



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD NO. 3

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David McWater, Board Chair

Susan Stetzer, District Manager

February 2007 Full Board Minutes

Meeting of Community Board #3 held on February 27, 2007 at 6:45 at Chinatown YMCA Beacon Center located inside MS 131 at 100 Hester Street

Public Session:

Margaret Hughes, Lower East Side --Gave an update on preservation efforts. They are looking to obtain 10 buildings for community residents/affordable housing.

Suzy Shropp-- Supports the denial of the 8 St. Mark's Zoning Variance due to the fact that the application has been filed improperly.

Mariah Levison-- Safe Horizon—They have mediation services for all kinds of disputes and provides free mediation.

Eve Mosher-- Introducing a public art project regarding climate change. Will occur in CB3 and other NYC coastal neighborhoods. She will be walking along the 10 foot water line where there will likely be increased flooding as a result of climate change. More information is available at highwaterline.org.

Andres Puerta--Carpenters. 200 Allen construction workers are primarily immigrant workers who are working for much less than union workers. He states that these workers are being exploited. The Pomerantz Group has filed an injunction to try to silence the union. Mr. Puerta urges the community board to pass the motion to make the Pomerantz group sit at the table. A meeting has not been set-up at this point. However, according to Susan Stetzer, a representative of the Pomerantz Group has stated that a meeting is being set-up within 30 days. There were approximately 200 supporters/union members.

Member Anne Johnson asked if there was a recruitment effort on the site. Mr. Puerta said that there is, but no one has joined thus far.

Phong Lvont--In the Carpenters Union for 8 years. He is from Vietnam, has good wages, good benefits and believes that everyone has a right to good working conditions and benefits.

Michael Thomas-- If you don not go union then these people cannot not contribute or put back into the community.

Ravi Lalchandam--Death & Co., He presented a case as to how they are operating as a full service restaurant with over \$24,000 in food purchased.

Dave Kaplan--Death & Co., Presented proof that all stipulations that were in the motion in the SLA committee that failed have been met. He also presented letters of support from various neighbors and proof that the bar is 202 feet, six inches from the synagogue.

Craig Manzano-- Death & Co., He disagreed with the characterization that they were insensitive to Holocaust Survivors and said that all of the arguments are smoke and mirrors. He also said that he came to the Community Board to get permission for renovations and was granted it.

Josephine Gaglio--Wants support from the community to save the Mary Help of Christians Church. They will lose a multitude of services if the church closes.

Jacob Sal-- Owns building adjacent to Death & Co., and disagrees that the owners are the same people who used to own Ragma, the previous establishment.

Tom Weiss-- Upfront News, Discussed the 500 Foot rule loophole and a need to close the loophole at a state level.

James Noone-- Believes that the owners of Death & Co. have misrepresented themselves as a restaurant and that they have engaged in the process in bad faith.

Joe Hurley- Lives in E. 6th Street above Death & Co. brought up that there are no signatures from the building. Also believes that they are harassing him.

Richard Duane-- Lives at 80 2nd Avenue and requests that the full board votes as the SLA committee has recommended for Death & Co.

Stuart Zansky-- Opposing the Mighty Ocelot. Is disturbed by the mass proliferation of bars on the street. He does not think that there is room for another bar on 5th St.

Catherine Feldman-- Opposes granting the license of liquor license to the Mighty Ocelot. She also wants 5th St. between 1st and 3rd Avenues to be added to the list of areas for a moratorium of liquor licenses. She read a letter from the block association supporting the denial.

Romy Charlesworth-- Is also opposed to the Mighty Ocelot and spoke against the liquor license. They have submitted over 165 signatures from residents on 5th St. opposing the license.

Steve Chabra--Commented on the proposed variance for 8 St. Mark's Pl, which he adamantly is opposed. It will encourage the spread of this type of zoning to residential blocks. He also cited a NY Supreme Court decision that struck down a variance for this type of mixed area use and denied that it was hardship limiting the lucrativeness of the property. He is also opposed to the liquor license for 5th St.

--A break in the public session occurred when David McWater spoke up about vandalism in the building and that everyone needed to be respectful of the property that had been generously donated to the Community Board.

Bina Kalavant--Requested that the Park event be approved.

Sokhi Wagner-- Nomad/Sandwich shop—Spoke regarding the garden café noise problem.

Terrence Flynn--RMB Restaurant Corp., Support for the issuing of the license.

Les Sussman-- From the neighboring Synagogue where Death & Co. is spoke in opposition to the renewal of the license for Death & Co.

Andrew Gottlieb--Spoke as a neighbor in support of Death & Co.

Alla Lapushchik--Spoke in support of Death & Co. and explained that the full-service restaurant believes in all-around high quality.

Public Officials:

Mayor Michael Bloomberg, Pauline Yu-- Introduced herself. She is a life long resident of the community. She will bring the Mayor's message of how he intends to improve the community.

Comptroller William Thompson, Raphael Escano- Spoke on what the comptroller has done recently with City contracts.

Borough President Scott Stringer, Mary Cooley-- Asked for everyone to return the CB Member survey.

There will be an affordable Housing meeting at John Jay College.

Ballfields vote at Randalls Island. The Borough President and Comptroller worked to pare down the agreement with the Franchise Concessions and Review Committee to limit hours on private school use of the fields during prime hours. He voted against the agreement in the end.

Congressmember Carolyn Maloney, Victor Montesinos--On February 7, 2007 she submitted testimony to transfer the Henry Street Firehouse to a community organization.

Joyce Ravitz asked whether or not Carolyn Maloney will continue to vote against funding the Iraq War. Victor will come back and let us know next month.

Congressmember Jerrold Nadler, Erin Drinkwater- Not present.

Congressmember Nydia Velazquez- Not present.

Assembly Speaker Sheldon Silver, Ellen Ruchman- Silver has written letters to DOT asking for fixes to the island at the bottom of Grand St. at the FDR Dr.

Traffic patterns on Park Rowe

Working to bring Accidental Death Benefits to 9/11ground zero workers.

Assemblymember Deborah J. Glick, Gregory Brender
Emergency Housing Applications are being made more available.

SLA meetings are now moving around the state. They have written and asked that there is a way for the NYC community and applicants from NYC be heard in the City.

Assemblymember Brian Kavanagh, Jesse Dixon

One of Assemblymember Kavanagh's top priorities is to get more SLA investigators.

Wants his fair share of state money for public housing, which had been curtailed by Gov. Pataki.

He pledged not to hold fundraisers during session and not to receive any funds from staff of elected officials.

State Senator Martin Connor, Eva Ritteteau--

Wished everyone a Happy Chinese New Year and Black History Month.

Worked with friends of City Hall Park and Parks Department on more access to City Hall Park starting in the Spring.

Sen. Connor helped with the school bus crisis during the last month and the curtailing of bus service.

He just joined a panel to monitor the construction of Fannerin Hall which has been dormant since 9/11.

State Senator Thomas K. Duane, David Chang

The Senator supported bills that enforced self-certification and enforcement of safety rules for construction members.

2,000 new Section 8 Housing vouchers have been made available.

He is opposed to the Shalom family getting zoning variances on St. Marks.

Councilmember Alan Gerson, Luis Reyes

Councilmember Rosie Mendez, John Fout

Rosie will be on the steps of City Hall tomorrow asking for the Federal Govt. to support more funding for NYCHA.

She supports the Domestic Partners for full equality bill along with Speaker Quinn.

Thanked everyone for attending the Housing Committee.

Members Present at First Vote:

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

Minutes:

Minutes of December 2006 were approved, as is.

Discussion:

Paul Bartlett discussed how our neighborhood has been studied via satellite and is providing information on how we are contributing to climate change with our own local urban heat island. There is a presentation on Monday, March 5 at JASA, 200 E. 5th St. to show how as a Community we can come together to reverse the negative effects on climate change.

Board Chairperson David McWater's Report:

He is happy to welcome back Bob Ortiz and Joyce Ravitz. Eden Lipson is doing well.

On behalf of CB3, David was on the first radio show of the Villager. You can hear it at Tribecaradio.net.

197 Plan Taskforce is having a meeting with Gerson's office at the Clinton St. Synagogue. There has been an eviction at the Essex Street Market, and now there will likely be clamoring for developers there.

There will be some new by-law changes. A motion or amendment on the floor must be voted down before a negating motion will be voted on. Also pulling out items will not prompt a separate vote.

District Manager Susan Stetzer's Report:

Jan. minutes for first distribution are available.

There were a few incidents after school last month where students from NEST and Bard were being assaulted by kids from other schools. One of the assaults was at the construction site at Houston and Ludlow. This problem seems to have stopped, but along with 7th precinct attention and monitoring. Edison has been contacted about this problem and they have moved the location of their guard for better view of the site and plan to install cameras next week that will be watched by the security guard in his post.

She testified for the board at 3 hearings. One was at city planning regarding the Henry Street fire house. There was a lot of phone calls and campaigning after the board resolution and before the hearing. The night before the hearing she was informed by Dept. of Citywide administrative services that they would still ask for disposition at city auction—but put a hold on the site so that HPD and Henry St can work on a proposal to develop the site as per Henry Street's presentation to the board. However, this would mean that on paper DCAS would still have ability to sell at auction and also it would mean that the Board would not be involved in the ULURP process. She testified that the Board wanted to preserve the integrity of the ULURP process and she found a board resolution from October 05 that presented this position. City Planning didn't seem to know what to do and said they would investigate procedural issues. She thinks there is no question the site will go to Henry Street—but the procedure is in question. The MBP's office was extremely helpful in researching the procedures and speaking to city agencies about the issue.

The other hearing was at the SLA re: Whole Foods wine license. The board resolution was very detailed. I spoke for just a minute about the CB goal of protecting mom and pop businesses and a little background of Cooper Square Urban Renewal Area. The vote was 3-0 to deny whole foods.

The police have asked me again to alert people to car break-ins for GPS systems. If thieves see an empty holder—they will break into car looking for system.

The Bourne Ultimatum will be filming in Board 3 on March 16, 17, 18. They will be shooting car crash and stunt scenes. The will be on South St. between Catherine and Market on the 16th and on South St. mostly under Brooklyn Bridge. They are sending her details and they are contributing \$1,000 to the Board.

Please visit our new website—we still have a lot of work to do. You can now make a complaint on the website and we got our first website complaint today.

Committee Reports:

Executive Committee

VOTE: That Community Board #3, Manhattan will co-sponsor a series of Community Readiness meetings with Community Board # 2, Manhattan, and New York University to be conducted through June 2007.

35 YES 0 NO 1 Abstention 0 PNV - MOTION PASSED

200 Allen Street Hotel Task Force

▪ Labor issues

VOTE: WHEREAS, community members and union members have raised concerns regarding the construction of the 200 Allen Street Hotel ("Hotel") by non-union labor;

WHEREAS, non-union workers do not enjoy the benefits and wages afforded to union workers including, but not limited to a salary in accordance with a prevailing wage scale and health and retirement benefits and may not receive mandated safety training; and

WHEREAS, it has come to the attention of Community Board #3 that many of the non-union construction workers employed at the Hotel construction site are paid far below the prevailing wage scale and do not receive health and retirement benefits or mandated safety training;

BE IT RESOLVED THAT Community Board #3 urges the Pomeranc Group, the developers of the Hotel, to meet with representatives of the relevant unions in an effort to assist those construction workers who are presently employed at the Hotel site and seek to join a labor union, so that said workers may receive all of the benefits that unionized construction workers enjoy, and;

FURTHER, urging the Pomeranc Group to engage in said efforts without causing any negative impact upon those construction workers presently employed at the Hotel site; and

FURTHER urging the Pomeranc Group to ensure that those construction workers presently employed at the Hotel site receive the necessary safety training and adhere to the requisite safety standards, regardless of the outcome of these discussions.

FURTHER, be it resolved that as represented by Pomeranc representative in an email to the District Manager that there should be a meeting between the Carpenters Union and Pomeranc before the meeting on March 21.

36 YES 0 NO 0 Abstention 0 PNV - MOTION PASSED

25-33 Cooper Square Hotel Task Force

- Local hiring and community benefit MOU
No vote necessary

Housing & Land Use Committee

1. Council Member Mendez update on the Dept of Buildings' Enforcement program to stop the illegal enlargement of tenement buildings. A report on the enforcement of the "Sliver" law in the LES, much of which is a limited height zoning district, and her thoughts on current DOB legislation and our priorities going forward.
No vote necessary
2. BSA 142-70-BZ, 8 St Marks Pl: amendment of variance to permit change of use from office to retail on cellar level

Discussion: Joyce Ravitz made the following statement:

I'm Joyce Ravitz, Vice Chair of the Cooper Square Committee. I am here to ask that CB3 support the residents of 8 Saint Marks Place in opposing their landlord's BSA application for an amendment to a variance to permit the change of use from office to retail on the cellar level.

This building is situated in a residential zoning district (R7-2), and there is no commercial overlay at this location. The owner currently has a zoning variance, dating from 1970, to allow for use of the cellar unit as office space. The owner is already able to make a reasonable return by renting the space as office space. Instead the owner has attempted twice to rent it illegally as a bar/restaurant. It appears that the intention behind the variance is to maximize profits rather than make a reasonable return.

While this issue concerns one unit at 8 St. Marks Place, it has much larger implications. If the BSA approves this variance, it will open the floodgates for other property owners to convert ground floor and basement residential units in R7-2 zones to commercial use in order to satisfy their greed. Similar variances would have to be granted to property owners for reasons other than hardship. This would further erode the rent regulated housing stock in our community.

Saint Mark's Place, despite its residential zoning, is already saturated with commercial spaces, restaurants and bars. Residents suffer greatly from heavy traffic, loud noise and smokers congregating on sidewalks outside the many bars along the street.

The owner of this property, John Shalom, has a track record of harassing tenants, a disregard for tenants safety during building renovations and suspected rent overcharges, as well as other dubious business practices. I urge CB3 to submit a statement to the BSA stating its strong opposition to this variance when it comes before the BSA in the near future.

VOTE: Whereas this landlord has had a variance in place since 1970 to allow for office use in the cellar level of an otherwise residential building, and

Whereas this landlord has failed to demonstrate that it needs a modification or amendment of the current variance by showing that it cannot, despite efforts, rent said space for office use or for its original intended use, and

Whereas there is evidence that this landlord has already attempted to illegally rent this cellar space for retail use, specifically for a nighttime liquor licensed venue (see attached rental posting and license application before CB3), therefore

Be it resolved that CB3 denies the modification or amendment of the existing variance to permit a change of use from office to retail use for the cellar level of 8 St. Marks Pl.

3. Environmental Impact Statement, 86 Canal St: special permit for a 70-space underground public parking garage

VOTE: Whereas there have been problems with prior construction in the Canal Street area with respect to subsurface "dewatering" and damage to pilings and subsurface foundations of adjacent buildings, and, as well, buildings within impact area of the disturbed aquifer,

Whereas it is probable that Canal St is above typical NYC background levels of air pollutants used in this application, and whereas, the location of the exhaust vent from the garage is not specified, and the location could be optimized to lessen adverse impacts to human health,

Be it Resolved that the applicant and City Planning further investigate 1) the level of the water table, (in order to ascertain whether or not it is above the level of the lowest garage floor), 2) the construction's likely impact on the pilings and sub structure of the adjacent buildings and other buildings in the vicinity of the affected aquifer, 3) the background levels of particulate matter and CO in the area and what effect the placement of the exhaust fan would have on proximal levels, 4) the possibility of placing conditions on the special permit to ensure the integrity of the surrounding buildings.

4. BSA 325-06-BZ, 100 Delancey St: special permit to allow physical culture establishment to be located on 2nd floor of structure under construction at the premise

VOTE: To approve BSA 325-06-BZ

35 YES 0 NO 0 Abstention 0 PNV - MOTION PASSED

197 Plan Task Force

- Continued discussion of zoning plan for 13th St to Houston/Delancey--Ave D to Bowery/3rd Ave
No vote necessary

Human Services & Seniors Committee

No meeting scheduled in February

Youth & Education Committee

No meeting scheduled in February

SLA & Economic Development Committee

1. Support for SLA taskforce report # 9 - SLA must be given additional resources for enforcement, licensing, and technology

VOTE: Whereas, the New York State Liquor Authority (hereinafter "SLA") has recently convened a taskforce to reevaluate its procedures in reviewing liquor license applications, and

Whereas, said task force has subsequently provided to the SLA its conclusions respecting issues that it addressed, and

Whereas, the SLA has not yet provided its opinion with respect to those conclusions, and

Whereas, Community Board #3 will not yet comment on the totality of the task force report as it has not been reviewed and commented on by the SLA, nevertheless Community Board #3 has many establishments within its district, and Community Board #3 receives many complaints regarding establishments that must be investigated by the SLA, such as but not limited to, investigations of the 200 foot rule, fraud in applications or legitimate uses of licenses, and

Whereas, said investigations currently may necessitate an investigation period of more than several months due to a lack of adequate staffing within the SLA, and

Whereas, Community Board #3 depends on the ability of the SLA to investigate and enforce the laws governing liquor licenses and to provide information to community residents, as well as protect the public safety and quality of life of residents living in close proximity to licensed establishments,

Therefore Community Board #3 endorses Item #9 of the SLA task force report which reads: The SLA must be given additional resources for enforcement, licensing, and technology, including technology to improve public access to information. Additional staff would permit the SLA to more efficiently carry out the overarching licensing mission of the Agency. The licensing review process is an important function which ensures that a proposed licensee meets all of the statutory pre-requisites to licensure and includes a review of personal/corporate finances and the criminal history of all applicants. Moreover, a review of the type of proposed license is conducted which would include site visits, legal review, code compliance/zoning verification, and detailed reviews specific to the type of license sought. Additional staff would enable a more thorough review of pending applications. Due diligence in regard to licensing will result in less problem premises down the road. To achieve that due diligence additional resources are recommended.

Renewals with Complaint History

2. Horus Kebab House, 601 E 6th St (sidewalk café)

VOTE: To deny the renewal of a sidewalk café permit to Horus Kebab House, 6012 East 6th Street, because the applicant did not appear before Community Board #3 for review of its application or to address the existing history of violations from 2004 through 2006 which include 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 or for his liquor license renewal) of these issues (attaching the SLA reports and agenda from April reflecting the violations).

3. Death & Co, 433 E 6th St (op)

VOTE: To approve the renewal of the full on-premise liquor license for Death & Co., 433 East 6th Street, provided that the licensee furnish a signed notarized stipulation that 1) the hours of trash removal will be modified on the weekends so that removal is later in the morning and earlier at night during the week and will have an employee present to monitor trash collection to insure that there is no disturbance to neighbors and spillage on the street and sidewalk, 2) it will remove the flag and lights outside of the establishment, 3) it will work to better accommodate cellular telephone users within the establishment so that they are not using their phones on the sidewalk, 4) it will post signs encouraging patrons to refrain from cellular telephone use in front of the establishment, and 5) it will follow the original stipulations they agreed to during their alteration application in November 2006, including reassessing whether there should be additional sound proofing.

THIS MOTION DID NOT PASS IN COMMITTEE

Discussion: David Crane pulled the item and stated that as a neighbor he does not believe this to be a problem bar and feels that there has been a lot of hyperbole around this issue.

VOTE: To deny the renewal of the full on-premise liquor license for Death & Co., 433 East 6th Street, because 1) there have been persistent resident complaints regarding noise, beginning while this establishment was under construction and now extending into its operation, 2) there has been improper garbage disposal from this establishment resulting in spillage on the street and commercial garbage left in residential bins, 3) the licensee has failed to make adequate plans for crowd control and noise, 4) the method of operation is inconsistent with the licensee's original alteration application in that it is apparently now operating as a prohibition-style lounge with incidental food service while it averred that it would be serving small plates as a restaurant and, 5) this establishment appears to be within 500 feet of eleven (11) full on-premise licensed establishments. Consequently, the renewal of this license is not in the public interest.

Discussion: There was a lot of discussion as to whether or not this motion should be voted on since we do not know if it is definitely within 200 Feet. David McWater expressed reservations for taking such a definite position on the perceived distance and thus the motion was amended to say that it was possibly located within 200 feet.

VOTE: Whereas, it has come to the attention of Community Board #3 that the full on-premise liquor license belonging to Death & Co., 433 East 6th Street, was granted by the New York State Liquor License despite its possible location within 200 feet of a house of worship, to wit, Anske Mezeritz Synagogue,

Whereas, it is the understanding of Community Board #3 that the applicant concedes its close proximity to a synagogue but has stated that the rabbi of said synagogue furnished said applicant with a letter of no objection for the issuance of a full on-premise liquor license and that this letter was then provided to the New York State Liquor Authority by said applicant in support of this application,

Whereas, a letter of no objection cannot lawfully countermand existing law prohibiting the issuance of a full on-premise liquor license within 200 feet of a house of worship,

Be It Resolved that Community Board #3 now asks that the New York State Liquor Authority investigate the propriety of granting a full on-premise liquor license at this location.

4. Baraza, 133 Ave C (op)

VOTE: To approve the renewal of the full on-premise liquor license to Baraza, 133 Avenue C, understanding that, given the several police violations issued within the past year (attached hereto), if any additional police violations are issued, including violations for selling alcohol to underage persons, Community Board #3 will ask the SLA that this license be revoked.

5. Paulmil Café, 11-17 2nd Ave (op)

VOTE: To approve the renewal of the full on-premise liquor license to Paulmil Café, 11-17 Second Avenue, understanding that this licensee has a longstanding history of no complaints.

6. Grand Billiards & Café, 90 Eldridge (rw)

VOTE: To deny the renewal of a restaurant/wine license to Grand Billiards & Café, 90 Eldridge Street, because the applicant did not appear before Community Board #3 for review of its application or to address the existing history of police violations for which a civil penalty has been assessed.

7. Warlord Enterprises, 122 E 7th St (op)

VOTE: To approve the renewal of the full on-premise liquor license to Warlord Enterprises, 122 East 7th Street, understanding that, given the two (2) police violations issued within the past year for the sale of alcohol to underage persons (attached hereto), if any additional police violations are issued, including violations for selling alcohol to underage persons, Community Board #3 will ask the SLA that this license be revoked.

Sidewalk Café Application

8. Kurve, 87 2nd Ave

Withdrawn

Alterations/Transfers/Upgrades

9. Graz Rest Corp, 79 Orchard St (trans/op)

VOTE: To deny the transfer of a full on-premise liquor license to Graz Restaurant Corp. 79 Orchard Street, unless the applicant agrees before the SLA to incorporate as conditions of its license the following signed and notarized stipulation 1) that it will close no later than 1:00 a.m. Sunday, 2:00 A.M. Monday through Wednesday, and 3:00 A.M. Thursday through Saturday, 2) that it will serve food to within one (1) hour of closing every night and operate as a full-service Austrian Restaurant, 3) that it will open at 10:00 A.M. Sunday and 11:00 A.M. Monday through Saturday, 4) that it will not have French doors or windows, 5) that it will only have quiet background music, and 6) that it will revisit its hours of operation with Community Board #3 if there are any noise complaints.

10. Himi Corp, 71 Clinton St (trans/op)

No vote necessary

11. RMB 156 Rest Corp, 159 E Houston St (trans/op)

VOTE: To deny the transfer of the full on-premise liquor license to RMB 156 Restaurant Corp. 159 East Houston Street, because the application offers no public benefit to a community where the applicant has conceded that there are already twenty-two (22) full on-premise licenses within 500 feet and because the applicant has failed to furnish Community Board #3 with a strategic plan for managing loud noise from its business & patrons both inside and outside of the establishment.

12. Quantum Leap, 203 1st Ave (trans/rw)

VOTE: To deny the transfer of a restaurant/wine license to Quantum Leap, 203 First Avenue, because the applicant did not appear before Community Board #3 for review of its application or provide any application materials to review.

13. Evelyn McCue, 171 Ave C (trans/op)

No vote necessary

14. Cooper 35, 35 Cooper Sq (alt)

VOTE: To deny the alteration application for Cooper 35, 35 Cooper Square, to wit, increasing seating and expanding the service of alcohol to the side yard because the applicant did not appear before Community Board #3 for review of its application or provide any application materials to review.

15. Fat Panda, 219 Ave A (trans/op)

VOTE: To deny the transfer of a full on premise liquor license to Fat Panda, 219 Avenue A, unless the applicant agrees before the SLA to incorporate as conditions of its license the following signed and notarized stipulation 1) that it will maintain the same method of operation as a karaoke bar, 2) that new applicant will manage the business, and 3) that it will close no later than 2:00 a.m. Sunday through Wednesday and 4:00 a.m. Thursday through Saturday.

16. LoSide Diner, 157 E Houston St (alt)

No vote necessary

17. Kuma Inn, 113 Ludlow St (rw)

VOTE: To approve the restaurant wine license for Kuma Inn, 113 Ludlow Street, as it has operated without complaints.

18. Third Ave Hospitality, 55 3rd Ave (op)

Withdrawn

19. 78 2nd Ave Sandwich Shop, 78 2nd Ave (alt)

VOTE (sidewalk café): To deny the alteration application for 78 Second Avenue Sandwich Shop, 78 Second Avenue, to wit, extending its restaurant/wine license to include service at the sidewalk café unless the applicant agrees before the SLA to incorporate as conditions of its license the following signed and notarized stipulation 1) that it close its sidewalk café no later than 10:00 p.m. every night.

VOTE (backyard): To deny alteration application for 78 Second Avenue Sandwich Shop, 78 Second Avenue, to wit, extending its restaurant/wine license to include service in the backyard, unless the applicant agrees before the SLA to incorporate as conditions of its license the following signed and notarized stipulation 1) that it cease serving and seating patrons in the backyard at 9:00 p.m. every night and 2) that it will close the backyard at 10:00 p.m. every night.

New Liquor License Applications

20. Giovanetti & Banatti, 139 1st Ave (rw)

VOTE: To deny a restaurant/wine license for Giovanetti & Banatti, 139 First Avenue, unless the applicant agrees before the SLA to incorporate as part of its license the following signed and notarized stipulation 1) that it will not apply for a sidewalk café permit to extend its business to the sidewalk, 2) that it will maintain its hours of operation from 8:00 a.m. to 1:00 a.m., seven (7) days a week, 3) that it will serve food to within one (1) hour of closing every night and operate as an espresso/wine bar and restaurant, and 4) that it will not use the backyard garden.

21. Cronkite, 133 Norfolk St (op)

Withdrawn

22. Mighty Ocelot, 246 E 5th St (rw)

VOTE: To deny the restaurant/wine licenses to Mighty Ocelot, 246 East 5th Street, because 1) there is intense community opposition as evidenced by the numerous residents who appeared before Community Board #3 to oppose the approval of this license as well as providing petitions in opposition to said license from 140 additional residents (attached hereto), 2) it would be located on a block that already has seven (7) existing liquor licenses and is foreseeing the application of a hotel liquor license at the end of this block for an already partially erected twenty-one (21) story hotel that intends to have three (3) nighttime licensed venues, two (2) of which will have outdoor terraces and one (1) of which will have a 200 person capacity, 3) the applicant concedes that there are twenty-two (22) liquor licensed premises within 500 feet of this location, 4) the quality of life of residents living on this block has already been affected by unruly, noisy and drunken patrons on the street and by poor garbage disposal by these businesses which leave the street filthy and the residential buildings subject to fines, as well as by the increased vehicular traffic and noise from vehicles dropping patrons off, picking them up and idling on the street.

23. Loho Pizzeria and Deli, 18 Allen St (rw)

VOTE: To deny the restaurant/wine license for Loho Pizzeria and Deli, 18 Allen Street, because the applicant did not appear before Community Board #3 for review of its application or provide any application materials to review.

24. Settebello, 647 E 11th St (rw)

No vote necessary

25. Rokara, 122 1st Ave (rw)

VOTE: To deny the restaurant/wine license for Rokara, 122 First Avenue, unless the applicant agrees before the SLA to incorporate as part of its license the following signed and notarized stipulation 1) that it will close no later than 12:00 a.m. Sunday through Thursday and 2:00 a.m. Friday and Saturday, 2) that it will serve food to within one (1) hour of closing every night, 3) that it will operate as a soul food restaurant with an acoustic jazz venue, 4) that it will close all of its doors and windows during performances, including accordion doors, and 5) no doors will be open past 10:00 p.m. every night. This provisional approval is made by Community Board #3 with respect to the interior existing space only and does not include the use of the backyard or any extension of this premise into the backyard, whether enclosed or not enclosed, until a detailed soundproofing plan and architectural drawings are presented to and reviewed by Community Board #3.

26. B Foster Restaurant, 500 E 11th St (stips for trans)

VOTE: To rescind the previous denial of the transfer of a full on-premise liquor license to B Foster Restaurant, 500 East 11th Street, because of its failure to provide the requested signed and notarized stipulations and to now deny the transfer of said license unless the applicant agrees before the SLA to incorporate as conditions of its license the following signed and notarized stipulation 1) that it will have closing hours of no later than 3:00 a.m. every night, 2) that it will serve food to within one (1) hour of closing every night, 3) that it will employ a doorman or other security personnel Friday through Sunday and for parties, 4) that it will close all doors and windows at 10:00 p.m. every night, and 5) that it will maintain the existing method of operation of this location as a bar/pub.

(SLA, Item 3)

26 YES 7 NO 4 Abstention 0 PNV - MOTION PASSED

(SLA, Excluding Items 3, 4, 7, 9, 19, 20, 22, 25, 26)

35 YES 0 NO 2 Abstention 0 PNV - MOTION PASSED

(SLA, Item 22)

34 YES 0 NO 3 Abstention 0 PNV - MOTION PASSED

(SLA, Items 4, 7, 9, 19, 20, 25, 26)

34 YES 1 NO 2 Abstention 0 PNV - MOTION PASSED

Public Safety & Sanitation Committee

No vote necessary

Transportation Committee

1. DOT Presentation re: E. Houston St Capital Project

No vote necessary

2. Columbus Park expansion ULURP 050436MMM

VOTE: That CB3-Manhattan approves ULURP 050436MMM submitted by the Dept. of Parks & Recreation and the Dept. of Transportation, for an amendment to the City Map involving:

- the elimination, discontinuance and closing of a portion of Baxter Street; and
- the addition of approximately 6000 square feet to Columbus Park.

3. Suggested improvements for Dept of Transportation process to design for new bike lanes

VOTE: To send the attached letter to DOT regarding "Suggested improvements for DOT process to design for new bike lanes."

Suggested improvements for DOT process to design for new bike:

Community Board 3-Manhattan would like to make a few suggestions about the DOT process for designing and installing new bike lanes. Recently, DOT began implementing more of the bike lane network presented in the 1997 NYC Bicycle Master Plan. We encourage DOT to incorporate community based planning into their process, with more active involvement of community boards and the NYPD. The suggestions in this letter are lessons learned from the installation of bike lanes on Grand Street in November 2006.

Community input regarding safety issues is invaluable. This can only come from those who live in the community and experience the idiosyncrasies unique to the area. We recommend that DOT explicitly invite community board input in their first communication about plans for a new bike lane. CB3 did receive a June 2006 letter which informed us that Grand Street bike lines would be installed during the summer of 2006: CB3 had rejected similar plans in May 2005. Our suggestion is that this type of letter from DOT should ask the community board to schedule a presentation and provide comments. The letter can make it clear that DOT is not asking for permission, but for advice.

NYPD needs to plan and educate officers when bike lanes are installed. We recommend that DOT inform the local NYPD precincts and the Traffic Control Division before installation. For example, there was uncertainty about how regulations applied to the new shared lanes and to loading/unloading where there is no marked loading zone. Another area of confusion concerned the practice of relaxed enforcement for double parking for alternate side of the street parking. Cars have been allowed to double park where there is now a bike lane occupying this lane. Residents have brought these concerns to both the community board and the 7th precinct community council meeting. Appropriate communication between DOT and NYPD should prevent these types of confusion and allow the community board and the precincts to respond more effectively to residents.

Community and NYPD input will help DOT achieve a better balance between designing for real-world behavior and not designing for illegal behavior. During the December 2006 presentation to the CB3 Transportation Committee on the Grand Street Bicycle Facility Design, the DOT representative stated that DOT doesn't design for illegal behavior. Unfortunately, NYPD isn't able to commit enough resources to traffic enforcement to prevent or deter most illegal traffic behavior by motorists, cyclists and pedestrians. However, DOT can do a lot to reduce illegal behavior by designing "self-enforcing" streets. For example, plastic delineators can be used to reinforce legal turning movements, or light cycles can provide for protected crossing time for pedestrians.

Community Board 3-Manhattan would also like to request that DOT examine the effects of the new configuration of Grand Street, and consider changes to mitigate congestion and safety issues.

At the December 2006 presentation, residents repeatedly complained that there were no turn lanes, and that traffic congestion worsened especially during the rush hours. There are no turn bays for left turns off Grand Street, nor for the west-bound right turn onto Clinton Street. Instead, there is a single lane of traffic between the central striped median to the left and a bike lane to the right. Although it is illegal for cars to force themselves into the bike lane, making two lanes of traffic, this happens consistently. CB3 requests that DOT study the traffic counts and turn movements along Grand Street, in order to determine how actual traffic patterns have changed, and how the results compared with the study projections. This data will shine light on what's needed to reduce congestion and improve safety. If there is truly not enough room to install turn lanes, another option would be to add a dedicated turning phase to the traffic signal cycle, so drivers who need to turn can do so first, without having to contend with through traffic.

CB3 has received many complaints about the new concrete barrier placed at the FDR exit at Grand Street as part of the bike lane installation. This is a real safety problem -- cars are constantly banging into it. The FDR Drive exit onto Grand Street is a complex intersection controlled by a three-way light. While CB3 appreciates the modifications DOT proposed at the February 14 transportation committee meeting to clarify which turning movements are allowed, CB3 requests that DOT study the safety situation at this intersection and consider pedestrian safety measures such as plastic delineators, protected crossing time for pedestrians and removal of the concrete barrier.

CB3 looks forward to continuing this dialog about the DOT process for designing and installing new bike lanes, and about the specific problems with the reconfiguration of Grand Street. DOT currently seeks community board input into quality of life issues and many other DOT issues of concern to the community. We greatly appreciate this working relationship with DOT and feel it is both productive and beneficial to our district. We look forward to continuing to work with DOT on the many important transportation issues facing our community board.

4. Transportation issues regarding new hotel at 25-33 Cooper Sq (Cooper Sq & E 5th St)
No vote necessary
5. Support to convert an on-street metered vehicle space to bicycle parking by widening sidewalk in front of Mud Café (307 E 9th St)

VOTE:

Resolution in Support of Converting an On-street Metered Vehicle Space to Bicycle Parking by Widening the Sidewalk in Front of Mud Café (307 E 9th St)

WHEREAS, the East Village has a high number of pedestrians and bicyclists relative to New York City as a whole; and,

WHEREAS, bicycle parking in the East Village is scarce; and,

WHEREAS, citywide, there is one bike rack for every 35 cyclists; and,

WHEREAS, everyday, bicyclists and pedestrians compete for the same scarce sidewalk space to park their bicycles and to walk; and,

WHEREAS, sidewalks in the East Village are narrow and often cannot accommodate pedestrian traffic and bicycle parking; and,

WHEREAS, East 9th Street has a bike lane that is part of the citywide bicycle network; and,

WHEREAS, many of the businesses on East 9th Street are frequented by cyclists and walkers who live in and bike around the surrounding neighborhood; and,

WHEREAS, the sidewalk space in front of 307 East 9th Street is always clogged with bicycles locked to poles, street signs, and parking meters, which crowds sidewalks and inconveniences pedestrians; and,

WHEREAS, the business located at 307 East 9th Street, MUDSpot Inc., supports converting an adjacent car parking space to wider sidewalk and bike parking, and 12 businesses along East 9th Street have expressed their support for more bike parking and wider sidewalks, and their customers and local residents in the area also support this conversion and agree that more parking will improve business and the overall vitality of the neighborhood; and,

WHEREAS, through the Bedford Avenue parking swap plan for 2007, the DOT has recently demonstrated that street space can be used more efficiently if it is reapportioned to benefit the supermajority of pedestrians and bicyclists by converting on-street car parking to wider sidewalks and bicycle parking; and

WHEREAS, this "parking spot swap" is a commonsense design tool for New York City's crowded streets and sidewalks.

THEREFORE BE IT RESOLVED that Community Board 3-Manhattan urges DOT to study the feasibility of transforming the vehicle parking space in front of 307 E. 9th Street in Manhattan into bicycle parking and increased sidewalk space with the installation of appropriate signage. Should this be feasible, CB3 requests that DOT present the design to CB3 for community input before implementation.

6. MTA/NYCT Spring '07 bus schedule will reduce M21 service by 25% in AM peak hour; 20% in noon hour
No vote necessary
7. Request for installation of traffic lights at Mangin & Houston Sts
VOTE: To postpone until April.
8. Request for installation of pedestrian crossing lights at the of Grand St and E B'way, and to adjust the positioning of the parking meters on the north side of the street so cars do not block the pedestrian crossing
VOTE: To postpone until March.

(Transportation, Item 2)

35 YES 0 NO 0 Abstention 0 PNV - MOTION PASSED

(Transportation, Excluding Item 2)

35 YES 0 NO 0 Abstention 0 PNV - MOTION PASSED

Parks & Recreation Committee

Street Fair Applications

Discussion: There was a change from Deny to Approve on item number seventeen. Also there was a slight change to the wording for Parks item 20.2.C.

1. Transportation Alternative, 3/31, 4th Ave (Astor Pl-E 5th St)
VOTE: To approve the Transportation Alternatives request for a street fair on 4th Avenue (5th – 8th Streets) on 3/31/07.
2. Chinatown Partnership, 4/21, Division & Market Sts (E B'way-Bowery)
VOTE: To approve the Chinatown Partnership request for a street fair on Division Street (Bowery – Market Streets) on 4/21/07.
3. Chinatown Partnership, 4/21, Mott & Bayard Sts (Canal&Worth Sts-Mulberry&Bowery Sts)
VOTE: To approve the Chinatown Partnership request for a street fair on Mott Street (Canal – Worth Streets) and Bayard Street (Bowery – Mulberry Street) on 4/21/07.
4. Chinatown Partnership, 10/20, Division & Market Sts (E B'way-Bowery)
VOTE: To approve the Chinatown Partnership request for a street fair on Division Street (Bowery – Market Streets) on 10/20/07.
5. Chinatown Partnership, 10/20, Mott & Bayard Sts (Canal&Worth Sts-Mulberry&Bowery Sts)
VOTE: To approve the Chinatown Partnership request for a street fair on Mott Street (Canal – Worth Streets) and Bayard Street (Bowery – Mulberry Street) on 10/20/07.
6. Middle Collegiate Church, 5/5, 2nd Ave, (E 6th-E 14th Sts)
VOTE: To approve the Middle Collegiate Church request for a street fair on 2nd Avenue (6th – 14th Streets) on 5/5/07.
7. St George Ukraine Catholic Church, 5/18, E 7th St (2nd-3rd Aves)
VOTE: To approve the St. George Ukrainian Catholic Church request for a street fair on East 7th Street (2nd – 3rd Avenues) on 5/18, 19 and 20.
8. Two Bridges Neighborhood Council, 5/26, 3rd Ave (E 6th-E 14th Sts)
Withdrawn
9. Loisaída, 5/27, Ave C (E 6th-E 13th Sts)
VOTE: To approve the Loisaída request for a street fair on Avenue C (6th – 13th Streets) on 5/27/07.
10. Cooper Sq Committee, 6/16, 3rd Ave (E 6th-E 14th Sts)
VOTE: To approve the Cooper Square Committee request for a street fair on 3rd Avenue (6th – 14th Streets) on 6/16/07.
11. East Village Visiting Neighbors, 7/21, 4th Ave (Astor Pl-E 5th St)
VOTE: To approve the East Village Visiting Neighbors request for a street fair on 4th Avenue (5th – 8th Streets) on 7/21/07.
12. Asian Americans for Equality, 8/5, Bayard St (Elizabeth-Baxter Sts)
VOTE: To approve the Asian Americans for Equality request for a street fair on Bayard Street (Elizabeth – Baxter Streets) on 8/5/07.
13. Andrew Glover Youth Program, 9/1, 4th Ave (E 8th-14th Sts)
VOTE: To approve the Andrew Glover Youth Program request for a street fair on 4th Avenue (8th – 14th Streets) on 9/1/07.
14. Mariners Temple Baptist Church, 9/15, 3 Henry St (Madison/Oliver-Chatham Sq)
Withdrawn
15. Better Chinatown Society, 2/18, Chatham Square (Worth/Park Row/Oliver-Bowery/Catherine/Mott Sts)
Withdrawn
16. Better Chinatown Society, 2/25, Bayard & Mott Sts (Mulberry&Canal-Bowery&Bayard Sts)
Withdrawn
17. Park Event Application: Indian Musical Performance, 6/30, Tompkins Sq Park
VOTE: To approve the Indian Musical Performance request.

Parks Committee Items

18. Parks presentation - new handball courts at Baruch Houses
VOTE: To support the installation of new handball courts at Baruch Houses as presented by the Parks Department.
19. Update on Basketball City
Withdrawn
20. Draft Environmental Impact Statement for Waterfront
VOTE: To support the East River Waterfront Draft Environmental Impact Statement with the inclusion of the following comments and supporting documentation:

Response re DEIS for the
East River Waterfront Esplanade and Piers Project

Statement of Community Board 3 on the East River Waterfront Esplanade and Piers (DRAFT:2/19/2007)
Draft Environmental Impact Statement

- Community Board 3 (CB 3) covers the neighborhoods of Chinatown & the Lower East Side representing over 164,000 mostly low and moderate income residents. These neighborhoods -bordered on the east by the East River from the Brooklyn Bridge to the East River Park - are predominately residential in

character. These diverse communities are among the most densely populated residential areas of New York City and the demand for more parks, recreational space and open space is high.

- This section of the East River north of the Brooklyn Bridge provides one of the most splendid “picture postcard” waterfront views of the Brooklyn and Manhattan Bridges. However, even the ambitious plans and projects to develop the waterfront as summarized in the DEIS (ER-DEIS:pp1-2 to 1-3) do not focus on this section of the waterfront. The CB 3 waterfront has been used at different times for numerous activities that are inconsistent with the adjacent residential neighborhoods: a staging area for a floating jail, a homeless encampment, a parking area for abandoned and wrecked cars, and a junk-yard for large industrial airline cargo equipment. South Street has become a layover area for all sorts of vans and busses. In addition to blocking waterfront views, the busses and vans idle their engines further polluting the residential neighborhood.
- The DEIS details the history of factories in the area, ironworks, machine shops, freight piers and many underground fuel tanks. In reclaiming the land and esplanade for greener use, it is critical that the City allocate sufficient funds to clean up any potentially hazardous soil and not unduly burden the community with problems that may be directly related to the past history of hazardous materials in the ground (ER-DEIS: Appendix B).
- Today only 3 piers remain in this section of the waterfront: Pier 42, which is vacant and deteriorating; Pier 36 and Pier 35 which are occupied by city agencies. In contrast to the West Side of Manhattan, where the City has many positive examples of successful efforts to reclaim old piers, the East Side piers in the CB 3 section of the East River waterfront house functions that today do not reflect the best use of this valuable city-owned public resource: a garage for sanitation trucks, parking for emergency vehicles, city employee parking and space for the Office of Emergency Management.
- Because of the residential character of the neighborhood, primary focus in the planning, development and implementation of the East River Waterfront esplanade should be on safety, the environment and quality of life issues. Issues of noise, land, and air and water pollution need to be addressed with regard to green principles and the quality of life of the residents in these neighborhoods.
- Because of the importance of community planning regarding waterfront development, CB 3 partnered in 2004 with City College of New York’s Architectural Center and the national Park Service Rivers and Trails Program to “formulate a clear community vision ...in keeping with the residential nature of the community”. After several work meetings of the Waterfront Task Force of CB 3 and two design charrettes April 28 and April 29, 2004, a report was written which delineated several planning principles which were adopted by CB 3. It was entitled: “East River Greenway ..Charrette Report and Design Principles” and we are attaching a copy of the report to this statement.

There are eight (8) Design Principles adopted by CB 3 from the report:

1. Consider the residential nature of the waterfront community the primary concern in any development of the CB 3 waterfront.
 2. “Green” the East River Greenway (a section of the Manhattan greenway) and the FDR corridor from Brooklyn Bridge to East River Park to reduce pollution and add “more nature”.
 3. Reduce noise, air and water pollution and hazards caused by vehicular traffic, while increasing clean, accessible forms of public transit, waterborne transportation and pedestrian and bicycle access to and along the waterfront.
 4. “Humanize” the FDR and Greenway by making pedestrian safety and amenities a very high priority in all design and transportation policy decisions.
 5. Make clear, unobstructed, pedestrian-friendly connections to the waterfront to heighten awareness of the water, get people to the edges with ease, and capitalize on exceptional views.
 6. The waterfront should be a primary cultural and recreational destination that will unite diverse neighborhood cultures.
 7. Maximize space for public access along the water’s edge for neighborhood residents. Increase opportunities for visual and physical contact with the water.
 8. Improve or develop piers to create opportunities for public access and recreation in keeping with the residential nature and of community. Any City or commercial facilities on the piers should contribute both in use and design with the health of local residents and the waterfront environment.
- Unfortunately, the DEIS report does not mention even once the community planning efforts undertaken by Community Board 3 with respect to the waterfront. This is a glaring omission which we believe needs to be corrected in the Final EIS. And despite our limited resources, we consider the results from the partnership with the City College of New York’s Architectural Center and the National Park Service rivers and Trails Program a positive example of community-based planning.

- CB 3 welcomes the City’s current plans to transform this historically neglected section of the East River and endorses the broad goals of the Proposed Action (ER-DEIS:pp.1-5 to 1-6) particularly to the extent that they reflect the eight principles delineated in our report. We urge the City to keep these principles at the forefront as the plans move forward.
- The neighborhoods adjacent to the East River Waterfront lie what was designated as “Zone 3” of the World Trade Center. Like all New York City, neighbors, relatives and friends were lost on September 11, 2001. The neighborhood was directly impacted by 9-11: lost phone service, bus service, disrupted traffic and the Office of Emergency Management taking up residency in Pier 36.
- Today, as the City begins to renew itself, there is much excitement and anticipation in these neighborhoods. CB 3 looks forward to working with the designers and planners to make sure the end result is an East River Waterfront that is first rate – and most significantly, comparable with the best that the City has already done.

CB 3 recommends that the City and the LMDC implement the following measures:

1. Expand the width of the East River Esplanade.

- The section of the esplanade from the Brooklyn Bridge to the Pier 35 is narrow and paved. It is positioned directly under the FDR drive and no part of the esplanade – except for a portion under the Brooklyn Bridge - extends over the water’s edge.
- There are anchorage columns which support the FDR drive and are located several yards out in the East River. These anchor columns can be used to support an extension of the esplanade beyond the water’s edge. CB 3 is not aware of any federal, state or city laws which would prohibit the city expanding the esplanade in this fashion.
- The west side esplanades have sections which are extended over the water – a clear indication this can be accomplished.
- Extending the esplanade and expanding it will provide more sunlight to pedestrians coming to the river and strengthen pedestrian connections with the waterfront.
- Chinatown and the Lower East Side neighborhoods have been historically under-served by the City regarding park and open space resources. Expanding the width of the planned East River esplanade is a small concession to these communities which are starved for more open public space.
- CB 3 calls on the city to consider this alternative in the final EIS.

2. Fully fund the reclamation and renovation of Pier 42. Make Pier 42 and the “urban beach” a reality.

- The community is starved for green open space. Although the DEIS report states that "additional funding" is being sought to develop Pier 42 as an "urban beach" it does not make clear whether the “additional funding” being sought is from the City’s budget or from private sources, or what happens if no funding is identified.
- During the hearings and meetings held by CB 3's Waterfront Task Force & other Waterfront Coalitions & community groups, there was considerable interest expressed in developing this large pier as new passive open space accessible to the public (what the DEIS calls an “urban beach”). Since there is so little “green” along the esplanade (it is mostly concrete), the successful reclamation of Pier 42 could be – and should be - the exclamation high point of the entire development plan.
- There is considerable concern that if the city does not fund, Pier 42 might be left to deteriorate or removed from public oversight if given over to commercial development.
- The City should commit to the community not to reduce the footprint of Pier 42 and to make the full and complete renovation of this space a funding priority.

3. Maintain the public & community character of the under FDR Pavilions and the functions and activities that will operate within them.

- The DEIS proposes disposition of city land to support the construction of perhaps 14 pavilions. We concur with the report that the pavilions should be used "for community, cultural and limited commercial development". Of the total number of pavilions that ultimately are constructed and available for use, at least X% (75%?) should be for community and cultural use.

- The report erroneously states that 14 pavilions would be built in the Program Zone under the FDR Drive NOT "could be built". The proper word should be "could", not "would" and this should be reflected in the Final EIS.
- There are many reputable cultural and community organizations in Chinatown and the Lower East Side. These not-for-profit organizations must be offered a fair opportunity to compete for the use of these pavilions. The City needs to explore public-private partnerships and other sources of funding to enable not-for-profit community and cultural organizations to compete fairly for these pavilions.
- The City should restrict the use of the pavilions to small local commercial enterprises to the extent that there is "limited commercial development". No luxury commercial development should be allowed in these spaces. The residents of the adjacent neighborhood are low and moderate income New Yorkers. Hence, any food or other services offered in these pavilions must be able to attract and also be affordable and accessible to residents in neighborhood.

4. Eliminate Parking under the FDR Drive and Bus Parking along South Street.

- CB 3 is very appreciative that city has decided to remove agency parking from waterfront. This is essential because these cars take up needed space that can be used by pedestrians, bicycles or space which can be used for esplanade designs which prioritize greening the greenway or enhancing the waterfront experience. We hope this can be implemented quickly and would like timeline for better planning.
- As city employee and commercial parking is eliminated under the FDR Drive, the city must develop a concrete plan on how and where it will move the busses and vans which layover on South Street. These vehicles work against open waterfront and clean air and also cause visual pollution. The DEIS does not provide a plan on what to do with busses it may prohibit from parking along South Street. There must be a comprehensive plan on where these buses should lay-over, with assurances that the alternate plan would not adversely impact another neighborhood.
- The DEIS states that the plan would create "additional on-street public car parking" north of the Brooklyn Bridge. It also states that "given the availability of alternative parking garage facilities in close proximity to the project site as well as south of Canal Street, the parking facilities that would be displaced do not have a substantial economic value to the city or regional area... [and that] no significant impact would result from the loss of the existing parking businesses." The report does not take into account the loss of car parking when the Municipal Parking Garage was taken over by the NYPD headquarters, nor does it acknowledge the problems of parking in and around Chinatown due to a dearth of parking spaces and exacerbated by illegal placard parking by NYPD and court officers. CB 3 disagrees with the DEIS conclusion that "no significant impact would result from the loss of the existing parking businesses".

5. Management of the Esplanade

- The DEIS states that management of the esplanade would be given over to a commercial entity. Because the waterfront is public space, turning over management to a commercial entity – and not the city – is an issue which the CB 3 believes needs to be fully reviewed. Professional, competent management of the esplanade is critical whoever ends up managing the esplanade. If the city chooses to not manage the space itself, CB 3 requests that the process to selecting a manager be fair, open & transparent, and that the contractual arrangements be subject to public scrutiny.
- CB 3 and all community boards affected must be given a meaningful voice on a management. The public –either through the community boards or some other public process - must be given a role for management over-sight.

6. DEIS should incorporate the principles stated in the community based plan of CB 3

- The DEIS specifically mentions a "Concept Plan" undertaken by CB 1 but blatantly omits mention of CB 3's Waterfront Plan. While this might be an over-sight, it unfortunately perpetuates the perception that CB 3 and its efforts to conduct community based planning has no impact on the DEIS planners.
- The final EIS needs to be revised to acknowledge the contributions of CB 3 to the waterfront planning process and the principles outlined in the CB 3 report should be reflected more clearly in the final EIS.

7. Street Connections to the Waterfront: Wagner, Catherine, Allen/Pike, Rutgers, Montgomery Street

- CB 3 welcomes the design principles in the DEIS of strengthening the street connections to the waterfront to enhance pedestrian use of the waterfront and enhance the waterfront experience. The DEIS fails to fully explore the design potential of the segment from Wagner to Catherine Streets. It does not adequately address the community's request for a much needed traffic light at Rutgers Street. The

Wagner-Catherine segment is an opportunity to enhance both sides of South Street, especially considering this section of the esplanade could be made into an entrance to the waterfront for the residents of Smith Houses – a large complex on the waterfront – as well as the residents of Chinatown.

- CB 3 endorses the design concepts of enhancing Allen/Pike connection – especially given the plans to re-build the Allen/Pie Mall. This mall – which runs from Houston Street to the East River – has the potential of drawing many residents down to the waterfront.
- Montgomery Street is one of the city’s oldest streets. It is very wide and much can be re-designed to enhance it as a pedestrian street giving Lower East Side residents access to the waterfront. The intersection between Montgomery and South Streets is heavily used and a potential area for accidents. It has pedestrian, bicycle and vehicular cross traffic as well as vehicles exiting and entering the DR drive. The designers need to insure the community that pedestrian, bicycle and car safety are all taken into account in the design or re-design of this intersection with the Waterfront development. CB 3 requests that when designs are completed for this intersection and the adjacent streets, the plans be brought to the Community Board for review.
- The Montgomery Street Cove has not been fully designed or presented to the public. CB 3 welcomes working closely with the designers and as plans unfold, public meetings or hearings should be held to elicit in-put. The area under the Brooklyn Bridge – though within the jurisdiction of CB 1 – has an urban beach which has been too summarily dismissed by the DEIS. At least a number of hearings held by CB 3 during the charratte identified this beach as a potential resource for teaching New Yorkers about the river. When these plans are completed, CB 3 requests that they be brought to the Community Board for review.

8. Enhance Public Transportation to the Waterfront

- The city should work with the MTA to enhance public transportation to the waterfront and explore extending bus routes (M14A, M15) or establishing new routes.
- Study the feasibility of creating an inter-modal transportation hub off Pier 35 just 3 blocks from the “F” Train (“East Broadway” exit @ Madison Street) which would accommodate clean-fuel water taxi and/or ferry landing.
- Prioritize the “F” Train for elevator up-grade. This is one of the few subway stations in the entire subway system that is located near the waterfront. The Madison Street exit is two blocks from South Street. When the esplanade is completed, all New Yorkers – including elderly and the disabled – should be given easy access to the waterfront.

Conclusion

“...In the past few years, the City and other entities have made remarkable progress in taking waterfront plans from the schematic design phase to built spaces where New Yorkers enjoy biking, walking, sunning, kayaking, and other activities. Although the waterfront on the Lower East Side has benefited from this redevelopment, it still lags far behind many other sections of the Manhattan Greenway. Opportunities for improvement abound...[the CB 3 proposals and principles]express a vision that would reunite the diverse communities of the Lower East Side, Two Bridges and Chinatown neighborhoods with the estuarine environment that is now so geographically near and yet in some ways still so far, due to physical barriers and design deficiencies. The community’s vision would not only create a vibrant edge on the Lower East Side, it would also have a positive impact on the environmental quality of these reaches of the East River shoreline.”

Excerpted from the CB 3 commissioned report.

(Parks, Excluding Items 1, 12)

35 YES 0 NO 0 Abstention 0 PNV - MOTION PASSED

(Parks, Item 1)

34 YES 1 NO 0 Abstention 0 PNV - MOTION PASSED

(Parks, Item 12)

34 YES 0 NO 1 Abstention 0 PNV - MOTION PASSED

Task Force on Religious Institutions and Land Use

No vote necessary

Cooper Square Urban Renewal Area Task Force

No meeting scheduled in February

Ethics, Bylaw & Procedures Committee

No vote necessary

Members Present at Last Vote:

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

Meeting Adjourned at 9:35 P.M.