



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD NO.3

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David McWater, Board Chair

Susan Stetzer, District Manager

March 2008 Full Board Minutes

Meeting of Community Board #3 held on Tuesday, March 25, 2008 at 6:45 at PS 20, 166 Essex Street

Public Session:

Edward Garcia: representing CHERP (Community Hook on East River Park). This is a new organization. He would like to be part of the sub-committee of Parks.

David Tieu: he is opposed to rezoning. He used to live in the neighborhood but was priced out.

Marta Pichardo: she is here to talk about the yard next to her building (157 Broome St). She wants the Community Board to give them permission to clean up the yard and do something constructive with the yard.

Orlando Rodriguez: he is representing the Coalition to Protect Chinatown. He is opposed to the rezoning because of the lack of community involvement. He is also opposed to the rezoning because he believes that it does not provide true affordable housing.

Marna Ramirez: she is against the rezoning.

Ted Greenberg: he is representing the Felix Millan Little League. His little league is having a problem with obtaining permits for the East River Park Ballfield.

Alberto Rodriguez: he believes there is not enough policing in his community.

John Alicea: he believes there is not enough policing in his community. Also, he believes that police are not enforcing the dog curbing laws.

Rob Hollander: states that the people of Chinatown are here to protest luxury upzoning in the neighborhood. He states that there are problems with the Chrystie Street alternative.

James French: is representing the Educational Alliance, Project HELP. The organization is starting new addiction prevention services.

Ruimin Chen: he disagrees with the rezoning. He believes that low-income people will not be able to live in the neighborhood.

Wah Lee: she is representing the Chinese Staff Workers Association (CSWA). She is against the rezoning and the gentrification of the neighborhood.

Josephine Lee: she is representing the Chinese Staff Workers Association (CSWA). She wants to work to preserve the entire community. She believes the rezoning plan is dividing the district into many pieces.

Shu Hwa: she is representing the Chinese Staff Workers Association (CSWA). She is against the rezoning.

Lui De: there are many luxury condos being built and the people are being forced out of the neighborhood.

Jerry Weng: he is representing the Chinese Staff Workers Association (CSWA). He is against gentrification.

Eric La Grange: he is representing the Elephant Restaurant. He is supporting the granting of a liquor license to his establishment.

Steven Wong: he is representing Chinese Restaurant Alliance. He is against the rezoning. He believes that poor people are being forced out of the community.

Hoon Kim: he is against the rezoning plan. He believes the rezoning plan will not include low-income housing.

Samantha Imperatrice: she is a volunteer with the Chinese Staff Workers Association (CSWA). She is against the rezoning. She gave a brief history of recent rezoning projects in nearby neighborhoods.

Carmela Huang: she is against the "racist" rezoning and believes that the plan does not provide real affordable housing.

Arek Tomaszewski: wants to stop the displacement in the community. He wants more low-income housing in the neighborhood.

Amerlia Aviles: she is against the rezoning and wants more low-income housing.

Wally Acevedo: he is representing Felix Millan little league. He is upset that the parks department is cutting the hours of his little league.

Manny Rodriguez: he is the founder of the Felix Millan little league. He is upset that the parks department is cutting the hours of his little league.

Tom Weiss: representing Up-Front news. He is opposed to the rezoning plan. He believes that the people have to work together to preserve low-income housing.

John Chen: he is against the rezoning.

Robert Echevarria: he wants affordable housing in his community.

Belgica Benavides: she is representing NMASS. She is against the rezoning.

Lindsay Schubiner: she is representing the Chinese Staff Workers Association (CSWA). She is against the inclusionary zoning plan which does not bring in enough affordable housing.

Jean Standish: she is here to promote the meeting with NYU to discuss NYU's Long-Term Strategic Plans at the Barney Building at 34 Stuyvesant Street in room 403.

Jimmy Cheng: he is chair the Continental Garment Manufacturing Association. He is against the rezoning plan

Celia Correa: she is representing NMASS. She is against the rezoning and wants more affordable housing.

John Leo: John talked about the outreach he is doing on Chinese Radio on behalf of the Community Board.

Public Officials:

State Senator Martin Connor: The Senator states that education funding for city schools is not enough. Neither is healthcare funding. Congestion pricing is also coming up this month in Albany. He states that there are problems with the bill. He does not trust the MTA do spend the money that congestion pricing would provide.

Mayor Michael Bloomberg, Lolita Jackson & Pauline Yu: N/A

Comptroller William Thompson, Sandra Duque: She is the new liaison for the Manhattan Borough. The Comptroller has a hotline for people who are having problems with foreclosure issues.

Public Advocate Betsy Gotbaum, Simeon Banister: N/A

Borough President Scott Stringer, Gregory Brender: announced free tax-preparation day on Saturday. The MBP has formed a task force concerning better safety standards at the construction projects.

Congressmember Carolyn Maloney, Victor Montesinos: read statement that the Congresswoman delivered on a paid family leave bill.

Congressmember Jerrold Nadler, Erin Drinkwater:

Congressmember Nydia Velazquez, Iris Quinones: N/A

Assembly Speaker Sheldon Silver, Zach Bommer: states that the Speaker is opposed to the refuge islands being constructed on Grand Street. The Speaker is communicating with the DOT concerning these islands and the DOT has temporarily halted construction. The Speaker also proposed legislation that would increase penalties on assaulting the elderly.

Assemblymember Deborah J. Glick, Bess Matassa: She is focusing attention on curbing the practice of "phony demolitions." The Assemblywoman is also supporting a ban on horse-drawn carriages in the city.

Assemblymember Brian Kavanagh, Patrick van Keerbergen: Patrick spoke on the highlights of the budget. The Assemblyman has introduced legislation that would make it easier to enforce animal fighting laws.

State Senator Thomas K. Duane, Romeo Ymalay: Wrote a letter to DHCR asking them to adopt more rigorous emission standards. The Senator also submitted a resolution denouncing the “don’t ask don’t tell” policy in the US Military.

Councilmember Alan Gerson, Matt Viggiano: The Councilman will investigate the possibility of using revenue from Battery Park City Authority to maintain affordable housing. The Councilman is also holding a press conference on the status on Governor’s Island. Matt also discussed congestion pricing.

Councilmember Rosie Mendez, Jessica Nepomiachi: Jessica notified the Community Board of the website to apply for discretionary funding from the City Council.

Members Present at First Vote:

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

Minutes:

Minutes of January 2008 were approved, as is.

33 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Board Chairperson's Report:

Chairperson David McWater: he gave an update on the rezoning plan. He stated that the goal of his 197 task force to preserve the integrity of the neighborhood and the working class. David stated that the task force has worked with the Department of City Planning. He stated that the rezoning is for people of the working class. He also stated that there is a height-cap in the rezoning. The Chair stated that he will not be running for reelection.

District Manager's Report:

The Mayor’s office had a meeting about the budget. The Mayor’s office stated that the Community Board would not be exempt from cuts. There will be an additional 3% cut in addition to the 5% cut already planned. This will decimate the Community Board office. The MBP is coordinating with the Manhattan Boards on how to approach the City Council to restore the funding. The CB3 office has received many complaints about the islands on Grand Street.

Committee Reports:

Executive Committee

1. Arts Task Force, Pier 36 arts programming
VOTE: That Community Board #3 supports its Arts Task Force being a co-sponsor of Pier 36 arts programming from May through October, 2008.
2. Co-sponsoring “Free Tax Preparation Day” conducted by CM Mendez & Boro President Stringer
VOTE: That Community Board #3 will be a co-sponsor of “Free Tax Preparation Day” on Saturday, March 29, 2008 to be conducted by CM Rosie Mendez and Borough President Scott Stringer.
3. Horce Café sidewalk café ULURP
VOTE: That Community Board #3 denies the ULURP application for Horus Café, 93 Avenue B, for all of the reasons set forth in its recent motion to deny the sidewalk café permit for said establishment, appended hereto with supporting documentation.

Parks & Recreation Committee

Waterfront Subcommittee Report

1. Economic Development Corp: request for proposals for operation of significant concession on Pier 42
VOTE: WHEREAS, Community Board #3 received a letter dated February 13, 2008 from NYC Economic Development Corporation advising that the City is “seeking proposals for the operation of a significant concession on Pier 42. . . . at the foot of Montgomery Street. . . .” for “a concession

agreement with the City for a single (1) year term with two one (1) year renewal options. . . ; and “no leasehold or other proprietary right is offered. . . .” ; and

WHEREAS, said February 13, 2008 letter advised that “any questions or suggestions regarding the RFP or developing the scope of said RFP be submitted “by no later than February 28, 2008”; and

WHEREAS, since said February 13, 2008 notification was received too late to be added to the February agenda of the Board, an extension was requested and granted until March 31, 2008; and

WHEREAS, the Waterfront Subcommittee met on March 13, 2008, prior to the regular Parks Committee meeting, and was unable to receive any information, NYC Economic Development Corporation, regarding any possible/potential uses of Pier 42 as envisioned by EDC for such a short-term lease; and

WHEREAS, there are no other amenities in the area of Pier 42 that would be a possible draw to the proposed concession (the area immediately north of Pier 42 is a staging area for the improvement of East River Park), and we have received no indication or timetable as to when the surrounding areas of the waterfront will be improved for use by the community (as it is now only used by governmental agencies and is therefore considered a lost resource to the community);

WHEREAS, since EDC has denied our request for a month’s extension to April to respond to the RFP procedure and scope for temporary use of Pier 42;

NOW THEREFORE, Community Board #3 would like to respond by advising EDC of what we do NOT want on Pier 42, either temporarily or at any time in the future, as a result of the more than 15 public meetings that have been held on waterfront issues;

The consensus is that:

- (1) There should be no concessions that would result in prices that would be unaffordable to the surrounding community, considering its low-to-moderate income level;
- (2) There should be no concessions that would result in the unsanitary and unhealthy conditions
- (3) It is thought that social service organizations (other than those that would provide educational/recreational activities, would be better served at other sites (e.g., settlement houses, and community and senior centers) than on the waterfront, where the community has long been deprived of the benefits and enjoyment of the natural resources that our waterfront has to offer;

also, Community Board #3 would like NYCEDC to come back to us, for further input, with RFP possibilities before they are finalized;

In addition we want assurances from EDC that the terms for the RFP will not exceed three years, and that any money received from the concessions will be set aside for community use on the waterfront;

THEREFORE, BE IT RESOLVED, that we request that EDC be advised that the Waterfront Subcommittee needs another month’s extension so that the questions stated above can be answered by EDC, and the Subcommittee can consider, at an April meeting, possible suggestions for the proposed interim “significant” concession on Pier 42.

Parks Committee

2. Proposed design for reconstruction of Catherine Slip
VOTE: To approve the proposed design for reconstruction of Catherine Slip with the following stipulations: (1) that angle parking on Catherine Street be established on the north (Knickerbocker Village) side of Catherine Street between Monroe and South Streets, and (2) that the existing hockey rink bleachers in Tanahey Park be removed.
3. Hester Street Collaborative: presentation of proposed Allen Street malls Visioning/Charrette process
no vote necessary
4. Hester Street Collaborative: presentation of proposed Community Pavement Project for SDR Park (Hester Street Playground section) walkway
no vote necessary
5. Review of pilot dog run at Coleman Park
no vote necessary
6. Use of Parks property at Southern extension of Hamilton Fish recreation area
no vote necessary
7. NY Marble Cemetery, 41 1/2 2nd Ave (E 2nd & E 3rd Sts): presentation regarding installation of western back wall in landmark cemetery

withdrawn

Block Party Applications

- 8. Theater for the New City, 5/24, E 10th St (1st & 2nd Aves)
VOTE: To approve the request by Theater for the New City for a block party on East 10th Street (1st - 2nd Aves.) on May 24, 2008.
- 9. Theater for the New City, 8/02, E 10th St (1st & 2nd Aves)
VOTE: To approve the request by Theater for the New City for a block party on East 10th Street (1st - 2nd Aves.) on August 2, 2008, contingent on receiving no verifiable complaints from the prior event on May 24, 2008.
- 10. Theater for the New City, 10/31, E 10th St (1st & 2nd Aves)
VOTE: To approve the request by Theater for the New City for a block party on East 10th Street (1st - 2nd Aves.) on October 31, 2008, contingent on receiving no verifiable complaints from the prior events on May 24 and August 2, 2008.
- 11. Christian Missionary Church, 5/17, E 7th St (Aves C & D)
VOTE: To approve the request by Christian Missionary Church for a block party on East 7th Street (Aves. C - D) on May 17, 2008.
- 12. St Marks Church, 5/31, E 11th St (2nd & 3rd Aves)
VOTE: To approve the request by St. Marks Church for a block party on East 11th Street (2nd - 3rd Aves.) on May 31, 2008.
- 13. St Marks Church, 9/06, E 11th St (2nd & 3rd Aves)
VOTE: To approve the request by St. Marks Church for a block party on East 11th Street (2nd - 3rd Aves.) on September 6, 2008.
- 14. Museum at Eldridge St, 6/15, Eldridge St (Canal & Division Sts)
VOTE: To approve the request by Museum at Eldridge Street for a block party on Eldridge Street (Canal - Division Streets) on June 15, 2008.
- 15. Orchard Street Music Festival, 6/22, Orchard St (Houston & Stanton Sts)
VOTE: To support the request by LES BID for a block party on Orchard Street (Stanton - Rivington Streets) on June 22, 2008 subject to receipt of resident petitions prior to the full Board meeting on March 25, 2008.
- 16. Soccer Tournament, 7/20, Orchard St (Houston & Stanton Sts)
VOTE: To support the request by LES BID for a block party on Orchard Street (Houston - Stanton Streets) on July 20, 2008.
- 17. La Bodega de la Familia, 8/14, E 3rd St (Aves C & D)
VOTE: To support the request by La Bodega de la Familia for a block party on East 3rd Street (Aves. C - D) on August 14, 2008.
- 18. Fashion Flipside Fashion Show, 8/17 Orchard St (Stanton & Rivington Sts)
VOTE: To support the request by LES BID for a block party on Orchard Street (Stanton - Rivington Streets) on August 17, 2008 subject to the receipt of resident petitions prior to the full Board meeting on March 25, 2008.
- 19. Sea of Galilee, 8/30, Eldridge St (Delancey & Rivington Sts)
VOTE: To support the request by Sea of Galilee for a block party on Eldridge Street (Delancey - Rivington Streets) on August 30, 2008.
- 20. 10th & Stuyvesant St Block Assoc, 9/13, E 10th (2nd & 3rd Aves)
VOTE: To support the request by 10th & Stuyvesant St. Block Association for a block party on East 10th Street (2nd - 3rd Aves.) on September 13, 2008.
- 21. 8th Annual International Pickle Day, 9/14, Orchard St (Grand & Broome Sts) and Broome St (Orchard & Ludlow Sts)
VOTE: To support the request by LES BID for a block party on Orchard Street (Broome - Grand Streets) on September 14, 2008.
- 22. Mariners' Temple Baptist Church, 9/20, Oliver St (Madison St & Chatham Sq)
VOTE: To support the request by Mariners' Temple Baptist Church for a block party on Henry Street (Madison Street - Chatham Square) on September 20, 2008.
- 23. LES is Best Festival, 10/04, Rivington St (Orchard & Ludlow Sts)
VOTE: To support the request by LES BID for a block party on Rivington Street (Orchard - Ludlow Streets) on October 4, 2008 subject to receipt of resident petitions prior to the full Board meeting on March 25, 2008.

Parks Event Application

- 24. American Cancer Society-Relay for Life, 6/14, SDR Park
VOTE: To support the request by American Cancer Society - Relay for Life for a park event in Sara D. Roosevelt Park on June 14, 2008.

(Executive Committee, Parks Committee, Waterfront Subcommittee)

33 YES 0 NO 0 ABS 0 PNV (Excluding Parks 2, 12, 13) MOTION PASSED

32 YES 1 NO 0 ABS 0 PNV (Parks 2) MOTION PASSED

32 YES 0 NO 0 ABS 1 PNV (Parks 12, 13) MOTION PASSED

197 Plan Task Force

- Review of DCP Final Scope Document
no vote necessary

Housing & Land Use Committee

1. Presentation of plans regarding use of retail space at Avalon Bay (E 1st St, Extra Place & 2nd Ave)
no vote necessary
2. Support for development of template questionnaire based on the Boro President's Task Force Development Principles
VOTE: WHEREAS, CB3 appreciates the time and energy the Borough President's Office has put into creating the questionnaire; whereas the questionnaire will greatly assist communities facing rampant development to properly respond to it; now

THEREFORE, BE IT RESOLVED, that CB3 supports the template questionnaire based on the Borough President's Task Force Development Principles and asks that the following questions/comments be added:
 - 1) How many "non-permanent" affordable housing units will be included?
 - 2) Please identify the wage to paid construction employees if it is not to be the prevailing wage.
 - 3) As regards local hiring of construction employees, what percentage will be local, what programs will be employed, and how will it be maintained?
3. Knitting Factory, 504-508 E 14th St: preliminary discussion regarding zoning variance to permit large entertainment venue (use group 12)
no vote necessary
4. BSA 24-96-BZ, 213 Madison St to waive Rules of Practice and Procedure and extend the term of a variance permitting commercial use in an R-7 residential zoning district and non-compliance regarding lot coverage and rear yard requirements, and to amend the variance to permit a change in use from a retail store (use group 6) to an eating and drinking establishment (use group 6)
VOTE: To approve the application for BSA 24-96-BZ, 213 Madison St to waive Rules of Practice and Procedure and extend the term of a variance permitting commercial use in an R-7 residential zoning district and non-compliance regarding lot coverage and rear yard requirements, and to amend the variance to permit a change in use from a retail store (use group 6) to an eating and drinking establishment (use group 6) since the change of use from Retail to Eating & Drinking is deemed minimal and will have no significant impact on the community.
5. PlaNYC 2030: review housing aspects of plan
no vote necessary
6. Support for establishment of a public market at empty city-owned Fulton Fish Market buildings
VOTE: To support the establishment in CB1 of a public market within indoor city-owned property which would support regional agriculture and be operated in such a manner as to offer benefits to CB3 residents and establishments.
7. Support for CB8 Queens' proposed land use resolution on community facilities
no vote necessary
8. Council Member Garodnick: support for Intro 627, which gives tenants a cause of action against landlords for harassment in housing court
no vote necessary

Public Safety & Sanitation Committee

- Report from Environmental Subcommittee
VOTE: To support Intro 728 & 729 [formerly Intro 104]: Electronic Waste Recycling and Enforceable Collection Standards: extended producer responsibility.

WHEREAS, presently electronic waste from our district is discarded in an unsightly manner, is collected, transported and disposed of at a great economic and environmental cost and residents of CB3 district currently bear environmental health and economic costs of electronic waste disposal; and

WHEREAS, Intro 728 & 729 embodies the principle of internalizing the external environmental costs of producing products with toxics, aka, the polluter pay principle, which is the foundation of American hazardous waste environmental regulation; and

WHEREAS, citizens in our district need increased opportunities and convenience in recycling electronic wastes and Intro 728 & 729 provides incentives to refurbish computers and distribute to low-income residents; and

WHEREAS, presently some of the electronic waste is shipped to the Newark, NJ incinerator, and other incinerators, where the toxics in the electronics are emitted in the air, and to the land in the form of toxic fly ash and are carried by prevailing winds to our District and New York City; and

WHEREAS, the citizens of our District thereby inhale electronic waste toxics which accumulate in our bodies adversely affects our health, to the greatest degree the most vulnerable: children, elderly, those with compromised immune systems, and respiratory problems (e.g. asthma); and

WHEREAS, electronic waste toxics emitted to the air from incinerators, and leached into the water from toxic fly ash and electronic waste in landfills enter the food chain, with toxic effects to wildlife

and humans; and the toxics emitted from electronic waste include—heavy metals such as lead, mercury, and chromium; dioxins, brominated flame retardants, PAHs, and other toxics—toxics which are neurotoxics, carcinogenic, and endocrine disruptors (cause developmental disorders); and

WHEREAS, the Lower East Side is home to the LES Ecology Center who started and operates the first city wide voluntary electronic recycling system and testified to the importance of expanding electronic waste recycling and fully supports Intro 104 [presently Intro 728 & 729]; and

WHEREAS, Intro 728 & 729 provides incentives for manufactures to recover heavy metals and toxics for reuse, decreasing mining, resource depletion, and toxic emissions into the environment and provides incentives to reduce and eliminate toxics in production, by substituting less toxic materials and thereby further reducing toxic emissions to the environment; and

WHEREAS, in Europe, extended producer responsibility legislation has been successful and has already resulted in reduction of toxics in electronic products sold in Europe and Minnesota has successfully passed similar extended producer responsibility legislation with a higher long-term goal of 85 percent recycling rate, and other states have similar legislation pending; and

WHEREAS, Intro 104 [presently Intro 728 & 729] electronic waste recycling is necessary to achieve the goals and objectives of PlaNYC: reduction of carbon footprint, improved air quality, improved environmental health and has reasonable and achievable goals and mechanisms, beginning with only a 25 percent recycling rate as the first goal; and

WHEREAS, Similar legislation is stalled in the New York State legislature, and is less likely to be passed without initiative by New York City; now

THEREFORE, BE IT RESOLVED, that CB3 fully supports Intro 728 & 729, electronic waste recycling and enforceable collection targets, as beneficial to our District’s quality of life, environmental health, sanitation, and economics; and

BE IT FURTHER RESOLVED, that CB3 recommends increasing electronic waste recycling targets; and

BE IT FURTHER RESOLVED, that CB3 urges the Mayor to sign Intro 728 & 729 into law and fully implement the electronic waste recycling plan.

Transportation Committee

1. Dept of Design & Construction: reconstruction of E Houston St, Bowery to FDR
no vote necessary

2. Dept of Transportation: dedicated bicycle and shared-use lanes for Clinton St from E B’way to E Houston
VOTE: WHEREAS, DOT has presented CB3-Manhattan with its design for a dedicate bicycle and shared-use lanes for Clinton St from East Broadway to E Houston St, to be implemented between April and May of this year. This design includes the intersection of Clinton St with Delancey St at the foot of the Williamsburg Bridge, a very hazardous intersection for pedestrians and cyclists; and

WHEREAS, presently traffic headed northbound on Clinton St between Broom St and Delancey St often makes an illegal turning movement to get onto the Williamsburg Bridge eastbound. This illegal turn is very dangerous because it requires vehicles driving into the pedestrian crosswalk before getting into the Williamsburg Bridge traffic lane. There are temporary orange barrels and guiderails that are not adequately preventing this illegal turning movement; now

THEREFORE, BE IT RESOLVED, that CB3-Manhattan asks that the DOT Bridge Division coordinate with the DOT Bike Unit to design and install a permanent, more effective deterrent to prevent illegal vehicular traffic from access to the Williamsburg Bridge off of Clinton St.

3. TLC project to redesign taxis: CB3 suggestion to include a light on top that indicates when the horn is honked so that NYPD can issue violations

VOTE: WHEREAS, CB3-Manhattan has the second highest number of noise complaints in the city; and

WHEREAS, CB3 has the highest number of commercial noise (nightlife) complaints of any community board in the city (current fiscal year to date); and

WHEREAS, there is congestion of nightlife establishments and corresponding street congestion, especially of taxis, that results in horn honking on Friday and Saturday nights till approximately 5:00 am and disturbs the sleep of residents; and

WHEREAS, 311 has only recently started recording horn honking noise complains, and CB3 has 349 vehicle noise complaints for the current fiscal year; and

WHEREAS, enforcement by police of horn honking/noise laws is impossible because the law requires that the police observe the driver actually putting his/her hand on the horn; now

THEREFORE, BE IT RESOLVED, that CB3-Manhattan supports the engineering design suggested by a member of the Ninth Precinct Community Council that taxi cabs be designed with a light on top that will light up when a horn is honked. That would allow police to issue horn honking violations on sight of the light and will greatly improve the quality of life of many residents in New York City; and

BE IT FURTHER RESOLVED, that CB3-Manhattan asks the TLC to explain their timeline and process that will be used to gather public and community board input for the TLC project to design the new taxi fleet. The brief article that has appeared in the news media suggests that the TLC is open to design suggestions early in the process, which is very encouraging, because it is important that the design of the new taxi fleet incorporate public input.

(Public Safety/Sanitation Committee, Transportation Committee, Housing Committee)

33 YES 0 NO 0 ABS 0 PNV (Excluding Transportation 2) MOTION PASSED

32 YES 1 NO 0 ABS 0 PNV (Transportation 2) MOTION PASSED

Human Services & Seniors Committee

- BRC: presentation of current services provided in district
no vote necessary

Youth & Education Committee

no vote necessary

Ethics, Bylaw & Procedures Committee

no meeting scheduled

SLA & Economic Development Committee

1. Discussion of CB3 policies that should be clarified for notification

VOTE: WHEREAS, Community Board #3 believes that its policies should be publicized to provide sufficient notice to applicants and in an effort to be as fair and transparent as possible; now

THEREFORE, BE IT RESOLVED, that the following policies should be posted on the Community Board #3 website to provide instruction and notice to prospective applicants and the public:

1. Transfer Applications

A transfer application should include the same method of operation as the existing business and incorporate any stipulations regarding method of operation which were signed by the transferor. However, Community Board #3 will consider requests to modify existing stipulations for transferred licenses if the revised stipulations will not substantially alter the existing method of operation;

2. 500 Foot Rule

Community Board #3 abides by the 500 foot rule. Applicants for full liquor licenses that are subject to the 500 foot rule of the New York State Alcohol Beverage Control Law will be denied unless they can establish that an approval of said license would be in the public interest. Community Board #3 will strictly scrutinize such applications and applicants should refer to the New York State Liquor Authority criteria regarding public interest in preparing their community board applications. In considering public interest, Community Board #3 may address these same criteria, including: 1) the number, class and character of existing licensed premises within 500 feet, 2) whether an applicant has obtained all necessary government licenses and permits for the proposed business, 3) the effect of an additional licensed premise on vehicular traffic and parking, 4) the impact of an additional licensed premise on the existing noise level, 5) the history of violations and reported criminal activity at the subject location, and 6) any other factor specified by law or regulation that would be relevant to deciding whether public convenience and advantage, as well as the public interest, would be served by approving the application.

3. Hours of Operation of Sidewalk Cafes

Generally, Community Board #3 will endeavor to require the same hours of operation for sidewalk cafes for establishments with similar methods of operation to minimize unfair competition. Applicants should be aware, however, that changing conditions in specific areas or the history of the business itself may necessitate a departure from this policy.

4. Applications in R7-2 Districts

In June of 2006, Community Board #3 unanimously approved a resolution requesting that the Zoning Resolution be amended pursuant to Section 201 of the City Charter to eliminate grandfathering loopholes of eating and drinking establishments in residential districts and to restrict rear yard use by 1) not approving additional eating and drinking establishments in residential zoning districts and not approving the expansion of existing eating and drinking establishments in R-districts, 2) not approving the reintroduction of eating and drinking establishments in residential zoning district locations where such use has been discontinued as an active use for more than two (2) years, and 3) not approving the use of rear yards by eating and drinking establishments in residential districts with or without commercial overlays.

To be consistent with this existing community board resolution, Community Board #3 will not approve new eating and drinking establishments in grandfathered noncompliant commercial space in R7-2 districts that are currently commercial use group 6 but are not currently occupied by an eating or drinking establishments.

2. Request from City Planning to review streets where sidewalk cafés are prohibited

VOTE: WHEREAS, Community Board #3 recognizes that, while sidewalk cafés generally enhance the streetscape and benefit commercial establishments, there are areas where such structures should be limited or prohibited because of street size or increasing noise and congestion conditions; now

THEREFORE, BE IT RESOLVED, that Community Board #3 supports the proposal by Council Member Rosie Mendez to continually review and revise the city list of streets where sidewalk cafés are prohibited and to ask that the following areas be included in the existing list: 1) Ludlow Street, 2) Orchard Street, 3) all side streets between Houston and 14th Streets, 4) Avenue A, and 5) Avenue B.

Renewal with Complaint History

3. The Elephant, 58 E 1st St (op)

VOTE: To deny the renewal of the full on-premise liquor license for The Elephant, 58 East 1st Street, because 1) since it has opened, there have been persistent complaints from neighbors of patron noise and music emanating from façade doors, open well after the 10:00 P.M closing time agreed to by the applicant and often open until 1:00 A.M. or 2:00 A.M., as well as patrons being allowed to congregate in front of the establishment until 1:00 A.M. or 2:00 A.M., 2) the applicant has received a summons for failing to control crowds in September of 2007, as well as two (2) summonses for selling alcohol to minors in February of 2008, 3) the First Street Block Association has attempted to address this history of complaints since 1998 by crafting a series of memoranda of understanding between itself and the applicant, none of which the applicant has abided by, and 4) in an email from the applicant regarding the complaints, he apparently rejected the notion of continuing to attempt to address the outstanding complaints. (see copy of email attached hereto)

4. Bounce Deuce, 103 2nd Ave (sidewalk café)

VOTE: To deny the renewal of a sidewalk café permit to Bounce Deuce, 103 Second Avenue, because the applicant did not appear before Community Board #3 for review of its application or provide any application materials to review.

5. Buenos Aires, 513 E 6th St (rw)

VOTE: To deny the renewal of the restaurant wine license for Buenos Aires, 513 East 6th Street, because the applicant did not appear before Community Board #3 for review of its application or provide any application materials to review and consistent with its motion of April 2007, which was to ask that the SLA deny the renewal of the restaurant wine license for Buenos Aires, 513 East 6th Street, because 1) the approval of this license by the Community Board was conditioned upon the applicant's agreement that it would close its backyard patio at 9:00 P.M. every night and that it would permanently close its backyard if there were any complaints about its use, 2) numerous complaints about its noisy backyard have been received by the Community Board, Councilmember Rosie Mendez's office and the 9th Precinct within the past year, 3) there are outstanding Department of Building violations for illegal commercial use of the backyard and illegal construction of the patio in the backyard (appending said violations), and 4) the licensee has refused to sign a stipulation that would become a condition of its licensee to permanently cease any commercial use of the backyard, in accordance with zoning law and the its prior agreement with this Community Board.

6. N&G Food, 98 Ave B (op)

VOTE: To deny the renewal of the full on-premise liquor license for N&G Food, 98 Avenue B, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will soundproof the façade, consistent with the plan provided, 2) it will keep its doors closed at all times, 3) it will close no later than 12:00 A.M Sundays through Thursdays and 2:00 A.M. Fridays and Saturdays, 4) it will operate as a full-service Turkish and Mediterranean restaurant, serving food to within one (1) hour of closing, 5) it will continue to employ a bonded licensed security guard, 6) it will not have DJs or live music, and will have only recorded background music, such as CDs, except that live music is occasionally permitted for private events.

Sidewalk Café Application

7. Totof, 168 Ave B (dba: 26 Seats)

VOTE: To approve the application for a sidewalk café permit for three (3) tables and six (6) seats for Totof, 168 Avenue B, provided there has been an existing sidewalk café permit issued for this location and because the

applicant has signed a change agreement which will become part of its DCA license that 1) it would have close the café at 11:30 P.M. every night.

8. Resto-Leon, 351 E 12th St

VOTE: To approve the application for a sidewalk café permit for ten (10) tables and eighteen (18) seats for Resto-Leon, 351 East 12th Street, understanding that the method of operation as a French restaurant and its business name of Resto-Leon will remain the same and understanding that this establishment has operated without complaints.

9. Belcourt, 84 E 4th St

VOTE: To deny the application for a sidewalk café permit for Belcourt, 84 East 4th Street, because the applicant did not appear before Community Board #3 for review of its application or provide any application materials to review.

Applications within Resolution Areas

10. San Marzano, 71 Clinton St (rw)

VOTE: WHEREAS, the applicant, San Marzano, is applying for a restaurant wine license for 71 Clinton Street, and it did not appear before Community Board #3 for review of its application or provide any application materials to review; and

WHEREAS, Clinton Street is a small, narrow, one (1) lane residential street, only three (3) blocks long, running from Houston Street to Delancey Street, and which is one of the most heavily trafficked areas in the Lower East Side because it operates as a through street for traffic traveling north from the Williamsburg Bridge to the FDR Drive and Avenue B; and

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

WHEREAS, there are approximately thirty-five (35) licensed establishments within five hundred (500) feet of this location; now

THEREFORE, BE IT RESOLVED, that Community Board #3 moves to deny the restaurant wine license for San Marzano, 71 Clinton Street.

11. Bernie's, 121 Ludlow St (rw)

no vote necessary

Alterations/Transfers/Upgrades

12. Ferber, 511 E 6th St (trans/op)

VOTE: To deny the transfer of a full on-premise liquor license to Ferber, 511 East 6th 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 commercially use its backyard, consistent with zoning laws and because there has been a history of noise complaints with respect to the existing business, as well as the previous business, 2) it will employ two (2) security persons during all hours of operation on weeknights and three (3) security persons on weekends, 3) its hours of operation will be from 4:00 P.M. to 4:00 A.M. every day, 4) it will play ambient background music only, except that it will be permitted to have an acoustic band play in its basement provided that any playing cease at or before 10:00 P.M. and provided that all doors and windows are closed while the band is playing.

13. Cricket and Eddie Corp., 218 Ave A (trans/op)

VOTE: To deny the transfer of a full on-premise liquor license to Cricket and Eddie Corp., 218 Avenue A, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) its hours of operation will be from 4:00 P.M. to 2:30 A.M. Sundays through Wednesdays and 4:00 P.M. to 3:30 A.M. Thursdays through Saturdays, 2) it will employ bonded licensed security persons at all times, 3) it will play recorded background music and music from a jukebox only, and 4) its doors and windows will be closed at all times.

14. 37-39 Clinton St (trans/op)

VOTE: To deny the transfer of a full on-premise liquor license to 37-39 Clinton Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will employ doorman or security persons on all days, 2) it will install soundproofing consisting of eight (8) inches of insulation, install thicker windows and seal all air conditioners, 3) it will disperse crowds on the sidewalk in front of its establishment using a doorperson, 4) it will play background music only, 5) its hours of operation will be from 12:00 P.M. to 4:00 A.M. every day, however, if there are noise complaints it will agree to close at 2:00 A.M. Sundays through Thursdays.

15. Essex Glatt, 47 Essex St (rehearing regarding stip)

VOTE: To deny the application for a full on-premise liquor license for Essex Glatt, 47 Essex Street, unless the applicant agrees before the SLA to make as conditions of its license the following amended signed notarized stipulation that 1) it will close no later than 2:00 A.M. Sundays through Thursdays and 3:30 A.M. Fridays and Saturdays, 2) it will operate as a full-service Kosher-style restaurant, serving food to within one (1) hour of closing every night, 3) it will install soundproofing, 4) it will not have French doors or windows, and 5) it will not have DJs, live music, promoted events, or any event at which a cover fee is charged.

16. Cocoa Bar, 19-21 Clinton St (trans/op)

no vote necessary

17. The Elephant, 58 E 1st St (trans/op)

VOTE: To deny the transfer of a full on premise liquor license for The Elephant, 58 East 1st Street, because the applicant did not appear before Community Board #3 for review of its application or provide any application materials to review.

18. Dawn Warfield, 79 Baxter St (trans/op)

withdrawn

19. 322 E 11th St (trans/op)

withdrawn

New Liquor License Applications

20. Café Cortadito, 210 E 3rd St (rw)

VOTE: To deny the application for a restaurant wine license for Café Cortadito, 210 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 maintain its method of operation as a full-service Cuban restaurant, serving food to within one (1) hour of closing, 2) it will close no later than 12:00 A.M. every night, 3) it will close all doors and windows by 10:00 P.M. every night, and 4) it will have only ambient background music.

21. 85 4th Ave (op)

withdrawn

22. QQ Taste, 19 Eldridge St (eb)

VOTE: To deny the application for an eating place beer license for QQ Taste, 19 Eldridge 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 as a full-service dine-in and take out Chinese restaurant, serving food to within one (1) hour of closing, 2) it hours of operation will be from 11:00 A.M. to 11:00 P.M. Mondays through Thursdays, 11:00 A.M. to 12:00 A.M. Fridays and Saturdays and 12:00 P.M. to 11:00 P.M. Sundays.

23. IDN Restaurant, 123 Allen St (rw)

withdrawn

24. Multi Tastes, 23 St James Pl (rw)

MOTION: At its March 10, 2008 monthly meeting, Community Board #3 passed the following motion: to deny the application for a restaurant wine license for Multi Tastes, 23 St. James Place, because the applicant did not appear before Community Board #3 for review of its application or provide any application materials to review.

25. Souen, 326 E 6th St (rw)

VOTE: To deny the application for a restaurant wine license for Souen, 326 East 6th Street, because 1) it failed to provided this community board with required petitions from neighboring residents, 2) there have been complaints by the resident directly above the establishment that there has been noise issuing from both of the previous businesses at this location because the location is not soundproofed, and 3) the applicant furnished no plans for renovations or soundproofing, although he was aware of the complaints.

26. 144 Division St (op)

VOTE: To deny the application for a full on-premise liquor license for 144 Division Street, because, the applicant did not appear before Community Board #3 for review of its application or provide any application materials to review.

27. Berry Bistro, 430 E 14th St (rw)

VOTE: To deny the application for a restaurant wine license for Berry Bistro, 430 East 14th Street, 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 11:00 P.M. every night, and 2) it will operate as a full-service European influenced American restaurant, serving food to within one (1) hour of closing.

28. Amber Avalon, 92 Ludlow St (op)

VOTE: To deny the application for a full on-premise liquor license for Amber Avalon, 92 Ludlow Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) its hours of operation will be from 12:00 P.M. to 4:00 A.M. Mondays through Fridays and 11:00 A.M. to 4:00 A.M. Saturdays and Sundays, 2) it will operate as a full-service Asian Fusion dim sum restaurant, serving food to within one (1) hour of closing every night, and 3) and it will enclose its rooftop to create a second story for additional seating.

29. Affetati, 131 E 7th St (tw)

VOTE: To deny the application for a tavern wine license for Affetati, 131 East 7th 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 as an Italian deli café, serving food to within one (1) hour of closing, 2) its hours of operation will be from 9:00 A.M to 12:00 A.M. Sundays through Thursdays and 9:00 A.M. to 2:00 A.M. Fridays and Saturdays, 3) it will play ambient background music only, consisting primarily of a radio, and 4) it will not have French doors or windows.

(SLA Committee)

32	YES	0	NO	0	ABS	0	PNV (Excluding SLA 1, 6, 13, 14, 15, 20, 29)	MOTION PASSED
31	YES	0	NO	0	ABS	1	PNV (SLA 1)	MOTION PASSED
31	YES	0	NO	1	ABS	0	PNV (SLA 6)	MOTION PASSED
27	YES	0	NO	5	ABS	0	PNV (SLA 13, 14, 15)	MOTION PASSED
29	YES	0	NO	3	ABS	0	PNV (SLA 20, 29)	MOTION PASSED

Members Present at Last Vote:

David Adams [P]
Paul Bartlett [P]
Mayra Cappas [P]
Wendy Cheung [A]
Pearl Chin [A]
Rocky Chin [P]
David Crane [P]
Andrea Diaz [P]
George Diaz [P]
Harvey Epstein [P]
Morris Faitelewicz [P]
Beth From [P]
Rabbi Y. S. Ginzberg [P]
Gloria Goldenberg [P]
Alexander Gonzalez [A]
Guido Hartray [A]
Herman F. Hewitt [P]

Bonnie Hulkower [P]
Carolyn Jeffers [P]
Anne K. Johnson [P]
Joel Kaplan [A]
Sam Krueger [A]
John Leo [P]
Eden Lipson [A]
Bernice McCallum [A]
David McWater [P]
Alexandra Militano [P]
Lillian Moy [A]
Thomas Parker [P]
Dominic Pisciotta [P]
Barden Prisant [P]
William Ramos [A]
Carolyn Ratcliffe [P]
Joyce Ravitz [P]

Lois M. Regan [P]
Richard F. Ropiak [P]
Estelle Rubin [A]
Elizabeth Sgroi [A]
David Silversmith [P]
Deborah A. Simon [P]
Pia Simpson [A]
Arlene Soberman [P]
Nancy Rose Sparrow-Bartow [P]
Elinor Tatum [A]
David Weinberger [P]
Nina Werman [A]
Harry Wieder [P]
Samuel Wilkenfeld [P]
Noah Yago [P]
Thomas Yu [P]

Meeting Adjourned