



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD NO. 3

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David McWater, Board Chair

Susan Stetzer, District Manager

November 2007 Full Board Minutes

Meeting of Community Board #3 held on Tuesday, November 27, 2007 at 6:45 at PS 20, 166 Essex Street

Public Session:

Parks presentation on Hester Street Playground in SDR Park by Allan Scholl: presentation of modifications to plan presented to the Parks Committee. Parks met with the community last Monday. There was a concern that there was not enough meeting space. They are utilizing the change in elevation. They will be introducing 2 doors to allow public access to the public restrooms.

Sarah Hillmer: addressing Rififi bar complaints. She has called 311 many times of the past few years regarding the tremendous amount of noise of Rififi and the vast amount of congestion.

Anna Magenti: objects to the dog run proposal in SDR park

Jose Santiago: is concerned about the closing of Loisaida Inc. at 710 East 9th St.

Sammy Vasquez: provide support to Loisaida Inc. and is against the closing.

Theresa Drescher: spoke about City Santa. It is an organization that delivers presents to poor children that write letters to Santa. The letters are obtained from the Post Office. She particularly thanked Bob Perl for the donation of space on 13th Street for her organization to operate in for the month of December and to the Community Board and Susan Stetzer for working with her and Bob Perl to arrange this space.

Luis Osorio: In support of Loisaida Inc. He is against the closing of Loisaida at 710 East 9th St.

Anne Frederick: speaking in support of SDR Park plan for playground with the modifications that Parks presented to the board.

Susan Howard: In support of Loisaida Inc. She is against the closing of Loisaida at 710 East 9th St.

Edward Duran: Speaking in support of liquor license for his restaurant, DGNY at 21 Second Ave.

Linda Janneh and Gail Beil of the Manhattan DA's office: speaking about the East Side Alliance. They work with Methadone centers. If any members of these clinics are arrested for narcotics offenders, they are discharged from that center and are not allowed to enter a program within the target area.

Luis Nieves: is the Executive Director of Loisaida Inc. He was Chair of CB3 for two years. He is speaking in support of Loisaida Inc. He is against the closing of Loisaida at 710 East 9th St.

Felipe Luciano: speaking in support of Loisaida, Inc.

Rev. Marc Rivera of Primitive Christian Church: speaking in support of Loisaida, Inc.

Amanda Huang: speaking about the Archeology of Change exhibit at the Museum of Chinese America.

Elvin Nunez: representing the Rivington St. and Neighbors Block Association. Requesting that the full CB3 board sustain the SLA Committee decision to deny the bar at 164 Suffolk a full license.

Public Officials:

State Senator Thomas K. Duane: asks everyone to go to www.tomduane.com to check out current issues with his office. Sen. Duane and Assm. Brennan introduced legislation to provide more funding from the state to the MTA. He spoke about housing issues including having buildings that receive J51 tax abatements be listed online. Sen. Duane has visited Broadway theaters to show support for striking stagehands.

Mayor Michael Bloomberg, Lolita Jackson & Pauline Yu: Nothing to report

Comptroller William Thompson, Rafael Escano: not present

Public Advocate Betsy Gotbaum, Simeon Banister: not present

Borough President Scott Stringer, Gregory Brender:

25 Community Board members have their terms expiring. Applications are available at the Community Board meeting.

Congressmember Carolyn Maloney, Victor Montesinos: co-sponsored bill to bring troops home from Iraq.

Congressmember Jerrold Nadler, Erin Drinkwater: absent

Congressmember Nydia Velazquez: absent

Assembly Speaker Sheldon Silver, Michael Chan: was pleased with the appellate court ruling issued on that the affordable housing program will continue in Knickerbocker Village. The speaker is also sponsoring medicare workshops to educate the community. The Speaker worked closely with LMDC to get \$37 million in grants to support a variety of important organizations serving the community.

Assemblymember Deborah J. Glick, Bess Matassa: Assm. Glick is fighting against the fare hikes. Assm. Glick testified in favor of landmarking Webster Hall.

Assemblymember Brian Kavanagh: absent

State Senator Martin Connor, Eva Rippeteau: Sen. Connor worked to close "unique and peculiar" loophole for DHCR. Sen. Connor is sponsoring a free mammogram event. Sen. Connor announces completion and official opening of the Columbus Park Pavilion. Sen. Connor provided testimony against the MTA fare hikes.

Councilmember Alan Gerson, Michael Ragolia: absent

Councilmember Rosie Mendez, Jessica Nepomiachi, Lisa Kaplan: cosponsored anti-tenant legislation. CCM Mendez testified on Oct. 25 about the topic of congestion mitigation of NYC. Lisa Kaplan spoke about CCM's Mendez's efforts to help Loisaida negotiate with NYC. She has worked with Margarita Lopez to get Loisaida a NYCHA space at 12 Ave. D.

Members Present at First Vote:

- | | | |
|--------------------------|------------------------|-------------------------------|
| David Adams [P] | Bonnie Hulkower [P] | Lois M. Regan [A] |
| Paul Bartlett [P] | Carolyn Jeffers [A] | Richard F. Ropiak [P] |
| Mayra Cappas [P] | Anne K. Johnson [P] | Estelle Rubin [A] |
| Wendy Cheung [P] | Joel Kaplan [P] | Elizabeth Sgroi [P] |
| Pearl Chin [P] | Sam Krueger [P] | David Silversmith [P] |
| Rocky Chin [A] | John Leo [A] | Deborah A. Simon [A] |
| David Crane [P] | Eden Lipson [A] | Pia Simpson [P] |
| Andrea Diaz [P] | Bernice McCallum [P] | Arlene Soberman [P] |
| George Diaz [P] | David McWater [P] | Nancy Rose Sparrow-Bartow [P] |
| Harvey Epstein [P] | Alexandra Militano [P] | Elinor Tatum [P] |
| Morris Fajtelewicz [P] | Lillian Moy [A] | David Weinberger [P] |
| Beth From [A] | Thomas Parker [P] | Nina Werman [A] |
| Rabbi Y. S. Ginzberg [P] | Dominic Pisciotta [A] | Harry Wieder [P] |
| Gloria Goldenberg [P] | Barden Prisant [P] | Samuel Wilkenfeld [P] |
| Alexander Gonzalez [A] | William Ramos [P] | Noah Yago [P] |
| Guido Hartray [P] | Carolyn Ratcliffe [P] | Thomas Yu [A] |
| Herman F. Hewitt [P] | Joyce Ravitz [P] | |

Minutes:

Minutes of September 2007 were approved with the following change: Morris Fajtelewicz was present for the first vote.

Board Chairperson's Report:

Chairperson David McWater: David thanked Herman Hewitt, First Vice Chair, for chairing the Executive Committee. The Holiday party will be next month at the Magician. Members who would like kosher food should contact Herman.

District Manager's Report:

The city is requiring that community boards submit revised budgets for the current year to cut \$5,000 and \$10,000 for next year. The Board submitted revised budgets with a cover letter explaining the impacts and asking that the budgets for community boards not be cut. Manhattan Borough President Stringer is working with the Manhattan Boards to try to have the boards excluded from agency cuts. Councilmember Mendez has written a letter to the City supporting Community Board exclusion from budget cuts, and Councilmember Gerson has promised to also write a supporting letter.

There is still no information regarding Pathmark. The only new information is that the original asking price was is \$250 Million.

It is important for Board members to attend the public meeting on the Henry Street Settlement Proposal for former firehouse at 269 Henry Street.

Dept of Homeless Services is using new model for outreach this year. It is working on housing "hardcore homeless." There is concern that this model will not provide needed outreach for other homeless. Manhattan Borough President Stringer is calling a special meeting for Manhattan Community Boards, DHS, and other agencies to deal with this issue.

Committee Reports:
Executive Committee

No votes necessary

Housing & Land Use Committee

- 1. ULURP N080078 ZRY: Yards Zoning Text Amendment

VOTE: WHEREAS, one of the main the stated effects of the amendment is to close loopholes which have allowed developers to minimize the open space provided in their developments; now

THEREFORE, BE IT RESOLVED, that CB3 supports the proposed Zoning Text Amendment.

- 2. 421a Partial Tax Exemption: 22 E 1st St

VOTE: WHEREAS, this location at 22 E 1st St is one of the few applicants for a 421a Partial Tax Exemption which has included an affordable housing component in its development; now

THEREFORE, BE IT RESOLVED, that CB3 approves the application.

- 3. Land Use designation & management of 710 E 9th St

VOTE: WHEREAS, Community Board 3 acknowledges with great appreciation the essential services which Loisaída, Inc. has provided to this community for nigh on 28 years, To request that the City to take no action with regard to 710 E. 9th Street, including removal of present tenants, until the present tenants have adequate relocation with written commitment of a right to return. In addition, there must be planned disposition of the property open to public input. In the interim, University Settlement and Loisaída Inc. should meet to discuss potential use of property and return to community board with a plan in January, 2008 with initial proposal.

- 4. 2008 Dept of City Planning Proposed Consolidated Plan

No vote necessary

- 5. Henry Street Settlement update on options for new building at 466 Grand Street

No vote necessary

(Housing Committee)

36 YES 0 NO 0 ABS 0 PNV MOTION PASSED (Items 1,2)

36 YES 0 NO 0 ABS 0 PNV MOTION PASSED (Item 3)

Public Safety & Sanitation Committee

No votes necessary

Transportation Committee

- 1. 9th Pct request: no left turn from 4th St onto Ave B to relieve traffic backup causing horn honking

VOTE: To request that DOT install signage to restrict all turns off eastbound # 4th St onto Ave B, in either direction, between the hours of 10PM-6AM. This would be a 9-month pilot project. The CO of the 9th Precinct reports that these turning movements are often blocked by vehicles on Ave B that overhang the crosswalks and by pedestrians who also have the light crossing Ave B. The resulting congestion causes traffic to back up on 4th St which triggers a lot of horn honking.

- 2. NY Metropolitan Transportation Council, Canal Area Transportation Study, Track II Parking Study to address specific issues relating to parking demand, supply and usage in focus areas within the CATS II study area, E Houston St to north, Chambers St to south, East River to east, Hudson River to west

No vote necessary

- 3. Update from DOT on Chatham Sq traffic redesign

No vote necessary

- 4. Request for support for "No Engine Idling, Max Fine \$2000" signage at various locations on the length of both the east and west sides of the Bowery

VOTE: That CB3-Manhattan requests that DEP do an Air Quality study along the Bowery in order to get "No Engine Idling: Max Fine \$2000" signage installed. The blatant violation of NYC Admin. Code Section 24-163 is constant. The air quality is negatively affected to an extreme degree.

- 5. Dept of Transportation: approved bicycle racks in CB3

No vote necessary

- 6. LES Tenement Museum request for a four-way stop sign to be installed at the intersection of Orchard & Broom Sts

VOTE: That CB3-Manhattan requests that DOT do an evaluation of the intersection of Orchard and Broom St to determine whether a stop sign for eastbound traffic on Broom St should be installed, as well as crosswalk markings.

There is an existing stop sign at Orchard and Broome Sts managing northbound traffic on Orchard St.

Currently, traffic traveling east from the Allen (Avenue of the Immigrants) and Broome Sts move very quickly and at times recklessly through the Orchard and Broome intersection.

The Tenement Museum has over 130,000 visitors a year, including 30,000 school children, Tours of the Museum start on the east side of Orchard St, at 108 Orchard St, and are led to the Museum across the street at 97 Orchard St, on the west side of Orchard. We are concerned for the safety of Museum visitors and staff, and visitors and residents of the Lower East Side.

Human Services & Seniors Committee

No meeting scheduled

Youth & Education Committee

No meeting scheduled

Ethics, Bylaw & Procedures Committee

No meeting scheduled

SLA & Economic Development Committee

Renewal with Complaint History

1. Revitali Restaurant, 125-127 1st Ave (rw)

VOTE: That given that this is the first time that this applicant has appeared before Community Board #3 to address existing complaints, to deny the renewal of the restaurant wine license for Revitali Restaurant, 125-127 First Avenue, unless the applicants agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate no later than 2:00 am all nights, consistent with its original application, 2) it will operate as a full-service restaurant, serving French Moroccan cuisine to within one (1) hour of closing, and 3) it will not have DJs, live music or belly dancing. The applicant failed to provide the requested stipulation.

Sutra, 16 1st Ave (op)

VOTE: To deny the renewal of the full on-premise liquor license for Sutra, 16 First Avenue, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will continue to train its staff through TIPS, 2) it will employ an independent monitor to monitor its staff, 3) it will employ security using identification scanners at the door at all times, 4) it will continue to have no fewer than eight (8) operating cameras mounted in and outside of its establishment, and 5) it will have no promoted events on weekends and any promoted events held during the week will be overseen by the owner.

2. SWAT Production, 59 Canal St (op)

VOTE: To deny the renewal of the full on-premise liquor license for SWAT Production, 59 Canal Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will increase its staff to ensure that the common hallway and stairwell are monitored to deter smoking, loitering and disruptive behavior by its patrons, 2) it will close at 2:00 am every night, and 3) it will regularly clean the common hallway and stairwell.

3. Cinema Classics DBA Rififi, 332 E 11th St (op)

VOTE: To deny the renewal of the full on-premise liquor license for Cinema Classics, 332 East 11th Street, for the following reasons:

1) For the first three (3) years of operation, this establishment was a café and movie theatre, consistent with its corporate name, but changed its method of operation after being told by the Department of Buildings in 2001 that it was not zoned to operate scheduled performances as a movie theater. Its method of operation is now as a club, doing business as “Rififi,” with scheduled performances, consisting of live comedy and burlesque, at least six (6) nights per week, which is also in violation of local zoning law. The applicant has conceded that it has at least two (2) nightly shows, usually at 8:00 pm and 10:00 pm; and

2) In 2001, this applicant appeared before Community Board #3 for an upgrade to a full on-premise liquor license. It now concedes that it understood at that time that the Department of Buildings had found its method of operation as a movie theatre to be illegal. The applicant however averred at its community board hearing for an upgrade and in its SLA application for same and appending affidavit of owner, Robert Goldsmith (attached hereto) that it would maintain its method of operation as a café and movie theatre and signed a stipulation with the community board to that fact (see attached) and has never subsequently appeared before this community board to modify, alter or change its method of operation; and

3) As of the change of method of operation and business name in 2001, there have been numerous noise complaints to the community board office and 311 complaints, as well as police issued violations. Most recently, there have been twelve (12) violations issued in 2006 and seven (7) violations issued in 2007, most

notably for overcrowding and operating an illegal cabaret, which are still pending before the SLA. In fact, this business has been the source of most of the noise complaints to Community Board #3 in the past year; and

4) As of the change of method of operation and business name in 2001, the applicant has also filed with the SLA an application for an alteration, to wit the addition of a longer bar and the elimination of most of its seating, consistent with its operation as a club. This alteration application had not been heard by Community Board #3; and

5) In response to the numerous complaints of overcrowding, the applicant, rather than admit a number consistent with his certificate of occupancy, applied for a public assembly permit to allow the business to legally accommodate numbers that had previously been excessive and were contributing to the persistent noise complaints but had not received this permit until less than one (1) month ago and continued to admit numbers far in excess of its legally permitted limit without permit.

Applications within Resolution Areas

4. Solo Pizza, 27 Ave B (rw)

VOTE: WHEREAS, Solo Pizza, 27 Avenue B, is seeking to obtain a restaurant wine license to operate an Italian restaurant in a location that had not been previously licensed; and

WHEREAS, there has been demonstrated community opposition from residents of the surrounding buildings to additional licenses in this area of Avenue B and the commanding officer of the Ninth Precinct; and

WHEREAS, said opposition is the result of the cumulative impact of noise and nighttime vehicular and pedestrian or patron traffic from existing establishments; and

WHEREAS, there are already four (4) full on-premise liquor licenses on this block of Avenue B between 2nd and 3rd Streets, four (4) full on-premise liquor licenses on Avenue B between 3rd and 4th Streets and fourteen (14) licensed establishments on 2nd, 3rd and 4th Streets between Avenue A and B and Avenues B and C, seven (7) of which have full on-premise liquor license; and

WHEREAS, Avenue B itself is a narrow two (2) lane street running from Houston Street to 14th Street and Avenue B between 4th Street and Houston Street physically narrows, creating severe traffic congestion and lanes which are generally impassable for buses or emergency vehicles;

WHEREAS, this condition is so exacerbated by weekend nighttime pedestrian and vehicular traffic that it has become necessary for the 9th Precinct and Community Board #3 to request that the Department of Transportation eliminate residential parking on one (1) side of Avenue B during weekend nights;

WHEREAS, the applicant has stated that he intends to operate a restaurant selling pizzas and calzones and that his hours of operation on Fridays and Saturday nights would be until 5:00 am which would effectively extend the hours that the existing patrons crowds would be in this area which is already overwhelmed by nighttime noise and congestion; and

WHEREAS, the applicant has failed to provide any reason that the approval of his application would be in the public interest in an area that already has numerous existing Italian and pizza restaurants and, in fact, conceded that he could find no reason why granting such a license would benefit the public; now

THEREFORE, BE IT RESOLVED, that Community Board #3 denies the application for a restaurant wine liquor license for Solo Pizza, 27 Avenue B

5. Kamui, 186 Ave A (rw)

VOTE: WHEREAS, the applicant, Kamui, is applying for a restaurant wine license for 86 Avenue A and did not appear before Community Board #3 for review of its application or provide any application materials to review; and

WHEREAS, Avenue A, although classified as an avenue, is a narrow street, running from Houston Street to 14th Street; and

WHEREAS, Avenue A is presently overwhelmed by nighttime licensed establishments of all types, as well as incredible vehicular and pedestrian traffic congestion attendant to the volume of these businesses; now

THEREFORE, BE IT RESOLVED, that Community Board #3 moves to deny the restaurant wine license for Kamui, 86 Avenue A.

6. 181 Orchard St (op)

Withdrawn

Alterations/Transfers/Upgrades

7. 14 Ave B, 14 Ave B (trans/op)

Withdrawn

8. Taj Mahal, 112 1st Ave (trans/op)

Withdrawn

9. Revolver, 210 Rivington (trans/op)

VOTE: To deny the application for a transfer of a full on-premise liquor license for Revolver, 210 Rivington Street, because the applicant did not appear before Community Board #3 for review of its application or provide any application materials to review.

10. La Pala, 184-198 Allen St (up/op)

VOTE: To deny the upgrade to a full on-premise liquor license for La Pala, 184-198 Allen Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will continue to operate as a full-service pizza restaurant, serving food to within one (1) hour of closing, 2) it will use its counter for food service only and have only table service of beer, wine or alcohol, and 3) its hours of operation will be 4:00 pm to 12:00 am Mondays through Thursdays, 4:00 pm to 1:00 am Fridays, 12:00 pm to 1:00 am Saturdays and 12:00 pm to 12:00 am Sundays.

11. Agua Clara, 202 Rivington St (up/op, alt/change in stip, hours & french doors)

VOTE: To deny the alteration for Agua Clara, 202 Rivington Street, to wit extending its closing hours and adding French doors, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will maintain its method of operation as a full-service Latin American restaurant, serving food to within one (1) hour of closing, 2) it will close no later than 3:00 am Mondays through Saturdays and 1:00 am Sundays, 3) it will install four (4) French doors which will be closed at 10:00 pm every night, 4) it will have an awning extended over the French doors while they are open, and 5) it will not have DJs or live music.

12. Louis Skibar, 23 Ave A (trans/op)

VOTE: To deny the transfer of a full on-premise liquor license to Canas Inc., 23 Avenue A, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will close no later than 12:00 am every night, 2) it will close all façade doors and windows at 10:00 pm every night, 3) it will operate as a full-service Spanish restaurant, serving food to within one (1) hour of closing, and 4) it will have only ambient background music, consisting of CDs or an iPod.

13. Pan Asian Bistro, 172 Orchard St (trans/rw) THIS IS NOT A TRANSFER

VOTE: WHEREAS, Pan Asian Bistro is applying for a restaurant wine license for 172 Orchard Street, between Houston and Stanton Streets, to operate an Asian noodle bar in a location that was previously operated as a juice bar; and

WHEREAS, Orchard Street is an extremely old, narrow street, historically comprised of low-rise tenements and small-scale manufacturing and retail; and

WHEREAS, Orchard Street is presently overwhelmed by nighttime licensed establishments of all types, as well as incredible vehicular and pedestrian traffic congestion attendant to the volume of these businesses; and

WHEREAS, Orchard Street is one of the worst areas in the 7th precinct in terms of degraded quality of life the result of so many licensed establishments within close proximity to each other, overwhelming pedestrian and vehicular traffic, patrons congregating in the street itself, late night horn honking and overwhelming noise emanating from businesses and from patrons as they move between businesses; and

WHEREAS, these persistent detrimental conditions have resulted in the 7th Precinct and Community Board #3 previously petitioning the Department of Transportation to eliminate weekend nighttime parking on one side of Orchard Street, between Houston and Rivington Streets, to alleviate the existing pedestrian and traffic congestion and to minimize noise and recently requested that this restriction be extended south to Delancey Street; and

WHEREAS, there are presently six (6) full on-premise liquor licenses on this one (1) block of Orchard Street, located at 173, 174, 188, 191, 196 and 198 Orchard Street, as well as a number of restaurant wine licenses; and

WHEREAS, this applicant is intending to operate an establishment which will be open until 1:00 am on Fridays and Saturdays, have open façade windows and have a sidewalk café, all of which will effectively maintain the nighttime noise and congestion on an already overwhelmed street; now

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the restaurant wine license for Pan Asian Bistro, Orchard Street.

14. Bowery Restaurant, 299 Bowery (alt/relocation of standup bar)

VOTE: To approve the alteration to Bowery Restaurant, 299 Bowery, to wit moving the existing standup bar, located at the south center of the establishment, to the north front of establishment, and making it 21 feet in length with seating for ten (10) people, understanding that the prior stipulated agreement with this community board remains in effect (attached hereto).

15. Pongsri Thai, 106 Bayard St (up/op)

Withdrawn

16. Mark Suall, 120 1/2 1st Ave (trans/op)

VOTE: That understanding that the applicant, Mark Suall, intends to operate this location consistent with the former International Bar which had an uninterrupted sixteen (16) year history in this community, to deny the transfer of a full on-premise liquor license to Mark Suall, 120 1/2 First Avenue, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will have no live music, DJs, promoted events or events at which a cover fee is charged, 2) it will close no later than 2:30 am Sundays through Thursdays and 3:30 am Fridays and Saturdays, 3) it will close its backyard no later than 10:00 pm weekdays and 11:00 pm weekends, and 4) it will not have French doors or windows.

17. East Village Café & Restaurant, 167 Ave A (alt/op)

VOTE: To deny the alteration application for East Village Café & Restaurant, 167 Avenue A, to wit creating a seating plan for dining on the ground floor and in the basement, installing a kitchen, installing doors which could be opened on the rear of the establishment and moving the existing front door to the northernmost point of the Avenue A façade, unless the applicant agrees before the SLA to incorporate as conditions of its license the following signed and notarized stipulation that 1) it will have operating hours of 11:30 am to 2:00 am Sundays through Wednesdays and 11:30 am to 2:30 am Thursdays through Saturdays, 2) it will close the backyard no later than 10:00 pm weeknights and 11:00 pm weekends, 3) it will close all front and rear façade doors and windows at 10:00 pm every night, 4) it will install awnings over any façade and said awnings will be extended while facades are open, 5) it will operate as a full-service Mexican restaurant, serving food to within one (1) hour of closing, 6) if there are any complaints of noise emanating from the back of the establishment, the applicant will return to this committee to revisit the opening of the rear façade, and 7) it will have live music no more than five (5) times per year which will consist of musicians playing Mexican music.

New Liquor License Applications

18. Cooper Square Hotel, 25-33 Cooper Sq (hotel)

Withdrawn

19. 164 Food Company, 164 Suffolk St (op)

VOTE: To deny the full on-premise liquor license for 164 Food Company, 164 Suffolk Street because 1) the existing entryway is within 200 feet of an entrance to a school, to wit the Marta Valle School, and the applicant would have to modify the façade of this establishment and move the entrance to avoid the restrictions of this law, 2) this is a location that had not been previously licensed and was formerly operated as a jewelry and quilt store, 3) this is a primarily residential, exceedingly small narrow street in an area which is already over serviced by eating and drinking establishments, and 4) by the applicant's own estimation, there are twelve (12) full on-premise liquor licenses within 500 feet of this location.

20. Junichi K Corp, 540 E 5th St (op)

VOTE: To deny the full on-premise liquor license for Junichi K Corp., 540 East 5th Street because 1) by the applicant's own estimation, there are thirteen (13) full on-premise liquor licenses within 500 feet of this location, 2) this is a one (1) block street wedged in between Avenues A and B, two (2) areas which are already over serviced by eating and drinking establishments and are already plagued by the accumulation of pedestrian and vehicular traffic attendant to those numerous businesses and which are primary enforcement concerns for the 9th Precinct, 3) there are at least four (4) comparable establishments in proximity to this location, two (2) within two (2) blocks south of this location on Avenue A and two (2) within two (2) blocks north on Avenue A, 4) 5th Street between Avenues A and B is not a through street, being abutted by Village View, a housing development, on Avenue A and a building housing three (3) schools, including the Earth School whose entrance faces directly into 5th Street on Avenue B.

21. Friend Tri, 145 E 13th St (op)

VOTE: To deny the application for a full on-premise liquor license for Friend Tri, 145 East 13th Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will not apply for another liquor license within five hundred (500) feet of this location if it cannot renew its lease at its existing establishment, Friends House, located across the street at 99 Third Avenue, 2) it will install a precipitator as a means of providing ventilation to abate any offensive odors or exhaust, 3) it will close any façade doors or windows after 10:00 P.M. every night, 4) it will operate as a full-service Asian Thai restaurant, serving food to within one (1) hour of closing every night, and 5) it will operate from 12:00 P.M. to 1:00 A.M. Fridays and Saturdays and 11:30 A.M. to 12:00 A.M. Sundays through Thursdays. This motion only applies to the applicant's use of the ground floor of this location. Given existing structural concerns about the present construction, any application for the second floor of this location will not be entertained by Community Board #3 until the applicant submits uncertified plans to the Department of Buildings for certification by it and the Department of Buildings conducts an independent audit of the existing construction, specifically investigating the lack of a 4th wall abutting the westernmost wall of 143 East 13th Street.

22. Kitchen 212, 212 E 10th St (rw)

VOTE: To ask the SLA to hold in abeyance any decision regarding the restaurant wine application, number 1183142, for Kitchen 212, 212 East 10th Street, until the applicant can gather and provide petitions demonstrating support from residents of the immediate community, specifically from the buildings adjacent to, abutting the backyard of and facing the location, as agreed by the applicant in its affidavit requesting that it be reheard. Community Board #3 notes that, despite its repeated requests for these petitions throughout the application processes involving this applicant, the petitions tendered by the applicant at the November 19, 2007

meeting of Community Board #3 did not reflect community support but consisted predominantly of signatures from outside the City of New York.

23. TrummerBar, 9 Doyers St (op)

VOTE: To deny the full on-premise liquor license for TrummerBar, 9 Doyers Street, unless the applicant agrees before the SLA to incorporate as conditions of its license the following signed and notarized stipulation that 1) it will have operating hours from 6:00 pm to 2:00 am every night, 2) have no DJs, live music, promoted events or events at which a cover fee is charged, 3) it will not have French doors or windows, and 4) it will take steps to minimize the impacts of pedestrian and vehicular traffic on the surrounding street.

24. Dirt Candy, 430 E 9th St (rw)

VOTE: To deny the restaurant wine license for Dirt Candy, 430 east 9th Street, unless the applicant agrees before the SLA to incorporate as conditions of its license the following signed and notarized stipulation that 1) it will operate as a full-service vegetarian restaurant, serving food to within one (1) hour of closing, 2) it will have operating hours of 5:30 pm to 11:00 pm Tuesdays and Wednesdays, 5:30pm to 1:00 am Thursdays through Saturdays and 5:30 pm to 12:00 am Sundays and will be closed on Mondays, 3) it will not have French doors, 4) it will play only ambient background music, 5) it will have no live music, DJs, promoted events or events at which a cover fee is charged, 6) it will make efforts to prevent patrons from standing in front of the establishment, and 7) it will only have table service of beer and wine. Community Board #3 notes that the applicant and the 9th Street A-1 Block Association have entered into their own Memorandum of Understanding regarding the method of operation of this business (attached hereto).

25. DGNV, 21 2nd Ave (op)

VOTE: To deny the full on-premise liquor license for DGNV, 21 Second Avenue, located on the northwest corner of 1st Street and Second Avenue because 1) there are five (5) full on-premise liquor licenses adjacent to and north of this location on Second Avenue, as well as an additional licensed establishment on the southwest corner of 1st Street and Second Avenue, and 2) this establishment is approximately 3000 square feet with a capacity to hold 225 people, with seating for approximately 155 people and a forty (40) foot bar and lounge area.

26. 94 E B'way Restaurant, 94 E B'way (eb)

VOTE: To approve the eating place beer license for 94 East Broadway Restaurant, 94 East Broadway, understanding that the applicant will maintain the method of operation as a full-service Chinese restaurant with closing hours no later than 11:00 pm every night.

27. Rong Hong, 38 Eldridge St (rw)

VOTE: To approve the restaurant wine license for Rong Hong, 38 Eldridge Street, understanding that the applicant will operate as a full-service Chinese restaurant with closing hours no later than 12:00 am every night.

28. Wai Café, 201 1st Ave (rw)

Withdrawn

29. 99 Miles to Philly, 94 3rd Ave (rw)

VOTE: To deny the restaurant wine license for 99 Miles to Philly, 94 Third Avenue, unless the applicant agrees before the SLA to incorporate as conditions of its license the following signed and notarized stipulation that 1) it will operate as a full-service Philadelphia cheese steak restaurant, serving food to within one (1) hours of closing, 2) it will have operating hours of 11:30 am to 12:00 am Sundays through Tuesdays, 11:30 am to 2:00 am Wednesdays, 11:30 am to 2:00 am Thursdays and 11:30 am to 3:00 am Fridays and Saturdays.

30. Pongsri Thai, 106 Bayard St (up/op)

VOTE: To rescind the prior motion to deny the upgrade to a full on-premise liquor license for Pongsri Thai, 106 Bayard Street, as the applicant has now appeared before Community Board #3 and provided the requested stipulation, and to now deny the upgrade to a full on-premise liquor license for Pongsri Thai, 106 Bayard Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will maintain the same method of operation as a full-service Thai restaurant, 2) it will maintain the same hours of 11:00 A.M. to 11:00 P.M. seven (7) days a week, and 3) the new bar in the main dining room will be used as a service bar only.

31. Theater for the New City, 155 1st Ave (rw)

VOTE: To rescind the prior motion to deny the restaurant wine license for Theater for the New City, 155 First Avenue, as the applicant has now appeared before Community Board #3 and provided the requested stipulation, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will only serve beer and wine at its concession area which will be located in the lobby of the theatre and which will be comprised of an eight (8) foot bar and five (5) tables with three (3) seats at each, 2) the concession area will begin operating one (1) hour before performances and continue operating during intermissions and until one (1) hour after daytime performances but no later than 11:00 P.M. every night, and 3) it will be open only to ticket holders who have gained admission to the theatre.

(SLA Committee)

25 YES 0 NO 10 ABS 0 PNV MOTION PASSED (Items 12,13,17,24,25)

24 YES 0 NO 10 ABS 1 PNV MOTION PASSED (Item 4)

34 YES 0 NO 0 ABS 1 PNV MOTION PASSED (Item 10)

35 YES 0 NO 0 ABS 0 PNV MOTION PASSED (Excluding Items 4,10,12,13,17,24,25)

Arts & Cultural Affairs Task Force

1. Follow-up and Findings from Town Hall on Arts & Culture

No vote necessary

- Task Force Next Steps
No vote necessary

Parks & Recreation Committee

- Parks Dept: proposed plan for James Madison Park
VOTE: To approve the proposed plan for James Madison Park as presented by the Parks Department.
- Parks Dept: proposed plan for the playground in Tompkins Sq Park near Ave A south of the 9th St park pathway
VOTE: To approve the proposed plan for Tompkins Square playground south of 9th Street with changes as recommended by the community.
- Proposed dog run for Sara D. Roosevelt Park
VOTE: To disapprove the proposed dog run in the requested SDR Park location and request the Parks Dept. to find an appropriate location.
- Parks Dept presentation on plan for the reconstruction of Sara D. Roosevelt Park Hester Street Playground
VOTE: To approve the proposed Hester St. playground in SDR Park as presented by the Parks Dept. with further discussions to occur with the community concerning the adjacent plaza seating area.

(Transportation Committee & Parks Committee)

33 YES 0 NO 0 ABS 1 PNV MOTION PASSED (Transportation Items 1,6)
34 YES 0 NO 0 ABS 0 PNV MOTION PASSED (Transportation excluding Items 1,6 & Parks)

197 Plan Task Force

- Review of subcommittee report
No vote necessary
- Update on DCP zoning plan
No vote necessary
- General discussion of priorities and ideas for the Seward Park Urban Renewal Area
No vote necessary

Members Present at Last Vote:

| | | |
|--------------------------|------------------------|-------------------------------|
| David Adams [P] | Bonnie Hulkower [P] | Lois M. Regan [A] |
| Paul Bartlett [P] | Carolyn Jeffers [A] | Richard F. Ropiak [P] |
| Mayra Cappas [P] | Anne K. Johnson [P] | Estelle Rubin [A] |
| Wendy Cheung [P] | Joel Kaplan [P] | Elizabeth Sgroi [P] |
| Pearl Chin [P] | Sam Krueger [P] | David Silversmith [P] |
| Rocky Chin [A] | John Leo [A] | Deborah A. Simon [A] |
| David Crane [P] | Eden Lipson [A] | Pia Simpson [P] |
| Andrea Diaz [P] | Bernice McCallum [P] | Arlene Soberman [P] |
| George Diaz [P] | David McWater [P] | Nancy Rose Sparrow-Bartow [P] |
| Harvey Epstein [P] | Alexandra Militano [P] | Elinor Tatum [P] |
| Morris Fajtelewicz [P] | Lillian Moy [A] | David Weinberger [P] |
| Beth From [A] | Thomas Parker [P] | Nina Werman [A] |
| Rabbi Y. S. Ginzberg [P] | Dominic Pisciotta [A] | Harry Wieder [P] |
| Gloria Goldenberg [P] | Barden Prisant [P] | Samuel Wilkenfeld [P] |
| Alexander Gonzalez [A] | William Ramos [P] | Noah Yago [P] |
| Guido Hartray [P] | Carolyn Ratcliffe [P] | Thomas Yu [A] |
| Herman F. Hewitt [P] | Joyce Ravitz [P] | |

Meeting Adjourned