



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD NO. 3

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David McWater, Board Chair

Susan Stetzer, District Manager

April 2006 Full Board Minutes

Meeting of Community Board #3 held on April 25, 2006 at 6:45 at the Chinatown YMCA Beacon Center

Chairman David McWater announced the new format for the meeting before commencing the meeting.

Public Officials:

Mayor Michael Bloomberg-- Lolita Jackson

Announced that the Charas/PS 64 building is calendared for a Landmarks hearing on May 16.

Congressmember Nydia Velazquez --- Melissa Maldonado

Charas PS 64, On May 1st there will be a press conference at 10:00 A.M. on the steps of City Hall to rally support for Landmarking the Charas/PS 64 building.

A Hepatitis B Roundtable was held in Chinatown and the Center for Disease Control was in attendance as well.

Applauded CB3 and Susan Stetzer on working with Con Edison to put epoxy on the Ave. B manhole covers.

Congressmember Jerrold Nadler - Michael Kay

Not present.

Congressmember Carolyn Maloney - Victor Montesinos

A town hall meeting at the Community Church of NY Unitarian Universalists was held to discuss the War on Iraq and featured Representative John Murtha. He discussed his proposal to bring troops home from Iraq in order to refocus our efforts in protecting the United States from terrorism. Over 700 people attended.

Assembly Speaker Sheldon Silver - Jessica Loeser

The Funding for TANF was resubmitted by the Governor.

A Villager article was handed out about the fight Governor Pataki and Assembly Speaker Silver are having over funding for the SLA field investigators and a new Problem Premises Task Force. Speaker Silver proposed the two appropriations and the Governor vetoed them.

Speaker Silver is holding a hearing on May 5, 10:30 A.M., at 250 Broadway to look at the over saturation of licensed on-premises establishments and problem premises that are causing hardships and adversely affecting the quality of life in some communities.

Assemblymember Deborah J. Glick - Gregory Brender

Assemblymember Glick encouraged people to get involved with their Block Associations.

Assemblymember Sylvia Friedman - Anna Rivera, Director of Constituent Services

The Assemblymember has co-sponsored a number of bills since recently becoming a member: Co-sponsored bill to compel the SLA and applicants to attach terms and conditions to licenses and revoke the licenses if the stipulations are violated; called on the Governor to restore TANF; The Healthy Teens Act, establishes an age-appropriate sex education grant program; create the New York Health Plan and a prescription drug plan; establish a comprehensive system of universal access to health insurance for all state residents and another to make prescription drugs more accessible and affordable; and to increase the number of seniors eligible for SCRIE by exempting S.S income. She's been appointed to the Housing, Social Services, Alcoholism and Drug Abuse, and Election Law committees. The original office was not wheelchair accessible so while they negotiate a lease for a location that is, the office is temporarily located at 201 E. 16th St.

Congressmember Nadler- Michael Kaye

Downtown World Trade Center cleanup—A new CDC report confirms widespread physical and psychological ailments of 9/11 survivors. There is a need to create and fund a medical screening and treatment program for survivors and the federal government must conduct a serious, comprehensive cleanup to ride New York of the toxic WTC dust in the buildings.

Some new bills have been introduced: the Freedom of Choice Act, which would codify Roe v. Wade; Equal Access to Social Security Act so that same sex couple widowers and/or children of same-sex parents would be eligible for survivor benefits. Sail Only If Scanned Act requires that 100% of all containers destined for the U.S. be scanned at the port of origin and tamper-proof seals will be put on the containers.

State Senator Martin Connor – Matthew Viggiano/Eva Ritteteau

YMCA/University Settlement negotiations with regard to making it more affordable based on a sliding scale are continuing.

Campaign for Keeping Chinatown Clean—New waste baskets for the campaign have been installed across Chinatown.

State Senator Thomas K. Duane - David Chang

Sen. Duane and Services and Advocacy for GLBT Elders (SAGE) are hosting a town hall meeting on Medicare changes.

Introduced Manny’s Law which requires strict uniform mandates to hospitals to notify indigent patients of State medical funds available to them and for each hospital to notify the State annually of how much of these funds were utilized by patients.

Comptroller William Thompson - Rafael Escano

Not present

Borough President Scott Stringer – Josh Bosien, Director of Community Affairs

Welcomed the new board members and those who were reappointed. There are 50 members on all boards in Manhattan for the first time in eight years, meaning there are zero vacancies. He promised to appoint someone within 30 days after a resignation. They were able to more than double the number of new applicants from last year. 463 interviews were conducted by the office and 37% of all members are new. The ten new Community Board 3 members stood up to be introduced.

An announcement was made about there being cash available for 501c3 organizations. The organizations should contact the Borough President’s Office.

Councilmember Rosie Mendez - John Fout

Rosie congratulated the new members and those who were reappointed.

Rosie is outraged at the notification procedure used by NYCHA to announce rate hikes. She feels that these fees will hurt those on fixed incomes who don’t have the ability to pay for these services.

Wrote to Cardinal Egan recently about the loss of churches and schools on the Lower East Side. This is problematic also due to a loss in social services and because of the catalyst for gentrification that will be created by the church selling off properties to big developers.

She is still working on ending the phony demolitions under DHCR.

Councilmember Alan Gerson - Luis Reyes

Not present.

Elaine Crowley- Manager for Parks. A representative from Nike came regarding the company’s sponsoring the renovation of the Sarah Delano Roosevelt Parks field between Rivington, Stanton, Forsyth and Allen Streets--a multi-purpose field. This is part of the company’s global effort for donating to convert playing spaces. Once the renovation is complete, the Parks Department would maintain the fields. According to the concept drawings the name of the Nike program with the swoosh logo will be painted discreetly on the field. The turf itself uses post consumer shoes. There was concern from Board Members about local youth not having access to beautiful new fields. There was discussion about certain parks being dedicated to particular groups and the concern that neighborhood groups won’t get priority. Members want to be given preference for our community. According to Ms. Crowley, permits for youth and children will be given first if the field starts to be permitted more. The line between corporate donations and signage for tax breaks needs to be clearly defined.

603 trees will be installed in Community Board 3 over next three planting seasons as part of the E. River Park promenade project. Usually 200-300 trees are planted in each borough per planting season. This is huge that it’s going to be in one community. The Parks Department will be looking at ways for requesting trees. Once the trees have been planted the tree contractor is supposed to take care of the trees for two years until the tree gets established. There will be a diversity of trees available.

Ms. Crowley will be leaving the Department of Parks in May to go to law school.

Members Present At First Vote:

| | | |
|--------------------------|--------------------------|-------------------------------|
| David Adams [P] | Guido Hartray [P] | Richard F. Ropiak [P] |
| Paul Bartlett [P] | Herman F. Hewitt [P] | Estelle Rubin [P] |
| Rev. Joan Brightharp [P] | Carolyn Jeffers [P] | Eunice Samuels [A] |
| Roberto Caballero [A] | Anne K. Johnson [P] | Elizabeth Sgroi [P] |
| Mayra Cappas [P] | Joel Kaplan [A] | David Silversmith [P] |
| Rick Carman [P] | Eden Lipson [P] | Deborah A. Simon [A] |
| Rocky Chin [P] | Bernice McCallum [P] | Pia Simpson [A] |
| David Crane [P] | David McWater [P] | Arlene Soberman [P] |
| Andrea Diaz [P] | Alexandra Militano [P] | Nancy Rose Sparrow-Bartow [P] |
| George Diaz [P] | Lillian Moy [P] | Harold Stelter [P] |
| Harvey Epstein [P] | Jason Nagel [A] | Elinor Tatum [P] |
| Morris Faitelewicz [P] | Roberto Ortiz-Arroyo [P] | Steven Tin [A] |
| Anthony Feliciano [A] | Dominic Pisciotta [P] | David Weinberger [P] |
| Rabbi Y. S. Ginzberg [P] | Barden Prisant [P] | Nina Werman [P] |
| Alexander Gonzalez [P] | Joyce Ravitz [P] | Harry Wieder [P] |
| Carlos Juan Gonzalez [P] | Lois M. Regan [P] | Samuel Wilkenfeld [A] |
| Aurora Guzman [A] | Verina Reich [P] | |

Minutes:

Minutes of February, 2006 were approved, as is.

Board Chairperson's Report:

Chairperson David McWater

Welcome to all of the new members. Fill out the new committee request forms. David will try to put everyone on the committee. He also asked that all members sit in the first three rows.

The meeting has a new format tonight. We flip-flopped the public session and elected officials.

The nomination committee for the upcoming elections for COMMUNITY BOARD 3 executives will be Richard Ropiak, David Crane, Rick Carman, and Lillian Moy. Members are to let them know right away if they are interested in running for office.

A taskforce dealing with Religious Institutions and Land Use has been established. It will run for a year. Let David know if you are interested in being on it. He will name a chair for the taskforce this week.

Rick Carman spoke about the District Needs that are due in July and that need to be addressed in committee in May and June. David was confused about what was needed for the report. For May 1, Rick needs to have questions from committees that can be used to prepare the District Needs Statement.

District Manager's Report:

There is first distribution of March 06 minutes.

For new board members—welcome. Please feel free to call the office with any questions. If you have not yet checked out our website, please do—it is very information.

The vote sheet from the full board is generally on the web within a few days of the meeting. It takes 2 months for minutes to be approved, so it is changed from *vote sheet* to *minutes* section at that time. There is a search engine—you can find all resolutions in Sept. 04 and all agendas since 2002—as well as much general information.

When you call the office you can also speak to Carlos Rosa, the Assistant District Manager, and 2 community associates, Dordre Starkes and Edwin Chan.

The office is responsible for handling service delivery complaints—that includes enforcement issues. Please represent your area—and this is for all residents—by reporting any problems or issues to the office. Please put them in writing or stop by the office. The most effective way is to call 311, report the complaint, then report to CB office with complaint number.

Agenda items should be sent to the office in writing by the Tuesday before the full board.

We had a training workshop with Barry Mallin, a community lawyer with expertise in SLA issues. Strategy was an important part of the training—some things we learned were

1. organize people who live within 500 feet of location.

2. the testimony should stick to quality of life issues directly impacted by license, such as noise, traffic issues, crime, rowdy behavior on street. Not—rents becoming too high or moral issues of too many bars.
3. it is important for elected officials or their reps to appear at hearings as well as write letters. They should also write letters to the commissioners and cc the governor.

I had a meeting with the Taxi Limo Deputy Commissioner of enforcement and the 7th and 9th precincts—we will be getting more enforcement and one Saturday night initiative. You should call 311 to report noisy horn honking hot spots—but don't mention taxis—because 311 will not take that type of taxi complaint. Say that you are reporting a noise complaint. You will be given to Department of Environmental Protection specialist—then report horn honking. Please let office know.

The number one noise complaint to 311 in our board is from after hours construction.

Hookah bars are now illegal. Courts are now upholding smoking violations in hookah bars for the first time.

Public Session:

Lt. John Mendez, Fire Department of New York—9 MTC, 718-999-3369. Came to announce the upcoming recruitment drive and the Open Competitive Firefighter Exam. Filing is from August-October. There's a written exam in early December and physical agility test next January. The initial salary is \$28,000 with a step increment. Call 718.999.FDNY phone number for more information.

Elaine Crowley—Spoke during the Public Officials session.

Mark English—Ross Global Academy Charter School—Authorized to open a K-12 school on the Lower East Side. The curriculum will be based on the Ross Model of schools located on Long Island and in Stockholm Sweden. There is an information session this Saturday, April 29 at 10:00 at the Chinatown Y on Bowery St. The school has not been given a location yet and when it is, it will be temporarily there for approximately only two years as the school grows. The charter for the school is written to stay on the Lower East Side. They have been recruiting teachers and students. Admission to the school will be based on a lottery system. The first year will start with grades K, 1, 5, and 6. The following year will be grades 2, 3, and 7. Chinese, media and technology will be taught from K-12.

Board members asked a good handful of questions. Will the teachers be UFT? The answer was “No.” The teachers will be on their own pay scale and will receive benefits. Will students be recruited from outside of the neighborhood? The school wants children from the Lower East Side, but others will attend. They have spoken before the Community Education Council. The school will start with 160 students, 20 students per section. They have a close collaboration with NYU. There is also an independent endowment that is very high for their Long Island charter school, but they are not financially connected to this school. Other languages will eventually be introduced, but they will start with Chinese.

Suzannah Troy—Spoke in opposition to the proposed NYU megadorm. She wants there to be more community services for our community provided in any development. She also expressed disappointment in the new format.

Sam Menefee—City Year. Revitalizing the Coleman playground on Saturday, May 27th. Needs volunteers and supplies. They will be doing murals as well. Please contact Smenefeelibey06@cityyear.org.

Alicia Hurley—NYU. Introduced two new members of her staff. They learned that the Department Of Defense has been spying on students and Rep. Nadler has been helping them with this problem .

They are still considering the best options for the 12th St. and 4th Ave. project.

Transportation- The NYU busses will be reduced from seventeen to three busses once the summer session starts. She also wants to bring in the head of their transportation to discuss our concerns with students not using public transportation.

The long discussed long-term master/strategy plan has been delayed due to the Vice President leaving for the Department of Education.

Bob Giraldi—Owner of EU Restaurant. They have reapplied for a restaurant/wine license. He wanted to reiterate that they are not a bar or a nightclub. They are a restaurant and want the right to have wine and beer. They believe that they are a restaurant that offers something that is different than what's currently offered in the community. They close before midnight on most nights.

Rob Hollander— Spoke about tremendous changes in the neighborhood over the last 10 years due to development, NYU, and the proliferation of restaurants. Sidewalk cafes and the smoking ban have pushed so many people into the streets. He works with the Lower East Side Alliance which is a coalition of active groups concerned with quality of life issues. He wants the new community board members to become familiar with them.

Neil Tepper—Owns and manages 245 E. 4th St. where E.U. is located. He spoke in support of Bob Giraldi. He believes that they selected a tenant that was a positive for the community. They left space vacant for a year and refused so many that came to them with business propositions, such as the brokers that brought other bars and restaurants. He reiterated that EU was selected because it would be a benefit to the community. David McWater asked if he was not aware of Community Board 3's moratorium on additional liquor licenses where this location is. Mr. Tepper stated that he didn't know that it was in the moratorium area.

Charles Komanoff— Greening A Block. There has been a lot of positive reaction to Greening a Block. There have been changes in the project due to recent interest.

Abraham Ruiz—Thanked COMMUNITY BOARD 3, Greening a Block, and Council Members, for including Haven Plaza in the Greening a Block proposal. He thanked everyone for putting together a revolutionary idea.

Committee Reports:
Executive Committee
No Report.

SLA & Economic Development Committee
Renewal with complaint

1. Croxley, 28 Ave B

VOTE: To deny renewal of a full on-premises license to Croxley, 28 Avenue B because the applicant has illegally operated widescreen televisions in its side yard for years despite complaints from residents and the 9th Precinct and for failure to provide a signed notarized stipulation that 1) it has removed televisions from the side yard and will not reinstall them and 2) once appropriate permits are obtained, it will close the side yard at 10:00 P.M. on weekdays and 11:00 P.M. on Fridays and Saturdays.

2. Chez Es Saada, 38-42 E 1st St

VOTE: To deny the renewal of a full on-premises license to Chez Es Saada, 38-42 E 1st St because the location is operating as a club and has failed to sign an agreement to limit street crowds and noise through crowd control methods recommended by the 9th Precinct.

Sidewalk Café Application

3. ULURP N 060364 ECM: Sharaku, 14 Stuyvesant St (renewal)

VOTE: No vote necessary.

Discussion:

It was determined that no vote would be necessary to write a letter to DCA notifying it that the applicant, ULURP N 060364 ECM, Sharaku, 14 Stuyvesant Street, has withdrawn its application for a sidewalk café renewal before Community Board #3 and asking that DCA not review this application until the applicant reapplies to Community Board #3 and it has had an opportunity to review and comment on said application.

4. Pasta Bar, 127 Ave C (new)

VOTE: To deny the application for a sidewalk café license comprised of ten (10) tables and (20) twenty seats to Pasta Bar, 127 Avenue C, to be located on the 8th Street side of said business because the proposed café is directly across the street from an NYPD precinct, to wit PSA 4, adjacent to numerous bars which comprise all of the other storefronts on Avenue C between 8th and 9th Streets and, further, of the twenty-three (23) liquor licenses on Avenue C, the predominant number of them are located between 7th and 9th Streets and thus this location is a small area already overburdened by nightlife business.

Alterations/Transfers/Upgrades

5. Nolia, 158 Ave C (trans/op)

VOTE: To deny the application for the transfer of a full on-premises liquor license application for Nolia, 158 Avenue C, because the applicant failed to appear to have its application reviewed by Community Board #3.

6. CNG Corp, 199 Orchard St (trans/op)

VOTE: To deny the application for the transfer of a full on-premises liquor license application to CNG Corp, 199 Orchard Street, based on the following factors: 1) that this license is a transfer from a restaurant that received its full on-premises license while Community Board #3's resolution prohibiting additional liquor licenses in this area was in effect and resulted in our denial of said license, 2) there is already an over saturation of licenses in that there are six (6) other licensed restaurant/bars the on same block of Orchard Streets between Houston and Stanton Streets with the majority clustered around this location, and 3) there are two (2) more licenses to which Community Board #3 anticipates will be approved for this street, both to be located in the hotel currently under construction at 200 Allen Street, raising the number of potential licenses on the same block to eight (8), not including the license being requested for transfer.

7. Mesa Seaview, 41-43 E 7th St (up/rw)

VOTE: To approve the application for an upgrade to an on-premises restaurant/wine license for Mesa Seaview, 41-43 East 7th Street, as the applicant has provided a notarized and signed stipulation that he will install a firebar on his second egress as well as emergency exit signage.

8. Moe Yaghoubi, 19 Clinton St (trans/op)

VOTE: To deny the application for the transfer of a full on-premises liquor license to Moe Kaghoubi, 19 Clinton Street, based upon the following factors: 1) that the prior applicant omitted reference to the synagogue in the street map which was included as part of its SLA application and in any other portion of its application, 2) that the prior applicant provided a letter to Community Board #3 from the rabbi of said synagogue which did not endorse its application for a full on-premises license but, rather, stated the various uses of the synagogue and which Community Board #3 believes the prior applicant improperly used as evidence that the synagogue was not a “house of worship” under the law, and 3) since it is a free-standing synagogue that has been in operation for 152 years and which operates only as a synagogue, to confer an full on-premises license to the new applicant is prohibited under the 200 foot rule.

9. Lolitia, 266 Broome St (alt/backyard)

VOTE: To write letter to the SLA notifying it that the applicant Lolitia, 266 Broome Street, has withdrawn its application before Community Board #3 for a liquor license for its backyard, and asking that the SLA not review this application until the applicant reapplies to Community Board #3 and it has had an opportunity to review and comment on said application as required by law.

10. 71 Clinton Inc, 71 Clinton St (trans/op)

VOTE: To write letter to the SLA notifying it that the applicant 71 Clinton Inc., 71 Clinton Street, has withdrawn its application before Community Board #3 for a transfer of a full on-premises liquor license, and asking that the SLA not review this application until the applicant reapplies to Community Board #3 and it has had an opportunity to review and comment on said application as required by law.

11. Cengaver Kerasilo, 113 Ludlow (trans/op)

VOTE: To deny because the applicant’s corporation has dissolved.

12. Torquay, 67 Clinton St (trans/op)

VOTE: To approve the application for the transfer of a full on-premises liquor license to Torquay, 67 Clinton Street, doing business as Barramundi, provided that the applicant furnishes a signed notarized stipulation that 1) the name and method of operation of said business will remain the same, 2) it will not utilize French doors, 3)it will not operate in the backyard, and 4) it will not apply for a cabaret license.

13. T-R Restaurant, 166 1st Ave (trans/op)

VOTE: To approve the application for the transfer of a full on-premises liquor license to T-R Restaurant, 166 1st Avenue, provided the applicant furnishes a signed notarized stipulation that 1)a security guard will be employed every day, 2) food will be served to within one (1) hour of closing, and 3) contact information will be provided to the community for residents can contact management

14. Maribel Araujo, 93 E 7th St (trans/rw)

VOTE: To approve the application for the transfer of an on-premises restaurant/wine license to Maribel Araujo, 93 East 7th Street, provided the applicant furnishes a signed notarized stipulation that 1) the restaurant will maintain the same method of operation of serving Venezuelan for the life of the license.

New Liquor License Applications

15. Jolly Fellow, 252 Broome St (op)

VOTE: To write letter to the SLA notifying it that the applicant Jolly Fellow, 252 Broome Street, has withdrawn its application before Community Board #3 for a full on-premises liquor license, and asking that the SLA not review this application until the applicant reapplies to Community Board #3 and it has had an opportunity to review and comment on said application as required by law.

16. Eldridge Satako, 245a Eldridge St (rw)

VOTE: To approve the application for an on-premises restaurant/wine license for Satako, 245a Eldridge Street, provided the applicant furnishes a signed notarized stipulation that 1) there will not be a D.J., 2) the restaurant will operate only a restaurant, serving food to within one (1) hour of closing, 3) it will have only background music, 4) it will not apply for an upgrade to a full on-premises liquor license in the future, and 5) it will close no later than 2:00 A.M. every night of the week.

17. Prince Garden, 18 E B'way (op)

VOTE: To deny the application for a full on-premises liquor license for Prince Garden, 18 East Broadway, because the applicant failed to appear before Community Board #3 or to provide any application materials regarding this proposed establishment for Community Board #3 to review.

18. Circle Seven, 65 Rivington St (rw)

VOTE: To approve the application for an on-premises restaurant/wine license for Seven, 65 Rivington Street, provided the applicant furnishes a signed notarized stipulation that 1) the sliding door on the façade of the establishment will not be open after 10 P.M., 2) food will be served to within one (1) hour of closing, 3) it will not apply for a sidewalk café permit for the life of the license, and 4) it will make an effort to reduce noise by discarding waste by 10 P.M. since it is in close proximity to a medical facility.

19. Yee & Chun Lan, 5 Eldridge St (rw)

VOTE: To approve the application for an on-premises restaurant/wine license for Yee & Chun Lan, 5 Eldridge Street, provided the applicant furnishes a signed notarized stipulation that 1) a sound engineer make recommendations for mitigating sound traveling outside of the space and 2) sound proofing is to be installed.

20. Cronkite, 133 Norfolk St (rw)

VOTE: To approve the application for an on-premises restaurant/wine license for Cronkite, 133 Norfolk Street, provided the applicant furnishes a signed notarized stipulations that 1) it maintain the same business operation as a pizzeria for the life of the license, and 2) it will not apply for a sidewalk café permit and 3) will close no later than midnight.

21. Marte NY Restaurant, 125 Ave D (op)

VOTE: To deny the application for a full on-premises liquor license for Marte NY Restaurant, 125 Avenue D, because the applicant failed to appear before Community Board #3 or to provide any application materials regarding this proposed establishment for Community Board #3 to review.

22. Max Brennar, 141 2nd Ave (op)

VOTE: To approve the application for a full on-premises license for Max Brennar, 141 2nd Avenue, provided the applicant furnishes a signed notarized stipulation that 1) it will maintain the same method of operation as a chocolate and dessert establishment for the life of the license and 2) it will close not later than midnight.

23. 3rd Ave Restaurant Corp, 64 3rd Ave (op)

VOTE: To approve the application for a full on-premises license for 3rd Ave Restaurant Corp, 64 3rd Avenue provided the applicant furnishes a signed notarized stipulation that 1) food will be served to within one (1) hour of closing 2) it will employ a doorman or security personnel seven (7) days a week, 3) it will install soundproofing, 4) it will close all of its doors and windows at 10 P.M. Sunday through Thursday and 12 A.M. on Fridays and Saturday, 5) it will not have DJs, 6) it will not have live music that is not associated with a corporate/special event, such as weekly bands, 7) it will not have any event at which a cover fee is charged, and 8) residents may contact the manager/owner at the provided number.

- 35 YES 1 NO 1 Abstention 0 PNV (Item 1)
- 35 YES 1 NO 1 Abstention 0 PNV (Item 2)
- 33 YES 1 NO 3 Abstention 0 PNV (Item 3)
- 33 YES 1 NO 3 Abstention 0 PNV (Item 4)
- 33 YES 1 NO 3 Abstention 0 PNV (Item 5)
- 34 YES 0 NO 3 Abstention 0 PNV (Item 6)
- 32 YES 2 NO 3 Abstention 0 PNV (Item 7)
- 34 YES 0 NO 3 Abstention 0 PNV (Item 8)
- 33 YES 1 NO 3 Abstention 0 PNV (Item 9)
- 33 YES 1 NO 3 Abstention 0 PNV (Item 10)
- 34 YES 2 NO 1 Abstention 0 PNV (Item 11)
- 32 YES 2 NO 3 Abstention 0 PNV (Item 12)
- 31 YES 3 NO 3 Abstention 0 PNV (Item 13)
- 32 YES 2 NO 3 Abstention 0 PNV (Item 14)
- 33 YES 1 NO 3 Abstention 0 PNV (Item 15)
- 29 YES 5 NO 3 Abstention 0 PNV (Item 16)
- 34 YES 0 NO 3 Abstention 0 PNV (Item 17)
- 26 YES 7 NO 4 Abstention 0 PNV (Item 18)
- 31 YES 3 NO 4 Abstention 0 PNV (Item 19)
- 32 YES 2 NO 4 Abstention 0 PNV (Item 20)
- 33 YES 1 NO 4 Abstention 0 PNV (Item 21)
- 32 YES 2 NO 3 Abstention 0 PNV (Item 22)
- 31 YES 3 NO 3 Abstention 0 PNV (Item 23)

Cooper Square Urban Renewal Task Force

- Community concern regarding Chinatown YMCA membership fees

VOTE: That CB3 reaffirms its support for the spirit and the letter of the "Request for Proposal" and the "Land Disposition Agreement" approved by CB3 with regards to the community center so that it is accessible and is affordable to all segments of the community.

28 YES 0 NO 5 Abstention 2 PNV

Con Ed Advisory Task Force

- 1. Vote on use of Con Edison settlement funds for environmental benefit: Greening a Block proposal
No Vote Necessary
- 2. Request for Asthma Free School Zone project to be considered for funding from Con Edison settlement funds
No Vote Necessary

Public Safety & Sanitation Committee

- 1. CCM Liu: proposed amendment to be known as the Street Utilities Safety Act, in relation to maintaining maintenance hole covers and electrical-related infrastructure
VOTE: WHEREAS, In the last several years, there have been many incidents of people and animals being shocked on the sidewalks and streets of New York City by stray voltage emanating from electrical infrastructure; and

WHEREAS, One tragic case drawing much public attention was the death of Jodie S. Lane, a Manhattan Community Board #3 resident, who was killed on January 16, 2004 when she stepped on an electrically charged metal plate while walking her two dogs; and

WHEREAS, The metal plate that Jodi Lane stepped on is representative of thousands of typical pieces of infrastructure placed upon the sidewalk and in streets by the Consolidated Edison Company of New York, Inc. ("Con Edison"), the City of New York, and numerous other entities that engage in utility work in New York City; and

WHEREAS, Ms. Lane's death prompted an examination of the City's electrical-related infrastructure, which found hundreds of cases of dangerous stray voltage and led the New York City Council to enact legislation, Local Law 44 of 2004 ("LL 44/2004"), requiring the New York City Department of Transportation and the local electric corporation to annually test for stray voltage and issue a report based upon their findings; and

WHEREAS, Representatives of the New York State Public Service Commission ("PSC"), the agency vested with jurisdiction and oversight powers over public utility companies, specifically those engaged in the electrical and gas business, testified that it appeared that the only time an inspector was dispatched was when a serious injury or fatality occurs, and that the PSC's inspection process is exclusively complaint driven; and

WHEREAS, Con Edison presumably did their inspections and testing and issued reports about their results. However, even with this extensive testing, people and animals are still being electrocuted on the sidewalks and streets of New York City; therefore

BE IT RESOLVED, Manhattan Community Board #3 supports Int. No. 252 amending Local Law 44 which will be known as *the Street Utilities Safety Act* because Int. No. 252 allows penalties for failure to maintain maintenance hole covers and any local gas corporation or local electric corporation that owns or maintains maintenance hole covers and the equipment contained under the maintenance hole covers shall maintain them so that they do not present any hazards. Hazardous maintenance hole covers include, but are not limited to, one that is displaced by a sudden unexpected increase in pressure or one that is raised to a temperature that is hazardous to pedestrians and animals; and

BE IT FURTHER RESOLVED, Manhattan Community Board #3 supports Int. No. 252 amending Local Law 44 which will be known as *the Street Utilities Safety Act* because Int. No. 252 allows penalties for incidents of stray voltage and any local electric corporation that owns or maintains electrical-related infrastructure shall maintain it so that it does not emit stray voltage; Upon notice of an incident of stray voltage, the department (which will consist of the New York City Department of Transportation and the New York State Public Service Commission) shall test the electrical-related infrastructure reported to be emitting stray voltage. If the department's test indicates the presence of stray voltage, the local electric corporation responsible for the electrical-related infrastructure emitting stray voltage shall be subject to a civil penalty of up to one thousand dollars for the first violation and up to five thousand dollars for each succeeding violation that occurs within a twelve-month period on the same or other electrical-related infrastructure owned or maintained by such local electric corporation; and

BE IT FURTHER RESOLVED, Manhattan Community Board #3 supports Int. No. 252 amending Local Law 44 which will be known as *the Street Utilities Safety Act* because Int. No. 252 allows penalties for incidents of stray voltage and any local electric corporation that owns or maintains electrical-related infrastructure shall maintain it so that it does not emit stray voltage, encourages the New York City Council to pass the legislation with an increase in the escalation of fines above the stated five thousand dollars mark. This will provide the monetary incentive to promote public safety and better maintenance of electrical-related infrastructure.

2. Proposals to use Con Edison 14th Street expansion settlement funds for environmental benefits
No Vote Necessary
3. Dept. of Sanitation Solid Waste Management Plan
No Vote Necessary

Transportation Committee

1. CCM Gerson's Office: update on Commuter Van Task Force
No Vote Necessary
2. Request for analysis of parking on both sides of Canal St btwn Mott & Broadway from 7pm-6am for passenger vehicles
VOTE: To ask DOT to investigate whether street-side parking with meters or munimeters could be installed along both sides of Canal St between the Bowery and Broadway, from 7PM to midnight. We ask DOT to come back with their recommendations.

3. Request for "No Horn Honking, Max fine \$350" on Rivington St btwn Norfolk & Essex Sts
VOTE: To amend our July 2004 letter to DEP requesting sound level studies for "No Horn Honking" signage to include Rivington St between Norfolk and Essex Sts.
4. Change from "No Standing 10PM to 5AM" to "No Parking 10PM to 5AM" on E 14 St btwn Third and Fourth Ave
VOTE: To approve a change from "No Standing 10PM to 5AM" to "No Parking 10PM to 5AM" on E 14 St between Third Ave and Irving Place.
5. Rutgers Houses Tenant Association request for angle parking on Pike, Madison, Rutgers, & Cherry St
VOTE: Motion to postpone until after the vote by the tenant's association on a support letter following the distribution of an agenda explaining the sidewalk issue and delivering the letter and agenda to the community board.

Discussion: There was a concern that the tenant association will approve this even though the overhang from most cars and trucks would severely impede passage on the sidewalk. The tenant association requested this angle parking. There was a lot concern with angle parking in general, but some felt that there was enough space on the street for it. There was also concern that this was going to disrupt access to the newly developing waterfront.

6. 52 E 4th St - request for "No Standing" signs East & West of this site for approx 1 1/2 year construction
VOTE: To approve the installation of a temporary "No Standing 7am – 6pm" zone in front of 50-52-54 E 4 St for the duration of the construction activity at 52 E 4 St. This would extend the existing curb cut in front of 52 E 4 St in 20 feet either direction with "No Parking" signage. After the construction is complete (estimated approximately 1-1/2 years), this would revert to the existing regulations. The company has agreed not to request variances that would allow delivery of construction activity after hours.
7. Revised street co-naming guidelines
VOTE: To postpone until May.

(Public Safety & Transportation)

37 YES 0 NO 0 Abstention 0 PNV (Excluding Transportation Item 5)

(By Unanimous Hand Vote)

33 YES 3 NO 1 Abstention 0 PNV (Transportation Item 5)

Parks & Recreation Committee

1. Sara Delano Roosevelt Park, artificial turf project
VOTE: To approve the artificial turf project for the Stanton Street Multi-Purpose Athletic Area in Sara Delano Roosevelt Park located at Stanton Street between Chrystie and Forsyth Streets. The board expresses the importance for Parks to explore the community use for this park. It is understood that the logo will be similar in scale to the photo provided to the full Board Meeting.

Discussion: There is a definite concern with us making our parks beautiful and then giving them away to outside community organizations.

Block Party Applications

2. 10th & Stuyvesant Sts Block Association, E 10th St (2nd & 3rd Aves), 9/8/06
VOTE: To approve the request by the 10th & Stuyvesant Sts. Block Association for a block party on East 10th Street (2nd – 3rd Avenues) on Sept. 8, 2006.
3. LES BID: Pickle Day, Orchard St (Broom & Grand Sts), 9/17/06
 No Vote Necessary
4. Bethel Chinese Assembly of God, Eldridge St (Grand & Hester Sts), 7/29/06
VOTE: To approve the request by the Bethel Chinese Assembly of God for a block party on Eldridge Street (Grand – Hester Streets) on July 29, 2006.
5. Fukien American Association, Market St (Broadway & Division Sts), 6/18/06
VOTE: To approve the request by Fukien American Association for a block party on Market Street (East Broadway – Division Street) on June 18, 2006.

Additional Committee Items

6. Park Event App: May Day Organization, Tompkins Square Park, 4/30/06, 5/1/06, 6/11/06, 8/6/06, 9/10/06
VOTE: To deny the May Day organization request for park permits due to two non-appearances before the Parks Committee.
7. Landmarking: Application to replace storefront infill at 39 Ave A at First Houses
 No Vote Necessary

37 YES 0 NO 0 Abstention 0 PNV

Housing & Land Use Committee

1. NYCHA proposal to charge residents new fees and increasing old fees to close budget shortfall

VOTE: WHEREAS the New York City Housing Authority (NYCHA) is facing a budget shortfall of approximately \$168 million dollars and is seeking to have tenants make up part of this shortfall; and

WHEREAS NYCHA has now put forward a schedule of increased fees that NYCHA residents will be charged for certain repairs and emergency services; and

WHEREAS NYCHA's notice of these proposed charges to residents has been incomplete, untimely, and not fully translated into the first language(s) of many tenants and has thereby failed to offer all NYCHA tenants a meaningful opportunity to be heard; and

WHEREAS a review of the proposed schedule of fees discloses that certain fees have been increased exponentially so that it appears that some increases bear no relation to any actual increase in costs for those items and/or services; and

WHEREAS it appears that NYCHA will utilize highly subjective criteria in determining when to impose certain fees and has offered no assurances that tenants will be able to contest these charges or that they will be subject to an objective review; and

WHEREAS it appears that the failure of residents to pay assessed fees in a timely fashion may be deemed defaults under the terms of their leases and possibly result in evictions; and

WHEREAS it appears that the imposition of said fees will have a chilling effect on the willingness of tenants to request needed repairs and avail themselves of necessary emergency services; and

WHEREAS many NYCHA residents live on fixed-incomes and are unable to absorb additional charges and unanticipated housing expenses; and

WHEREAS it appears that the imposition of these fees will have a minimal effect on reducing NYCHA's budget shortfall of \$168 million dollars but create a major hardship for many NYCHA tenants; therefore

BE IT RESOLVED that as NYCHA has failed to demonstrate the fairness of both the charges themselves and the process by which these charges are to be imposed, CB#3 vehemently opposes the imposition of these charges on NYCHA residents; and

BE IT FURTHER RESOLVED that CB#3 joins with our elected officials in calling for increased federal aid to assist NYCHA in reducing its budget shortfall and for further public hearings to review NYCHA's fee proposal.

2. Evaluation of NYU dorm proposal

VOTE: WHEREAS, NYU has acquired the St. Ann's site and seeks to develop a students dormitory; and

WHEREAS, CB#3 opposed the destruction of the historic St. Ann's church and continues to oppose the construction of a large student dormitory on this site; and

WHEREAS, CB#3 remains committed to maintaining the essential character of our community and to ensuring that new development within our community is contextually appropriate; and

WHEREAS, CB#3 recognizes the important role NYU plays both within the City of New York and within our community; and

WHEREAS, CB#3 is disappointed that NYU, despite repeated assurances, has failed to offer a comprehensive plan for its future development within our community; and

WHEREAS, CB #3 continues to call for NYU to examine prospects for future development outside of our community by establishing a satellite NYU campus in another part of the City; and

WHEREAS, CB# 3 is disappointed that NYU has failed to produce alternative plans for this project that reduce its overall density (FAR) or that address the impact of adding 700 additional students to our community; and

WHEREAS, CB#3 is concerned with the impact this dormitory will have on the surrounding neighborhood based on our need for contextual development and zoning, as well as its impact on local residents and merchants; and

WHEREAS, CB#3 continues to call for NYU to pay its fair share for the resources that it draws from our community; and

NOW BE IT SO RESOLVED THAT, CB#3 urges NYU to meet with local community groups, including the St Ann's Committee, GVSHP and COMMUNITY BOARD 3, during the development and construction stages of this project to further discussions concerning the design of the plaza space (between the church tower/street and dorm tower) and the building itself; and

BE IT FURTHER RESOLVED THAT: that CB#3's primary goal is to decrease the height and bulk of the dormitory and toward that end is willing to evaluate any further proposal that limits the height of the dorm, even at the expense of limiting surrounding open space and COMMUNITY BOARD 3 would actively consider supporting NYU's application(s) for any required variance(s) to facilitate said goal; and

BE IT FURTHER RESOLVED THAT, NYU strive to be to be a good neighbor in name and deed and, toward that end, meet with interested community groups to create a package of community benefits, e.g. job preferences for local residents, access to space for community events, etc.; and

BE IT FURTHER RESOLVED THAT, As is it relates to the church facade, CB#3 urges NYU to: 1) keep the windows and the wooden church door intact; 2) restore the incredible floral iron gate which was removed off-site during demolition (as already agreed to in principle by NYU); 3) keep the current wooden steeple on top of the church, safety concerns permitting; 4) consult with CB#3 and other interested parties re: the eventual treatment of crown of the building, which is widely considered a very important feature; and 5) find a meaningful way in which the remaining church structure can actually be utilized and that allows for public access; and

BE IT FURTHER RESOLVED THAT, NYU consider adding a 3-5 story wing to the building, bringing it out to the street wall and eliminating a plaza off the street thereby maintaining the street wall, providing a semblance of continuity for the preserved church facade and (slightly) softening the enormous bulk of the building (and mirroring the conditions as existed when the rectory was in place); and

BE IT FURTHER RESOLVED THAT, NYU consider extending the rear of the building and bring the height of the building down. We understand and accept that this would require using these wider lower floors as classrooms or some other non-dorm use since there would be no rear windows; while acknowledging that dorm space is the top priority for NYU, this seems to result in only a small reduction in dorm space while adding other usable space for the NYU.

3. Evaluation of Dept of Buildings oversight and enforcement in Community Board 3 district

No Vote Necessary

4. Community concerns regarding DOB permits for construction variances for after-hour work

Postponed to next month. No Vote Necessary

5. Support for a study of effect of transient student population on Community Board 3

No Vote Necessary

6. Application for Partial Tax Exemption benefit for 310 E Houston St

VOTE: To opposes the application based upon both the applicant's failure to appear before the Community Board and the absence of any affordable housing component in this development.

37 YES 0 NO 0 Abstention 0 PNV

(By Unanimous Hand Vote)

197 Plan Task Force

VOTE: That Community Board 3, Manhattan needs to move forward and hire professional planners and work with the Borough President's office to develop a proposal so that by next month we have a planning memo on Third and Fourth Avenues.

30 YES 0 NO 5 Abstention 0 PNV (197 Task Force)

Human Services & Seniors Committee

No Meeting Scheduled

Youth & Education Committee

No Meeting Scheduled

Old Business-- None

New Business-- None

Adjournment

Members Present At Last Vote:

David Adams [P]
Paul Bartlett [P]
Rev. Joan Brightharp [P]
Roberto Caballero [A]
Mayra Cappas [P]
Rick Carman [A]
Rocky Chin [P]
David Crane [P]
Andrea Diaz [P]
George Diaz [P]
Harvey Epstein [P]
Morris Faitelewicz [P]
Anthony Feliciano [A]
Rabbi Y. S. Ginzberg [P]
Alexander Gonzalez [P]
Carlos Juan Gonzalez [P]
Aurora Guzman [A]

Guido Hartray [P]
Herman F. Hewitt [P]
Carolyn Jeffers [P]
Anne K. Johnson [P]
Joel Kaplan [A]
Eden Lipson [P]
Bernice McCallum [P]
David McWater [P]
Alexandra Militano [P]
Lillian Moy [P]
Jason Nagel [A]
Roberto Ortiz-Arroyo [P]
Dominic Pisciotta [P]
Barden Prisant [P]
Joyce Ravitz [P]
Lois M. Regan [P]
Verina Reich [P]

Richard F. Ropiak [P]
Estelle Rubin [P]
Eunice Samuels [A]
Elizabeth Sgroi [P]
David Silversmith [P]
Deborah A. Simon [A]
Pia Simpson [A]
Arlene Soberman [P]
Nancy Rose Sparrow-Bartow [P]
Harold Stelter [P]
Elinor Tatum [P]
Steven Tin [A]
David Weinberger [A]
Nina Werman [A]
Harry Wieder [P]
Samuel Wilkenfeld [A]

Meeting Adjourned