



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

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David McWater, Board Chair

Susan Stetzer, District Manager

## July 2006 Full Board Minutes

Meeting of Community Board #3 held on Tuesday, July 25, 2006 at 6:45 at the Chinatown YMCA Beacon Center located inside MS 131 at 100 Hester Street

### Public Officials:

Mayor Michael Bloomberg, Lolita Jackson--

She apologized for the Community Boards BBQ being postponed due to the Queens power outage. The food from the BBQ went to Queens instead.

National Night Out is next Tuesday night, August 1. Contact 5,7,9 precincts to participate in activities.

The Chinatown CERT went out to support Queens residents during the blackout.

The Office of Emergency Management is having the next coastal storm briefing tomorrow at 197 E. Broadway at Jefferson. St. It will be at 6:00 P.M. in Chinese and at 7:30 it will be in English and Spanish.

Comptroller William Thompson, Rafael Escano--Not present

Borough President Scott Stringer, Mary Cooley--

A count of vacant lots was conducted in multiple lots this past Saturday and included CB3. This was a visual observation. The Borough President's office doesn't want any vacant lots to go unused with a housing shortage.

The CEO of the State Liquor Authority was present at the last borough board meeting. It was a productive meeting.

Individualized and specialized trainings are ongoing. All training materials will be made available to all board members.

Congressmember Nydia Velazquez, Melissa Maldonado--Not present

Congressmember Jerrold Nadler, Jillian Youngblood--Not present

Congressmember Carolyn Maloney, Victor Montesinos--

Congressmember Maloney urged the Bush administration to reverse the policy that compromises Title IX. She was joined by many women's equal rights organizations in calling on Education Secretary Margaret Spellings to change the policy of demonstrating Title IX compliance by sending out an email survey asking for interest. "Spam is not an effective law enforcement tool."

She was able to get large amounts of funding for local housing organizations.

Assembly Speaker Sheldon Silver, Michael Chang--

Setting up mobile district offices on the LES and Chinatown from 3-7. Have been providing constituents with

Assistant Secretary Pisciotta asked what the Speaker's stance was on support for gay marriage. Mr. Chang said he is not sure about the Speaker's position on gay marriage, but that he would find out.

Assemblymember Deborah J. Glick, Gregory Brender--

Spoke on the marriage equality decision. She was disappointed in the language used by the Court of Appeal's majority opinion. She said that we must keep fighting for this right.

The Assemblymember has written to the Chair of the New York City Landmarks Preservation Commission, in support of the designation of 126-128 E. 13<sup>th</sup> St. and asked that it be calendared for landmark consideration so that demolition permits won't be issued.

Assemblymember Sylvia Friedman, Anna Rivera--Not present

State Senator Martin Connor--

The new SLA Commissioner was at the last hearing. Sen. Connor applauded the commission recessing to allow for the community and EU to negotiate an agreement. The SLA appeared to be supportive of this negotiation.

Announced these events:

8/27- Charlie Parker Jazz Festival.

8/24- Salsa by the Sea--busses are available

The Senator testified on behalf of the Knickerbocker Association tenants. He spoke against the rent increase. This was the first State supported affordable housing in the nation.

With regard to the movie industry, he pushed for tax breaks to bring studios back from Toronto. This has been vital in employing city residents. There is a Hot Spot program to try to relieve pressure on too popular spots.

Greenmarket opening. Asked people to go to the Orchard St. Greenmarket.

Lois Regan thanked Sen. Connor for his support of the Knickerbocker Tenants Association. What's worse she said is that DHCR has aligned themselves with the owner. He agreed that there is a lot of change that needs to be made and the new administration will hopefully fix this.

Harvey Epstein asked about the potential for finding new avenues for affordable housing should we have a new governor and what his office was going to do. Sen. Connor thinks we need to do away with the J51 program that allows tax breaks for luxury condos. He wants tax subsidy programs for more affordable housing. There was discussion of what is considered "affordable." There needs to be a new paradigm for what's affordable. Estelle Ruben recommended expanding Mitchell Lama and reviving it.

State Senator Thomas K. Duane, David Chang

Sen. Duane has been working with Assembly members on legislation legalizing gay marriage.

Councilmember Rosie Mendez, John Fout

Rosie's priorities in her budget were for public housing (security cameras), science labs in classrooms, gymnasiums and auditorium upgrades for schools throughout the district. She was also able to provide discretionary funding for over 70 non-profit organizations. Non-profits should contact her office for funding them next year.

Construction noise—the office has been working with the CB and DOB to get out and stop illegal after-hours work to address copious noise complaints. The Borough Commissioner for DOB has agreed to both concerted and random inspection sweeps on a regular basis.

Hate crimes march—On June 17 the councilmember marched in denouncing recent hate crimes in the city. She is introducing a resolution to support State Assembly legislation instructing juries to disregard bias related “panic please” as a defense in hate crimes.

Greg Singer started to do work on the façade of Charas. DOB came out to make sure that the work was in code. The councilmember's office has reached out to the Landmarks Commission as well.

Councilmember Alan Gerson--

He apologized for not showing up for past board meetings.

Councilmember Gerson announced that the budget was on time and balanced. All basic services were maintained or enhanced. They achieved a baseline of library services for 5 days a week. In the future it will appear as part of the executive budget every year so that there isn't a dance every year to restore library services. The summer youth program was base lined also, which was a major structural accomplishment.

He serves on the finance committee now.

Major initiatives included in this year's budget: continuing program for installing hi-tech security cameras in all of our publicly funded residences. There is an innovative state-of-the-art citywide science program called the Challenger Space Center that will be located on the L.E.S. It has a space exploration focus and will help get students interested in math and science. It opens in Spring 2007.

Senior grab bar pilot program--Any senior citizen over 62 or anyone of any age with a disability challenge is able to receive grip bar installation. Call the office.

Upcoming important issues:

Expanding affordable housing.

Current fight over the Knickerbocker establishment.

Wants to establish an affordable housing trust fund.

Meeting with Commissioner Doherty to talk about Chinatown sanitation. Councilmember Gerson asked for the CB to forward what areas need the greatest attention.

Of great interest to the councilmember is the Madison St. bath house, which has been closed for over 30 years. Commissioner Benepe has agreed to meet with him on reopening this. He requested that the Community Board write a letter in support of this initiative.

Anne Johnson asked about the stockpiling of housing by NYCHA and about the film industry cited in his newsletter. She wants everyone to talk about traffic not just by the film industry, but to also include talking about traffic impacts by construction sites for 6 months-1 year for dwellings that most of us can't afford.

Councilmember Gerson said that he would follow up with the housing question in the Housing Committee. He feels that his office does address construction/traffic related problems and reiterated his support for the film industry.

Lois Regan--wants his commitment that Community Board 3 will have equal seating at the table with Community Board 1 on the Waterfront Committee structure that will be created. He committed to making sure that Community Board 3 will be a part of it.

Members Present At First Vote:

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

Minutes:

Minutes of May 2006 were approved, as is.

35 YES 0 NO 0 Abstention 0 PNV - MOTION PASSED

Board Chairperson's Report:

Chairperson David McWater

Use Group 6 change was proposed. It will come up in the Borough Board this Fall.

The CEO of the SLA came to this past Borough Board meeting. As Boards go, it was understood by David that Community Board 3 was on the cutting edge of understanding the issues and writing resolutions.

Developer of Charas started tearing down the façade out of spite tonight, which is despicable.

Joyce Ravitz has been absent due to family illness and she is now very ill herself.

District Manager's Report:

National Night out is occurring at the three precincts in our Board's districts on August 1.

The new Sunday farmers market is open on Orchard St.

Asian Americans for Equality street fair is on 8/6. Community Board 3 will have a table there.

The District manager she spoke with Joshua Toas. CEO of the SLA and he said that they have had emergency meetings lately to revoke licenses. The 500 foot. law does not discuss transfers and it has been discretionary on holding hearings. However, it has been the practice recently to hold hearings.

The Village Joint at 531 E. 13<sup>th</sup> St. is applying for tavern license. At the request of the community board, the DOB audited the applicant's self-certified plans. A letter of intent to revoke was then sent to the applicant because the theatre space constituted "use group 12"--entertainment space that does not comply with zoning for the area.

Public Session:

**Betty Goodman--** Opposed to Columbia being made a two-way street. She is skeptical about the E. River Corporation requesting this as opposed to only one person having an interest in it.

**Marty Mehler--** LESPA's attorney. He was retained last night. He has read reasons for the SLA committee's disapproval of the full liquor license. He has said that this is a Middle Eastern/European culture organization looking to open a club. There are 1,500 petitions in support of the "cultural center."

In response to board member Harry Wieder's question, he stated that the basement would not be handicap accessible.

**Salvatore Clemente--** Spoke in opposition of the E. River Running track being closed without notice. Upset about they being taken away during the summer.

David Zhu-- From Friends of Ludlow and Orchard Street. He thanked the SLA committee for turning down a number of licenses.

**Christine Shakespeare, NYU--**

There are sponsored events in Washington Sq. Park during August.  
NYU was just awarded the campus heritage grant by the Getty Foundation.

**Pearl Gluck--**Local filmmaker & curator. She supports LESPA at 133 Ludlow. She's been very involved with the neighborhood. She offered to speak to anyone about the space and why it's culturally important to this neighborhood. She tried to respond to board member's questions about whether or not this would be a night club.

**Vic Varney--**

Spoke to support LESPA as an important cultural institution. He thinks that they will be able to clear out people late at night in an orderly manner.

**Kathleen Negri--**

To support the LESPA liquor license. She introduced residents who live around the block who were there to support it as well.

**Abe Burmeister--**

He is a resident of 115 Ludlow, neighboring LESPA. He supports the institution.

**Julian Matthesen--**

Resident of 109 Ludlow St. Welcomes bringing the Middle Eastern aspect to the neighborhood. She thinks that there's a difference between this institution and the other nightlife in the area.

**Inna Barmash--**

Supports granting a license for the LESPA club. It's a unique location and will bring back the traditions of the Lower East Side. They're looking to bring diverse cultures to the neighborhood.

Rocky Chin wanted to ask why the cultural center hasn't addressed the crowd concerns. But David McWater requested to be held until the Board discussed it during Committee Reports.

**Dara Lehan--**

From the Lower East Side Business Improvement District. Wanted to promote the Farmer's Market on Orchard.

Committee Reports:

Executive Committee

District Needs Statement.

**VOTE:** To approve the District Needs Statement for 2007.

**Discussion:** There was a need to update a sentence fragment on the Public Transportation portion of the District Needs Statement for 2007. Barden Prisant included additional wording in the Housing portion of the statement and Susan Stetzer was going to make the change to the final statement.

**Cooper Square Urban Renewal Task Force**

1. Phipps Housing, Extra Place, status update  
No vote necessary
2. Phipps Housing, Extra Place, 30 year regulatory agreement with NYC to keep housing affordable  
No vote necessary
3. Cooper Sq/Community Access, status update on 2nd Ave project  
No vote necessary
4. YMCA membership fee status update  
No vote necessary
5. Avalon Chrystie, status update, phase 2  
No vote necessary
6. Houston Street Community Center lack of signage on eastern side of community center  
No vote necessary

**Housing & Land Use Committee**

- 1. BSA 330-98-BZ, 242 E 14th St: alteration of premise  
**VOTE:** To approve the variance request for adding a juice bar and additional space for the gymnasium.
- 2. 421a Partial Tax Exemption, 110 3rd Ave  
**VOTE:** To deny the request owing to CB3s longstanding opposition to granting 421a partial tax exemption to developers unwilling to include an affordable housing component in their buildings; to encourage this developer to communicate with its immediate neighbors at the site to rectify any potential problems with the development of the tower; to chastise the developer for not appearing to allow the community to address potential concerns.
- 3. Dept of Buildings definition of "open space" and its impact on building size - case study: 4 East 3rd Street  
No vote necessary
- 4. Memorandum of Understanding between CB3 and hotel at 200 Allen St  
No vote necessary
- 5. Resident concerns regarding buying of rent regulated buildings on Lower East Side by Extell Development Corp  
**VOTE:** To demand that Extell 1) resume offering lease renewals, 2) not seek demolition or alteration permits, 3) respond to the submitted questions, 4) take no significant action on the subject buildings prior to CB3s September Board Meeting; furthermore, to write to DOB requesting that it not issue Extell any demolition or alteration permits in the interim.
- 6. Finalize District Needs Statement FY08  
No vote necessary
- 7. Improper use of rent regulated housing for hotel accommodations  
No vote necessary
- 8. BSA 313-05-BZ, 26 E 2nd St: revised plans, enlargement of a residential building  
**VOTE:** That the applicant has submitted a revised plan containing revisions as to technical notations only, CB3 reaffirms its prior resolution to deny this variance.

**197 Plan Task Force**

- 1. Begin discussion of 3rd Avenue/Bowery 197 Plan  
**VOTE:** To write the Department of City Planning (CCing HPD) thanking them for their work on the Lower East Side\East Village rezoning plan, as well as for their presentation to committee members on Friday, July 7th, and their question and answer session with the committee and public on Monday July 10th.

**Discussion:** Anthony was concerned that we said the FAR was fine in this letter, but we're going to come back and say that we don't agree with heights on Ave. D. So we need to figure out a way to address this disagreement in our own argument. However, we aren't that far along with being able to address this matter.

We would also like to express our concerns and desire for an ongoing dialogue about the following issues;

- 1) whether or not the IZ incentive is great enough in the IZ zones
- 2) the location of the IZ zones
- 3) the continuance of a commercial zone south of Houston
- 4) the combining of 421a credits and the IZ bonus

We also would like to reiterate our stance on the following;

- 1) we are opposed to a commercial overlay on St. Marks
- 2) we wish to include the Bowery and 3rd Avenue corridor and the cross streets in between
- 3) we would like to have anti-harassment and anti-demolition provisions
- 4) we would like to see and have input on soft site data

(letter)

CB #3 want to thank you for meeting with us and having a concrete rezoning proposal we can discuss.

CB3 appreciates all the hard work and time City Planning has dedicated to this rezoning. CB3 and City Planning have consensus on the framework of the proposal by City Planning which has been an extremely important issue for our community.

However, we have serious reservations about the following items that need to be addressed as the rezoning proposal goes forward:

- 1) We are deeply concerned whether the Inclusionary Zoning (IZ) bonus floor area ratio (FAR) from 5.4 to 7.2 is sufficient to encourage developers to develop residential housing with IZ. In the R 7A city planning has proposed a 6.0 commercial FAR and 6.5 community facility FAR. Those FARs may be more attractive to developers than the building 5.4 residential or 7.2 residential with IZ. Therefore, the base FAR for community facility and commercial should be reduced to encourage residential development.

2) We are unsure why City Planning limited the IZ bonus to Houston, Delancey and Avenue D. The location of the IZ zones is extremely limited and CB# 3 believes that IZ should be used extensively throughout the district so long as we maintain appropriate scale and character. We proposed FAR increases from 3.44(current R-7-2) to 3.45 bonus able to 4.6 for IZ (proposed R-7A) for most of the district. This proposal is logical, especially if it is implemented on the Avenues and larger streets.

3) The board believes that blanket commercial zoning from Houston to Delancey street west of Essex to east of Bowery is inconsistent with the desires of the Board and the residents of that area. That area should be zoned residential.

4) Finally, allowing the combining of 421-a tax abatement along with IZ provides a huge economic incentive to owners with a minimal additional benefit to the city for a commitment to build only 20% of permanent affordable units. We would propose such a combination result in a higher percentage of affordable housing, either 30 or 35%.

We also would like to reiterate our stance on the following;

1) We are opposed to a commercial overlay on St. Marks

2) We believe that the 3rd Avenue from 13th to 9th Streets corridor should be included within this rezoning. However, CB 3 is aware of City Planning's reservations to including the same and is willing to further discuss the matter, including additional density in this limited part of the rezoning to ensure inclusion in the rezoning. Above all, we find the current zoning for the area, which has NO height limits, allows unlimited transfer of air rights, encourages towers on plazas, and so heavily favors hotel and dormitory development in what is a largely residential area, to be completely inappropriate. We hope to find mutually agreeable ways to eliminate these elements from the zoning for these blocks.

3) We believe that the anti-harassment and anti-demolition provisions set forth in the Clinton Special District must be included in the rezoning proposal and would like to have additional discussions with both HPD and City Planning on how to affect that.

4) We requested to see the soft site and other data compiled by DCP over the course of its research for the proposed rezoning, and to date we have not received that information.

Thank you again and we look forward to our continued work together.

cc. HPD  
CCMs

**Discussion:** Anthony Feliciano was concerned that the Board said the FAR was fine in this letter, but we're going to come back and say that we don't agree with heights on Ave. D. We need to figure out a way to address this disagreement in our own argument. However, we aren't that far along with being able to address this matter.

- 2. Discussion of potential for 197 plan for Seward Park Urban Renewal Area  
No vote necessary

(Exec, Housing, 197)  
34 YES 0 NO 0 Abstention 0 PNV - MOTION PASSED

**Human Services & Seniors Committee**

- 1. Finalize District Needs Statement FY08  
No vote necessary

**Youth & Education Committee**

- 1. Finalize District Needs Statement FY08  
No vote necessary

**SLA & Economic Development Committee**

Chairman David McWater recused himself from chairing the meeting during discussions related to this committee due to a potential conflict of interest with items #8 and #14. Herman Hewitt, 1<sup>st</sup> Vice President, stepped in to chair the meeting.

- 1. Finalize District Needs Statement FY08  
No vote necessary

**Applications with Complaint History**

- 2. Zum Schnieder, 107 Ave C (op)  
**VOTE:** To approve the renewal of the full on-premise liquor license for Zum Schneider, 107 Avenue C, understanding that the sidewalk café and the doors and windows to the establishment are closed at 11:00 P.M.

every night of the week, as per the representations of the licensee and as evidenced by the attached signed notarized stipulation.

3. One and One, 76 E 1st St (sidewalk café)

**VOTE:** To approve the renewal of the sidewalk café permit for One and One, 76 East 1st Street.

4. The Back Room, 102 Norfolk St (op)

No vote necessary

#### **Sidewalk Café Application**

5. Horus Café, 293 E 10th St

**VOTE:** To deny the application for a sidewalk café permit for Horus Café, 293 East 10th Street, given the following reasons: 1) the older business, Horus, located on Avenue B and 6th Street, has had numerous noise complaints as well as having pending summonses for being occupied over capacity and putting too many tables on the sidewalk; 2) Avenue A is already an overly saturated area with bars and restaurants, many with existing sidewalk cafes, and the addition of another sidewalk café would exacerbate the existing noise and congestion problems on Avenue A; 3) this application is, in part, for permission to place tables on 10th Street between Avenues A and B and, if approved, those tables would inappropriately be located on a residential street with small brownstones, adjacent to a nursery school located in the ground floor of one of the brownstones, and across the street from park playgrounds; and 4) the 9th Precinct has reported that this applicant has already received a summons for operating a sidewalk café without a license, that being issued on July 15, 2006.

6. Winebar, 65 2nd Ave

**VOTE:** To approve the addition of four (4) tables and eight (8) seats to the existing sidewalk café permit for Winebar, 65 Second Avenue.

7. Loco, 111 Stanton St

**VOTE:** To approve the application for a sidewalk café permit for Loco, 111 Stanton Street, for five (5) tables and ten (10) seats only, given that the applicant has signed a change agreement with Community Board 3 that it will close the café at 10 P.M. every night, seven (7) days a week.

#### **Cabaret Application**

8. LESPA, 113 Ludlow St (cabaret) WITH #14

**VOTE:** To deny the application for a cabaret license, for LESPA, 113 Ludlow Street, for the following reasons: 1) the proposed use of this location as a dance space holding daytime workshops and an evening dance/music/DJ venue with shows ending at 1:00 A.M. and closing hours of 3:00 or 4:00 A.M., with an occupancy of 360 people, is inconsistent with the primarily residential character of Ludlow street, 2) that Ludlow Street has already been overcrowded by traffic and people patronizing its existing nighttime businesses, requiring special operations and weekend closing of the street by the 7th Precinct, and the addition of a 360 capacity location, which could conceivably be releasing and accepting as many as 720 people for evening shows, would overburden this already congested small side street, 3) there is reason to believe that the location, which has already had several nights of operation, will operate as a nightclub (appending blog printouts)

DISCUSSION: Alex gave the background for why this license was denied in the committee. She gave the history for the original application and its approval. She also explained that there was an Internet blog entry touting that the establishment was like a night club, which is incongruent with the representation that this was a cultural center. There was a lot of discussion about whether or not this application could be postponed or if it needed to be voted on tonight. There was a motion to amend, which was rejected by the Chair. There was a challenge to the chair, which was not carried.

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

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

**VOTE:** To approve the upgrade to a full on-premise liquor license and the installation of a full ansel kitchen for LES Artiste Café Corp, 189 East 3rd Street, provided the applicant furnishes a signed notarized stipulation that 1) it will close the establishment at 12:30 A.M. weekdays and 2:30 A.M. Thursday through Saturday, 2) will serve food to within one (1) hour of closing every night and operate as a full service restaurant serving Middle Eastern food, and 3) it will not use DJs.

10. Gama Restaurant, 12 St Marks Pl (trans/op)

**VOTE:** That although this proposed license would be located in an area that Community Board 3 has found to be already over congested with liquor licensed establishments (there currently being twenty-two (22), including this subject transfer license) and the noise and traffic attendant to those establishments, Community Board 3 recognizes that this address has been occupied by various licensed establishments, regardless of whether Community Board 3 has approved them, and now moves to approve the transfer of a full on-premise liquor license for Gama Restaurant, 12 St. Marks Place, provided the applicant furnishes a signed notarized stipulation that 1) the sidewalk café, which is as of right because it is located within the building line, will close at 10:00 P.M. weeknights and 11:00 P.M Friday through Saturday and be comprised of no more than twenty-five (25) seats, 2) the business will operate as a full service Korean restaurant, serving food to within one (1) hour of closing every night, 3) it will install additional soundproofing as needed, 4) it will not have DJs or live music and will have ambient background music only, 5) the applicant may revisit the hours of operation with Community Board 3 for its sidewalk café area after nine (9) months of operation and 6) It will close at 1 A.M. Sunday-Tuesday and 2:00 A.M. Wednesday through Saturday.

11. 10 Degrees Corp, 121 St Marks Pl (trans/op)

**VOTE:** No vote necessary. Item postponed until September 2006.

12. 205 Chrystie St Restaurant Corp 205 Chrystie St (alt/add/op)

No vote necessary

13. Golden Restaurant, 40 E Bway (trans/rw)

**VOTE:** To approve the transfer of a restaurant/wine license to Golden Restaurant, 40 East Broadway, understanding that the location will continue to operate as a full service Chinese restaurant.

14. LESPA, 113 Ludlow St (trans/op)

**VOTE:** To deny the transfer of a full on-premise liquor license to LESPA, 113 Ludlow Street, for the following reasons: 1) the proposed use of this location as a dance space holding daytime workshops and an evening dance/music/DJ venue with shows ending at 1:00 A.M. and closing hours of 3:00 or 4:00 A.M., with an occupancy of 360 people, is inconsistent with the primarily residential character of Ludlow street, 2) that Ludlow Street has already been overcrowded by traffic and people patronizing its existing nighttime businesses, requiring special operations and weekend closing of the street by the 7th Precinct, and the addition of a 360 capacity location which could conceivably be releasing and accepting as many as 720 people for evening shows would overburden this already congested small side street, 3) there is reason to believe that the location, which has already had several nights of operation, will operate as a nightclub (appending blog printouts)

**Discussion:** See item #8's discussion notes.

15. The Partners Food Corp, 87 2nd Ave (trans/op)

**VOTE:** To approve the transfer of a full on-premise liquor license to The Partners Food Corp., 87 Second Avenue, given that the applicant has entered into a Memorandum of Understanding with the East 5th Street Block Association and based upon its representation that it will be a full service Pan-Asian restaurant with alcohol service incidental to food service. Community Board 3 further asks with the consent of the applicant that the attached Memorandum of Understanding be made part of the conditions of said license.

### **New Liquor License Applications**

16. Full City Coffee, 409 Grand St (rw)

**VOTE:** To approve the application for a restaurant/wine license for Full City Coffee, 409 Grand Street, with the understanding that the hours of operation of this business will remain 11 P.M. Sunday through Thursday and 12:00 A.M. Friday and Saturday

17. Sexy B, 75-81 Orchard St (op)

**VOTE:** To deny the application for a full on-premise license for Sexy B, 75-81 Orchard Street, for the following reasons: 1) the limited menu and the late night hours of operation are inconsistent with a full-service restaurant, 2) the applicant can never install a full kitchen because of provisions in the lease which is also inconsistent with representation it will be a restaurant, and 3) the proposed business seeks to operate in a small area, that being where Orchard Street and Broome Street meet, where there are numerous existing licensed establishments and where there has been consistent and vociferous community opposition to additional licenses.

18. Agua Clara Restaurant, 202 Rivington St (rw)

**VOTE:** To deny the application for a restaurant/wine license for Agua Clara Restaurant, 202 Rivington Street, because the applicant failed to appear or furnish any application materials for review by Community Board 3.

19. Jockey Hollow, 171 E Bway (op)

**VOTE:** To write letter to the SLA notifying it that the applicant Jockey Hollow, 171 East Broadway, has withdrawn its application before Community Board 3 for a full on-premise 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.

20. Two Boots Grand St, 384 Grand St (op)

**VOTE:** To approve the application for a full on-premise liquor license for Two Boots Grand Street, 384 Grand Street, for the operation of a full service Italian restaurant, given the applicants long history as a restaurant owner in the community without complaint.

21. Prince Garden, 18 E Bway (op) THIS IS A TRANSFER

**VOTE:** To approve the transfer of an on-premise liquor license to Prince Garden, 18 East Broadway, understanding that the business name, method of operation as a full-service Chinese restaurant and the hours of operation to 11 P.M. nightly will remain unchanged and given that the applicant will provide alcohol via table service only.

22. Double Six, 306-308 E 6th St (op) THIS IS A TRANSFER

**VOTE:** To approve the transfer of a full on-premise liquor license to Double Six, 306-308 East 6th Street, understanding that the business name, method of operation of a full-service Indian restaurant and hours of operation to 11 P.M. Sunday through Thursday and 1:00 A.M. Friday and Saturday will remain unchanged and given that the applicant is the present manager of the existing establishment.

23. Vipri Corp, 80 2nd Ave (rw)

**VOTE:** To approve the application for a restaurant/wine license for Vipri Corp., 80 Second Avenue, understanding that it will operate as a full service Italian restaurant.

24. Alan Luke, 126 E 7th St (rw) THIS IS A TRANSFER

**VOTE:** To approve the transfer of a restaurant/wine license to Alan Luke, 126 East 7th Street, understanding that the business name, method of operation as a full-service Italian restaurant and hours of operation will remain the same, and given that the applicant is the landlord of the building located at this address.

25. JIN, 252 Broome St (rw)

**VOTE:** To deny the application for a restaurant/wine license for JIN, 252 Broome Street, for the following reasons: 1) the applicant failed to provide any evidence, i.e. petitions of support, that it had notified the community of its intention to obtain a license for this location, 2) the applicant, although it purports to operate a restaurant, failed to provide a proposed menu, 3) there has been long-standing consistent community opposition

throughout this and three (3) prior license applications before Community Board 3 to licensing this location which has not been previously licensed (and, in fact, was a hosiery shop) on this very short, narrow primarily residential street where there are already a number of licensed premises and which is in close proximity to Seward Park High School which has six (6) separate schools located within one (1) building.

26. First Down, 349 E 13th St (op)

No vote necessary

27. Tuyo Deli & Grocery, 11 Ave D (retail)

**VOTE:** To deny the application for a retail license to Tuyo deli & Grocery, 11 Avenue D, because the applicant failed to appear or furnish any application materials for review by Community Board 3.

28. 365 Grand LLC, 365 Grand St (rw)

**VOTE:** To approve the application for a restaurant/wine license for 365 Grand LLC, 365 Grand Street, understanding that it will be a full-service Italian restaurant, serving food to within one (1) hour of operation.

29. Berrilicious, 66 Mott St (op)

No vote necessary

30. Place 2B Corp, 90 Ludlow St (op)

No vote necessary

31. 31 Jones St Associates LLC, 110 E 11th St (op) THIS IS A TRANSFER

**VOTE:** To approve the transfer of a full on-premise license to 31 Jones St Associates LLC, 110 East 11th Street, provided the applicant furnishes a signed notarized stipulation that 1) it will have no DJs and no live music, and 2) it will make every effort to prevent noise from emanating from the location, whether it be from people or music, especially on the 11th Street side of the establishment.

32. Blue 9 Burger, 92 3rd Ave (rw)

**VOTE:** To approve the application for a restaurant/wine license for Blue 9 Burger, 92 Third Avenue, understanding that the business name and hours of operation will remain unchanged and given that the business has operated without complaint for three (3) years.

28 YES	5 NO	0 Abstention	0 PNV (SLA/Eco Dev Item 2) - MOTION PASSED
33 YES	0 NO	0 Abstention	0 PNV (SLA/Eco Dev Item 3) - MOTION PASSED
33 YES	0 NO	0 Abstention	0 PNV (SLA/Eco Dev Item 5) - MOTION PASSED
33 YES	0 NO	0 Abstention	0 PNV (SLA/Eco Dev Item 6) - MOTION PASSED
29 YES	4 NO	0 Abstention	0 PNV (SLA/Eco Dev Item 7) - MOTION PASSED
24 YES	7 NO	0 Abstention	1 PNV (SLA/Eco Dev Item 8) - MOTION PASSED
33 YES	0 NO	0 Abstention	0 PNV (SLA/Eco Dev Item 9) - MOTION PASSED
32 YES	1 NO	0 Abstention	0 PNV (SLA/Eco Dev Item 10) - MOTION PASSED
33 YES	0 NO	0 Abstention	0 PNV (SLA/Eco Dev Item 13) - MOTION PASSED
23 YES	7 NO	0 Abstention	2 PNV (SLA/Eco Dev Item 14) - MOTION PASSED
33 YES	0 NO	0 Abstention	0 PNV (SLA/Eco Dev Item 15) - MOTION PASSED
33 YES	0 NO	0 Abstention	0 PNV (SLA/Eco Dev Item 16) - MOTION PASSED
33 YES	0 NO	0 Abstention	0 PNV (SLA/Eco Dev Item 17) - MOTION PASSED
33 YES	0 NO	0 Abstention	0 PNV (SLA/Eco Dev Item 18) - MOTION PASSED
33 YES	0 NO	0 Abstention	0 PNV (SLA/Eco Dev Item 19) - MOTION PASSED
33 YES	0 NO	0 Abstention	0 PNV (SLA/Eco Dev Item 20) - MOTION PASSED
32 YES	1 NO	0 Abstention	0 PNV (SLA/Eco Dev Item 21) - MOTION PASSED
32 YES	1 NO	0 Abstention	0 PNV (SLA/Eco Dev Item 22) - MOTION PASSED
33 YES	0 NO	0 Abstention	0 PNV (SLA/Eco Dev Item 23) - MOTION PASSED
33 YES	0 NO	0 Abstention	0 PNV (SLA/Eco Dev Item 24) - MOTION PASSED
33 YES	0 NO	0 Abstention	0 PNV (SLA/Eco Dev Item 25) - MOTION PASSED
33 YES	0 NO	0 Abstention	0 PNV (SLA/Eco Dev Item 27) - MOTION PASSED
33 YES	0 NO	0 Abstention	0 PNV (SLA/Eco Dev Item 28) - MOTION PASSED
32 YES	1 NO	0 Abstention	0 PNV (SLA/Eco Dev Item 31) - MOTION PASSED
33 YES	0 NO	0 Abstention	0 PNV (SLA/Eco Dev Item 32) - MOTION PASSED

**Public Safety & Sanitation Committee**

1. Finalize District Needs Statement FY08

**VOTE:** To approve the PSC District Needs Statement with the revisions and deletions discussed during the committee meeting.

2. Fuel Switching Con Ed authorization for winter 2006-2007

**VOTE:** To approve the Con Ed Sub Committees motion to Advise Con Edison that CB#3 establishes a Fuel Switching Account Draw Down amount of zero dollars (\$0.00) for the 2006 - 2007 Winter Season, in consideration of alternative proposals for the use of these funds.

**Transportation Committee**

1. Finalize District Needs Statement FY08

**VOTE:** To approve the attached draft of the Transportation section of the District Needs Statement FY08.

2. Request from East River Housing Corp that Columbia St be converted to two-way between Delancey St North Roadway & Delancey St South Roadway

**VOTE:** To request that DOT do a broad examination of the effect of converting Columbia St between Delancey St North and Delancey St South from one-way southbound to two-way traffic. Specifically, CB3

would like an evaluation of traffic patterns in the area (including the intersection of Grand St and Columbia St) for cars and trucks, and the impact on congestion, school crossings and pedestrian and wheelchair mobility and safety. We also want to know if DOT would recommend intersection controls at this location and high-visibility crosswalks adjacent to schools.

Discussion: Morris explained the traffic pattern and activities of the articulated busses under the bridge. There is a problem with roads narrowing down in this area. The East River Board of Directors is opposed to this matter. He wants to solve the problem and the possibility of using this space under the bridge to turn and park on Columbia for a bus layover. David explained that this matter was passed in committee.

Bernice brought up that Morris' recommendation would bring pollution to the Madison Houses. Morris brought up that Columbia and Grand has been cited as a "danger zone" by Community Board 3 and DOT recently.

3. Street co-naming: E 4th St btwn 1st Ave & Ave A, Dr Frieda Zames  
No vote necessary
4. TLC, new base radio dispatch: Lower East Side Car Service Corp, 169 Ave C  
**VOTE:** To approve the TLC base radio dispatch renewal for Lower East Side Car Service Corp, 169 Ave C. This car service is relocating their base station to their former location, which is around the corner on Ave C at 10th St.
5. DOT: list of approved bicycle rack sites in CB3  
No vote necessary
6. Drop-off/pick-up locations for commuter vans  
No vote necessary
7. Relocation of buses parked on waterfront prior to waterfront restoration  
No vote necessary
8. Rutgers Houses Tenant Association request for angle parking on Pike, Madison, Rutgers, & Cherry St  
**VOTE:** To amend our April 2005 resolution as follows: To request that DOT install back-in angle parking on Rutgers Street, between Madison Street and Cherry Street, on the side of the street adjacent to the Rutgers Houses. We also ask for painting of stripes instead of thermo-plasting.

#### **Parks & Recreation Committee**

1. Finalize District Needs Statement FY08  
**VOTE:** To recommend that an item be added to the Community Board #3 expense budget priority list as follows: To increase the funding for Parks Department Parks Enforcement Patrol (PEP) officers, specifically to patrol Tompkins Square Park.

#### **Block Party Applications**

2. Lower East Side Hispanic Committee, E 6th St (Ave D & FDR Drive), 9/9  
**VOTE:** To approve the request of the Lower East Side Hispanic Committee for a block party on September 9th on East 6th Street (Avenue D – FDR Drive).
3. Pickle Day, Orchard St (Broome & Grand Sts), 9/17  
**VOTE:** To approve the request by the Lower East Side BID for a block party (Pickle Day) on September 17th on Orchard Street (Broome – Grand Streets).
4. Fourth St Art Block, E 4th St (2nd Ave & Bowery), 10/14  
**VOTE:** To approve the request by Fourth St. Art Block for a block party on October 14th on East 4th Street (2nd Avenue – Bowery).
5. Reaching Youth for Christ Ministries, E 12th St (Aves B & C), 9/23  
**VOTE:** To approve the request by Reaching Youth for Christ Ministries for a block party on September 23rd on East 12th Street (Avenues B – C).

#### **Park Event Applications**

6. FEVA, Tompkins Sq Park, 9/8 – 9/10  
**VOTE:** To support the request by FEVA for a park permit for Tompkins Square Park on September 8 – September 10th with the provisos that the hours on each day be restricted to no more than 10 AM – 10 PM and that use of amplified sound be limited to four (4) hours on each day.
7. FEVA, Cooper Sq Park, 9/9  
**VOTE:** To approve the request by FEVA for a park permit for Cooper Square Park on September 9th.
8. Chinatown Partnership, Columbus Park, Fall06  
**VOTE:** To approve the request by Chinatown Partnership LDC to use Columbus Park on September 7th, 14th and 21st and to further approve use of the park on September 28th and October 5th and 12th with the proviso that no valid complaints occurred during the first three dates; and, further, that the 3 PM – 6 PM setup time take into account the school semester start-up occurring during that period; and, further, that the cultural events be limited to the hours of 6 PM to 10 PM; and, further, that use of amplified sound be limited to four (4) hours.

#### **Landmarking**

9. Church of the Transfiguration, 29 Mott St: proposed canopy additions on each of the 3 front entry doors to the church  
**VOTE:** To support the Church of the Transfiguration application to the Landmarks Preservation Commission concerning proposed canopy additions on each of the three front entry doors to the church with the proviso that the supports for the canopies be underneath the canopies.

**Additional Item**

10. Waterfront Subcommittee.

**FYI:** To create a Waterfront Subcommittee reporting to the Parks, Recreation, Cultural Affairs, Waterfront Committee.

(Parks, Public Safety/Transportation)

31 YES 0 NO 0 Abstention 0 PNV

(Excluding Parks Items 6 & 7, Transportation Items 2 & 8) - MOTION PASSED

29 YES 0 NO 0 Abstention 2 PNV (Parks Item 6) - MOTION PASSED

29 YES 0 NO 0 Abstention 2 PNV (Parks Item 7) - MOTION PASSED

18 YES 8 NO 5 Abstention 0 PNV (Transportation Item 2) - MOTION PASSED

29 YES 2 NO 0 Abstention 0 PNV (Transportation Item 8) - MOTION PASSED

**Task Force on Religious Institutions and Land Use**

1. Discussion of Task Forces Mission

No vote necessary

2. Discussion regarding St Brigids Church

No vote necessary

3. Discussion regarding Mary Help of Christians Church

No vote necessary

**Old Business**

1. Calendar change for the general board meeting starting in September.

Vote to return meeting to previous format

Discussion: There were a number of members who feel that the board members must be here at 6:30 and should be held accountable for being late.

22 for previous format 9 for current format

2. Vote sheet emailed to board members.

Discussion: Harvey asked for vote sheets to be sent out the night before.

No Vote Necessary

**New Business**

1. Propose a resolution to write a letter to LESPA stating that the community appreciates cultural institutions.

Discussion: Estelle Ruben brought up that the community has a lot of cultural institutions already. A motion was presented and then withdrawn by Eden Lipson after there was a hand count voting down the motion and the need for a roll count was requested.

VOTE: No vote recorded or conducted.

**Members Present At Last Vote:**

David Adams [P]

Paul Bartlett [P]

Rev. Joan Brightharp [A]

Roberto Caballero [A]

Mayra Cappas [P]

Rick Carman [A]

Rocky Chin [P]

David Crane [P]

Andrea Diaz [A]

George Diaz [P]

Harvey Epstein [P]

Morris Faitelewicz [P]

Anthony Feliciano [P]

Rabbi Y. S. Ginzberg [A]

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 [P]

Eden Lipson [P]

Bernice McCallum [P]

David McWater [P]

Alexandra Militano [P]

Lillian Moy [P]

Jason Nagel [P]

Roberto Ortiz-Arroyo [A]

Dominic Pisciotta [P]

Barden Prisant [P]

Joyce Ravitz [A]

Lois M. Regan [P]

Verina Reich [P]

Richard F. Ropiak [A]

Estelle Rubin [P]

Eunice Samuels [A]

Elizabeth Sgroi [P]

David Silversmith [P]

Deborah A. Simon [A]

Pia Simpson [A]

Arlene Soberman [A]

Nancy Rose Sparrow-Bartow [P]

Harold Stelter [A]

Elinor Tatum [A]

David Weinberger [A]

Nina Werman [A]

Harry Wieder [P]

Samuel Wilkenfeld [A]

Meeting Adjourned