



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

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David McWater, Board Chair

Susan Stetzer, District Manager

## February 2008 Full Board Minutes

Meeting of Community Board #3 held on Tuesday, February 26, 2008 at 6:45 at PS 20, 166 Essex Street

### Public Hearing for comments on agency responses provided to Community Board priorities:

Motion to approve the response of Community Board Three to the Mayor's budget

22 YES 0 NO 0 ABS 0 PNV MOTION PASSED

### Public Session:

William Reichenbach: He believes that the police are unfairly harassing his business. He believes local politicians and the Community Board are encouraging the police to pester his business.

Tom Venturella: He is opposed to the granting of a liquor license at 85 East 4th St.

Andres Puerta: from the Carpenter's Union. He is concerned about the conditions of the workers at the construction project at 101 Ludlow St.

To Yiu Yzung: He is opposed to the bar at 81 Ludlow expanding its space.

Mary Jones: is at the meeting to thank the Community Board for increased funding.

Calvin Knight: To propose making the area bound by Stanton St and Pitt St an official dog run.

Sammie Vasquez: to support the continued residence of churches in the community. He is here to represent the Olive Green Pentecostal Church. He is concerned that the future rezoning of the community could displace churches in the community. They have to vacate the church by February 28 because of housing violations.

Darcey Torres: is at the meeting to represent the Olive Green Pentecostal Church. She believes that if her house of worship was a Synagogue or a Catholic Church, her house of worship would be getting more support.

Ruben Torres: is at the meeting to support the Olive Green Pentecostal Church.

Maria Martinez: is at the meeting to support the Olive Green Pentecostal Church.

Georgina Batista: is at the meeting to support the Olive Green Pentecostal Church.

### Public Officials:

Mayor Michael Bloomberg, Lolita Jackson & Pauline Yu:

There will be a vote on green card legislation in the City Council on February 27, 2008. The Mayor's Office is meeting with DCA and the Arts Committee to have more activities on pier 36. There was a raid on stores which sell counterfeit goods today on February 26, 2008.

Comptroller William Thompson, Rafael Escano: n/a

Public Advocate Betsy Gotbaum, Tommy Lin: the main focus of the Public's Advocate's office for the next two years will be children's issues and education issues.

Borough President Scott Stringer, Gregory Brender: The MBP along with Doug Sexton and many other announced Construction and Development Principles. The MBP opposed City Council legislation that would mandate permits for private organizations to conduct air testing.

Congressmember Carolyn Maloney, Victor Montesinos: Congresswoman Maloney received a 100% rating from the League of Conservation Voters.

Congressmember Jerrold Nadler, Erin Drinkwater: n/a

Congressmember Nydia Velazquez, Iris Quinones: working to support a stimulus package to help people affected by the subprime mortgage crisis. The Congresswomen is working with Councilmember Gerson to help the congregation of Olive Green Pentecostal Church.

Assembly Speaker Sheldon Silver, Zach Bommer: The Speaker attended the opening of the Community Healthcare Network Downtown health Center. The Speaker also supported the expansion of the Murphy Institute for Worker Education and Labor Studies.

Assemblymember Deborah J. Glick, Jennifer Cushman: the Assemblymember testified at the hearing about the Trump Soho building collapse and the issues that caused it. The Assemblymember also testified about the changes in service for senior centers from the Department of Aging.

Assemblymember Brian Kavanagh, Patrick van Keerbergen: Patrick is the new Chief of Staff. The Assemblymember is highlighting the fact that the State has reserved \$400 Million for affordable housing in NYC. The Assemblymember is also working on restoring state funding for NYCHA. The Assemblymember is also working to pass campaign finance legislation. The Assemblymember also introduced legislation which would address cars which “block the box.” The legislation would change “blocking the box” from a moving violation to the parking violation.

State Senator Martin Connor, Eva Rippeteau: n/a

State Senator Thomas K. Duane, Romeo Ymalay: The Senator joined a coalition of community groups on Feb. 10 to fight cuts in Education. On Feb. 7, the Senator submitted testimony to the DOIT regarding NYC Cable Franchise Renewals.

Councilmember Alan Gerson:

The Councilman has a new director of Community Affairs, Matt Viciano. Gerson thanked the Community Board for the great forum on congestion pricing. Gerson talked about key aspects of the congestion pricing proposal. Gerson stated that the proposed budget cuts to the school system are unacceptable. Gerson also stated that it would be unacceptable to close any of the senior centers. Working with Congressman Velasquez, he will explore many possible areas of funding to keep the Baruch Houses bathhouse open. Gerson stated that today in the City Council, there was a hearing on affordable housing. The hearing was recessed. Gerson stated that he would notify the Community Board when the hearing would resume. Gerson also stated that he would put the restoration of Community Board budgets on his agenda. Gerson stated that on Wednesday, February 27, 2008, he would propose legislation that would give tax credits to establishments that offer live music.

Councilmember Rosie Mendez, Jessica Nepomiachi: Rosie is holding a peace forum on March 2nd to discuss the costs of the Iraq War.

Members Present at First Vote:

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

Minutes:

Minutes of December 2007 were approved, as is.

Board Chairperson's Report:

Chairperson David McWater

The Chair reminded the board that the meeting is being filmed. The MBP brought out a building standards checklist.

District Manager's Report:

The District Manager is concerned about the 5% cut in the budget of Community Board 3. This results in a \$10,000 cut. The DM asked if there are any areas that need bike racks.

Committee Reports:

**Executive Committee**

- Granting of 30-day for late SLA notification

**VOTE:** To grant a waiver regarding the 30-day notice between now and March 2009 providing that the application is not going to be on the agenda for renewal with complaints and that the applicant submits a letter of explanation as to why it failed to give notice.

**197 Plan Task Force**

1. Discussion of development of Seward Park Urban Renewal Area

No vote necessary

2. Update on DCP zoning plan

**VOTE:** To send DCP a letter asking for its direction of EIS consultants to consider the environmental impacts and mitigation measures found in the 11 points that resulted from the scoping session. (see letter)

3. Review of subcommittee report

No vote necessary

**Housing & Land Use Committee**

1. Community Center signage for east side of Avalon Chrystie building

No vote necessary

2. Council Member Mendez: legislation to protect low-income seniors from eviction & foreclosure

**VOTE:** Whereas evictions and foreclosures now threaten many New Yorkers; and whereas 80 community groups have shown support for this legislation; therefore CB3 1) supports CCM Mendez's Right to Counsel legislation, which will provide a justice coordinator to assist seniors earning less than \$27,000/year facing eviction or foreclosure, and 2) urges the City to include the disabled in this or a later, comparable bill.

3. 421a application for 38 Delancey St

**VOTE:** Whereas the proposed development at 38 Delancey St. lacks any affordable housing component; whereas not all of the apartments will be handicapped accessible; therefore, CB3 rejects the application due to CB3's longstanding opposition to the granting of 421a partial tax abatements to developers whose projects will include no affordable units.

4. CB3 position regarding LES BID use of two parking lots between Delancey/Broome & Clinton/Norfolk Sts

No vote necessary

5. Support for CB9 Queens' proposed land use resolution on community facilities

No vote necessary

6. PlaNYC 2030: review housing aspects of plan

No vote necessary

**Public Safety & Sanitation Committee**

1. Installation of relocated Public Pay Telephone at 51 Astor Pl & 46 3rd Ave

**VOTE (1):** To approve relocation of a public pay phone to 46 3rd Ave location.

**VOTE (2):** To deny relocation of a public pay phone to 51 Astor Pl Location due to large crowds of people heading towards the subway and the future Department of Transportation redesign of the area is scheduled for 2009.

2. Proposed NYPD Permit Requirement for Air Toxic Monitoring (proposed by Council Member Vallone)

**VOTE:** WHEREAS, New York City Council's Public Safety Committee is revising a bill (Intro 650) that will require the New York Police Department (NYPD) to allocate permits for all biological, chemical, and radiological atmospheric testing devices; and

WHEREAS, the stated purpose of this legislation is to avoid "excessive false alarms and unwarranted anxiety that a large-scale public emergency may be occurring;" and

WHEREAS, in the aftermath of the World Trade Center attacks, residents and workers were repeatedly lied to about the quality of the air they breathed by government agencies, and therefore, any concern about maintaining the right to independently test the air is certainly far from "unwarranted;" and

WHEREAS, residents should be empowered to hold the government accountable and confirm for themselves, in a timely fashion, that their air is free of hazardous chemicals; and

WHEREAS, the current form of this bill is too broad and will unfairly obstruct the independent collection of scientific data important for environmental health response; and

WHEREAS, Community Board 1 Unanimously voted to oppose Intro 650 on the basis of the above considerations; and

WHEREAS, Community Board 3 has particular air pollutant and environmental health problems arising from concentration of air pollutant emissions from the three Bridges, the FDR Drive, heavily congested intersections, on street bus idling, and the Con Ed Power Plant; and

WHEREAS, PlaNYC recognizes that the few NYC rooftop air monitoring stations does not and can not provide adequate information of the variation of air pollutant exposure on the ground or in buildings that people are actually exposed to; and

WHEREAS, PlaNYC recognizes the need for measuring variations of air pollutant exposure and identification of areas of concerns; and

WHEREAS, CB3 has approved and is sponsoring community based air pollutant reduction programs funded by the Con Ed Power Plant Environmental Settlement Fund (Asthma Free School Zone, Greening A Block, and LES Ecology Center proposal pending), with the objective of observable reductions of air pollutant exposure that make use of air toxic detection devices; and

WHEREAS, CB3 will benefit from the expansion of community based and independent environmental sampling and detection throughout the district; and

WHEREAS, requiring NYPD permits for environmental sampling instruments would be onerous, expensive and inhibit, and not expand the use of environmental pollutant detection devices; and

WHEREAS, the current form of this bill is too broad and does not effectively distinguish environmental pollutant detection instruments from weapons detection systems; now

THEREFORE, BE IT RESOLVED, that CB#3 opposes the implementation of any permitting system that would restrict the use of environmental sampling and toxic detection instruments by non-governmental entities.

3. Vote for CB3 to become a member of East Side Alliance-regarding crimes & quality of life and conditions from 14th to 3rd Streets

**VOTE:** WHEREAS, the East Side Alliance is a networking partnership of organizations, agencies, institutions, law enforcement , businesses and community groups that share a common vision and are committed to encourage: An economically successful and safe neighborhood in which individuals and families have the opportunity to pursue a prosperous and health life; and

WHEREAS, the East side Alliance welcomes any group or organization to join in this effort to educate the general community about substance abuse and treatment issues, and to do the work necessary to achieve this goal; and

WHEREAS, the target area for this alliance includes 14th Street to 3rd Street and Sixth Avenue to FDR Drive, which is within Community Board 3 boundaries; now

THEREFORE, BE IT RESOLVED, that Community Board 3 supports joining the East Side Alliance.

(Executive Committee, 197 Plan Task Force, Housing, Public Safety Committee)

37 YES	0 NO	0 ABS	0 PNV (Excluding Exec, Public Safety Item 2)	MOTION PASSED
29 YES	6 NO	1 ABS	1 PNV (Executive Committee)	MOTION PASSED
36 YES	0 NO	0 ABS	1 PNV (Public Safety Item 2)	MOTION PASSED

### **Transportation Committee**

1. Removal of “No Standing, Loading & Unloading” signage from E 12th St, west of Ave A (193 Ave A)  
**VOTE:** That CB3-Manhattan approves of the removal of “No Standing, Loading & Unloading” signage from E 12th St, west of Ave A (193 Ave A).

2. Gouverneur Hospital request for “Parking by Authorized HHC Permit Only” signage at Henry St (btwn Clinton & Jefferson Sts) and Clinton St (btwn Madison & Henry Sts)  
**VOTE:** CB3-Manhattan encourages DOT to meet with representatives of Gouverneur Hospital and local elected officials to review and revise the parking needs survey from October 2007. City policies and the number of on-street “Doctors Only” spaces were changing around that time, and there appear to be discrepancies in some of the numbers provided as input to the October 2007 survey. In addition, Gouverneur Hospital has expanded mobile outreach service making use of large vehicles, so there seems to be merit in the idea of modifying some on-street parking signage from “Authorized HHC Permit Only” to allow “HHC Vehicles” more generally.

CB3-Manhattan asks DOT to work with Gouverneur Hospital to resolve the parking problems being experienced by this institution that provides valuable services to the Lower East Side.

3. DOT presentation on planned rehabilitation work on the Manhattan Bridge  
**VOTE:** CB3-Manhattan supports the next component of the Manhattan Bridge rehabilitation work – replacement and rehabilitation of the cables and suspenders. We understand that there will not be any nighttime work or street or sidewalk staging, and that any toxic materials will be handled appropriately.

4. Signage change 400-408 E 11th St from “No Standing, Loading & Unloading, 7am-10pm” change to 7am-7pm

**VOTE:** CB3-Manhattan approves of the signage change at 400-408 E 11th St from “No Standing, Loading & Unloading, 7am-10pm” to the hours of 7am-7pm. It is our understanding that the business at that location, Bella Tile, initiated this request to free up parking for the community.

5. CB3 consideration of position on congestion pricing

**VOTE:** CB3-Manhattan asks all of our elected officials working on the Congestion Pricing plan to address the following concerns:

- There should be equal treatment of all city residents regarding free or discounted access to their neighborhoods. Residents of the congestion pricing zone should get the same discounts on congestion pricing fees that Staten Island and Far Rockaway residents get for their bridge tolls.
- Funds generated by a congestion pricing system must be used to improve mass transit options. Capacity and the extent of the subway and bus system must be expanded. Fares must be stabilized and reduced.
- The disabled must be exempt from congestion pricing fees until mass transit is made fully accessible. Until that happens, the disabled will continue to rely on private vehicles as an alternative to the substandard Access-A-Ride service.
- Reducing the congestion fee by the full amount of any other bridge or tunnel tolls will make it more difficult to accomplish the goals of reducing traffic and raising revenue.
- There should be a mechanism to report on the impact of increased transportation and delivery costs on small businesses operating in the congestion pricing zone so that policy adjustments can be considered.

37 YES 0 NO 0 ABS 0 PNV MOTION PASSED

### **Human Services & Seniors Committee**

No vote necessary

### **Youth & Education Committee**

- Presentation regarding Dept of Youth & Community Development services in CB3

No vote necessary

### **Labor/Economic Development Task Force**

1. 25 Cooper Square Hotel MOU

No vote necessary

2. 101 Ludlow construction safety & other worker concerns

**VOTE:** WHEREAS, Community Board #3 previously urged Charles Blachman Real Estate Development Corporation (hereinafter “Blachman Development”) and the School of Visual Arts (hereinafter “SVA”) to appear at the January 31, 2008 meeting of the Labor/Economic Development/Hotel Taskforce of Community Board #3, to address safety concerns and fair labor practices regarding the development project located at 101 Ludlow Street; and

WHEREAS, this development project involves the construction of a twenty (20) story, 80,000 square foot building by Blachman Development, built at the request of the School of Visual Arts, for lease as a dormitory by SVA for a period of time of forty (40) years; and

WHEREAS, community residents and members of the New York City District Council of Carpenters (hereinafter “Carpenters Union”) have repeatedly expressed concerns regarding safety practices at this construction site, as well as wages, benefits and safety training provided to workers at the site; and

WHEREAS, in support of these concerns, representatives of the Carpenters Union have provided testimony of observations that workers employed at the site are inadequately trained in safety practices, subjected to unsafe and substandard working conditions, without health benefits and receiving less than the prevailing wage; and

WHEREAS, a former worker of the site has also provided testimony of his first hand account that the aforementioned conditions existed while he was employed; and

WHEREAS, Community Board #3 has had a longstanding history supporting fair labor practices and prevailing wages at construction sites; and

WHEREAS, in July 2007, Community Board # 3 voted to support developments within our community incorporating the Manhattan Borough President’s Community and Labor Task Force standards that promote the welfare of workers and the surrounding community; and

WHEREAS, given the increasing number of onsite injuries suffered by workers on similar projects which have been publicized over recent months, the lack of safety training and safe working conditions at this particular nonunion site is of particular concern to Community Board #3; and

WHEREAS, Community Board #3 has made vigorous efforts to secure the attendance of the Blaichman Development and the SVA to address and resolve these concerns; and

WHEREAS, the SVA contends that, since it is neither the owner or developer of this site, it has no control or input with respect to any aspect of construction, despite precedent set in this community by New York University as the future lessee of a dormitory who has assumed responsibility over its construction and who actively participates in dialogs with the community and the developer regarding the impact to and issues concerning the community; and

THEREFORE, BE IT RESOLVED, that Community Board #3 admonishes Blaichman Development for failing to demonstrate any concern for this community by failing to participate in any discussion of fair labor practices and the safety of their development; and

BE IT FURTHER RESOLVED, that Community Board #3 admonishes the SVA for failing to assume any responsibility for the method of development employed at a building the SVA has caused to be built and from which it will, ultimately, benefit; and

BE IT FURTHER RESOLVED, that Community Board #3 urges the developer of 101 Ludlow Street, and its contractors, RC Structures and Casino, to operate this development consistent with the Manhattan Borough President's construction principles, fair labor practices, safe working conditions and a prevailing wage scale.

3. Presentation from LES coalition regarding local hiring  
No vote necessary

(Labor Task Force, Parks Committee)

37 YES 0 NO 0 ABS 0 PNV (Excluding Parks Item 13) MOTION PASSED

36 YES 0 NO 0 ABS 1 PNV (Parks Item 13) MOTION PASSED

#### **Ethics, Bylaw & Procedures Committee**

No vote necessary

#### **SLA & Economic Development Committee**

1. Need for DCA night enforcement funding and/or flextime

**VOTE:** WHEREAS, New York City has encouraged the proliferation of sidewalk café to increase business and enhance street life and there are an increasing number of sidewalk cafes within Community Board #3; and

WHEREAS, as the number of sidewalk café has increased, there must also be enhanced enforcement of said sidewalk cafes to ensure the compliance of existing Department of Consumer Affairs regulations, maintain the accessibility and safety of streets for pedestrians and regulate unlicensed cafes, who should not benefit from operation without complying with existing regulations; now

THEREFORE, BE IT RESOLVED, that Community Board #3 believes that nighttime and weekend enhanced enforcement is necessary by Department of Consumer Affairs inspectors, that said enforcement should be accomplished at no additional cost by flex time for inspectors and, if this is not possible, funding should be appropriated for necessary inspections.

2. Discussion of CB3 policies that should be clarified for notification  
No vote necessary

#### **Renewal with Complaint History**

3. La Gaule, 188 Orchard St (rw)

**VOTE:** To approve the restaurant wine license for La Gaule, 188 Orchard Street, with the understanding that the applicant will maintain the required eight (8) feet of pedestrian walkway when his sidewalk café is open consistent with Department of Consumer Affairs regulations.

4. Elephant, 58 E 1st St (op)

No vote necessary

5. No Malice Palace, 197 E 3rd St (op)

**VOTE:** That, although No Malice Palace, 197 East 3rd Street, has received numerous citations in the preceding year for noise, unlicensed security, unlicensed cabaret and overcrowding, as well as complaints for assault and larcenies at the location, it has been operating for approximately nine (9) years and in response to the problems of this preceding year has hired a bonded security company to address these conditions. Therefore, Community Board #3 moves to deny the renewal of the full on-premise liquor license for No Malice Palace, 197 East 3rd Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will enforce music levels by using an installed limiter, 2) it will continue to employ licensed security on Fridays and Saturdays and additional days, as needed, to control crowds and noise,

- 3) it will maintain crowd and noise control in front of and in the backyard of the establishment at all times, and
- 4) it will address all complaints in a timely fashion.

6. Candela, 92 2nd Ave (op)

**VOTE:** To deny the renewal of the full on-premise liquor license for Candela, 92 Second Avenue, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will close its façade doors at 10:00 P.M. weekdays and 11:00 P.M. weekends, 2) that it will make efforts to prevent noise from emanating from the establishment, 3) it will have no live music and any music will be ambient background music from an iPod, 4) it will address complaints in a timely fashion, and 5) it will only comply with Department of Consumer Affairs sidewalk café regulations. - **THE APPLICANT FAILED TO PROVIDE COMMUNITY BOARD #3 WITH SAID STIPULATION.**

**Applications within Resolution Areas**

7. Cleopatra Café, 171 Ave A (rw)

**withdrawn**

8. 113 Ludlow Inc, 113 Ludlow St (op)

**VOTE:** WHEREAS, 113 Ludlow Inc. is applying for a full on-premise liquor license at 113 Ludlow Street, a location which is currently being operated under the business name Mehanata, also known as The Bulgarian Bar; and

WHEREAS, Community Board #3 cannot determine which corporate entity will have control over this location or who its constituents are because of the inconsistencies within the present and previous applications for this location (see letter of prior history attached hereto), all of which appear to be by the same individuals, in that (a) the applicant who now appears has stated that he intends to form the subject corporation with two (2) partners (one of whom also appeared) who are currently operating this location under the previous licensee's corporate name, Medalius Inc., and he has averred that this location will be operated as a coffee shop during the day and a live music venue at night, (b) the existing partners previously appeared before this community board in June and October of 2006, using the corporate name LESPA Inc., and averred both times that the location would be a restaurant and music venue which would have daytime workshops and studio space for musicians, c) at the time of the original application in 2006, said partners had already begun operating this location using the business name Mehanata, also known as The Bulgarian Bar, and the location continues to operate under the same name, d) subsequent to appearing before the community board in 2006, the same partners applied for and obtained a cabaret license from the Department of Consumer Affairs, using the corporate name BG Bar, a name which they are now apparently attempting to use by applying to the New York State Liquor Authority for a corporate name change (referring to name change paperwork, dated January of 2008), (e) the partner who now appears before the community board has stated that the present operating hours of the location are from 6:00 P.M. to 4:00 A.M., that it is open only three (3) days per week and that it has not served food since December of 2007 because it is in the process of "moving the kitchen," all of which is inconsistent from its original proposed application or the application presently before Community Board #3, (f) the application now before Community Board #3 incorrectly states that the applicant has never before been licensed when , in fact, he intends to operate this location with two partners who are currently operating a full on-premise liquor license at this location under the corporate name Medalius Inc., and (g) when the Chair of the State Liquor Authority/Economic Development Committee of Community Board #3 telephoned this business on February 8, 2008, she was informed that the business opens at 8:00 P.M.; and

WHEREAS, CB#3 has learned that the license for medalius inc. has just been revoked by the SLA and 113 Ludlow Inc. is comprised of the two partners who currently constitute Medalias Inc. plus an additional partner

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

WHEREAS, at the time of its original application in 2006, Ludlow Street was already 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 these conditions continue today; and

WHEREAS, Ludlow Street may be the single worst area in the 7th Precinct in terms of degraded quality of life as a 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, since the time of its original application in 2006, the persistent detrimental conditions on Ludlow Street have resulted in the elimination of weekend nighttime parking on one side of Ludlow Street, between Houston and Delancey Streets, to alleviate the existing pedestrian and traffic congestion and to minimize noise; and

WHEREAS, the applicant concedes, there are at least five (5) full on-premise liquor licenses within five hundred (500) feet of this location and, in actuality, there are at least ten (10) full on-premise liquor licenses; and

WHEREAS, the applicant has failed to demonstrate community support for this application, in that it submitted petitions in support of this business comprised of thirty (30) signatures, only two (2) of which are from the immediate area; now

THEREFORE, BE IT RESOLVED, that Community Board #3 moves to deny the full on-premise liquor license for 113 Ludlow Inc., 113 Ludlow Street.

**Alterations/Transfers/Upgrades**

9. 545 E 5th St (trans/rw)

**VOTE:** To deny the transfer of the restaurant wine license for 545 East 5th 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 an Italian restaurant, serving food to within one (1) hour of closing, 2) it will close its French doors at 10:00 P.M. weekdays and 11:00 P.M. weekends, 3) its hours of operation will be 6:00 P.M. to 12:00 A.M Fridays and Saturdays, 6:00 P.M. to 11:00 P.M. Mondays through Thursdays and 5:00 P.M. to 11:00 P.M. Sundays except that the applicant may open earlier for lunchtime service, and 4) it will have no live music.

10. 9 Ave A (trans/op)

**VOTE:** To deny the transfer of the full on-premise liquor license for 9 Avenue A, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) any live music will be acoustic only, consisting primarily of a piano with some accompanying instruments or a vocalist, 2) its closing hours will be 2:00 A.M. Sundays through Tuesdays, and 4:00 A.M. Wednesdays through Saturdays, 3) it will have a closed façade during all hours of operation, and 4) it will employ security, as needed.

11. 218 Ave A (trans/op)

**withdrawn**

12. 35 Clinton St (trans/op)

**withdrawn**

13. Lala Land, 37-39 Clinton St (trans/op)

**withdrawn**

14. Casanis, 81 Ludlow St (alt/op)

**VOTE:** To deny the alteration application for Casanis, 81 Ludlow Street, to wit expanding its dining space into the adjacent basement storefront at the same address, 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 French restaurant, serving food to within one (1) hour of closing, 2) it will close at 12:00 A.M. all nights, 3) it will not operate its fan while it is closed, 4) it will close any doors and windows at 10:00 P.M. every night, 5) if doors and windows are open, it will extend awnings during all hours of operation to baffle any noise emanating from the establishment, 6) it will maintain the existing entrance and have an interior entrance connecting to the new basement location, and 7) it will play ambient background music only.

15. JCDC, 163 1st Ave (up/op)

**VOTE:** Recognizing that the applicant has had no complaints, to approve the upgrade to a full on-premise liquor license for JCDC, 163 First Avenue, understanding that it will maintain its method of operation as a full service restaurant.

16. FT Café, 175 2nd Ave (alt)

**VOTE:** To deny the alteration application for FT Café, 175 Second Avenue, to wit expanding its dining space into the adjacent storefront at the same address, 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 Spanish tapas restaurant, serving food to within one (1) hour of closing, 2) it will maintain its existing operating hours of 5:00 P.M. to 2:00 A.M. every day, 3) it will maintain its existing entrance, and 4) its façade will remain closed at all times.

17. 211 Ave A Restaurant, 197 2nd Ave (extend license to sidewalk café)

**withdrawn**

**New Liquor License Applications**

18. Veselka Bowery, 9 E 1st St (op)

**VOTE:** To deny the full on-premise liquor license for Veselka Bowery, 9 East 1st Street, because, although this applicant has a longstanding good history at another establishment, doing business as Veselka, within Community Board #3, 1) as the applicant concedes, there at least eight (8) full on-premise liquor licenses within five hundred (500) feet of this location, 2) the applicant has stated that the need for a second location within Community Board #3 is due to the great popularity of his existing establishment, which has operated successfully with a restaurant wine license, and a second establishment would address patron overflow, 4) the proposed establishment would be identical to the existing establishment in all respects other than the applicant intends to serve liquor, and 5) the only justification for the application for a full on-premise liquor license for this location is the high rent. - **APPLICANT WITHDREW ITS APPLICATION**

19. 85 E 4th St (tw)

**VOTE:** To deny the application for a tavern wine license for 85 East 4th Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will



make substantial efforts to minimize crowds on 4th Street by assigning employees to regulate waiting patrons on the sidewalk or directing them to an interior holding area, 2) it will maintain a closed façade, 3) it will operate a comedy club with one (1) to two (2) scheduled performances per night on weekdays and one (1) to three (3) scheduled performances per night on weekends, 4) it will employ security or door personnel to monitor the door and control congestion on the sidewalk during all hours of operation, 5) it will only serve alcohol during scheduled performances and to ticket holders, and 6) it will not apply for an upgrade of its license for at least a period of two (2) years 7) the establishment will close at 2AM on Friday and Saturday and Midnight on Sunday through Thursday.

20. Momofuku, 163 1st Ave (op)

**withdrawn**

21. 90 E 10th St Ground LLC, 90 E 10th St (op)

**withdrawn**

22. North 112th, 112 Suffolk St (rw)

**VOTE:** To deny the application for a restaurant wine license for North 112, 112 Suffolk 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 its method of operation as a Middle Eastern/American restaurant, serving food to within one (1) hour of closing, 2) it will have operating hours of 8:30 A.M. to 10:00 P.M. every night, and 3) it will only play ambient background music.

23. Café Cortadito, 210 E 3rd St (rw)

**VOTE:** To deny the application for a restaurant wine license for Café Cortadito, 210 East 3rd Street, because, although the applicant appeared before Community Board #3 for review of its application, it failed to provide any application materials to review.

24. Kuta Eatery, 65 Rivington St (op)

**VOTE:** To deny the application for a full on-premise liquor license for Kuta Eatery, 65 Rivington Street, because, although the applicant appeared before Community Board #3 for review of its application, it attempted to withdraw its application in an untimely manner at the time of its hearing and failed to provide any application materials to review.

25. Knitting Factory, 504-508 E 14th St (removal/op)

No vote necessary

**Old Business**

26. Fifth Street Burger, 540 E 5th St (rw)

**VOTE:** To rescind the prior month’s motion to deny the application for a restaurant wine license to Fifth Street Burger, 540 East 5th Street, because the applicant failed to provide the requested stipulation and to now deny the application for a restaurant wine license to Fifth Street Burger, 540 East 5th Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate a full-service, locally sourced restaurant selling burgers and sandwiches to within one (1) hour of closing, 2) it will operate from 12:00 P.M. to 1:00 A.M Sundays through Tuesdays and 11:30 A.M. to 3:00 A.M. Wednesdays through Saturdays, 3) the applicant will not apply to upgrade its license to a full on-premise liquor license for the life of the license, and 4) it will provide delivery service north to south from 14th Street to Delancey Street and west to east from Second Avenue to the East River.

38 YES	0 NO	0 ABS	0 PNV (Excluding Items 6,8,9,10,14,18)	MOTION PASSED
33 YES	1 NO	4 ABS	0 PNV (Item 6)	MOTION PASSED
33 YES	1 NO	4 ABS	0 PNV (Item 8)	MOTION PASSED
32 YES	1 NO	5 ABS	0 PNV (Item 9)	MOTION PASSED
37 YES	0 NO	0 ABS	1 PNV (Item 10)	MOTION PASSED
36 YES	1 NO	1 ABS	0 PNV (Item 14)	MOTION PASSED
37 YES	0 NO	1 ABS	0 PNV (Item 18)	MOTION PASSED

**Parks & Recreation Committee**

1. Presentation by the Mayor’s Office and Public Art Fund of East River Waterfall public art project

No vote necessary

2. Parks Dept, proposed design for reconstruction of: 1) Rutgers Slip, 2) Catherine Slip, 3) Montgomery Slip

**VOTE:** To conceptually support the proposed design for reconstruction of the Rutgers St. and Montgomery St. slips and to arrange for a follow-up community meeting for further discussion concerning the proposed design for the Catherine St. slip.

**Street Fair Applications**

3. Transportation Alternatives, 4/5, 4th Ave (Astor Pl-E 5th St)

**VOTE:** To support the request by Transportation Alternatives for a street fair on April 5, 2008 on 4th Avenue (5th-8th Streets).

4. Middle Collegiate Church, 5/10, 2nd Ave (E 3rd-E 14th Sts)

**VOTE:** To support the request by Middle Collegiate Church for a street fair on May 10, 2008 on 2nd Avenue (3rd-14th Streets).

5. St George Ukrainian Church, 5/16-5/18, E 7th St (2nd-3rd Aves)

**VOTE:** To support the request by St. George Ukrainian Church for a street fair on May 16-18, 2008 on East 7th Street (2nd-3rd Avenues).

6. Two Bridges Neighborhood Council, 5/24, 3rd Ave (E 5th-E 14th Sts)  
**VOTE:** That although this is a respected organization within Community Board #3 and has made positive contributions to our neighborhood, based on CB #3's long-standing street fair guidelines, this request is denied based on CB #3's policy of one street fair per major avenue per year and to the policy of requiring organizations sponsoring street fairs to be adjacent to the applicant's requested location.
7. Loisaída, 5/25, Ave C (E 6th-E 13th Sts)  
**VOTE:** To support the request by Loisaída, Inc. for a street fair on May 25, 2008 on Avenue C (6th-13th Streets).
8. Cooper Square Committee, 6/14, 3rd Ave (E 6th St-E 14th Sts)  
**VOTE:** To support the request by Cooper Square Committee for a street fair on June 14, 2008 on 3rd Avenue (6th-14th Streets).
9. East Village Visiting Neighbors, 7/12, Cooper Sq (Astor Pl-E 5th St)  
**VOTE:** To support the request by East Village Visiting Neighbors for a street fair on July 12, 2008 on 4th Avenue (5th-8th Streets).
10. Asian Americans for Equality, 8/3, Bayard St (Mott-Baxter Sts)  
**VOTE:** To support the request by Asian Americans for Equality for a street fair on August 3, 2008 on Bayard St. (Mott-Baxter Sts.).
11. Andrew Glover Youth Program, 8/30, 4th Ave (E 8th-E 14th Sts)  
**VOTE:** To support the request by Andrew Glover Youth Program for a street fair on August 30, 2008 on 4th Avenue (8th-14th Sts.).
12. Our Lady of Sorrows, 10/2-10/5, Pitt St (Stanton-Rivington Sts)  
**VOTE:** To support the request by Our Lady of Sorrows for a street fair on October 2-5, 2008 on Pitt Street (Stanton-Rivington Sts.).
13. Chinatown Partnership, 10/11, Mott & Bayard (Canal-Worth Sts, Mulberry St-Bowery)  
**VOTE:** To support the request by Chinatown Partnership for a street fair on October 11, 2008 on Mott & Bayard Streets (Canal-Worth Sts. and Mulberry St.-Bowery).

**New Business**

- Situation involving La Primera Iglesia Pentecostal.  
**VOTE:** WHEREAS, La Primera Iglesia Pentecostal at 141 Attorney St is threatened with eviction; and

WHEREAS, CB3 supports community-based institutions; and

WHEREAS, houses of worship are critical to our community; now

THEREFORE, BE IT RESOLVED, that CB3 supports La Primera Iglesia Pentecostal remaining in our community.

38 YES 0 NO 0 ABS 0 PNV MOTION PASSED

**Members Present at Last Vote:**

David Adams [P]	Bonnie Hulkower [P]	Lois M. Regan [P]
Paul Bartlett [P]	Carolyn Jeffers [P]	Richard F. Ropiak [P]
Mayra Cappas [A]	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 [P]	John Leo [P]	Deborah A. Simon [P]
David Crane [P]	Eden Lipson [P]	Pia Simpson [A]
Andrea Diaz [P]	Bernice McCallum [P]	Arlene Soberman [A]
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 [P]	David Weinberger [A]
Beth From [P]	Thomas Parker [P]	Nina Werman [A]
Rabbi Y. S. Ginzberg [A]	Dominic Pisciotta [P]	Harry Wieder [P]
Gloria Goldenberg [A]	Barden Prisant [P]	Samuel Wilkenfeld [P]
Alexander Gonzalez [A]	William Ramos [A]	Noah Yago [P]
Guido Hartray [A]	Carolyn Ratcliffe [P]	Thomas Yu [A]
Herman F. Hewitt [P]	Joyce Ravitz [P]	

Meeting Adjourned