



# THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD NO. 3

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David McWater, Board Chair

Susan Stetzer, District Manager

May 2006 Full Board Minutes

Meeting of Community Board #3 held on May 23, 2006 at 6:45 at PS 20.

#### Public Officials:

**Mayor Michael Bloomberg, Lolita Jackson**—Not present because she was at Board 12, but she will be back in June.

#### **Comptroller William Thompson, Rafael Escano**—

The Comptroller gave a statement through a representative before the Landmark Commission asking that PS 64/Charas be landmarked. This statement was offered at to the Community Board and public.

#### **Borough President Scott Stringer, Mary Cooley**—

The Borough President did a walk through of the buildings where tenants are being threatened with eviction so that the landlord can do gut renovations and convert the buildings to fewer apartments.

There will be an LGBT event on June 6 at the LGBT Community Center honoring healthcare advocates for their outstanding contributions to the LGBT community.

Voted against the rezoning of Tribeca.

#### **Congressmember Nydia Velazquez, Melissa Maldonado**--

The Congresswoman is working on reauthorizing the SBA bill.

She is trying to protect the Children's Magical Garden.

She extended an invitation for 6/2 for get together to honor the Grandmothers Against the War from 6:30-8:30 at University Settlement.

#### **Congressmember Jerrold Nadler, Michael Kay**—

The Congressman sponsored legislation, SAFE Port bill, for 100% scanning of shipping containers. The legislation was defeated by the Republican controlled-majority in Congress.

Nadler commended Mayor Bloomberg for finally agreeing with a worker's compensation claim to compensate Rudy Washington, a top Giuliani aide sickened by toxins at Ground Zero. Nadler called on all levels of government to fix the statute of limitations for workers' compensation claims so that 9/11 workers will be covered since their illnesses have had a delayed onset.

Congressman Nadler called for a crack down and enforcement of the recently enacted federal ban on retailers trafficking fake police badges. His renewed call for this action follows five incidents of attempted child abduction over the past three weeks.

#### **Congressmember Carolyn Maloney, Victor Montesinos**--

Congresswoman Maloney hailed the Federal Transit Administration's (FTA) approval of the Final Design for the Second Avenue Subway. This was the last major hurdle and a big milestone. The next step is for the MTA to negotiate for a full funding grant agreement with the FTA for the first phase of the Second Avenue Subway. Construction on the first phase is expected to begin December 2006.

Maloney's Simon Wiesenthal Holocaust Education Act (H.R. 4604) has been introduced in the Senate by Sen. Robert Menendez (S. 2651). The Wiesenthal Act would establish federal grants for educational institutions to teach about the Holocaust and its larger lessons.

Rep. Maloney had a hearing with Dr. John Howard, the federal government's 9/11 Health Coordinator, to discuss the federal response to the health impacts of the 9/11 attacks. The hearing was hosted by Reps. Maloney, Fossella, Nadler and Senator Clinton. These hosts are calling on the federal government to outline plans for monitoring, reporting and treating all Ground Zero responders and Lower Manhattan residents who are sick as a result of 9/11.

#### **Assembly Speaker Sheldon Silver, Jasper Kan**--

On May 18, the Speaker held a hearing on the status of rebuilding Lower Manhattan and called for a clear and transparent plan on how to proceed with the redevelopment efforts.

A hearing on the oversaturation of bars was conducted on May 5. There was a misunderstanding about the Speaker's plan for banning exemptions to bars seeking licenses within 500 feet of other existing establishments. The Speaker wanted to clear up that the SLA would work with the City Council to deal with exemptions in the 500 Ft. rule. He was not thinking of a 100% exclusion.

Rockefeller Drug Law reform is up for debate. The Speaker intends to get the laws reformed and to obtain discretion in sentencing non-violent addicted offenders to treatment instead of incarceration. He also intends to include changes that will eliminate the racial and ethnic disparities in the prison system.

The Assembly passed a bill to cap the sales tax for fuel and called for a national strategy to reduce dependence on foreign oil.

**Assemblymember Deborah J. Glick, Gregory Brender--**

The state legislature has overridden Governor Pataki's veto of the Problem Bar Taskforce. The Governor may not enforce the law though and thus not create the taskforce.

It was good to see so much support at the PS 64 Landmark hearing. Assemblymember Glick's office joined with community activists to call upon them to immediately designate the PS 64 Building at 605 E. 9<sup>th</sup> St. as a landmark structure.

There will be a Rent Guidelines Board hearing on June 27. This could be the highest increase in 15 years. The assemblymember is against this raise.

Glick joined with Councilmember Rosie Mendez, other elected officials, and housing advocacy groups for a press conference to draw attention to the practice of landlords evicting tenants by twisting the Rent Stabilization Law. The landlords claim that they need to evict rent-stabilized tenants to demolish a building when they only intend to renovate for the purpose of eliminating rent-stabilized units for increased profits.

**Assemblymember Sylvia Friedman, Anna Rivera—Not present**

**State Senator Martin Connor, Eva Ritteteau**

Sen. Connor has been involved with speaking out through testimony at hearings against over saturation of the bars in Manhattan.

- He spoke in favor of revoking the Mission Bar's license.
- At the Assemblymember Silver Hearing, Sen. Connor advocated for less circumvention of the 500 Ft. ruling for bars seeking licenses near existing licensed establishments.
- On May 5, he spoke in opposition of 122 Ave. B since it is in close proximity to a house of worship and a school.
- He wants to balance the vibrancy and quality of life of residents.

Spoke in support of PS 64's landmarking.

**State Senator Thomas K. Duane, David Chang—Not Present**

**Councilmember Rosie Mendez, John Fout—**

Councilmember Rosie Mendez was happy to join Assemblymember Glick in rallying on 5/18 for introduction of Intro 340 legislation to notify Community Boards and Council Members when applications are submitted for demolitions to rent stabilized buildings to the Department of Buildings.

On May 1, Councilmember Mendez joined the rally and press conference for preserving and landmarking PS 64 Charas/El Bohio. Some members of the commission wanted to vote then to landmark the building, but did not and instead made an agreement with the owner that no work would take place at least until the next hearing. June 6 will be the final vote.

The Councilmember introduced Intro 339A which ensures accessible clean air taxis for disabled New Yorkers.

At Assemblymember Silver's 500 foot hearing on the State Liquor Authority, Councilmember Mendez urged the SLA to intensely review renewals and not award licenses with bad behavior.

**Councilmember Alan Gerson, Luis Reyes—Not Present during the public session.**

**Assemblywoman Sylvia Friedman, Anna Rivera--**

Assemblymember Friedman is working on host of issues.

She is working on the issue of phony demolitions. She joined Councilmember Mendez and Assemblymember Glick at a press conference held at City Hall on May 18 to bring attention to this issue.

Assemblymember Friedman is working with Transportation Alternatives on pedestrian and senior safety projects by creating fifteen safe Streets in Manhattan and Elder Districts. Additionally, lights will be added at Houston St. and FDR.

She is opposed to changes in the fee structure at NYCHA and is more broadly concerned about the loss in the city's affordable housing.

Assemblymember Friedman is opposed to the Rockefeller Drug Laws and is happy to report that the Assembly has passed a plan to continue reforming the laws. The plan focuses on drug addiction and saving money.

She co-sponsored a bill to end the statute of limitations on rape.

Members Present At First Vote:

David Adams [P]	Guido Hartray [P]	Richard F. Ropiak [P]
Paul Bartlett [A]	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 [A]
Mayra Cappas [P]	Joel Kaplan [P]	David Silversmith [A]
Rick Carman [A]	Eden Lipson [P]	Deborah A. Simon [A]
Rocky Chin [P]	Bernice McCallum [A]	Pia Simpson [P]
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 [A]	Harold Stelter [A]
Harvey Epstein [P]	Jason Nagel [P]	Elinor Tatum [P]
Morris Faitelewicz [P]	Roberto Ortiz-Arroyo [P]	Steven Tin [A]
Anthony Feliciano [P]	Dominic Pisciotta [P]	David Weinberger [A]
Rabbi Y. S. Ginzberg [P]	Barden Prisant [P]	Nina Werman [A]
Alexander Gonzalez [P]	Joyce Ravitz [P]	Harry Wieder [P]
Carlos Juan Gonzalez [P]	Lois M. Regan [P]	Samuel Wilkenfeld [P]
Aurora Guzman [P]	Verina Reich [P]	

Minutes:

Minutes of March, 2006 were approved, as is.

Board Chairperson David McWater's Report:

PS 64/Charas/El Bohio had its landmarking hearing and it seemed to go very well. Susan Stetzer gave the testimony on his behalf. David thanked all of the elected officials that showed up at the hearing.

David gave testimony to have the late Community Board 3 member Armando Perez street named after him.

He informed the new members that within the next 72 hours they will receive their committee assignments.

The Paul Bartlett item is going to be heard at the Housing/Zoning meeting instead of at the originally designated committee.

District Manager Susan Stetzer's Report:

April minutes for first distribution have been submitted.

The office has a new phone system, but they are working out the kinks.

Susan said to use the agenda that members will receive at the end of the month to see where meetings are going to be held. Do not use the draft agenda since locations will change.

David and Susan met with the Department of Parks to talk about the recreational permits and the lack of responses for park events. Susan recommended that small recurring events should be expeditiously renewed. The department seemed receptive to this idea.

She met with the Department of Buildings Acting Borough Commissioner who recognized problems in the agency. It was a positive meeting.

PS 64's next public hearing for landmarking will be held on June 6 at the Municipal Bldg. on 1 Center St.

The Taxi and Limousine Commission has been giving out violations on Thursday and Fridays. We are trying to get them to enforce on Saturday nights as well. The increase in violations has been tremendous. There were 32 violations in January and increased to 400 by April.

Public Session:

Ted Gorodetzky, Lower East Side Tenement Museum. Announced free programs at the Tenement Museum including translated tours for select languages.

Shelley Mudbi, Islamic Council of America, Inc. Needs parking facilities for Taxis around 401 E. 11 St. to facilitate members to attend prayer services. Wants signs to state that it is not a thorough fare for trucks.

Alfredo Feliciano, Director of the Children's Magical Garden. Spoke on behalf of defending the Children's Garden adjacent to PS 20 against the developer Surge Hoyda, who is planning on building at this site. He urged the City to preserve this site. Sam Wilkenfel spoke about the fact that this was on the agenda for the Housing Committee last month, but no vote was necessary since the developers did not bring a plan. It will be on next month's agenda.

Michael DeCheser, Massey Knakal Realty Services—Signed up, but left prior to having the opportunity to speak.

Christine Shakespeare, New York University announced the Community Fund recipients. The Arts Program at PS 11, the Bowery Mission, and the Lower East Side Tenement Museum for Educational Programs were all recipients. Someone will visit the transportation committee regarding the student buses. No news on plans for the 12<sup>th</sup> Street dormitory.

Charles John Petrie, Magical Garden. Protested building on the Children's Magical Garden property.

Drew Durniak, GVSHP. Spoke in support of the 197 A task force resolution for rezoning changes to 3<sup>rd</sup> Avenue & 4<sup>th</sup> Avenue and blocks West as part of the E. Village Rezoning. This is to protect the area from massive high-rise development, such as the mega NYU dorm.

Elizabeth Langwith, St. Anne's Committee. Spoke to support the 197A taskforce resolution for inclusion of the 3<sup>rd</sup> and 4<sup>th</sup> Avenue corridor.

Ray Burns, 200A Orchard St. Would like to reconsider denying the transfer of license to 200A Orchard St. They have done a lot to install soundproofing and are committed to being part of the community.

Anthony Feliciano, Community Board 3 member spoke on behalf of The Commission to Propose Hospital Closings. He wanted members to be aware of items on the agenda concerning hospital closings.

Karine Spritzer, Resident on Rivington St. Wanted to thank the Board for the response they gave for denying Bridge & Tunnel. The same strategy was used by another restaurant to open a bar and she deemed the applicants as being untruthful in their intent for how they planned to operate the business.

Harvey Epstein, Neighborhood School. Announced a fundraiser for the Neighborhood School. They are showing the Street Fight documentary at the Pioneer Theater next Wednesday.

Eric Goldhagen, ABC No Rio. Spoke in support of preserving the Children's Magical Garden. He also wanted to say something about the neighborhood being under attack by over development and bars.

Mohammed Addin, Islamic Council of America. Requesting taxi and relief stand, and one to two hour parking limit around the mosque.

Katherine Fricke, The Children's Magical Garden. Spoke against the development of the garden. She sees how much this garden means to the children who have apple trees to climb.

Jason Villanueva, The Children's Magical Garden. Shared an essay that he wrote for his college admissions about the garden's positive impact and influence on him when he was a child. Joyce Ravitz asked about the hours of the garden. A volunteer responded that they are 2:00-8:00 P.M. on Saturday and Sunday. They are more sporadic on weekdays.

Aresh Javadi, Children's Magical Garden. Is encouraging the developer to preserve the garden and to look into making this part of the Land Trust.

Barden Prisant, E. 3<sup>rd</sup> St. Block Assoc. Spoke about the June 10 block party. There will be an art exhibition. There will also be a swap meet.

**General Discussion—**

There was discussion about Board Members using the public speaking time to discuss items coming up on the agenda. There are pros and cons of this. Whether or not this is appropriate was sent to the By-Laws committee for review.

Committee Reports:

**Executive Committee**

**VOTE:** That community board 3 co-sponsor regional plan association forum for effectively managing waterfront public space.

36 YES 0 NO 0 Abstention 0 PNV

**Nomination Committee**

**VOTE:** To close the floor to nominations.

36 YES 0 NO 0 Abstention 0 PNV

**Human Services & Seniors Committee**

1. FY'2008 District Needs Statement

No Vote Necessary

2. Presentation on Save Our Safety-Net Campaign on the issue of the Hospital Closing Commission

**VOTE:** A. To support the Save Our Safety-Net Campaign Principles (See Attached, Pages 13-14)

B. To support bills A10186 and S6591 to amend the Governor's legislation setting up the Commission of Health Care Facilities in the 21st Century and to send letters to our elected officials asking them to support these amendments. (See Attached, Pages 15-18)

C. To write to all of the community boards in the city and urge them to follow our lead in supporting the principles and amendments, outlined above. (See Attached, Page 19)

D. To write a letter to Assembly Speaker Sheldon Silver asking him to fulfill his obligation to appoint 4 members to the Regional Commission and 2 members to the Regional Advisory Committee, as soon as possible. (See Attached, Page 20)

36 YES 0 NO 0 Abstention 0 PNV (Item 2)

3. Presentation made by Manhattan-Staten Island AHEC on the issue of increasing minority representation in medical schools

No Vote Necessary

4. Request for support for Committee of Interns and Residents, SEIU at Beth Israel Medical Center

**Discussion:** There was a friendly amendment to remove "Continuum". A motion was made to postpone until Beth Israel could present its side. The building for sale is on 290 3<sup>rd</sup> Avenue. The nurses and interns are being asked to move out of the Elektra building. The reason for the move is due to the program cuts by the Governor. Rocky Chin felt that Beth Israel needs to be invited to a meeting to discuss this and let them present their case and to hear our concerns, but that the letter should be sent. Joel Kaplan stated that they are making every effort to relocate their displaced residents into similar residences. John Fout spoke about how Rosie Mendez has been working on this issue.

**VOTE:** To submit the attached resolution and send a letter of support to BIMC to recognize the right of the resident physicians to collectively bargain and to discourage BIMC from selling the Elektra Building. (See Attached, Pages 21-22)

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13 YES 21 NO 0 Abstention 2 PNV (To postpone Item 4)

24 YES 7 NO 3 Abstention 2 PNV (Item 4)

**Youth & Education Committee**

No Votes Necessary

**SLA & Economic Development Committee**

1. FY'2008 District Needs Statement

**VOTE:** To approve the Nightlife/Economic Development portion of the 2007 Statement of Needs, as drafted by the Committee Chair. (See Attached, Pages 23-26)

2. Modification of resolution prohibiting additional licenses for Ave C

No Vote Necessary

3. Support for Assemblymember Glick's proposal to create The Problem Bar Task Force

**VOTE:** To write to Governor Pataki, cc'ing other elected officials, that, as Community Board 3 has long struggled to address the issue of problem bars and other licensed establishments by working in coordination with the local police precincts to provide substantial information regarding violations and other abuses by these locations to the New York State Liquor Authority with little effect, that Community Board is in support of Assemblymember Deborah Glick's Problem Bar Taskforce which seeks to provide an investigative body to assist the enforcement division of the New York State Liquor Authority and, further, asking that said proposed legislation include language with respect to local police precincts being able to notify the Taskforce about problem establishments as they, like community boards, are the community's first avenue of redress and best able to report on problem establishments.

#### **Renewal with complaint**

4. Horus Kebab House, 93 Ave B (rw)

**VOTE:** To ask that the SLA investigate for revocation the restaurant/wine license for Horus Kebab House, 93 Avenue B, because of the numerous violations it has received since its opening in 2004, which include twelve (12) outstanding violations from 2004 that were before the SLA last month, as well as 2005 violations for the serving of minors and the unlicensed sale of liquor, failure to present a certificate of occupancy and certificate of assembly permits, consistently exceeding the allowable occupancy without the appropriate permits and not having licensed security personnel, and because of numerous complaints from residents regarding excessive noise and an apparent complete disregard by the owner (who failed to appear before Community Board 3 to respond to these complaints) and manager of these issues (attaching the SLA reports and agenda from April reflecting the violations).

5. Tozzer, 112 Ave A (op)

**VOTE:** To approve the renewal of the full on-premises license for Tozzer, 112 Avenue A, with the understanding that all security personnel will be licensed and that crowd control measures, which include ropes to restrict patron access to the sidewalk, are being implemented in the front of the establishment.

6. Babel Lounge & Restaurant, 131 Ave C (op)

**VOTE:** To ask that the SLA investigate for revocation the full on-premise license for Babel Lounge & Restaurant, 131 Avenue C, as it has admitted that it does not currently operate consistent with its original application in that it has admitted that it stays open until 4 A.M. on Friday and Saturdays, has received violations from the New York Police Department for its inability to control crowds in front of its establishment, and regularly employs a bouncer which isn't consistent with its application to Community Board 3 as a full service restaurant with no music.

#### **Sidewalk Café Application**

7. 92 Adrianna, 92 2nd Ave

**VOTE:** To approve a sidewalk café permit for eleven (11) tables with twenty-three (23) chairs for 92 Adrianna, 92 2nd Avenue, provided that the applicant furnishes a signed notarized stipulation that 1) he addresses any existing noise problem occasioned by the open front of his establishment, 2) that he closes the café at 12 A.M. weekdays and 1 A.M. weekends, and 3) that he maintains the same method of operation as a full-service Italian restaurant.

8. La Gaule, 188 Orchard St

**VOTE:** To approve the sidewalk café permit for one (1) table with four (4) chairs for La Gaule, 188 Orchard Street.

#### **Alterations/Transfers/Upgrades**

9. Savor NY, 198 Orchard St (trans/op)

**VOTE:** To approve the transfer of a full on-premises liquor license to Savor NY, 198 Orchard Street, provided the applicant furnishes a signed notarized stipulation that 1) the restaurant will operate no later than 12:00 A.M. every night, 2) it will serve food until one (1) hour before closing, 3) it will maintain the same method of operation as a full-service restaurant, and 4) it will provide contact information to the community board office.

10. 200 Proof, 200A Orchard St (trans/op)

**VOTE:** To deny the transfer of the full on-premises license to 200 Proof, 200A Orchard Street, based on the fact that there had been a bar with a similar method of operation at this location which had a long history of noise complaints and because there are already eleven (11) liquor licenses on Orchard Street between Houston and Stanton Streets and the operation of this license would provide no benefit to the community.

11. Blue Seats, 157 Ludlow St (trans/op)

**VOTE:** To approve the transfer of the full on-premises liquor license to Blue Seats, 157 Ludlow Street, provided the applicant furnishes a signed notarized stipulation that 1) the accordion windows on the façade of said establishment will be closed at 10:00 P.M. on weekdays and 11:00 P.M. on weekends, 2) the backyard will be closed at 10:00 P.M. on weekdays and 11:00 P.M. on weekends, 3) it will maintain the same method of operation as a full-service restaurant serving food to within one (1) hour of closing every night.

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

**VOTE:** To approve the transfer of the full on-premises license to Nolia, 158 Avenue C, provided the applicant furnishes a signed notarized stipulation that 1) it will maintain the same method of operation as a full-service sushi restaurant and 2) it will maintain the same business name.

13. 1492, 60 Clinton St (add/op)

No Vote Necessary

14. Old Devil Moon, 511 E 12th St (up/op)

No Vote Necessary

#### **New Liquor License Applications**

15. Reconsideration of 3 Hotel OP licenses at 335 Bowery aka 4 E 3rd St

**VOTE:** To inform the SLA that there had been a provisional review of the three (3) full on-premises liquor license applications for 335 Bowery a/k/a 4 East 3rd Street in May of 2005 with no motion from our full board and, since that time, there has been an alteration in the plans for this hotel filed with the Department of Buildings which includes an application for a variance to the Board of Standards and Appeals to change zoning from residential to commercial in order to obtain one (1) of these liquor licenses, that being for the basement location. Further, as a result of the filing of these altered building plans, Community Board 3 had submitted a FOIL request for this applicant's SLA application and learned that, although not included in the application to Community Board 3, at least one of said licensed locations (that being the second floor location) would include outdoor space that faces a shelter for people seeking alcohol and drug rehabilitation. Consequently, in light of the fact that there is a variance pending before the Board of Standards and Appeals to determine whether or not this premise can legally obtain one of its requested licenses, Community Board 3 cannot approve this application at this time and, further, that any resolution submitted to the SLA by Warren Pezetsky, Esq., on behalf of this applicant, was a committee resolution that was never ratified by the full Community Board and, therefore, is not representative of any community board position.

16. Allen & Delancey, 115 Allen St (op)

**VOTE:** To approve the application for a full on-premises liquor license for Allen & Delancey, 115 Allen Street, provided that the applicant furnishes a signed notarized stipulation that 1) it will maintain its method of operation as a full-service restaurant, 2) it will close at midnight every night, and 3) it will install soundproofing as per the attached plan.

17. Chomp On, 196 2nd Ave (rw)

**VOTE:** To approve the application for an eating place beer license for Chomp On, 196 Second Avenue, provided the applicant furnishes a signed notarized stipulation that 1) the method of operation as a sandwich shop remain the same and 2) closing will be at 11:00 P.M. every night.

18. Revitali Café Bar & Restaurant, 125-127 1st Ave (rw)

**VOTE:** To approve the application for a restaurant/wine license for Revitali Café Bar & Restaurant, 125-127 First Avenue, provided the applicant furnishes a signed notarized stipulation that it will maintain the same method of operation as a full-service restaurant, serving food to within one (1) hour of closing.

19. Café Brama, 157 2nd Ave (rw)

**VOTE:** To approve the application for a restaurant/wine license for Café Brama, 157 Second Avenue, provided the applicant furnishes a signed notarized stipulation that 1) the establishment will operate no later than 12:00 A.M. Monday through Thursday and 2:00 A.M. Friday and Saturday, and 2) it will operate as a full-service Greek-influenced restaurant, serving food to within one (1) hour of closing.

20. Jolly Fellow, 252 Broome St (op)

**VOTE:** To deny the application for a full on-premises license for Jolly Fellow, 252 Broome Street, because this applicant failed to appear before Community Board 3 or to provide it with any materials in support of its proposed establishment and, further, because there is substantial community opposition to an additional license on Broome Street, which is a very small narrow street and it is the belief of the community and Community Board 3 that this location is within 200 feet of a school, to wit Seward Park High School.

21. Luigi Francese, 245 E Houston St (op)

No Vote Necessary

22. Bridge & Tunnel, 66-68 Rivington St (rw)

**VOTE:** To deny the application for a restaurant/wine license to Bridge & Tunnel, 66-68 Rivington Street, because the application is more consistent with a bar than with a restaurant, given the proposed hour of closing at 4:00 A.M. every night and a limited menu consistent with other area bars, in that it is comprised of pressed and cold sandwiches, hot dogs, and grilled cheese sandwiches.

23. 111 E 12th St Inc, 111 E 12th St (op)

No Vote Necessary

24. Tinto Fino, 85 1st Ave (retail)

No Vote Necessary

25. East Side Orchard, 75-81 Orchard St (op)

**VOTE:** To deny the application for a full on-premises liquor license for East Side Orchard, 75-81 Orchard Street, for the following reasons: 1) because there is a multi-story day nursery school located at 323 Grand Street within two hundred (200) feet of this location, 2) due to an already existing oversaturation of licensed establishments on this block and surrounding blocks which include more than ten (10) existing licenses, on Broome Street between Grand and Ludlow Streets and on Orchard Street between Grand and Broome Streets, within 500 feet, 3) because applicant failed to provide information from CB 6 where the applicant's existing premise is located, 4) because this has always been an unlicensed location, 5) in light of community opposition which appeared before this community board and which included a petition with numerous signatures (attached hereto) asking that this location not receive a liquor license.

34 YES 0 NO 1 Abstention 0 PNV (Item 1)  
 32 YES 0 NO 1 Abstention 1 PNV (Item 3)  
 34 YES 0 NO 1 Abstention 0 PNV (Item 4)  
 34 YES 0 NO 1 Abstention 0 PNV (Item 5)  
 34 YES 0 NO 1 Abstention 0 PNV (Item 6)  
 33 YES 1 NO 1 Abstention 0 PNV (Item 7)  
 33 YES 1 NO 1 Abstention 0 PNV (Item 8)  
 33 YES 1 NO 1 Abstention 0 PNV (Item 9)

34 YES 0 NO 1 Abstention 0 PNV (Item 10)  
 33 YES 1 NO 1 Abstention 0 PNV (Item 11)  
 33 YES 1 NO 1 Abstention 0 PNV (Item 12)  
 34 YES 0 NO 1 Abstention 0 PNV (Item 15)  
 33 YES 1 NO 1 Abstention 0 PNV (Item 16)  
 33 YES 1 NO 1 Abstention 0 PNV (Item 17)  
 33 YES 1 NO 1 Abstention 0 PNV (Item 18)  
 33 YES 1 NO 1 Abstention 0 PNV (Item 19)  
 34 YES 0 NO 1 Abstention 0 PNV (Item 20)  
 34 YES 0 NO 1 Abstention 0 PNV (Item 22)  
 34 YES 0 NO 1 Abstention 0 PNV (Item 25)

**Public Safety & Sanitation Committee**

No Vote Necessary

**Transportation Committee**

1. FY'2008 District Needs Statement

No Vote Necessary

2. Commuter van loading/unloading/layover areas in Chinatown

No Vote Necessary

3. NYU Bus routes

No Vote Necessary

4. Support for Community Board 1 resolution regarding Canal Area Transportation Study Intersection Enforcement Demonstration Pilot Project

**VOTE:** WHEREAS: The Canal Area Transportation Study (CATS) Track II, together with the New York Metropolitan Transportation Council (NYMTC), consultant, Interagency Steering Committee, Community Stakeholders Committee, local elected officials, Community Boards, other community interests and a public outreach program have developed recommendations for medium, and long term transportation investments for the Canal Street Corridor, and

WHEREAS: The study is a multi-modal, multi-agency analysis focused on the Canal Street corridor, and

WHEREAS: Community concerns and observations have shown that vehicular and pedestrian traffic along Canal Street requires intersection mitigation and enforcement during regular day shifts as well as on nights and weekends, and

WHEREAS: The CATS Enforcement Task Force is proposing a six week Intersection Enforcement Demonstration Pilot Program along the Canal Street corridor to analyze the effectiveness of comprehensive and integrated intersection management and enforcement, and

WHEREAS: CB #1 and 2 have also submitted resolutions of support for the Demonstration Pilot Project, now

THEREFORE, BE IT RESOLVED, THAT: Community Board #3 supports the CATS Intersection Enforcement Demonstration Pilot Project.

5. Community request for removal of parking restrictions on 7th St btwn Aves C & D

No Vote Necessary

6. TLC base radio dispatch renewal: A New Day Radio Dispatch, 84 Clinton St

No Vote Necessary

7. Islamic Council of America: request to change the "one hour" parking limits to "two hours" to all meters for the areas of 2nd Ave west, 14th St north, Ave B east and 6th St south

**VOTE:** To approve of changing the present parking limit from 1 hour parking to 2 hour parking in the area bounded by 2nd Ave, 14th St, Ave B and 6th St. CB#3 would be interested in expanding this area in the future.

8. Islamic Council of America: request for "Taxi Stands" to accommodate about 50 taxis along 1st Ave & Ave A btwn 14th St & 6th St

No Vote Necessary

9. Islamic Council of America: request for "No Thoroughfare for Trucks" on 11th St btwn Aves A & 1st Ave

**VOTE:** To request DOT to install appropriate signage to inform truck drivers about the local truck route restrictions in effect for the block of 11th St between 1st Ave and Ave A.

10. Revised street co-naming guidelines

**Discussion:** There was a concern about the length of time required of organizations to become eligible for being honored. Jason Nagel expressed concern that 75% of the block must sign a petition supporting the co-naming. There was an amendment passed by a hand vote on the floor to change the guideline so that the original applicant can't come back for five years, but another entity may reapply on their behalf. Another motion was passed on the floor to raise the minimum number of years of community involvement from 10 to 15 years.

**VOTE:** See Attached, Pages 27-29



**VOTE:** See Attached

36 YES 0 NO 0 Abstention 0 PNV (Item 10, 1st amendment)  
36 YES 0 NO 0 Abstention 0 PNV (Item 10, 2nd amendment)  
31 YES 5 NO 1 Abstention 0 PNV (Item 10)  
36 YES 0 NO 0 Abstention 0 PNV (excluding Items 7, 9, 10)  
35 YES 0 NO 0 Abstention 1 PNV (Item 7)  
35 YES 0 NO 0 Abstention 1 PNV (Item 9)

**Parks & Recreation Committee**

1. FY'2008 District Needs Statement  
No Vote Necessary

**Block Party Applications**

2. Abounding Grace Ministries, E 5th St (Aves C & D), 7/10  
**VOTE:** To approve the request by Abounding Grace Ministries for a block party on July 10, 2006 on 5th Street (Avenues C – D).  
3. Campo Misionero Sarepta, 250 E 3rd (Aves B & C), 8/5  
**VOTE:** To deny the request by Campo Misionera Sarepta for a block party due to non-attendance before the Parks Committee.  
4. Henry Street Settlement, Gouverneur St (Madison & Cherry Sts), 8/19  
**Discussion:**  
**VOTE:** To postpone until next month the request by Henry Street Settlement for a block party due to non-attendance before the Parks Committee.  
5. The Potter House, E 3rd St (Aves C & D), 8/19  
No Vote Necessary

**Park Event Application**

6. Festival of the Holy Name, Tompkins Sq Park, 6/3  
**VOTE:** To deny the request by Festival of the Holy Name for a park permit due to non-attendance before the Parks Committee.  
7. Youth Rally, East River Park, Amphitheatre, 6/9  
**VOTE:** To approve the request by St. Mary’s Church for a park permit for the East River Park Amphitheatre on June 9, 2006.  
8. Anti-Drug Awareness Outreach, Alfred E Smith Park, 7/12  
**VOTE:** To approve the request by Abounding Grace Ministries for a park permit for Alfred E. Smith Park on July 12, 2006.  
9. Anti-Drug Awareness Outreach, Tompkins Sq Park, Old Bandshell, 7/13  
**VOTE:** To approve the request by Abounding Grace Ministries for a park permit for Tompkins Square Park on July 13, 2006.  
10. Anti-Drug Awareness Outreach, Clinton Street Playground, 7/14  
**VOTE:** To approve the request by Abounding Grace Ministries for a park permit for the Clinton Street playground on July 14, 2006.  
11. Anti-Drug Awareness Outreach, Dry Dock Playground, 7/15  
**VOTE:** To approve the request by Abounding Grace Ministries for a park permit for the Dry Dock playground on July 15, 2006.

**Additional Committee Items**

12. Sara D. Roosevelt Park Coalition - Support for SDR/Hester Street Playground visioning & charette session  
No Vote Necessary  
13. Two Bridges Concert on Pier 35, 9/9 - 9/10  
**VOTE:** To approve the request by Two Bridges Neighborhood Council for a concert on Pier 35 on September 9 and 10, 2006.  
14. Community Board 3 advisory role in reviewing waterfront activity  
**VOTE:** To write a letter to the NYC Economic Development Corporation stating that requests to use the Community Board #3 waterfront (such as concerts or similar activities) should be considered under written guidelines available to all applicants by EDC and that Community Board #3 should be part of the process in developing these guidelines; this letter is also to be sent to the Mayor’s Community Assistance Unit (Street Activities Permit Office) for their input in the development of the guidelines.

36 YES 0 NO 0 Abstention 0 PNV

**Cooper Square Urban Renewal Task Force**

▪ YMCA membership fee status update  
**VOTE:** To recommend that the Community Board create a joint unified committee to review the MOU, CB3 Negotiating Minutes, and other agreement with the City of New York (HPD), as it relates to the Houston Street Center, and the City's promise to make the Center affordable to the residents of the Community.

34 YES 0 NO 0 Abstention 2 PNV

**Housing & Land Use Committee**

1. FY'2008 District Needs Statement  
No Vote Necessary

2. Cooper Union update on construction schedule of new academic building  
**VOTE:** To confirm Cooper Union's agreement with Community Board 3 and residents regarding the construction of Cooper Union's new academic building.

To minimize any community disruption caused by demolition and construction activities related to the construction of Cooper Union's new academic building, CB#3 and Cooper Union have agreed that:

- 1) CB#3 shall help facilitate regular community-wide meetings with Cooper Union and the site developers;
- 2) Cooper Union shall establish a link on its website (www.cooper.edu) that contains a schedule of demolition and construction activities as well as other relevant information and update said site as needed;
- 3) Cooper Union shall make available to the public printed copies of materials detailing information concerning demolition and construction activities that impact the community as well as other relevant information and regularly update said materials;
- 4) Cooper Union shall provide contact information that enables community members to have their concerns and/or complaints addressed in a timely fashion; and
- 5) Cooper Union and its construction manager shall seek to employ community residents during both the demolition and construction phases of this project.

3. Clean-up and prospective mixed-income housing proposal for City-owned lots (B354,L16 & L18)  
Stanton St btwn Norfolk & Essex Sts  
No Vote Necessary

4. Request to DOB to not issue variances for construction work unless there is compelling interest for public safety

**Discussion:** This is related to work occurring on the weekends. There should be variances displayed and if they are not then it should be called into 311 and the Community Board 3 office.

No Vote Necessary

36 YES   0 NO   0 Abstention   0 PNV

**197 Plan Task Force**

1. Discussion about zoning for 3rd Avenue, 4th Avenue, and Bowery

**VOTE:** Manhattan CB3, in keeping with our zoning principles as follows;

- Preserve the residential character of the neighborhood;
- Preserve its current scale and mid-rise character;
- Establish a district more in keeping with current planning principals of contextural design;
- Preserve the mixed income character of the neighborhood through the use of inclusionary zoning;
- Eliminate the opportunity for community facility overdevelopment allowed under the current zoning.

believes that the Department of City planning should include the Board 3 areas west of 2nd Avenue in their current zoning proposal.

We believe the following would be appropriate for the area.

R8B with a commercial overlay for the midblocks between 3rd and 4th Avenue  
R7X with a commercial overlay for the 3rd Avenue corridor.

We also request additional information based on future study and we would like to consider an Inclusionary Zone provision in other areas, where appropriate.

2. Proposal regarding use Group 6 (retail & service establishments that serve local shopping needs)  
No Vote Necessary

36 YES   0 NO   0 Abstention   0 PNV

Members Present At Last Vote:

David Adams [P]  
Paul Bartlett [A]  
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 Fajtelewicz [P]  
Anthony Feliciano [P]  
Rabbi Y. S. Ginzberg [P]  
Alexander Gonzalez [P]  
Carlos Juan Gonzalez [P]  
Aurora Guzman [P]

Guido Hartray [P]  
Herman F. Hewitt [P]  
Carolyn Jeffers [P]  
Anne K. Johnson [P]  
Joel Kaplan [P]  
Eden Lipson [P]  
Bernice McCallum [A]  
David McWater [P]  
Alexandra Militano [P]  
Lillian Moy [A]  
Jason Nagel [P]  
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 [A]  
David Silversmith [A]  
Deborah A. Simon [A]  
Pia Simpson [P]  
Arlene Soberman [P]  
Nancy Rose Sparrow-Bartow [P]  
Harold Stelter [A]  
Elinor Tatum [P]  
Steven Tin [A]  
David Weinberger [A]  
Nina Werman [A]  
Harry Wieder [P]  
Samuel Wilkenfeld [P]

Meeting Adjourned at 9:15 P.M.

## **PRINCIPLES**

### **The Commission to Propose Hospital Closings – formally called the Commission on Health Care Facilities in the Twenty-First Century**

The Commission on Health Care Facilities in the Twenty-First Century was enacted as part of New York State's budget on April 12, 2005. The 18 members of the Commission have been appointed, and the majority of their membership raises even greater concern about the health of our communities. Considering the politics in New York, the outcome of this commission could be an unmitigated disaster. Some of us have lived through other efforts to close, alter, or transition hospitals. These efforts, through Task Force or closed door sessions, usually came up with very bad proposals. At least in New York City, almost all of the hospitals proposed for closings were in medically underserved and communities of color. Closing a hospital means not just the closing of beds, but also the emergency room and almost always the clinics that provide care on an outpatient basis. It means less medical care available in a community.

#### **Some Principles are Needed for any Commission to protect the health and safety of the population:**

- **The membership:** The composition of any Commission must be fair and unbiased. A significant number of members of the Commission must be representatives of community organizations, and also represent the population geographically, racially, ethnically, and by types of insurance or lack of insurance.
- **Accountability & Planning:** The Commission should hold a round of public hearings in each region to hear from people about the criteria that should be used to look at hospitals and nursing homes. Some criteria should be written into the legislation before it is enacted.

**Some strong ideas for criteria would include:**

- A planning process based on community needs
- The morbidity and mortality in a community;
- The racial and ethnic disparities in access to care and services;
- The ability and willingness of other facilities in a community to provide care to additional populations, including but not limited to: capacity and past history of providing care for the under- and uninsured, and commitment to language and cultural competence, an understanding that the facility would have the appropriate level of staffing for additional patients, and adequate care for the elderly and disabled;
- Geographic accessibility based on community travel patterns and not just guesstimates of travel time.
- All meetings of the Commission should be open to the public and announced in advance.
- Throughout the deliberations of the Commission, strong efforts must be made to solicit comments from the health care industry, labor, professional and community organizations. A second round of public hearings should be set up on a regional basis once a plan has been drafted.
- If a determination is made that a hospital can be closed, there must be community involvement in planning for future use of the facility, e.g., a primary care center or other facility that meets community needs.

**Criteria for Closing or Conversions:**

- Judgments about the need for a hospital should not be made solely on the basis of the financial status of that hospital, or the condition of its' physical plant. It must be made on the basis of need for the services provided by that facility.
- Quality of care provided should be a factor, but it is unclear how that quality would be determined.
- The fact that other hospitals exist in a region does not mean that those hospitals will serve the population in need of care. Determinations must be made not only about the capacity of alternative facilities, but their willingness and ability to provide services.
- For the under- and uninsured, it is particularly important that alternative facilities have Charity Care policies that translate into equal access to care. But having a policy on charity care that is not within reach for low and moderate income people and families, should not be acceptable. For example, some hospitals provide emergency care as required by law, but then do not provide necessary follow-up care. These institutions are not a substitute for hospitals that are available and accessible.
- Consideration should be given to the displacement of workers and the loss of jobs, particularly in communities with high unemployment.
- Consideration should be given to not leaving only the highest cost tertiary care facilities open.



Wednesday, May 24, 2006

## Bill Summary - A10186

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[See Bill Text](#)

### A10186 Summary:

BILL NO A10186A

SAME AS Same as S 6591-A

SPONSOR Espaillat

COSPNSR Gottfried, Zebrowski, Peralta, Lafayette, Cook, Schroeder, Peoples

MLTSPNSR Alfano, Benjamin, Boyland, Cahill, Colton, Diaz L, Diaz R, Farrell, Green, Greene, Nolan, Perry, Pheffer, Rivera J, Robinson, Weisenberg, Wright

Amd Part K, Chap 58 of 2005

Provides that the commissioners of mental health and alcoholism and substance abuse services actively participate in the processes of the Commission on Health Care Facilities in the Twenty-First Century; requires the commission to give due consideration to health care needs, including ambulatory care, mental hygiene and substance abuse services, when conducting examinations into the supply of general hospital and nursing home facilities; specifically requires the commission to address concerns of underserved regions of the state.

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### A10186 Actions:

BILL NO A10186A

03/06/2006 referred to health

05/09/2006 reported referred to ways and means

05/09/2006 amend and recommit to ways and means

05/09/2006 print number 10186a

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### A10186 Votes:

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### A10186 Memo:

BILL NUMBER:A10186A

TITLE OF BILL: An act to amend part K of chapter 58 of the laws of 2005, amending various laws relating to implementing the state fiscal plan for the 2005-2006 state fiscal year, in relation to making certain technical changes to the Commission on Health Care Facilities in the Twenty-First Century

PURPOSE OF BILL:

This bill would ensure a more open, public and equitable approach to the evaluation of the need for hospitals and nursing homes in the state by addressing the issues of lack of transparency and accountability, and by inserting additional critical evaluative criteria for rightsizing that

were not included in the original legislation which was passed in 2005.

SUMMARY OF SPECIFIC PROVISIONS:

Section 1 expands the list of health care services which the review of health care capacity and resources in the state should include by adding mental hygiene services, ambulatory care services and substance abuse services.

Additionally, language is added which mandates the Commission to consider certain factors when making the decision of whether or not to close a certain health care facility. These factors should include the health care needs of the regions to be affected, especially if the region has been traditionally medically underserved.

Section 2 includes language regarding the make up of the Commission, and requires that the composition reflect the racial, ethnic, gender and geographical diversity of the state of New York.

Additionally, specific duties of the regional commission members are expanded to include mandatory attendance at and participation in the meetings of the regional advisory committees in their official capacity as members of the Commission.

Section 3 includes language stating that appointees to the Commission can only be removed for cause by the individual's appointing officer, and that the failure of an appointee to follow the appointing officer's instructions regarding the subject of deliberation by the Commission shall not be cause for removal.

Additionally, the failure of the appointing officers to make their appointments to the Commission by the 90th day after this act becomes law will result in an automatic suspension of the Commission's authority to continue its operations until all required appointments are made.

Section 4 expands the staff of the Commission to include the commissioner of mental health and certain designated staff of OMH, and the commissioner of OASAS and certain designated staff of OASAS in order to provide proper and sufficient support to the Commission.

Additionally, language is included to ensure that consultants are hired pursuant to applicable procurement processes and that due regard to the inclusion of minority and women contractors is given in this process.

Section 5 expands the list of factors the Commission must consider when contemplating a hospital closure. These include: an assessment of health care needs of the affected region, the extent to which the facility serves the health care needs of the region, the existence of other health care services in the affected region, the potential for reinvestment into health care, all applicable federal and state laws and regulations regarding equal opportunity, equal treatment, removal of barriers and equal access and allows for the commissioners of health, mental health and OASAS and the director of the dormitory authority to submit additional relevant factors to be considered.

Additionally, the list of relevant factors which are to be considered by the Commission is expanded to include input from bona-fide regional or community-based organizations or individuals having knowledge, information or expertise on the purposes of this act.

Requires all factors which are to be used by the Commission in making its decision be disclosed at least 30 days before any deliberations take place.

Section 6 mandates that the deliberations, meetings and other proceedings of the Commission be as open and transparent as possible, and that if the Commission conducts business in executive session, it may only do so after a vote in open session.

Section 7 expands the role of the six regional members of the Commission when attending meetings or other activities of the regional advisory committees, which official meetings and activities they shall attend, and the purposes of participating in Commission meetings.

Additionally, the maximum number of members of each regional advisory committee is to be determined based on the population of that region, with regions having populations of one million or more having at least thirty.

Requires appointing officers to give public notice of committee vacancies within the affected region, and to solicit applicants from that region no later than thirty days before making appointments.

Requires each regional advisory committee to develop concerns and recommendations for the development of a comprehensive plan for the provision and delivery of comprehensive health care, mental health, and substance abuse services for its regional population including Medicaid recipients, the uninsured, the disabled and the underserved within the region

- including recommendations for the reconfiguration or resizing of the region's general hospital.

Mandates that each regional advisory committee estimate the impact of any hospital or nursing home reconfiguration or resizing, and on December 15, 2006, each regional advisory committee shall transmit a report to the Commission containing its recommendations including specific recommendations for the provision of comprehensive health care, mental hygiene, and substance abuse services for the region.

Specifies that the failure of a committee to recommend the reconfiguration of a facility shall not be considered a failure by the committee.

Requires the regional advisory committees to give public notice within their region of their preliminary recommendations by September 30, 2006, and allow thirty days for public comment and feedback.

Section 8 requires the Commission to develop recommendations for reconfiguring the state's general hospital and nursing home bed supply taking into consideration the need to provide and maintain comprehensive health care, mental hygiene, and substance abuse services to the affected region's population generally, and its sub-health care need populations.

Requires the Commission to give due consideration to the concerns of the regional advisory commission when making any decision relating to the reconfiguration of any hospital or nursing home. If the Commission fails to follow the recommendations, it must submit a detailed written statement explaining why not.

Requires the Commission to make recommendations for the provision and maintenance of comprehensive health care, mental health, and substance abuse services to the affected region.

Binds the regional Commission members to the recommendations of the respective regional advisory committee when voting on closing the facilities.

Requires that in the Commission's report, the funding of the recommendations for facility reconfiguration and for the provision or maintenance within affected regions of comprehensive healthcare may be drawn from available F-SHRP or HEAL appropriations, but must be used in a rational and equitable manner for the funding of both the reconfiguration and comprehensive health care recommendations. These appropriations shall not be used strictly, exclusively or in an otherwise dedicated manner for the funding of the Commission's facility reconfiguration recommendations.

This report is to be submitted to the governor and legislature by February 1, 2007, but not later and March 1, 2007.

Section 9 requires the commissioners of health to take all actions necessary to implement the recommendations of the Commission only if the

Governor submits approval of the recommendations and if the legislature jointly adopts the recommendations within 60 days of such submission.

Section 10 provides that the Act will expire on March 1, 2007.

JUSTIFICATION:



Health care in the state is very costly but it is also inequitably distributed. There are over three million uninsured residents, including 469,000 children, and studies have shown that those without health insurance have less access to health care services, go for services later and are sicker, and die younger. There are also recognized racial and ethnic disparities in access to health services and in the outcome of care. Language access is a problem when there is limited communication between patients and health care providers. The disabled and persons with chronic diseases have a particular need for ongoing care, and often have difficulty in accessing that needed care. Whole communities are designated as medically underserved areas (MUAs) and as Health Professional Shortage Areas (HPSAs) because of their health characteristics and the lack of an adequate supply of health practitioners. Many closed hospitals in the past twenty years were located in medically underserved areas.

Because of the current health access problems and the unequal distribution of services, decision making about reductions in services must be made carefully. The Commission on Health Care Facilities in the 21st Century will make these decisions. The critical nature of this decision making requires an open, public, transparent, and accountable structure in which to operate. The Commission also needs clear direction from the legislature on the parameters to be considered in this decision-making process. There is a need to take a comprehensive approach in this process: community health care needs; to review access to care for the under- and uninsured; to include mental health and substance abuse services; racial and ethnic disparities in health care access and outcomes; and access to care for the disabled of all ages and the elderly. Failure to make these amendments will result in decisions that are made without all of the necessary framework. These decisions may lead to even further increased costs for the provision of medical care in Medically Underserved Areas.

This legislation gives the Commission the tools to accomplish the comprehensive approach that is necessary to approach the critical task given to the Commission.

The legislation also enables a more efficient working relationship for the three levels of membership of the Commission: the Commission members, the Regional Commission members, and the Regional Advisory Committee members.

#### LEGISLATIVE HISTORY:

Chapter 58 of the Laws of 2005, Park K, established the Commission on Health Care Facilities in the Twenty-first Century.

#### FISCAL IMPLICATIONS:

To be determined.

#### EFFECTIVE DATE:

This act shall take effect immediately provided, however, the amendments to sections 2 through 9 of part K of chapter 58 of the laws of 2005 made by section one of this act shall not affect the repeal of such sections and shall expire and be deemed repealed therewith.

[Contact Webmaster](#)

May 22, 2006

Dear,

May 22, 2006

Dear (Community Board No.?),

We are writing to ask you to join us in support of the Save Our Safety Net-Campaign (SOS-C) and its efforts by signing on to their Statement of Principles (see enclosed statement). We are also asking that you urge your state elected officials to endorse, support and enact Senate Bill S.6591 and Assembly Bill A.10186, which amends the enabling legislation that created the Health Care Facilities in the 21<sup>st</sup> Century. Many have called it the "Hospital Closing Commission (enclosed a memorandum of support and a flyer drafted by the Commission on the Public's Health System).

This Hospital Closing Commission's mission is to make recommendations on how to reduce the state's Medicaid spending, mainly by closing hospitals and nursing homes. Join us in expressing our concerns about The Commission's objectives, and its composition, which is wholly unrepresentative of New Yorkers. The legislation is critical to ensuring greater accountability to our communities, especially in medically underserved, low-income, immigrant, and communities of color.

Protecting the health care safety net is critical, especially after the tragedy on September 11<sup>th</sup>, the possibility of bio-terrorism or an Avarian Flu epidemic. Even if the proposals do not include a hospital being closed in your community board, there could be the spill-over from another hospital closing. This could mean longer waits in the Emergency Room, fewer resources for community health programs in your board, and other important problems that could affect your community.

Once again, we urge that you help stop the "Hospital Closing Commission" from doing more harm to these inner city and rural communities by signing on to the SOS-C Statement of Principles and urging your elected officials to enact S.6591 and A.0186.

Thank you for your time. We hope to hear from you soon. If you have any questions for the Save Our Safety-Net Campaign or on the legislation, please call The Commission on the Public's Health System at 212-246-0803.

Sincerely,

May 22, 2006

Dear Hon. Sheldon Silver,

We are writing this letter to urge you to endorse and support Assembly Bill A 10186, which will amend the enabling legislation that created the Health Care Facilities in the 21<sup>st</sup> Century, or what has been called the "Hospital Closing Commission (enclosed a memorandum of support). Community Board No. 3 supports the Save Our Safety Net-Campaign, a community and labor coalition, and its efforts to get this legislation enacted. The legislation is critical in ensuring greater accountability to our community, especially in medically underserved, low-income, immigrant, and communities of color. We also strongly urge you to fulfill your obligation to appoint 2 members to the Regional Commission and 4 members to the Regional Advisory Committee, as soon as possible.

We are aware that this Commission's mission is to make recommendations on how to reduce the state's Medicaid spending, mainly by closing hospitals and nursing homes. The objectives of this Commission, and its composition, which is wholly unrepresentative of New Yorkers, are of great concern to us and to the residents within Community Board No. 3.

The residents of Community Board No. 3 are served by over 4 hospitals and by many clinics that are affiliated with these hospitals. The importance of protecting the health care safety net is critical, especially after the tragedy on September 11<sup>th</sup>, the possibility of bio-terrorism or an Avarian Flu epidemic. Even if not one of the hospitals serving our area is closed, the possibility of hospital closures occurring in other parts of Manhattan or the other boroughs, especially in high- need neighborhoods, will be disastrous. The spill over will adversely impact our community. Already many residents in the outer boroughs come to Manhattan for their health care, imagine if more are forced to come to our hospitals, causing more crowded emergency rooms and longer waiting periods.

Once again, we urge that you help stop the "Hospital Closing Commission" from doing more harm to these inner city and rural communities by supporting A.10186 and making your appointments.

Thank you for your time. We hope to hear from you soon.

Sincerely,

May 9, 2006

Stanley Brezenoff  
President and CEO  
Continuum Health Partners  
555 West 57th Street, 19th Floor  
New York, NY 10019

Dear Mr. Brezenoff:

We are writing to you on two very critical matters. First, we urge you to respect the collective bargaining rights of the interns, residents, and fellows at Beth Israel Medical Center (BIMC). Second, we urge you to consider the negative consequences of displacing invaluable employees from their homes by selling the Elektra, located at 290 Third Avenue.

As you know, an overwhelming majority of interns, residents, and fellows have signed a letter asking BIMC to commit to a fair and democratic process through which they may join the Committee of Interns and Residents/SEIU and enter into collective bargaining with your administration. We firmly believe that patient care and medical education are strengthened when resident physicians have a strong voice in the workplace. A union gives residents the opportunity to voice their concerns directly to the hospital's decision-makers in a clear and productive manner, and gives them the security and stability that collective bargaining provides.

We have been informed that BIMC is in the process of selling the Elektra Building, and will ultimately displace approximately 160 hospital employees resident physicians and nurses. We understand that BIMC faces financial challenges, but fear that BIMC will not be able to attract high quality physicians without offering this subsidized housing. We also wonder how BIMC will respond to future emergencies if front-line health providers cannot afford to live near the hospital.

Very Truly Yours,

Manhattan Community Board 3

cc: Christine Quinn, City Council Speaker  
Scott Stringer, Manhattan Borough President

**Initiative to encourage Beth Israel Medical Center (BIMC) to recognize the right of its resident physicians to collectively bargain & to discourage BIMC from selling the Elektra Building.**

WHEREAS, BIMC serves a significant portion of Manhattan's Community Board 3, making CB3 a stakeholder in the fate of BIMC; and

WHEREAS, BIMC has plans to quickly sell the Elektra, one of its residential apartment buildings, displacing interns, residents, fellows, and nurses; and

WHEREAS, BIMC did not communicate its decision to sell the Elektra to house staff in an honest or timely fashion; and

WHEREAS, during emergencies such as 9/11, snowstorms and blackouts, BIMC has been able to function due to the proximity of these staff; and

WHEREAS, the inability of BIMC to offer affordable housing to residents and nurse is bound to impact BIMC's ability to attract and retain quality doctors and nurses and to maintain high morale among its professional staff; and

WHEREAS, this will all adversely affect the level of healthcare provided to the families and neighborhoods served by BIMC; and

WHEREAS, BIMC purchased the Elektra with a \$23 million loan from NYC Housing Development Corporation (HDC) based on bonds issued specifically for the sale; and

WHEREAS, it may not be legal for BIMC to sell the Elektra to a for-profit venture based on the rules and regulations surrounding its loan from HDC and associated with the bonds; and

WHEREAS, BIMC can not lawfully push tenants out at this time as HDC specified in its Regulatory Agreement that the Elektra must have 90% of its residential space occupied by its hospital employees as long as BIMC owns the building; and

WHEREAS, HDC issued the bonds and made the loan in order to house residents and nurses near the hospital at below-market rents; and

WHEREAS, BIMC would garner an estimated profit of \$137 million from the sale of the building; and

WHEREAS, BIMC must pay the federal government near \$73 million dollars for Medicare fraud, part of which arose from double-billing on resident rents; and

WHEREAS, over 80% of Beth Israel's 375 housestaff signed a letter asking BIMC to commit to a fair and democratic process through which they may join the Committee of Interns and Residents/SEIU and enter into collective bargaining with its administration; and

WHEREAS, Stanley Breszenoff, CEO of Continuum Partners has ignored this request and refused to discuss unionization with the residents; and

WHEREAS, St. Luke's-Roosevelt Medical Center and Maimonides Hospital both chose to unionize with CIR and were recognized by Breszenoff; and

THEREFORE, BE IT RESOLVED, that Community Board #3, Manhattan urges our elected officials, the Mayor, relevant city agencies including but not limited to Housing Development Corporation, Manhattan Borough President, City Council Committee on Housing, City Council Committee on Health and Public Advocate to join us in supporting the housestaff's right to collectively bargain and express this specifically to Beth Israel Medical Center and Continuum Health Partners; and

BE IT FURTHER RESOLVED, that Community Board #3, Manhattan urges our elected officials, the Mayor, relevant city agencies including but not limited to Housing Development Corporation, Manhattan Borough President, City Council Committee on Housing, City Council Committee on Health and Public Advocate to join us in opposing the sale of the Elektra at 290 Third Avenue and to express this specifically to Beth Israel Medical Center and Continuum Health Partners.

## Nightlife and Economic Development

### Nightlife

The Lower East Side, once an area that attracted a predominantly artistic and mercantile community has fast become a nightlife destination location for much of the City and surrounding areas. The number of liquor licensed establishments within Community Board 3 continues to grow. Locations that were previously never before licensed have opened on predominantly residential side streets throughout what is commonly referred to as the East Village. All of the small streets below Houston in what is now called the Lower East Side and Chinatown, as well as all of the major streets and avenues, once a mix of residential and textile occupancy, have experienced a huge influx of licensed establishments. Further, transfer applications of existing licenses has also increased as businesses are failing with greater frequency because of competition and there continues to be a substantial increase in applications seeking to upgrade existing liquor licenses as businesses attempt to attract a broader clientele.

Moreover, the character of these businesses varies from small cafés, seeking to serve beer, wine and alcohol with their meals, to bars with little or no food service, to large-scale two and three-story establishments which incorporate lounges and clubs, with resident or visiting disc jockeys and dance floors, in order to retain patrons from dinnertime into the late night hours. Within the past two years, the District has also absorbed the construction of numerous large and boutique hotels which seek to obtain liquor licenses for on-site restaurants, lounges and bars which are open to the public.

The consequence of such growth has been the exponential increase in commercial rents leading to the displacement of longtime residents, as well as the ultimate elevation of the cost of existing services or the replacement of those services by nighttime businesses that finance such high rents with the sale of alcohol. In essence, as the number of nighttime businesses has grown, this community has lost much needed small service businesses, such as butchers, grocers, hardware stores and medical and dental offices.

Furthermore, with the huge consumer population that inundates this district every weekend has come an increase in late night noise, vehicular and pedestrian traffic and crime, as well as other quality of life concerns which are plaguing residents and other businesses and overtaxing our already overburdened City agencies. Community Board 3 has had an opportunity within this and other fiscal years to observe the effects of licensing large scale establishments that house restaurants, lounges and music venues in what has been predominantly residential and textile areas as well as licensing establishments in previously unlicensed commercial locations on residential side streets. Residents from all of the areas within Community Board 3 have complained about noise from patrons on the street in front of , moving between, in the backyards of and emanating from the businesses themselves, and from taxis and limousines dropping off and picking up people patronizing these establishments. Complaints regarding noise emanating from licensed establishments, as well as from loud and unruly patrons smoking and loitering on streets, continues to increase. Traffic congestion, as a result of large scale businesses or multiple businesses on avenues and side streets, has created dangerous conditions.

The local police precincts have enlarged their cabaret and quality of life units in an effort to address the overwhelming pedestrian and vehicular noise conditions that have resulted from the licensing of so many establishments within such close proximity to each other on relatively narrow streets and avenues, as well as instituting numerous operations to control these conditions on specific streets and avenues, most notably, Avenue A, Avenue B, Second Avenue and Ludlow Street, and to check the illegal operation of specific licensed establishments in these areas. Community Board 3, along with its three police precincts and the Department of Sanitation, Department of Environmental Protection, Department of Buildings, Department of Health, New York Fire Department and the Taxi and Limousine Commission, has been struggling to coordinate and increase services and inspections in these areas to alleviate the increasingly deleterious conditions

that now exist for residents because of the great number of licensed establishments and the great number of people that accompany them.

### Licensing

Community Board 3 continues, for the most part, to evaluate license applications based on merit, in an effort to encourage the growth of new responsible business and the economy while balancing the interests of the residents in its district as well as others affected, and it continues to forward its recommendation regarding new proposed licensed businesses to the New York State Liquor Authority. Where there is compelling testimony that a particular application will result in a business that displaces or unduly disturbs its surrounding neighbors, Community Board 3 has moved to deny such an application. Where there have been persistent complaints of businesses emitting noise, whether from loud music or patrons, Community Board has attempted to mediate solutions and, when that fails, has forwarded its findings to the State Liquor Authority with requests for revocation of those licenses.

Community Board 3 has also firmly held that it is no longer appropriate to approve additional licenses in areas of this district that are already overly congested with people and traffic and noise attendant to licensed nighttime businesses, where there are already too many licensed businesses within 500 feet, where the existing licensed businesses in a specific area have created an environment where the quality of life of its residents has deteriorated or where the residential character of a location is not appropriate for licensed businesses. At present, Community Board 3 no longer entertains applications for new licenses, applications for upgrades in licenses or alterations which would physically expand an existing establishment within the following areas, recognizing that the quality of life of residents and other businesses that are in those areas have suffered as the result of the increased nightlife and that the aforementioned City agencies have already been overtaxed in responding to these conditions: 1) Ludlow Street between Houston Street and Delancey, 2) St. Marks Place between First Avenue and Avenue, 3) Clinton Street between Houston Street and Rivington Street, 4) Sixth Street between Avenue A and Avenue B, 5) Avenue A between Houston Street and Fourteenth Street, 6) Rivington Street between Norfolk Street and Orchard, 7) Avenue C between Houston Street and Fourteenth Street, 8) First Avenue between First Street and Second, 9) Orchard Street between Houston Street and Rivington, 10) St. Mark's Place between Second Avenue and Third Avenue, 11) Avenue B between Houston and Fourteenth Streets, 12) First Street between First and Second Avenues, and 13) Fourth Street between Avenue A and Avenue B.

The New York State Liquor Authority has the ability to discontinue the proliferation of licensed establishments in oversaturated areas, to promote the responsible management of existing establishments and to create economic growth in underdeveloped communities by encouraging prospective applicants to apply for licenses and create businesses within those areas. Until recently, however, it has done little more than generate revenue for New York State without apparent regard for the inevitable consequences the wholesale licensing of once residential neighborhoods will have on the populations of the families and other businesses within those neighborhoods or without adequately investigating the propriety of approving licenses within areas the community has unequivocally stated are inappropriate for nighttime business, whether because of past experience and first hand observation or because of the character of the streets and buildings within those areas.

However, within the past year, the New York State Liquor Authority has been making greater efforts to consider the community's input when evaluating license applications. In a small number of cases, it has credited existing conditions and Community Board 3's recommendation that licenses be denied because of those conditions in deciding that certain new license and upgrade applications were inappropriate for locations on Avenue B, Clinton Street and First Avenue.

The City should involve itself, as much as it is able, in the operation of the New York State Liquor Authority to ensure that this burgeoning cooperation between it and local communities continues. For example, the New York State legislature has recently approved an additional twenty-nine investigators to the New York State Liquor

Authority. It is in the City's interests that the New York States Liquor Authority directs its resources toward ensuring that these investigators have a personal knowledge of the various neighborhoods in this and other community board districts to ensure the well-informed evaluation of license applications.

Further, while Community Board 3 will attempt to mediate complaints between residents and noisy or unruly businesses and will assist residents with persistent complaints in applying to various City agencies for assistance, the City and State must institute more effective policies to address the growing noise and congestion resulting from the increase in licensed businesses. The City must provide the appropriate resources and staffing to these various agencies to monitor and regulate the operation of these nighttime businesses so that the City's residents are not unduly disturbed by disorderly patrons, irresponsibly operated businesses, and the unbearable noise that can result from loud music, large congregations of people and the increase in vehicular traffic. Toward this end, City resources should be allocated to affected New York City Police Department precincts within Community Board 3 for overtime for police officers working Thursday through Saturday nights, to increase the hours and complement of police officers overseeing nightlife establishments and their attendant pedestrian and vehicular traffic. Additionally, resources should be allocated to the Department of Environmental Protection and the Department of Buildings for the provision of more investigators and to increase weekend and evening noise inspections of the numerous nighttime establishments. Further, resources should be allocated to the investigative division of the Taxi and Limousine Commission for the employment of additional investigators and for an increased assignment of investigators on Thursday through Saturday nights.

#### Sidewalk Cafes

As a consequence of the ever growing number of restaurants, bars, lounges and clubs within its boundaries, Community Board 3 has been receiving an increasing number of requests for sidewalk cafes and street furniture. Many of the businesses requesting outdoor seating permits are liquor-licensed establishments, which often generate large crowds and therefore noise, restrict the ability of pedestrians to use sidewalks, especially on some of our more narrow streets, and generate increased trash and sanitation issues. The problem is often made worse by the tendency of owners with sidewalk café permits to extend seating beyond mandated boundaries and add additional seating at the request of patrons. The current regulations for sidewalk cafes do not allow enough room for pedestrians to pass between the cafes, signage, fire hydrants, phone booths, parking meters and other street furniture. Many residents have found this to be a problem in accessibility. Further, the Department of Consumer Affairs needs additional resources to increase weekend and evening inspections to ensure that sidewalk cafés are in full compliance with their particular permits and City regulations.

#### Commercial Use of Backyards

Moreover, there has been an increase in commercial use of backyards by nighttime establishments, such as bars and restaurants, seeking to expand the square footage and use of their businesses and cater to patrons. This has been endemic both on avenues as well as residential side streets and has resulted in numerous complaints from residents whose homes overlook these areas and who are the direct recipients of patron noise emanating from these locations. Given the increase in backyard use, additional monies should be allocated to the Department of Buildings for the purpose of increasing inspections of commercial establishments to monitor and enforce various zoning restrictions placed on them.

Furthermore, it is a relatively easy process for a location to obtain a Certificate of Occupancy or Letter of No Objection to allow for commercial use of its backyard. The Department of Buildings should be directed to revise its guidelines to provide stricter guidelines for and review of establishments seeking to use their backyards for commercial use, especially for licensed establishments serving alcohol in their backyards. Community Board 3 is currently looking at how to revise the current zoning to eliminate the current quality of life issues caused by conflicting commercial and residential needs.



## Small Businesses

As landlords exponentially increase rents for commercial space, small businesses providing necessary services to the residents of this community are quickly being displaced by larger chain stores and nighttime establishments, which are apparently the only businesses equipped to pay such high rents because of their respective large scale and the revenue from the sale of alcohol. The increased costs generated from the existence of larger stores and nighttime establishments is also effectively displacing smaller business. Consequently, the City should allocate additional resources, whether through the Department of Small Business Services or other agencies, or through legislation, to provide local small businesses with the assistance necessary for them to compete against large chain stores and other businesses within the changing retail economy of this area. Such assistance should include, but not be limited to, providing financial assistance and other cost reducing opportunities and incentives to encourage the continued success of small service establishments, providing affordable locations for the creation and growth of such businesses and offering resources enabling owners to maintain such businesses. The Department of Small Business Services also manages the Commercial Revitalization program for the City designed to assist business improvement districts, merchants associations and local development corporations. Not only does the Department of Small Business Services oversee and regulate the actions of these groups, it provides extremely valuable assistance to merchants in communicating with city agencies.

**DRAFT #3**  
**Manhattan Community Board #3**  
**Street Co-Naming Guidelines for Individuals and/or Organizations**

**GENERAL GUIDELINES (For Board Members)**

Streets located within the boundaries of Manhattan Community Board #3 will be considered for co-naming in honor of individuals or organizations subject to the following criteria established by the Board. The standards set forth in this document are only guidelines for the Board. No single guideline should be determinative.

- Street co-naming requests will be heard by the CB3 Transportation Committee. If the request is approved by the committee, the application will be brought before the full Board for final approval.
- Requests for street co-naming will only be accepted twice yearly; (Dates to be determined). All requests must be accompanied by a street co-naming application and a petition of community support in order to be considered by the CB3 Transportation committee and must be submitted to the Community Board office at least 2 weeks prior to the scheduled committee meeting. Applicants who fail to submit the required articles to the Community Board office at least 2 weeks prior to the scheduled committee meeting will not have their application reviewed by the committee until the next scheduled meeting for handling such matters.
- Prospective honorees should have a minimum of 15 years community involvement for individuals and 30 years for organizations and should have demonstrated an extraordinary and consistent voluntary commitment and dedication to the community. Individual prospective honorees must be deceased. Prospective organizational honorees must be a not-for-profit organization. Exceptions may be made however for individuals that die under infamous circumstances of crime, accident, disease, social circumstance or the like if the death itself leads to a greater awareness within society of the cause of death and a concerted effort to address that problem. The Board may also in its discretion, grant a naming where the proponent sets forth a rationale that although not falling technically within these guidelines demonstrates extraordinary and highly acclaimed accomplishment or involvement linked to Manhattan Community Board #3 to such an extent that it meets the spirit sought to be captured by all future co—namings through these guidelines.
- An application to co-name a street for an individual already honored in a similar fashion will not be considered by the committee.
- The Board may deny approval of an application if it feels, in its sole discretion that such a co-naming despite meeting all of the guidelines herein, would tend to bring disrepute upon the community for any reason or would not, in the opinion of the Board, be looked upon favorably by an overwhelming majority of the residents of the district. If an application is denied by the committee the original applicant may not reapply on behalf of the prospective honoree for 5 years from the date of the denial.

## Cover Letter Draft #3

### Street Co-Naming Request Instructions

Streets located within the boundaries of Manhattan Community Board #3 will be considered for co-naming in honor of individuals or organizations subject to specific criteria established by the Board. Prospective honorees should have a minimum of 15 years community involvement for individuals and 30 years for organizations and should have demonstrated an extraordinary and consistent voluntary commitment and dedication to the community.

Individual prospective honorees must be deceased. Prospective organizational honorees must be a not-for-profit organization. Exceptions may be made however for individuals that die under infamous circumstances of crime, accident, disease, social circumstance or the like if the death itself leads to a greater awareness within society of the cause of death and a concerted effort to address that problem. The Board may also in its discretion, grant a naming where the proponent sets forth a rationale that although not falling technically within the established guidelines demonstrates extraordinary and highly acclaimed accomplishment or involvement linked to Manhattan Community Board #3 to such an extent that it meets the spirit sought to be captured by all future co—namings through said guidelines.

The Board may deny approval of an application if it feels, in its sole discretion that such a co-naming despite meeting all of its customary guidelines would tend to bring disrepute upon the community for any reason or would not, in the opinion of the Board, be looked upon favorably by an overwhelming majority of the residents of the district. If an application is denied by the committee the original applicant may not reapply on behalf of the prospective honoree for a minimum of 5 years from the date of the denial.

Requests for street co-namings must be submitted with the required documentation to the Community Board office no later than 2 weeks prior to the scheduled Transportation Committee meeting designated to review such applications.

The following items must be submitted:

1. CB3 Street Co-naming application which must be completely filled out.
2. A petition demonstrating community support for the co-naming proposal which must include the following information at the beginning of the petition above the gathered signatures:
  - o The proposed honorees name, address and a succinct yet detailed outline indicating why the honoree should be bestowed the honor of having a street co-named after them. Include a brief biographical description such as the date and location of birth (for an individual) and when the individual/organization became part of the community, the connection between the co-named street and whomever is being honored, and why should they be memorialized with a street co-naming. Keep in mind that prospective honorees should have a minimum of 10 years community involvement for individuals and 30 years for organizations as stated above.
  - o The total number of residences and businesses on the affected block or blocks if a corner co-naming is requested e.g.: 15 apartment buildings with 150 units and 3 ground floor businesses.
  - o A minimum 75% of the total amount of potential signatures of residents and/or business people on the affected block including their addresses. For example, a petition from a block with 153 units would require a minimum of 115 signatures of support.

**STREET CO-NAMING REQUEST APPLICATION**

Prospective honorees should have a minimum of 15 years community involvement for individuals and 30 years for organizations and should have demonstrated an extraordinary and consistent voluntary commitment and dedication to the community. Individual prospective honorees must be deceased. Prospective organizational honorees must be a not-for-profit organization.

1. Applicant's Name

\_\_\_\_\_

2. Applicant's Telephone Number and e-mail

\_\_\_\_\_

3. Applicant's Address

\_\_\_\_\_

4. Applicant's connection to proposed honoree

\_\_\_\_\_

5. Proposed Honoree's Name

\_\_\_\_\_

6. Is proposed honoree an \_\_\_\_ Individual or \_\_\_\_ Non profit Organization (check one )

7. Proposed Location for Co-naming

\_\_\_\_\_

8. Does the proposed location already have a co-name? \_\_\_\_ Yes \_\_\_\_ No

a. If Yes indicate the current name

\_\_\_\_\_

9. Has any other public area been named after the proposed honoree? \_\_\_\_Y \_\_\_\_N

a. If yes indicate the location

\_\_\_\_\_

Attach any relevant documentation along with the required petition of support from the residents/businesses on the street/corner proposed to be co-named. The petition of support must include the following:

A) The proposed honorees name, address and a succinct yet detailed outline indicating why the honoree should be bestowed the honor of having a street co-named after them.

B) The total number of residences and businesses on the affected block e.g.: 15 apartment buildings with 150 units and 3 ground floor businesses.

C) A minimum 75% of the total amount of potential signatures of residents and/or business people on the affected block including their addresses. For example, a petition from a block with 153 units would require a minimum of 115 signatures of support.