenses to establishments dealing with discriminatory clubs, like the Augusta National, which discriminates against women golfers.
3. Congressperson Jerrold Nadler, Michael Kay, representative. He spoke about the Congressperson, who authored legislation to increase funding for anti-bullying campaigns in schools, praising before the House of Representatives the participants of the National Day of Silence focusing on the discrimination of Gay, Lesbian, Bisexual and Transgendered People through discrimination and harassment. The Congressperson, with two others, introduced legislation which would provide proper funding for Amtrak and establish a capital improvement program that will improve service for rail passengers, thereby circumventing the Bush administration's attempt to divide the system into pieces, gut funding for capital projects and force states to pick up the tab. The Congressperson on the floor of the House had also expressed strong opposition to the new Bankruptcy Bill, which would fail to protect the average debtor, including those victimized by grievous circumstances beyond their control.

State Senator Thomas K. Duane, Aliya Feldman, representative. She mentioned that he voted against the education portion of the budget because it drastically underfunded city schools in violation of the Campaign for Fiscal Equity court decision

4. Assemblyperson Sheldon Silver, Jessica Ashenberg-Loeser, representative. She reported that the assemblyperson applauded all the community leaders involved in the fight for the Park Row reopening for their success in gaining a partial reopening of that street for city buses and pedestrian traffic. Also, he was able to secure the creation of an Empire Zone for Chinatown, which would allow the community to develop a plan which will improve technology, provide funding to businesses that show job creation potential and enhance opportunities for expansion in all industries
5. Assemblymember Deborah Glick, Gregory Brender, representative. He mentioned that the Assemblyperson wrote a letter to Manhattan Borough Commissioner Margaret Forgione supporting the resolution of CB#2/CB#3 Joint Astor Place Task Force regarding the traffic pattern in that area. Noting a clash between the Olympic Committee's requirement that the designated host committee's responsibilities in incurring all the cost overruns and deficits connected to the games and New York State legislation of 2001 limiting the state and city's liability to \$250 million, he reported that the Assemblymember asked the IOC to release documents which would clarify any financing understanding behind New York's bid for the 2012 Summer Games. She wanted clarity as to where private entities assumed financial responsibilities and where the public assumed it. He also talked about the various issues regarding recent state budget cuts outlined in her CB#3 update.
6. Councilmember Margarita Lopez, Eric Lugo, representative. He added to the Councilmember's report (see above) by announcing a co-naming ceremony on the corner of East 11th Street and Avenue A as Jodie Lane Place on Sunday, May 1st at 3:30PM. She also will be introducing legislation on Friday, April 29th, amending the Civilian Complaint Review Board, which would allow the Critical Mass Riders to utilize and celebrate pollution-free transportation, like bicycles, by requiring that the police give sufficiently audible and clear public announcement as well as cooperation in allowing freer assembly of individuals, which would include impromptu gatherings, and which would more clearly define what the rights of citizens riding together are vis-à-vis traffic regulations.

CHAIRPERSON'S REPORT:

1. He announced that Carolyn Jeffers will continue to chair the Nominations Committee for officers. This would be against procedures—members must be appointed by chair.. He asked that board members interested in being on the committee contact him and indicated that nominations would be held at the May meeting followed in June by the elections of new officers.
2. He mentioned that Sara Weinstein and Doreen Leon resigned from the board.

He expressed concern about CB#3's attendance, although he noted that attendance at other boards have been poor enough that frequently they were run without quorums, which had rarely been the case with CB#3. Nevertheless, he thought the board should look at the clarification and tightening of bylaw rules regarding attendance since he noted that they were loosely interpreted

3. Chinatown YMCA gave CB#3 a plaque for its participation in the health fair.
4. There was a demonstration earlier that day at 81 East 3rd Street, at which CB#3 was represented, regarding the construction of a building with what the community felt had too many floors, based on Department of Buildings incorrect approval of the building plan without a lease in effect with an educational institution.. There was an announcement at that demonstration that the building just signed a tentative lease for those top floors to a then unnamed public institution.
5. He mentioned the item on the Executive Committee vote (see below) regarding the Red Cross.

DISTRICT MANAGER'S REPORT:

Noted that members have February minutes for approval and draft of March minutes.

The Department of Health is requesting help by reporting dead birds and standing water to prevent West Nile Virus. Forms are available in the office--as well as forms to request bike rack or apply for a "play street."

There have been many complaints about street lights out--and no response to repair them. Please continue reporting them and keeping us updated on status--we are continuing to work with Dept. of Transportation until we resolve this problem.

The Fire Department is offering to teach CPR to community groups. If you perform CPR on a coronary victim while waiting for emergency help--that person's chance of surviving are doubled. There is a 2 1/2 hour course available--and a new 22-minute course is being developed. It comes with a kit for each participant to take home and practice. Any religious institutions or organizations that would like to schedule the Fire Department come to a meeting and tech CPR should call the community board for contact information.

Taste of Chinatown was a wonderful success. There was excellent food, and it was fun and festive--with a dragon dance and arts and crafts for the kids. Don't miss the next one on October 15.

EXECUTIVE COMMITTEE:

REPORT: Concerning Committee Vote.

VOTE: That the Community Board supports the Transportation Committee in putting together a proposal to the Red Cross to receive grant money in support of outreach and expert advice regarding the impacts of September 11 in the Chinatown area.

BOARD VOTE:

19 YES 5 NO 5 ABS 0 PNV

MOTION PASSED

DISCUSSION: There was concern that agreeing to receive the grant would, effectively, run the risk of draining staff time from other community board needs, there needed to be a greater articulation of the specific purposes for the money, and a specific plan of action. Nevertheless, some members worried that, since Park Row became partially re-opened for buses and pedestrians a few days after the Red Cross announcement, the purpose for the money was made moot by the change in circumstance in the area and that the Community Board was essentially left with money without any direction as to how or where it should be spent. A board member even felt that it was better for the Board not to have the money at all.

MINUTES:

The minutes of February, 2005 were approved, as is.

Councilmember Alan Gerson, at this point, himself spoke before the membership and reported on the following:

1. He congratulated the entire community for their successful struggle in the partial reopening of Park Row to bus and pedestrian traffic
2. The Lower Manhattan Development Corporation (LMDC) was yet to act on the allocation of its \$800 million for the area, but it released a proposed criteria and plan for allocation of funding, which would include ruling out funds for human services, which the Councilmember felt was "an outrage". He asked the Board to send a letter of support to the LMDC supporting the Renaissance Project for the area.
3. He spoke on behalf of an initiative for protection of persons in affordable housing, Intro 186 or the Tenant Empowerment Act (TEA), which would require owners of certain types of subsidized developments, like Mitchell-Lama Rentals, project-based Section 8 developments, and Article 4 Limited Dividend limited development, who want to remove these forms of housing from receiving appropriate subsidies to sell them to tenants associations, thereby minimizing the possibility of eviction once the original owners opt out of housing subsidies. He suggested, that in the case of Mitchell-Lama, a trust fund may need to be developed, and that the Attorney General may need to set up a pilot program to test the prevention of needless evictions.
4. He expressed support for the Allen/Pike Street corridor redesign plan.
5. He mentioned that Mayor Bloomberg in a bill of his own has now embraced the Councilmember's efforts to have landlords install bathroom grab bars in all apartments and condos free of charge where tenants request them.
6. He mentioned that he was seeking money for emergency shelter beds.
7. He was moving to expand installing security cameras in NYCHA housing.
8. He congratulated Board Chairperson David McWater for getting married at the end of the month.
9. He was looking into how to handle LMDC's possible overlooking the issue of the changes in hospital services in the area, including Downtown Hospital losing its affiliation with NYU Hospital.
10. He was looking into the funding capital improvements to cultural organizations like the Angel Orenstein Foundation.
11. He noted that on May 4th there would be a commemoration of the 40th Anniversary of the liberation of Auschwitz at City Hall coinciding with Holocaust Remembrance Day.

After a disabled Community Board member noted that the Councilmember appeared at an inaccessible public meeting on Mott Street held by Create, a not-for-profit he indicated that he would work with organizations to enable them to become accessible and try to have meetings in accessible venues..

ASTOR PLACE TASK FORCE:

REPORT: Concerning Task Force Vote.

VOTE: That the Joint Community Board 2 and 3 Astor Place Task Force (APTF) supports the following:

1. Regarding the expansion of Cooper Park, the APTF supports the narrowing of 4th Avenue and eliminating the southbound lane of the road, and regularizing the turn from 3rd Avenue to 4th Avenue at E. 5th Street, thereby expanding the park. This support is based on creating a contiguous park and finding a solution to the bus turn-around and layover problem which under the DOT proposal creates a bisected park. The TA's desire to preserve its bus-turnaround flexibility while the community's preference for an integrated park parcel uninterrupted by traffic has resulted in a log-jam on this issue. As no dialogue has truly taken place on this matter with the TA, the APTF will continue to press forward with the goal of an expanded but uninterrupted Cooper Park until compelling evidence convinces this body to revise its opinion. Any solution to the bus issue here must be found in consultation with the relevant community board.
2. Regarding the Astor Place Uptown Subway Triangle, the APTF supports the expansion of the triangle on its current east and west borders by eliminating bus layovers on both sides and moving them to the extreme east and west curbs of 4th Avenue (adjacent to the K-mart and the Cooper Union Engineering Building.) The redesign of the triangle must be done in consultation with the community and with its approval. The redesign must include greenery and plantings, minimize hard surfaces and the opportunity for the noisy congregation of people, a problem which has historically plagued spaces in this area.
3. Regarding the closing of Astor Place, although there was not unanimity on this issue, the majority felt that closing Astor Place east of Lafayette should be considered only if a plan for the redesign could be developed with community input and approval based on the following principals a) maintenance of the Stuyvesant Street view corridor, b) recognition and incorporation of the historical significance of Astor Place and the Indian trail path which it follows, c) concern for the avoidance of areas that would allow for the gathering of persons who would use the open space for noisy street activities such as musical performances, amplified protests, demonstrations and rallies, that would negatively impact the surrounding residential area, d) incorporation of plans for the area's on-going management and maintenance. The APTF also called for additional information regarding the street de-mapping approval process and clarification of the plan for this area during this process. However, those who oppose closing the street agreed with the majority that if the street were de-mapped, maintaining the view corridor, noting the historic significance of Astor Place, creating a quiet space, and ensuring adequate maintenance would be essential conditions for the community.
4. Regarding the creation of a median strip in 3rd Avenue, the APTF supported the creation of this strip. The median should be green, but should not block the view corridor at the intersection with Stuyvesant Street. The APTF was concerned that the preliminary estimates of the cost of this median were high compared with the estimates for the other proposals. If necessary because of financial constraints, the APTF felt that creating the median from 6th Street north to 9th Street might be a priority, especially if Cooper Park was extended south creating more open space in the southern sector.
5. The APTF urges DOT to take into consideration in its final plans for the area, the findings and principals that have been developed by the Noho Neighborhood Association and Community Board No 2, Manhattan.

BOARD VOTE:

21 YES 5 NO 0 ABS 0 PNV

MOTION PASSED

DISCUSSION: Three different board members expressed three disparate concerns:

1. That there was no guarantee that there would not be any big box megastore placed at that location.
2. That, just as Washington Square Park became a virtual playground primarily for NYU students, the extended pedestrian area would become the virtual playground of Cooper Union students. The Chairperson of the Astor Place Task Force indicated that the members of the task force took that concern into consideration and were satisfied that it would not be a problem.
3. While closing off Astor Place eastbound from Lafayette Street to Fourth Avenue to vehicular traffic would eliminate cars from merging before reaching Third Avenue and thus lower a safety risk, closing it westward would increase the likely that cars merging at Ninth Street would find themselves with an increase chance of collision and serious accident, since the many cars traveling northbound from Fourth Avenue would want to make a left hand turn, either at Ninth or Thirteenth Street to go westward. The westward (or left-handed) turn at Astor Place and Fourth Avenue would allow cars to turn northward (or right-handed) at Lafayette Street and utilize the far left lane to turn westward either at Ninth or Thirteenth Street.

HUMAN SERVICES & YOUTH COMMITTEES:

REPORT: Regarding Committee Votes

Human Services & Seniors Committee

1. Metro New York Health Care for All Campaign: implications regarding local health care resources Item Tabled To Next Month. (No Quorum)
2. Support for Council Member Gerson's request that the NYS Dept of Health sponsor a study by an independent professional commission to evaluate and set forth strategies for the all downtown hospitals and government authorities involved with Lower Manhattan's Redevelopment which would enable the downtown hospitals to meet the range of community hospital needs (This item was from March)

VOTE: To adopt Council Member Alan Gerson's proposed resolution with the following amendment: (1) Research by this commission should have a significant community participatory component. (See Attached)

Youth & Education Committee

1. Support for space in NYC Housing Authority for recreation program, LES Boys & Girls Boxing

No Vote Necessary.

2. Manhattan District Attorney's 2005 Legal Bound Summer Junior High & High School Internship Program

No Vote Necessary.

3. Presentation of Liberty Zone Child Care Pilot Program to ease burden of child care cost on low income parents.

Subsidies will be available for working parents living or working below 14th St

No Vote Necessary.

BOARD VOTE:

29 YES 0 NO 0 ABS 0 PNV

MOTION PASSED

SLA COMMITTEE:

REPORT: Regarding Committee Votes

Complaints:

1. Opaline, 85 Ave A

No Vote Necessary.

2. Route 85a, 85 Ave A

No Vote Necessary.

3. Sing Sing, 81 Ave A

No Vote Necessary.

Liquor License Renewals w/Complaints:

4. Second on Second Café, 27 2nd Ave

VOTE: To approve application.

5. Planet Rose, 219 Ave A

VOTE: To approve application.

Sidewalk Café Renewals w/Complaints:

6. Lavagne, 545 E 5th St

VOTE: To approve application for renewal.

New Sidewalk Café Applications:

7. Stanton Restaurant, 82 Stanton St

VOTE: To deny application for a sidewalk café due to the residential make-up in the Allen Street/Stanton Street area.

8. Peprico Inc, 182 2nd Ave

VOTE: To approve sidewalk café.

9. Seven A Café, 109 Ave A

VOTE: To approve sidewalk café application.

10. Gisella & Kate Café, 73 2nd Ave

VOTE: To approve sidewalk café application with the stipulation that applicant place only five table on the side.

Alterations/Transfers/Upgrades:

11. JCNV Realty, 157 Ave C (trans/op)

VOTE: That Community Board #3 write letter to the SLA asking that this application not be considered until it is first reviewed and commented on by Community Board #3, as required by law. The applicant has withdrawn its application before Community Board #3.

12. Lucky Stiffs d/b/a Grand Central, 211 Ave A (trans/op)

VOTE: To approve application with a stipulation that they continue to operate the new license (Grand Central) in the present manner, including food.

13. Standing Sports Bar, 43 E 7th St (trans/rw)

VOTE: That Community Board #3 write letter to the SLA asking that this application not be considered until it is first reviewed and commented on by Community Board #3, as required by law. The applicant has withdrawn its application before Community Board #3.

14. Burp Castle, 41 E 7th St (trans/rw)

VOTE: That Community Board #3 write letter to the SLA asking that this application not be considered until it is first reviewed and commented on by Community Board #3, as required by law. The applicant has withdrawn its application before Community Board #3.

15. 146 Attorney Restaurant, 146 Attorney St (alt/add)

VOTE: To approve with the stipulation that the entrance on Attorney Street be closed and use as exit only and proper permit is obtained to do the job.

16. Rancho El Girasol, 221 1st Ave (up/op)

VOTE: To approve the application for an upgrade from beer/wine to full on-premises with the stipulation that applicant does not change the method of operation and, if so, must notify Community Board 3.

17. Lucky Jack's (dba: Alpha 129 Restaurant), 127-129 Orchard St (alt/add/op)

VOTE: To approve application to convert basement storage and to apply for additional full liquor license for this space.

18. DMD, 159 E Houston St (alt/add/op)

VOTE: To deny due to non-appearance.

19. LES Artiste Café Corp, 189 E 3rd St (up/op)

VOTE: That Community Board #3 write letter to the SLA asking that this application not be considered until it is first reviewed and commented on by Community Board #3, as required by law. The applicant has withdrawn its application before Community Board #3.

20. 26 Clinton, 26 Clinton St (trans/op)

VOTE: That Community Board #3 write letter to the SLA asking that this application not be considered until it is first reviewed and commented on by Community Board #3, as required by law. The applicant has withdrawn its application before Community Board #3.

New Liquor License Applications:

21. Sean Summers, 75 Orchard St (op)

VOTE: To deny due to non-appearance.

22. Pheng Xiang, 118 Madison St (op)

VOTE: That Community Board #3 write letter to the SLA asking that this application not be considered until it is first reviewed and commented on by Community Board #3, as required by law. The applicant has withdrawn its application before Community Board #3.

23. Southsea Ventures, 40 E 3rd St (op)

VOTE: To deny due to non-appearance.

24. Hat Restaurant, 108 Stanton St (op)

VOTE: To deny due to non-appearance.

25. Choudhury Convenience Store, 192 1st Ave (rw)

VOTE: To deny due to non-appearance.

26. LES Vixens, 105 Eldridge St (op)

VOTE: To approve application with stipulation that the applicant operate within the stated application and do not install French doors

27. Mara's Home Made, 342 E 6th St (op)

VOTE: To approve the application with the stipulation that they will continue to operate as a full service restaurant with the same closing hours from 11 am to 11 pm, 5-11 pm and Friday 5-12 pm.

28. Laura Christy, 421 E 13th St (op)

VOTE: To deny due to non-appearance.

29. LoSide Diner, 157 E Houston St (op)

VOTE: That Community Board #3 write letter to the SLA asking that this application not be considered until it is first reviewed and commented on by Community Board #3, as required by law. The applicant has withdrawn its application before Community Board #3.

30. Good Taste, 41 Monroe St (rw)

VOTE: To deny due to non-appearance.

31. Sweet Ranger, 335 E Houston St (op)

VOTE: That Community Board #3 write letter to the SLA asking that this application not be considered until it is first reviewed and commented on by Community Board #3, as required by law. The applicant has withdrawn its application before Community Board #3.

32. E 11th Rest Corp, 647 E 11th St (op)

VOTE: That Community Board #3 write letter to the SLA asking that this application not be considered until it is first reviewed and commented on by Community Board #3, as required by law. The applicant has withdrawn its application before Community Board #3.

33. Ray's Orchard Pizza, 195 E Houston St (rw)

VOTE: That Community Board #3 write letter to the SLA asking that this application not be considered until it is first reviewed and commented on by Community Board #3, as required by law. The applicant has withdrawn its application before Community Board #3.

34. 98 Orchard, 98 Orchard St (rw)

VOTE: To deny due to non-appearance.

Proposed city legislation regarding Internet cafés:

35. NYC Intros #65 and 78 to require license to operate and to make it unlawful for minors to enter café during school hours

No Vote Necessary.

BOARD VOTE:

27 YES 0 NO 2 ABS 0 PNV

MOTION PASSED

PUBLIC SAFETY AND TRANSPORTATION COMMITTEE:

REPORT: Regarding Committee Votes

Public Safety & Sanitation Committee

1. Support for a feasibility study for a project to take an ordinary city block in Manhattan's Community Board 3 and improve air quality and health through energy efficiency and renewal energy

VOTE: To send the following letter to Charles Komanoff of KEA and Jeff Perlman of Bright Power:

Dear Charles and Jeff:

Community Board #3 (CB#3) is a named party to the Supplemental Joint Stipulation agreed to by Con Edison signed on March 13, 2002 in connection with the East River Generating Station on East 14th Street and Avenue C. This Stipulation was the concluding step in a community struggle to protect and improve air quality in our community, in response to the expansion of Con Edison's East River plant. The CB#3; our joint Intervenors, the East River Environmental Coalition; and our attorneys agreed that the Stipulation's package of remediations and other actions was the best legal and financial settlement available to the community at that point, in a regulatory process we all felt was deeply flawed.

As you know, an element of the Stipulation directed Con Edison to create a "fuel-switching account" in the amount of \$2,750,000. This account was intended to be drawn upon by Con Edison, over a period of years, to subsidize the purchase of cleaner-burning natural gas instead of fuel oil at Con Edison's East River Units No. 6 and 7 during the winter period of the year (November 15 to March 31 of each year). The purpose of the fuel-switching account (together with other measures) was to create a tangible improvement in the neighborhood's air quality, albeit one of limited duration due to the finite amount of fuel-switching funds. The Stipulation also provides for a process by which CB#3 may designate that a

specified portion of the fuel-switching account shall be used instead for alternative air quality improvement projects in the general neighborhood of the East River Plant.

In early 2005, you approached CB#3's Oversight Committee with a proposal for an alternative air quality improvement project in CB#3. You propose to take an ordinary city block close to the East River plant and improve energy efficiency on a building-by-building, apartment-by-apartment, storefront-by-storefront basis, in a "saturation" approach to urban energy efficiency that is intended as a template for follow-on efficiency investments throughout CB#3. You estimate that your pilot project would involve 40 to 50 buildings, up to a dozen storefront businesses and as many as 500 apartments. You have advised us that, based on your professional judgment, the prospective air quality benefits for CB#3 from this pilot project alone appear to far exceed the benefits from applying the fuel-switching account to substitute natural gas for fuel oil.

Your proposal calls for using a significant portion of the fuel-switching account — your preliminary estimate is \$2,000,000 — as a source of working capital to finance most of the energy-efficiency work to be done on and in the buildings on this model block. Indeed, you describe this re-allocation of fuel-switching funds as the linchpin for your pilot project, on the grounds that no other source of primary working capital is available.

Because a project of this size and complexity cannot be evaluated by the Community Board without a detailed plan and evidence of its effectiveness, you have undertaken to raise \$40,000 to conduct a feasibility study estimating the energy, cost, air quality and pollution savings from your pilot project, and detailing the financing mechanisms and administrative structure for the project.

The CB#3 Oversight Committee has devoted considerable attention to your proposal, including discussing it in its two initial meetings (February 7 and March 7). Through this review, and subsequent meetings of the Public Safety Committee and the full Board, we have arrived at the following consensus:

- The CB#3 is interested in your proposal, as an alternative to the fuel-switching account, for its potential to permanently improve neighborhood air quality. The potential for energy and economic savings and economic development in our "environmental justice" community are also important. A neighborhood-based approach to energy efficiency is consistent with the spirit of our community, if carried out with community involvement and sensitivity to the impact on all residents.
- It would be a major legal and policy step to re-allocate several million dollars from the fuel-switching account, particularly because this use of funds was arrived at through an orderly, consensus-based process involving CB#3 and other stakeholders, and was approved by State regulators and Con Edison itself. The Oversight Committee has concerns about the project that cannot be properly addressed until the pilot project is completed and reviewed, . Some of the issues that need further clarification are its practicality, air quality benefits, and impact on low-income renters, and how it would be structured financially to ensure prudent use of settlement funds.
- Because we both recognize the potential for benefits from this type of project, and have many questions that cannot be answered at this time, the CB#3 is pleased that you are planning to raise and apply your own funds to conduct a detailed feasibility study. This will enable the committee and the full community board to fairly evaluate the merits of re-allocating monies from the fuel-switching account to an alternative air quality improvement project such as you propose.

We therefore encourage you to commence and perform the feasibility study. Upon your presentation of the completed study to the committee, the committee will review it in full and in a timely fashion and make appropriate recommendations to the full board concerning possible allocation of fuel-switching funds to your project. You should recognize that this in no way obligates us to ultimately endorse such a project, or to work with you if we do decide to pursue alternative air quality improvements.

Thank you for your interest in developing your pilot project in CB#3. We look forward to ongoing communications with you as your study progresses.

2. Resolution improving motorcycle provisions of Mayor Bloomberg's proposed noise code

VOTE: To approve the resolution improving the motorcycle provisions of Mayor Bloomberg's noise code.

RESOLUTION IMPROVING MOTORCYCLE PROVISIONS OF MAYOR BLOOMBERG'S PROPOSED NOISE CODE

WHEREAS, the City Council is now considering Int. No. 0397-2004, a proposed local law to amend the administrative code of the City of New York in relation to its noise code; and

WHEREAS, motorcycle noise in said proposed law is discussed only at §24 236 (b), which states in its entirety "No person shall cause or permit any motorcycle to operate on a public right-of-way where the muffler or exhaust generates a sound that is plainly audible to another individual at a distance of 200 feet or more from the motorcycle"; and

WHEREAS, to our knowledge, no part of City government has performed tests within ambient sound levels of City streets (1) to establish the decibel level required for a motorcycle sound to be "plainly audible" at 200 feet or (2) to determine whether a limit of less than 200 feet would be more in keeping with desirable quality of life standards; and

WHEREAS, a number of other municipalities in the United States have enacted noise codes that prohibit motorcycle noise that is "plainly audible" at distances of 100 feet or less; and

WHEREAS, the proposed law restricts "cumulative" sound from circulation devices such as air conditioners, and restricts "aggregate" sound from construction sites, but does not consider either cumulative or aggregate sound emitted by motorcycles operating in groups; and

WHEREAS, motorcycles operating in groups make more noise than motorcycles operating individually;

NOW, THEREFORE, BE IT RESOLVED, that the Manhattan Community Board 3 joins the West Eighth Street Block Association in urging the New York City Council to amend Int. 0397-2004 to reduce the limit for plainly audible motorcycle noise to 50 feet, so that §24 236 (b) reads "No person shall cause or permit any motorcycle to operate on a public right-of-way where the muffler or exhaust generates a sound that is plainly audible to another individual at a distance of 50 feet or more from the motorcycle"; and

BE IT FURTHER RESOLVED, that the Manhattan Community Board 3 joins the West Eighth Street Block Association in urging the New York City Council to amend Int. 0397-2004 to penalize each member of any group of motorcycles which, while operating, emits cumulative sound that is plainly audible at 50 feet or more.

3. NY Campaign for Telephone Justice support for campaign to end contract between NYS Dept of Correctional Services & MCI which imposes disproportionate economic burden on low-income families of prisoners

VOTE:

WHEREAS, for someone incarcerated in a New York State prison to call collect to a loved one, MCI currently charges \$3 to initiate the call and 16¢ per minute.

WHEREAS, to provide phone service for the general public, MCI advertises rates as low as \$5 per month for service and 5¢ per minute. The average prison phone call is billed at 19 minutes, costing just over \$6—a mark up of more than 630%!

WHEREAS, In fiscal year 2002, the most recent data available, New York State prisoners made 7 million collect calls totaling more than 124 million minutes, generating gross revenues exceeding \$39 million.

WHEREAS, New York State collects 57.5 percent of this as a kickback, \$22.4 million in FY2002. The Department of Correctional Services has amassed over \$175 million as a backdoor tax on prison families from this contract since its inception in 1996.

WHEREAS, A landmark study from the California Department of Corrections and numerous follow-up studies have showed that men and women in prison who maintain relationships with their loved ones are more likely to complete their parole without incident and have more successful transitions back into the community when they are released.

WHEREAS, More than 80 percent of the state's prisoners come from poor New York City neighborhoods, according to the Albany based Center for Law and Justice. With two-thirds of the prison facilities located three hours or more from New York City, telephone calls become a critical way for families to keep in touch.

THEREFORE, LET IT BE RESOLVED, that Manhattan Community Board #3 supports the New York Campaign for Telephone Justice and calls on the State of New York, to end the unjust MCI-DOCS contract and to allow the family and friends of people incarcerated in New York State prisons to keep in touch with their loved ones with fair market rates thru a choice of telephone providers.

Transportation Committee

1. Mariners' Temple Baptist Church request for support for the co-naming of Oliver Street as Mariners' Temple Lane & Henry St as Henry Rutgers St

VOTE: To postpone until May.

2. Request to change block around Pike St, Madison St, Rutgers St, & Cherry St to angle parking

VOTE: To request that DOT install back-in angle parking on Madison St between Pike and Rutgers St, on Rutgers St between Madison St and Cherry St, and on Cherry Street between Rutgers St and Pike St/Slip, on the side of the street adjacent to the Rutgers Houses. This change should only be implemented if is feasible to do so without reconfiguring the traffic flow.

3. CCM Lopez: resolution opposing automation of the L train

VOTE: To postpone until May.

4. Community Board #1, Queens: resolution supporting Accessible Pedestrian Signal

VOTE: To postpone until May.

5. Request for installation of traffic lights at Catherine & Cherry Sts

VOTE: (See Attached)

6. Extend Orchard St Pedestrian mall on Sundays from Delancey down to Hester St

VOTE: To postpone until May, and ask the LES BID to post notices in English, Spanish and traditional Chinese characters for the residents of Orchard St, to inform them that CB3-Manhattan will be considering a proposal to extend the pedestrian mall on Sundays from Delancey down to Hester St.

7. FEVA request for support for the co-naming of East 3rd btwn B and C as Pedro Pietri Way

VOTE: That CB3 joins the Federation of East Village Artists, members of the HOWL! Festival, The Nuyorican Poets Café and residents of E 3rd St in supporting the conaming of E 3rd St between Avenue B and C, to "Rev. Pedro Pietri Way." (Pedro was ordained as a Minister in the 1980s by the Ministries of Salvation in California.)

Pedro Pietri was born in 1944 in Ponce, Puerto Rico and moved to Harlem in the 1940's with his family. He left for a brief tour of Vietnam and when he returned began his career as a poet and cultural advocate for the Puerto Rican community, here in the Lower east Side. Pedro was a gifted poet whose works could be seen and heard at the Nuyorican Poets Café, an establishment that he helped create in the 1970s. Pedro's talented ability with both the Spanish and English language allowed him to claim cultural space for his people, at a time when only whites were being heard. He performed with the Young Lords, as well as solo all over the country. In his career he published over twenty works of poetry and plays. He had earned the respect and admiration of his peers before his too early death last year.

Pedro was a very active member of this community, participating in many issues related to housing, culture, homelessness, citizen's rights and youth.

The Nuyorican Poets Café, recognized internationally as one of poetry's premier outposts, resides on E 3rd St between Ave B and C, and this is where the street would be renamed. It shares a tight bond with Pedro, whose face can be seen as a mural on the front of the café's façade.

8. DEP: Add the Bowery between Delancey and Rivington St to "No Horn Honking" Resolution

VOTE: To amend our July 2004 letter to DEP requesting sound level studies for "No Horn Honking" signage to include the Bowery between Delancey and Rivington Street. (See Attached)

9. DOT proposal to add bike lanes on Montgomery St from FDR Drive to Grand St from E B'way to Suffolk St and Madison St from Gouverneur St to Pike St. Grand St from E B'way and Norfolk St would be reduced from two moving lanes in each direction to one moving lane in each direction. On Grand St westbound at Clinton St to add a right turn lane onto northbound Clinton St. On Montgomery ST northbound at Grand St, plan to eliminate the right turn lane, reducing the roadway from two moving lanes to one. No parking spaces will be eliminated.

VOTE: That CB3-Manhattan supports a modified version of the DOT proposal for adding striped bike lanes on the Lower East Side. DOT proposed the following routes, which we understand will be installed without loss of street-side parking:

- On Montgomery Street from the FDR Drive to Grand Street;
- On Grand Street from the FDR Drive to Columbia Street (Abraham Kazan Street), and from East Broadway to Suffolk Street; and
- On Madison Street from Gouverneur Street to Pike Street.

CB3 would like to have the recommended routes extended as follows, if this can be done without losing street-side parking:

- On Grand Street from Suffolk Street to Essex Street; and
- From Grand Street and the FDR Drive, extend the bike lane down the FDR service road south of Cherry Street, in order to provide a connection to the waterfront Greenway System via the pedestrian crossover between Colrears Hook Park and the East River Park.

CB3 would also like to see measures to safely connect the bicycle lane network to the Williamsburg Bridge, since the recommended route from Grand Street is to ride on Clinton Street and cross the very dangerous intersection at Delancey Street.

CB3 does not support reducing Grand Street between East Broadway and Norfolk Street from two moving lanes in each direction to one moving lane in each direction nor in eliminating any streetside parking.

CB3 does not support the DOT proposals for changing right-turn lanes. Instead of eliminating the dedicated right-turn lane for northbound Montgomery Street to turn onto Grand Street, please replace it with a dedicated right-turn lane. Because two moving lanes will be preserved in each direction on Grand Street, it would not be possible to install a dedicated right-turn lane for westbound traffic.

10. DOT: support that Baxter St remain Southbound from Hogan Pl to Worth St

VOTE: To amend our February 2005 resolution as follows:

WHEREAS, The only relatively clear southbound street in Chinatown is Baxter Street, which is currently southbound all the way to Worth Street; and

WHEREAS, There are few other streets that head south in Chinatown, and none of them are good options. Bowery gets caught in the Chatham Square traffic jam. Mott Street is in reality a single lane street that is slow moving due to many court and police commuter cars parked illegally in no parking zones on both sides of the street. This is further handicapped by trucks trying to park and unload goods; and

WHEREAS, There are alternate outlets for those who want to exit Worth Street, without reversing traffic for the one block of Baxter Street between Worth Street and Hogan Place. Anyone who wants to head north already has an opportunity to do so by taking the Bowery and not even attempting to enter the Worth Street crosstown crawl. Or they can also exit Worth Street by going up Mulberry Street, one block west of the Bowery. And two blocks later they can exit at Center Street, a very wide 4 lane street; so **THEREFORE, BE IT RESOLVED**, that Community Board 3-Manhattan asks DOT to preserve the fork in Baxter Street at Hogan Place to preserve the existing traffic patterns with the new geometry created by the expansion of Columbus Park so that vehicles may continue to head west to Leonard Street or east to Worth Street. We still believe that the corner of Baxter Street could use a traffic light to allow cars to safely enter Worth Street.

BOARD VOTE:

26 YES 2 NO 0 ABS 0 PNV

MOTION PASSED

DISCUSSION: The Transportation Chair gave a current Puddle Report.

The New York City Department of Transportation's Bicycle Program Director, Andrew Vesselinovich, who himself is a bicycle user, did a presentation outlining proposed bicycle routes in certain areas of Community Board #3. There was concern expressed over recommendation regarding item #9 regarding bike lanes in the Grand Street area; chiefly that the creation of a lane specifically for a right hand turn on Norfolk Street and eliminating a lane of traffic for cars moving straight down Grand Street would create undue traffic congestion. The rationale behind the right turn lane was to make the bike flow easier on Grand Street and to put the street in line with where it is narrowed on the west side of Essex Street. Mr. Vesselinovitch also noted that the pedestrian crossing signal from one side of Grand Street to another was inadequate to get someone walking from one side to another, to which a board member asked if the time to cross could be extended to which Mr. Vesselinovitch said that it could. An amendment was put forward to keep the two lanes open on the wide part of Grand Street and to reject the proposed turn lane on Norfolk Street. The amendment was passed. The board member

concerned about pedestrian crossing offered himself to cross that street to help determine the adjustment of the crossing, since the member walks slowly with the aid of crutches.

PARKS COMMITTEE/HOUSING COMMITTEE/OLD BUSINESS:

REPORT: Regarding Committee Votes

The Chair of the SLA Committee made a motion approving transfer of 175 Avenue A with stipulation. (See motion.)

Parks & Recreation Committee

Block Party/Street Fair Permit Application:

1. Messiah's Reformed Fellowship, Catherine St (Monroe & Cherry Sts), 7/9/05

VOTE: To table this request pending additional information.

2. Betances Health Center, Henry St (Grand & Montgomery Sts), 6/18/05

VOTE: To approve the Betances Health Center request for a block party.

3. Saint Teresa Church, Rutgers St (Henry St & E B'way), 6/26/05

VOTE: To approve the St. Teresa Church request for a block party.

4. Eldridge Street Project, Eldridge St (Canal & Division Sts), 6/6/05

VOTE: To approve the Eldridge Street Project request for a special event – party.

Parks Permit Application:

5. True Church of God of the Apostolic Faith, East River Park, 7/17

VOTE: To deny the True Church of God request to use East River Park due to non-appearance at the scheduled committee meeting.

Non-Permit Issues:

6. Basketball City stipulations

VOTE: To accept the Basketball City (BBC) letter of October 7, 2003 as submitted to Community Board #3 (CB#3) (as clarified in an April 26, 2004 e-mail) concerning use of the proposed sports facility with the following stipulations:

1. Concerning the use of the basketball and volleyball courts:

a. BBC will provide 20% of court time for community members who are members of BBC during peak hours on weekdays and weekends;

b. BBC will provide 30% of court time for community members who are members of BBC during non-peak hours on weekdays and 20% of court time to community members during non-peak hours on weekends.

2. Further concerning the use of basketball and volleyball courts, BBC will give priority to public and parochial schools and nonprofit organizations and community groups within Community Board #3.

3. BBC will provide CB#3 with proposed costs for the use of the facility at closed times as soon as possible.

4. BBC will commit to keeping its fee structure for both the courts and the health club for community groups for a two-year period and to further commit itself to maintaining affordable fees during the period of the lease agreement.

5. Senior citizens using the health club will be provided a reduced fee schedule.

6. BBC will make healthy food and beverage choices available in its vending machines and to arrange for a public water fountain and rest rooms available to the community.

7. BBC will commit itself to best efforts to hire local community residents, including effective outreach when the positions are identified; CB#3 will be informed of these efforts.

8. BBC will train its health club staff in assisting seniors and members of the disabled community in available exercise equipment and to have defibrillators available on site.

9. BBC will arrange for a regular audit every three years to be provided to CB#3; local purchase efforts are to be indicated in the audit.

10. The initial lease for this facility will be for a ten-year period, with one five-year renewal.

Housing & Land Use Committee

1. ULURP 050209PPM: disposition of six city owned properties to the Lower Eastside Girls Club for proposed construction of a new building at 101 & 105 Ave D

VOTE: To approve disposition of properties for proposed construction LES Girls Club building.

2. Center for Inquiry request for support for site control of 222 E 13th St for office building

No Vote Necessary.

3. Lower East Side BID request for one year exclusive site control of Comfort Station at Allen/Delancey St intersection to convert to a visitor Orientation Center catering to the neighborhood's thriving community and tourist population

VOTE: To request that the New York City Department of Parks refrain from opening bidding process for control of site, pending community input as to preferred use of site: 1) only goes to not-for-profit organizations; 2) Lower East Side BID outreach to other not-for-profit groups in the area, and; 3) that it comes back soon with a new detailed proposal.

Old Business

For SLA Committee, "Approve transfer of 175 Avenue B with stipulation that it maintains its method of operation as a full service restaurant."

BOARD VOTE (Parks, Housing Items 2 & 3, Old Business):

27 YES 0 NO 0 ABS 0 PNV

0 YES 1 NO 0 ABS 0 PNV (Old Business)

MOTION PASSED

BOARD VOTE (Housing Item 1):

27 YES 1 NO 0 ABS 0 PNV

MOTION PASSED

MEMBERS PRESENT AT LAST VOTE:

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

MEETING ADJOURNED: 11:01PM