



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

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David McWater, Board Chair

Susan Stetzer, District Manager

May, 2008 Full Board Minutes

Meeting of Community Board #3 held on May 27, 2008 at 6:30 at PS 166.

Public Session:

Johnny Zamot: believes there are too many movie crews in the neighborhood. He believes that they are taking up too much space. He believes that crime is on the rise and that it is bringing down the neighborhood.

Noah Buoniek: from Transportation Alternatives. He is speaking to support bicycle and pedestrian improvements to/from Manhattan Bridge Bike/Pedestrian Path. He Recommends a physically protected bike lanes on Chrystie Street.

Susan Leezike: she is speaking in support of Met Foods obtaining a new lease.

Marion Ommin: she is speaking in support of Met Foods obtaining a new lease.

Roderic Williams: he is speaking about the loud noise coming from the Blue Owl at 196 2nd Ave. He claims that the owner is abusive.

Alfredo Feliciano: He is speaking regarding traffic safety surrounding the area of the Children's Magical Garden.

Dan Warren: He is speaking to contest the recommendation of the SLA subcommittee that rejected his application for a liquor license transfer because of the current tenant's stipulations.

Steel Neal: Steel belongs to the Ironworkers Union. He wants to make sure that union labor is used in any new construction in Community Board Three.

Chris Gatto: he is from the Council on the Environment – Greenmarket. He is speaking in support of the expansion of the Farmer's Market at the St. Mark's Church location.

Steve Wygoda: He is speaking in support of the application for a liquor license at Horus Sidewalk Café at 293 East 10th St.

Tara Deforte: speaking in support of the Con Edison Settlement Fund Proposal – Small Business Environmental Sustainability Program.

Damaris Reyes: from Good Ole Lower East Side (GOLES). She is speaking in support of the current rezoning plan.

Valerio Orselli: Valerio is from Cooper Square MHA. He is speaking in support of the rezoning.

Jasmine Garcia: Jasmine is from the Cooper Square Committee. She is speaking in favor of affordable housing and against new high-rise hotels and condominiums. She is in favor of the rezoning.

Tito Delgado: he is speaking in support of the rezoning.

Jerry Weng: he is against the rezoning.

Winnie Tam Hung: She is a professor at Hunter College. She is against the rezoning.

Tony Tsai: he is against the "so called racist rezoning plan". He states that the rezoning plan does not include Chinatown and thus should not be approved.

Carmela Huang: from the Coalition to Preserve Chinatown/LES. She is against the rezoning.

Susan Hoverd: she is against the rezoning.

Josephine Lee: from the Chinese Staff Workers Association. She is against the rezoning. She answered many questions regarding her organization's presentation of the rezoning plan.

Song Mei Yu: she is against the rezoning plan.

Howard B: he wants assurances that the people of Chinatown will not be displaced.

Mrs. Eng: she has lived in the Lower East Side for many years. She wants Chinatown to be included in the rezoning plan. She believes the plan only protects rich people.

Wah Lee: from the Chinese Staff Workers Association. She is against the rezoning plan. She states that the translated documents given to residents regarding the rezoning plan are not adequate.

Lu De Quan: he lives on the Bowery. He is against the rezoning plan.

Norma Ramirez: she is a former district leader. She is against the rezoning plan.

Amelio Aviles: She has lived in the community for 47 years. She is a member of the National Mobilization against Sweat Shops. She states that the Community Board wants to rush the rezoning plan through without hearing from the community. She states that the plan is “racist” and that the plan treats the citizens of Chinatown like second-class citizens. She wants the Community Board to vote against the plan.

Belgica Benavides: she is against the rezoning. She states that the residents are not adequately informed about the details of the rezoning.

Maddin Jackson: she is “appalled” at the rezoning plan because it does not include Chinatown. She recited many statistics concerning the neighborhood. She is against the rezoning plan.

Rosaura Valareso: She is one of the housing residents. She states that the “people in the community work for you”. She stated that the “power behind this is money and you are not going to win.”

Hoon Kim: he is part of the Coalition to protect LES/Chinatown. He is against the rezoning plan. He states that there is no guarantee of more affordable housing.

Rev. Bill Jones: he is speaking on behalf of 501(c)(3) corporations and the affect that the zoning changes will have on these corporations. He is speaking in favor of the rezoning plan.

Lucille Carrasquero: She is chair of the Cooper Square Committee. She supports the rezoning plan. She wants the DCP to include the 11 points of the CB3 planning.

Rob Hollander: wants to know “Where is Alan Gerson”? He states that Alan Gerson has been “completely absent in this whole process.”

David Mulkins: David is a 20-year NYC Public HS Teacher. He is against the rezoning plan.

Angel Seda: he is speaking in support of the rezoning plan.

Mary Spink: she reminded the audience of the many volunteers including the volunteers of the Community Board who have worked in the Community and on the rezoning plan. She states the plan is the best plan possible at this time.

Morris Fajtelewicz: representing the Auxiliary Police Supervisors Benevolent Association. He states that the Police Department has retaliated against the Volunteer Rescue Squad for exercising their first amendment rights.

#### Public Officials:

Councilmember Rosie Mendez: She states that she and Alan Gerson will be working to implement the 11 points that the Community Board came up with in regard to the rezoning plan. She states that the rezoning plan accomplishes many of the goals that she set out to do. She stated that is committed to working on rezoning for the Bowery. She also spoke of the \$20 Million gift to St. Brigid’s Church and how St. Brigid’s Church was saved. She also gave an update on Met Foods. She also stated that the CB3 should vote against the sidewalk café application on 14th St and 1st Ave.

Mayor Michael Bloomberg, Lolita Jackson: Lolita stated the new date for Community Board orientation and an event for Community Board members at Gracie Mansion. She stated that Pier 36 opened last Thursday.

Comptroller William Thompson, Sandra Duque: The comptroller is working to create a fairer system for the spike in water rates.

Public Advocate Betsy Gotbaum, Simeon Banister: Simeon encouraged everyone to contact him concerning all the exciting things happening at the Office of the Public Advocate.

Borough President Scott Stringer, Greg Kirschenbaum: The MBP has started Borough Construction in regard to the construction accidents that have happened around the borough.

Congressmember Carolyn Maloney, Victor Montesinos: stated that Congresswoman voted to suspend the importation of oil into the Strategic Petroleum Reserve.

Congressmember Jerrold Nadler, Erin Drinkwater: n/a

Congressmember Nydia Velazquez, Iris Quinones: n/a

Assembly Speaker Sheldon Silver, Zach Bommer: Zach spoke on the bill that was passed to protect the Tenants from Increasing Rents and Landlord Harassment. The Speaker also sponsored a bill that would increase fines on Landlords that harass tenants.

Assemblymember Deborah J. Glick, Matt Borden: introduced himself to the Community Board.

Assemblymember Brian Kavanagh, Barbara Castro: introduced herself to the Community Board. Invited the Community Board to read the Assemblyman's bulletin.

State Senator Martin Connor, Eva Rippeteau: Senator Connor has sponsored S. 8288 concerning new construction projects and S/ 650 which establishes an independent building review agency in NYC to oversee the development and construction projects within NYC.

State Senator Thomas K. Duane, Romeo Ymalay: The Senator has proposed major reform of the Rent Board System for Rent-Regulated Apartments. The Senator has also held a hearing on the Dignity for All Students Act.

Councilmember Alan Gerson, Matt Viggiano: stated that Council Member Gerson is committed to affordable housing. Council Member Gerson has also proposed legislation concerning Construction Safety.

Members Present at First Vote:

David Adams [P]	Bonnie Hulkower [P]	Joyce Ravitz [P]
Paul Bartlett [P]	Carolyn Jeffers [P]	Lois M. Regan [A]
Michael Byrne [P]	Anne K. Johnson [P]	Richard F. Ropiak [P]
Wendy Cheung [A]	Vaylateena Jones [P]	Lawrence Rosenblatt [P]
Pearl Chin [ P]	Meghan Joye [P]	Elizabeth Sgroi [A]
Rocky Chin [ P]	Joel Kaplan [P]	David Silversmith [P]
David Crane [P]	Sam Krueger [A]	Deborah A. Simon [P]
Andrea Diaz [P]	John Leo [P]	Arlene Soberman [P]
George Diaz [P]	Eden Lipson [A]	Nancy Rose Sparrow-Bartow [P]
Harvey Epstein [P]	Bernice McCallum [P]	Elinor Tatum [A]
Morris Fajtelewicz [P]	David McWater [P]	David Weinberger [A]
John Fout [P]	Alexandra Militano [P]	Harry Wieder [P]
Beth From [A]	Ilene Morales [P]	Samuel Wilkenfeld [P]
Edward Garcia [P]	Thomas Parker [P]	Douglas Witter [A]
Rabbi Y. S. Ginzberg [P]	Dominic Pisciotta [P]	Noah Yago [Y]
Gloria Goldenberg [P]	Barden Prisant [P]	Thomas Yu [P]
Herman F. Hewitt [P]	Carolyn Ratcliffe [P]	

Minutes:

Minutes of March 2008 were approved, with a correction to mark Morris Fajtelewicz and Deborah Simon present at the final vote.

**39 YES 0 NO 1 ABS 0 PNV MOTION PASSED**

Board Chairperson's Report:

Chairperson David McWater: corrected many of the mistakes that were made during public speaking. He met with Alan Gerson at 5:15 today regarding the rezoning.

District Manager's Report:

Susan stated the meeting of the Astor Place task force regarding the new design of Astor Place. She stated that the District Needs statement is on the agenda for every committee next month. She stated the importance of the MBP's construction watch project. She is lobbying with the Manhattan Delegation of the City Council to restore Community Board funding.

Committee Reports:

Executive Committee

1. Executive Committee Vote  
**VOTE:** To co-sponsor Allen and Pike Street Pedestrian Malls Community Visioning Process.
2. Executive Committee Vote  
**VOTE:** To request of Council Member Rosie Mendez that Community Board #3 be allowed to send an advocate to meetings concerning Met Food on behalf of the community.

(Executive Committee)

40 YES 0 NO 0 ABS 0 PNV

MOTION PASSED

Ethics, Bylaw & Procedures Committee

no meeting scheduled

SLA & Economic Development Committee

Renewal with Complaint History

1. Dark Room, 165 Ludlow St (op)

**VOTE:** To deny the renewal of the full on-premise liquor license for Grey Associates, Inc, doing business as the Dark Room, 165 Ludlow Street, because 1) this location has been the subject of a public nuisance abatement by the New York Police Department's Civil Enforcement Unit and the 7th Precinct for selling alcohol to minors on at least three (3) separate occasions and has also been recently closed for selling alcohol to an underage person on at least two (2) separate occasions in 2007 and 2008 and despite a settlement of its nuisance abatement in which it, in pertinent part, specifically agreed that it would sell alcohol to minors, 2) this establishment is located on Ludlow Street which can be characterized as the most overburdened street within the 7th Precinct because it is a location where the numerous liquor licensed establishments, as well as the crime and pedestrian and vehicular traffic that have accompanied them, have dramatically reduced the quality of life for surrounding residents, where noise from the locations themselves, from patrons on their sidewalks, rooftops and backyard decks, and from vehicles picking up and depositing patrons have made conditions for residents virtually unlivable and where the attendant crime and unsafe traffic conditions have taxed the limited resources of the precinct that oversees this area, 3) although, Community Board #3 has worked closely with the 7th Precinct as well as with other City agencies, such as the Department of Traffic and the Department of Environmental Protection, in an effort to control these conditions and reduce the traffic and noise that are plaguing residents, it and the 7th Precinct asked the Department of Transportation in November of 2006 to eliminate residential nighttime weekend parking on one side of Ludlow Street between Houston and Delancey Streets because these conditions are so severe, and 4) in addition to its citations for selling alcohol to minors, Grey Associates, Inc., has also received numerous violations for unlicensed cabaret, disorderly premise, unreasonable noise and building and fire code violations, including overcrowding and numerous complaint reports have been generated for this location, in that there have been reports of thirty-eight (38) crimes occurring at this location, including six (6) assaults and twenty-four (24) larcenies.

2. SPT, 538 E 14th St (op)

**VOTE:** To deny the renewal of the full on-premise liquor license for SPT, 538 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 make its best efforts to minimize noise emanating from its establishment by employing a door person during live events and five (5) nights a week, and 2) it will maintain posted signs directing patrons to disperse after shows.

3. Café Deville, 103 3rd Ave (op)

**VOTE:** To deny the renewal of the full on-premise liquor license for Café Deville, 103 Third Avenue, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will install a limiter to minimize noise form its sound system. **THE APPLICANT FAILED TO PROVIDE COMMUNITY BOARD #3 WITH SAID STIPULATION.**

4. Virage, 118 2nd Ave (sidewalk café)

**VOTE:** To deny the renewal of the sidewalk café permit for Virage, 118 Second Avenue, because the applicant did not appear before Community Board #3 for review of its application and complaints regarding its operation.

5. Graffiti Bistro, 224 E 10th St (rw)

**VOTE:** To deny the renewal of the restaurant wine license for Graffiti, 224 East 10th Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) to all necessary steps to ensure that its exhaust system is working properly and during all hours of operation, 2) to lower the volume and bass on its sound system and install a limiter to minimize noise and vibrations emanating outside of its establishment, and 3) to keep its awning extended over its façade during its hours of operation to muffle noise from waiting patrons which can now be heard by building residents.

6. Horus, 93 Ave B (rw)

**VOTE:** To deny the renewal of the full on-premise liquor license for Horus, 93 Avenue B, unless the applicant submits proof that its 2007 and 2008 violations have been dismissed and agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will employ bonded licensed security at all times, 2) it will install a limiter on its sound system to minimize noise complaints, and 3) it will close any doors or windows at 10:00 P.M. every night.

Sidewalk Café Application

7. Two Bikes, 85 Orchard St (unenclosed)

**VOTE:** To approve the application for a sidewalk café permit for six (6) tables and twelve (12) seats for Two Bikes, 85 Orchard Street, because the applicant has signed a change agreement which will become part of its DCA license that 1) it will close its café at 10:00 P.M. every night, and 2) that it will have an awning extended over its café during its hours of operation to baffle any noise which might be heard by the residential tenants.

8. Café Horus, 293 E 10th St (enclosed), see also #6

**VOTE:** To deny the application for a sidewalk café permit for ten (10) tables with twenty-two (22) seats for Café Horus, 293 East 10th Street, because 1) the 9th Precinct has reported that this applicant has received a summons for operating a sidewalk café without a license on July 15, 2006 and for operating its unenclosed sidewalk café after legal hours on September 2, 2007, 2) the applicant also owns Horus, located at 93 Avenue B, which has had numerous noise complaints and received numerous summonses for being occupied over capacity and putting too many tables on the sidewalk and whose sidewalk café permit has recently been denied renewal, 3) this application would confer an unreasonable benefit on this applicant given these circumstances, in that it would allow it to construct what is, essentially, a permanent structure on 10th Street between Avenues A and B, a residential street with small brownstones.

9. Bella Pizza, 232 1st Ave (unenclosed)

**VOTE:** To approve the application for a sidewalk café permit for Bella Pizza, 232 First Avenue, because the applicant has signed a change agreement which will become part of its DCA license that 1) its sidewalk café will consist of ten (10) tables with twenty (20) seats, six (6) tables with twelve (12) seats being located west of the front entrance of this establishment on First Avenue and four (4) tables with eight (8) seats being located east of the front entrance, 2) it will have an awning extended over the café during its hours of operation, and 3) it will close no later than 10:00 P.M. every night 4) and tables will be in two rows on the first avenue side only.

**- AMENDED TO**

**VOTE:** To deny the application for a sidewalk café permit for Bella Pizza, 232 First Avenue, which would be located on the southeast corner of First Avenue and 14th Street, because there is already overwhelming pedestrian traffic on this corner from the subway entrance to the L train located on this corner, pedestrians walking on this corner to avoid the crowded waiting areas for the uptown and cross-town buses, both of which are located on the northeast corner of First Avenue and 14th Street, patrons standing in front of the McDonald's and the newspaper stand which are both located on this corner and people exiting and entering the nearby church located on First Avenue, and, further, because the existing sidewalk congestion is so severe that it creates an unsafe condition in that pedestrians now walk in the street to avoid other pedestrians on the sidewalk (see attached supporting letter from City Councilmember Rosie Mendez).

**Applications within Resolution Areas**

10. Luca Lounge, 222 Ave B (removal/op)

no vote necessary

11. Beer Bros, 125-129 St Marks Pl (alt/extend license to sidewalk café)

no vote necessary

12. Fu Sushi, 182 Ave B (rw)

**VOTE:** WHEREAS, Fu Sushi, 182 Avenue B, between 11th and 12th Streets, is seeking to obtain a restaurant wine license to operate a Japanese restaurant at a location which was previously unlicensed and most recently a clothing store; 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 five (5) licensed establishments on this block of Avenue B between 11th and 12th Streets, four (4) of which are full on-premise liquor licenses and there an additional five (5) licensed establishments on Avenue B between 10th and 11th Streets, four (4) of which are full on-premise liquor licenses; and

WHEREAS, there are sixteen (16) licensed establishments on Avenue B between 10th and 14th Streets, excluding retain licenses; and

WHEREAS, there are numerous Japanese restaurants in the surrounding area, the majority of which are sushi restaurants; and

WHEREAS, the applicant has included French doors into his building plans which would effectively extend any noise from this business onto the street which is already overwhelmed by nighttime noise and congestion; and

WHEREAS, despite the overwhelming and well-publicized community concern about the existing conditions, the applicant has provided no more than twelve (12) signatures in support of this proposed business, only three (3) of which were from residents of this street; now

THEREFORE, BE IT RESOLVED, that Community Board #3 denies the application for a restaurant wine license for Fu Sushi, 182 Avenue B.

13. San Marzano, 71 Clinton St (rw)

**VOTE:** WHEREAS, the applicant, San Marzano, is applying for a restaurant wine license for 71 Clinton Street; 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; and

WHEREAS, the applicant has included accordion doors into his building plans which would effectively extend any noise from this business onto the street which is already overwhelmed by nighttime noise and congestion; now

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

14. Ramadn 26, 26 1st Ave (rw)

**VOTE:** WHEREAS, the applicant, Ramadn 26, is applying for a restaurant wine license for 26 First Avenue at a location which was previously unlicensed and most recently a pet supply store; and

WHEREAS, First Avenue between First and Second Streets currently has seven (7) licensed establishments, including several bars and clubs, has an active bus stop on its eastern side and, as the first east side northbound thru-street, is the funnel for much of the northbound vehicular traffic coming from the Lower East Side and exiting the Franklin Delano Roosevelt Expressway via Houston Street; and

WHEREAS, several of the existing venues are located on the same side of First Avenue as the applicant and have patrons who often loiter on the sidewalks in front of these establishments and who routinely utilize limousines and private car services that double park along the street; and

WHEREAS, increase in vehicular traffic and the noise attendant to it had, at one time, resulted in the New York Police Department and the Mayor's Office implementing Operation Silent Night for this block, the first use of an operation designed to flood an overburdened area with police personnel in an effort to decrease traffic congestion and noise; and

WHEREAS, this location is situated between Lucky Cheng's, which opens onto First Avenue, and Waikiki Wally's, which opens onto Second Street, both of which are owned and operated by the same principal owner and which are accessible to each other through attached rear entrances and which, at one time, had significant complaint histories which Community Board #3 has worked hard to mediate and resolve; and

WHEREAS, there is another club, doing business as Sutra, located at 16 First Avenue, on the same side of the street as the applicant, and which has had a complaint history under both its present and previous ownership and has been assessed violations and fines by both the New York Police Department and the New York State Liquor Authority; and

WHEREAS, there are approximately eleven (11) liquor licensed establishments on First Street between First and Second Avenues and the block residents have repeatedly complained about noise from those premises, as well as from the licensed premises on the west side of First Avenue between First and Second Streets, whose patron noise and music can emanates from the rear of these businesses into the interior of the block; and

WHEREAS, this applicant has already installed multiple French doors on both the First Avenue and Second Street sides of its business, which effectively opens its entire façade to the street and extends the noise from its business onto and already noisy block; now

THEREFORE, BE IT RESOLVED, that Community Board #3 denies the restaurant wine license for Ramadn 26, 26 First Avenue.

15. FM Pastry, 79 Clinton St (up/op)

withdrawn

16. 26 Clinton St (op)

withdrawn

**Alterations/Transfers/Upgrades**

17. 79 Restaurant Group, 79 Baxter St (trans/op)

**VOTE:** To deny the transfer of a full on-premise liquor license 79 Restaurant Group, 79 Baxter 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 2:00 A.M. Sundays through Tuesdays and 3:30 A.M. Wednesdays through Saturdays, and 2) its backyard will close no later than 11:00 P.M. Sundays through Thursdays and 12:00 A.M. Fridays and Saturdays.

18. Double Down, 14 Ave A (alt/stips/backyard hours)

**VOTE:** To deny the alteration for Double Down, 14 Avenue A, to wit, extending the hours of its backyard use, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it install an awning over the backyard, covering as much of the backyard as possible and that said awning will be extended over the backyard while it is open, 2) it closes its backyard not later than 10:00 P.M. every night, and 3) it will install soundproofing in the hallway leading to the backyard to and maintain storm door to backyard to minimize noise emanating from the rear of the establishment.

19. Friend House, 136 Bowery (change of principal/rw)

**VOTE:** To deny the change of principal for Friend House, 136 Bowery, because the applicant did not appear before Community Board #3 for review of its application or provide any application materials to review.

20. Daniel Warren, 200 Ave A (trans/op)

**VOTE:** To deny the transfer of the full on-premise liquor license to Daniel Warren, 200 Avenue A, because 1) the applicant has presented a proposal for a upscale burger bar and pub with eight (8) mounted televisions, which is inconsistent with the location's current use as a bookstore and cafe, 2) the location, which is located on the corner of Avenue A, between 12th and 13th Streets, will have a French door and an accordion door, which is incompatible with its proposed method of operation as a bar as it will effectively extend this business and any attendant noise from its patron and televisions onto the sidewalk, 3) the applicant has conceded that there are approximately fifteen (15) liquor licensed establishments within five hundred (500) feet of this location, at least nine (9) of which are bars, to wit, Key Bar, The Phoenix, The Boys Room, Takeout Laundry, Planet Rose, Forbidden City, Heather's, Habibi and Common Ground, the last which is also owned by the applicant as which is located two (2) storefronts away from the subject location, and 4) there has been consistent opposition from the residents of this block to any additional liquor licensed businesses, most recently to an application for a sports bar at 210-212 Avenue A and an application to upgrade the liquor license of a tea and coffee shop and lounge at 214 Avenue A, both of which are located on this block.

21. Satsko, 245 Eldridge St (up/op)

**VOTE:** To deny the upgrade to a full on-premise liquor license for Satsko, 254 Eldridge Street, because 1) there are already seven (7) liquor license within five (5) hundred feet of this location, including two (2) clubs adjacent to this location, 2) at the time that this applicant applied for its restaurant wine license, it agreed in a signed notarized stipulation that it would not upgrade its license, and 3) the applicant plans to upgrade its license to sell only one (1) alcoholic beverage, to wit a higher grade sake known as Shochu, to augment its business, but was unable to present the community board with any projected increases in income based upon the sale of this one beverage.

22. Robert Schagrin, 40 Ave B (trans/op)

no vote necessary

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

**VOTE:** To deny the transfer of a full on-premise liquor license to Cocoa Bar, 19-21 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 maintain the method of operation as a coffee shop and dessert chocolate bar always providing food service, 2) it will close its façade doors at 10:00 P.M. every night, 3) its hours of operation will be from 7:00 A.M. to 12:00 A.M. Sundays through Thursdays and 7:00 A.M. to 1:00 A.M. Fridays and Saturdays.

24. Crifdogs, 113 St Marks Pl (alt/add)

**VOTE:** WHEREAS, Crifdogs, 113 St. Marks Place, is applying for an alteration, to wit extending its full on-premise liquor license from its bar storefront, doing business as PDT, to its storefront serving hotdogs and hamburgers; and

WHEREAS, both storefronts are accessible to each other and are existing businesses; and

WHEREAS, the approval of this alteration would not change the traffic or patronage on this street; now

THEREFORE, to approve the alteration to Crifdogs, 113 St. Marks Place, to wit extending its full on-premise liquor license from its bar storefront, doing business as PDT, to its storefront serving hotdogs and hamburgers.

25. Gregory Nardello, 34 Ave A (trans/op)

withdrawn

**New Liquor License Applications**

26. 146 Essex St (op)

**VOTE:** To deny the application for a full on-premise liquor license for 146 Essex 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 restaurant, with fifty-three (53) tables and one hundred ninety-five (195) seats, serving tapas style plates to within one (1) hour of closing every night, 2) it will take measures to minimize

noise emanating from this location, as well as control patron and vehicle traffic, including installing sound proofing and employing security on weekends and as otherwise needed, 3) its hours of operation will be from 5:00 P.M. to 2:00 A.M. Mondays through Wednesdays, 5:00 P.M. to 3:00 A.M. Thursdays through Fridays, 11:00 A.M. to 2:00 A.M. Saturdays and 11:00 A.M. to 2:00 A.M. Sundays, 4) it will have no live music and no DJs, except that it may employ DJs for special events held no more than three (3) times within one (1) year, 5) it will have a closed façade, and 6) its entrance onto Norfolk Street will be used as an emergency exit only.

27. Momofuku, 171 1st Ave (rw)  
no vote necessary

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

**VOTE:** To deny the application for a restaurant wine license for Souen, 326 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 operate as a full-service Japanese noodle restaurant, 2) it will close no later than 11:00 P.M. every night, 3) it will effect its sound abatement plan, consisting of installing soundproofing and duct work according to the plans of its sound engineer who appeared before the community board, and 4) it will arrange its garbage pickup for hours consistent with the other restaurants on the block to minimize noise experienced by residents.

29. Fuleen Seafood, 11 Division St (rw) **THIS IS A TRANSFER**

**VOTE:** To deny the transfer of a restaurant wine license to Fuleen Seafood, 11 Division 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 method of operation of a full-service Chinese seafood restaurant, serving food to within one (1) hour of closing every night, and 2) it will close no later than 12:00 A.M. Mondays through Saturdays and 11:00 P.M. Sundays.

30. Robotaya, 231 E 9th St (op)

**VOTE:** To deny the application for a full on-premise liquor license for Robotaya, 231 East 9th 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 Japanese robata-style restaurant, serving food to within one (1) hour of closing every night, 2) it will have no music, 3) its hours of operation will be from 12:00 P.M. to 11:00 P.M. all nights.

31. HSF, 46 Bowery (rw)

**VOTE:** To deny a restaurant wine license for HSF, 46 Bowery, because the applicant did not appear before Community Board #3 for review of its application or provide any application materials to review.

32. Kong Xin, 1 E B'way (rw)

**VOTE:** To deny the application for a restaurant wine license for Kong Xin, 1 East Broadway, 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 method of operation of a full-service Chinese restaurant, serving food to within one (1) hour of closing every night, and 2) its hours of operation will be from 11:00 A.M. to 11:00 P.M. every day, and 3) it will have no music.

**(SLA & Economic Development Committee)**

**39 YES 0 NO 1 ABS 0 PNV (Excluding Items: 18, 26, 30 and 32)**

**Item 18: 38 YES 0 NO 1 ABS 1 PNV**

**Items 26, 30 & 32: 34 YES 1 NO 5 ABS 0 PNV**

**MOTION PASSED**

**MOTION PASSED**

**MOTION PASSED**

**Nominating Committee**

1. For Chair: Dominic Pisciotta
2. For 1st Vice-Chair: Herman Hewitt
3. For 2nd Vice-Chair: Noah Yago
4. For 2nd Vice-Chair: Morris Fajtelewicz nominated Anne Johnson
5. For Secretary: Lois Regan
6. For Assistant Secretary: Meghan Joye
7. For Treasurer: Andrea Diaz

**Parks & Recreation Committee**

1. Non-ULURP N 080358ZRM: Proposed East River Esplanade and Pier Zoning Text amendment

**VOTE:** To approve the Zoning Text Amendment for the proposed East River Esplanade and Pier with the requirement that greenery be maximized to the largest extent possible and that the review of specific plans for a specific phase of the waterfront development include joint review with the affected councilmember as well as with the affected community boards.

2. Council on the Environment: update on Sunday Farmers Market at Grand St  
no vote necessary

3. Council on the Environment: Tuesday St Marks Farmers Market: request extra setup space (75 feet from crosswalk on west side of 2nd Ave and 10th St going north) at St Marks on 2nd Ave between 10th St and church fence

**VOTE:** To approve the request by Council on the Environment concerning the St. Mark's Farmers' Market for extra setup space on 2nd Avenue between 10th and 11th Streets and on 10th Street going north from 2nd Avenue.



**Block Party Applications**

- 4. Rutgers Houses Tenants Assoc-stickball, 6/21, 7/19, 8/23 Rutgers St (between Cherry & Madison Sts) new  
**VOTE:** To approve the request by the Rutgers Houses Tenant Association for stickball block parties on 6/21, 7/19 and 8/23/08 on Rutgers Street (Cherry – Madison Sts.).
- 5. Reaching Youth for Christ Ministries, 8/9/08, E 12th St (between Aves B & C)  
**VOTE:** To approve the request by Reaching Youth for Christ Ministries for a block party on August 9, 2008 on East 12th Street (Aves. B – C).
- 6. Charlie Parker Birthday Block Party, 8/29, E 3rd St (Aves C & D)  
**VOTE:** To approve the request by A Gathering of the Tribes for a Charlie Parker Birthday block party on August 29, 2008 on East 3rd Street (Aves. C – D).
- 7. Cathedral of the Holy Virgin Protection, 10/11, E 2nd St (between 1st & 2nd Aves)  
**VOTE:** To approve the request by Cathedral of the Holy Virgin Protection for a block party on October 11, 2008 on East 2nd Street (1st – 2nd Aves.).

**Parks Events**

- 8. New York Restoration, 5/19, Fundraiser in Tompkins Sq Park  
no vote necessary
- 9. New York Restoration Children’s learning garden on E 11th St (dedication 5/19)  
no vote necessary
- 10. Leap’s Student Public Art Exhibition Opening Event, 6/06, SDR Park  
no vote necessary
- 11. Lower East Side Children’s Bike Parade, 10/4  
**VOTE:** To approve the request by EVCC for a Lower East Side Children’s Bike Parade on October 4, 2008 beginning and ending at Tompkins Square Park.
- 12. Live Art in the Park Presentation  
**VOTE:** To support the request for a Live Art in the Park event in Seward Park on September 6, 2008.

**(Parks & Recreation Committee)**

**40 YES 0 NO 0 ABS 0 PVN MOTION PASSED**

**Art & Cultural Affairs Task Force**

No meeting scheduled

**197 Plan Task Force**

- 1. Map Change ULURP 080397ZMM: proposed map amendments, in Zoning Resolution Map Section 12C, in Manhattan Community District 3, from existing R7-2 and C6-1 districts to proposed R7A, R7B, R8A, R8B, C4-4A and C6-2A districts
- 2. Text Change N080398ZRM: proposed text amendments, in Zoning Resolution Article II, Chapter 3, to allow the inclusionary housing program to apply in R8A and C6-2A districts in Manhattan Community District 3; and in Article V, Chapter 2, to allow the non-conforming use provisions to apply to the proposed R8B districts in Manhattan Community District 3

**VOTE:** WHEREAS, CB3 believes that this rezoning is an important first step in protecting our community from overdevelopment, speculation, and displacement; and

WHEREAS, CB3 believes that this plan incorporates a number of important features enumerated in the board’s 11 Point Plan for preservation and allows for some development of affordable housing; and

WHEREAS, CB3 believes that rezoning is just one tool which allows city government to protect its most vulnerable residents; and

WHEREAS, CB3 believes that city government must do more to preserve our neighborhood character; and

WHEREAS, Historic resources were surveyed in the DEIS that are currently unprotected by landmarking; and

WHEREAS, The Lower East Side has been just recognized as one of the 11 most endangered historic districts at risk by the National Historic Trust for Historic Perservation, due to demolition for luxury development; now

THEREFORE, BE IT RESOLVED, that Community Board #3, Manhattan votes support on the Map Change ULURP 080397ZMM and Text Change N080398ZRM with the following modifications:

- 1. Removal of the proposed text change which would allow the resurrection of long-defunct commercial uses of ground floor spaces in residential buildings in areas to be zoned R8-B. CB3 is currently overrun with nightlife establishments in ground floor storefronts and even former residences. CB3 passed a text change resolution the opposite of this in 2006.

2. CB3 believes that grandfathered Use Group 6 commercial establishments in residential areas that are not eating/drinking establishments should not be allowed to become eating/drinking establishments.
3. Inclusion of the Anti-Harassment and Anti-Demolition Provisions governing the Special Clinton District. To wit, that the demolition of existing buildings containing residential uses (as defined terms in the New York City Zoning Resolution) shall be prohibited and or limited in manner similar to the requirements of 96-108 and 96-23 of the Clinton Special Zoning District text. Furthermore, a Certification of No Harassment shall be required for buildings for the purpose of obtaining a permit for alterations, enlargements or new construction. (Ref: 96-108 and 96-109 of the of the Clinton Special Zoning District text. The companion Cure for Harassment provision as outlined in 96-110 shall also apply to such buildings.
4. Inclusion of IZ on the wide avenues north of Houston St., as shown in the alternative proposal described in the DEIS; and IZ be considered for wide avenues south of Houston.
5. The City of New York provides a commitment that 30% of all the housing built in the rezoned area shall be permanently affordable to individuals and families making below 80% AMI. This commitment should be met by the identification of sufficient publicly owned sites in the immediate community where at least 700 units of housing will be built with government subsidies necessary to provide this housing. The units produced shall be scaled in the following manner:
  - 30% of the affordable units shall be available to residents with incomes up to 30% of the Area Median Income (AMI).
  - 50% of the affordable units shall be available to people with incomes between 30% and 60% of AMI.
  - 20% of affordable units shall be available to people with incomes between 60% and 80% of AMI.
  - Units should have 100% community preference
6. Zone R7B [not commercial equivalent] on all narrow streets [less than 75' width] north and south of East Houston Street.
7. Energy efficient and green building (LEED compliant) requirements when Government financing or tax abatement used.
8. In order to make enforcement of these provisions possible, the City of NY must create a legal services fund so that low-income tenants in any building facing the prospect of demolition have access to free legal counsel in order to adequately defend themselves from the threat of eviction. The funding can be made available through a variety of funding methods to ensure long-term support for the most vulnerable residents in our community. The zoning text amendment must establish such a legal services fund.
9. The C4-4A zoning is not supported by the documentation in the DEIS for midblocks on these streets. We should zone R7-A or R8-B for Eldridge, Forsyth 100 feet away from Rivington, Stanton, Delancey and Houston St.

In 2005, CB3 asked DCP to work with us and use the city's resources to create a new zoning plan. Although we still have different plans, we are pleased at the collegial relationship the two have enjoyed and with the exchange of ideas that have formed this zoning plan.

Today we ratify our relationship to preserve our community with the support of this ULURP.

Our desire for the future is that DCP and CB3 must agree to immediately begin a process to review the zoning of parts of our district not included in this plan, and in consultation with the residents, civic leaders, community organizations, business and other stakeholders of those areas and CB#3 develop locally appropriate planning initiatives to 1) prevent overdevelopment, speculation, and displacement, 2) encourage affordable housing and 3) preserve the building character in those areas.

**(197 Plan Task Force)**

**40 YES 0 NO 0 ABS 0 PNV**

**MOTION PASSED**

**Housing & Land Use Committee**

1. 17 East Village Westbrook buildings: community concerns regarding tenant evictions & preservation of affordable housing units

**VOTE:** WHEREAS, Community Board 3 residents have become subject to real estate private equity investment funds becoming landlords of existing rent regulated buildings; and

WHEREAS, many private equity landlords pose a serious threat to our residents and our community's stock of affordable housing; and

WHEREAS, Westbrook Partners, a real estate private equity investment fund has acquired 17 buildings in the community board 3 district between E Houston St. and E. 14th Street and has reportedly vacated more than 40% of the tenants since they took ownership in May 2007; and

WHEREAS, below is a partial list of the practices reportedly employed by Westbrook Partner's property management firm, PVE Property Management, which we believe are evidence of its intention to vacate tenants from these buildings:

- Serving notices of non-renewal to many tenants, both rent stabilized and market rate, which were up for lease renewals.
- Repeated mix-ups with rent payments or not accepting tenants rent payments at all.
- Repeated issues with heat and hot water in some buildings.
- Pursuing tenants housing court cases.
- Making offers to existing tenants to vacate their units.
- Non-compliance with tenant's requests for repairs.
- No response to complaints from tenants about the abundance of construction and/or renovations in their buildings (typically regarding construction dust and noise); and

WHEREAS, Westbrook Partners has refused to attend the May Community Board 3 meeting regarding these issues and has acknowledged calls and invitations Community Board 3 to participate in a discussion of management issues and intentions only a day before the meeting; and

WHEREAS, Westbrook Partner's property management firm, PVE Property Management, responded last-minute and has agreed to come to the table and discuss our communities concerns at a future meeting; and

WHEREAS, Community Board 3 is supporting and working with the Cooper Square Committee in its efforts to ensure enforcement by city agencies, specifically DOB and HPD, to protect the safety of tenants as well as their rights as tenants; and

WHEREAS, the Cooper Square Committee, Association for Neighborhoods and Housing Development, and other community organizations citywide have joined together with tenants in real estate private equity investment fund owned buildings to assist them in organizing their buildings and to defend their right to stay in their homes, and

WHEREAS, these tenant organizations have instituted a Predatory Equity campaign to expose this type of landlord and to protect tenants and our neighborhood's stock of affordable housing; now

THEREFORE, BE IT RESOLVED, that CB3 condemns the practices reportedly employed by Predatory Equity landlords which threaten the safety and protections of our residents and the stock of affordable housing in our district and specifically confirms the intention of Community Board 3 to continue to work with city and state agencies to support the Cooper Square Committee in its efforts to protect and assist Westbrook Partner tenants in the following 17 buildings:

49 1/2 1st. Avenue  
129 1st Avenue  
143 1st Avenue  
23 Avenue A  
165 Avenue A  
167 Avenue A  
191 Avenue A  
211 Avenue A  
201 E. 2nd Street  
338 E. 11th Street  
340 E. 11th Street  
500 E. 11th Street  
435 E. 12th Street  
504 E. 12th Street  
508 E. 12th Street  
516 E. 13th Street  
518 E. 13th Street; and

BE IT FURTHER RESOLVED, that Community Board 3 joins the citywide efforts to address the problem of Predatory Equity landlords that are threatening affordable housing in NYC.

2. PlaNYC 2030: review housing aspects of plan  
no vote necessary
3. Houston Dee Project: Preliminary to ULURP – development of 143 units, which will include minimum of 20% affordable units at 5-9 Ave D & 302-308 E 2nd St (B372, L41-44,47,-49)  
withdrawn
4. 421a application: 531-533 E 12th St

**VOTE:** WHEREAS, this developer is not including affordable units in the development at 531-533 E. 12th St.; and

WHEREAS, CB3 rejects the use of public subsidies to provide this type of housing; and

WHEREAS, our district is currently losing a vast quantity of rent regulated units; now

THEREFORE, BE IT RESOLVED, that CB3 requests that the City of New York reject this 421-a tax abatement application.

5. Old Business: Met Food supermarket on 2nd Ave.

**VOTE:** WHEREAS, CB3 acknowledges the shortage of community supermarkets in our district; now

THEREFORE, BE IT RESOLVED, that Community Board 3 request that NYU keep such a supermarket at this location at a reasonable rent.

**POSTPONED TO NEXT MONTH**

**(Housing & Land Use Committee)**

**40 YES 0 NO 0 ABS 0 PNV**

**MOTION PASSED**

**Transportation, Environment, & Public Safety Committee**

1. Presentation by Taxis for All Campaign

**VOTE:** WHEREAS, over 60,000 New Yorkers use wheelchairs; and

WHEREAS, large numbers of people who use wheelchairs visit our City for business and as tourists, but are hampered in their ability to use available transportation; and

WHEREAS, New York City is only now moving toward having 231 wheelchair-accessible yellow taxicabs out of a fleet of over 13,000; and

WHEREAS, all parts of New York City are served by “car services” or “livery services,” only about a dozen of whose approximately 21,000 vehicles are presently wheelchair accessible; and

WHEREAS, the City’s transportation system also includes approximately 10, 500 “black cars,” used largely by corporate clients, none of which is presently wheelchair accessible; and

WHEREAS, the New York City subway system, with 468 stations, has only approximately 64 wheelchair accessible stations, which therefore makes it largely inaccessible to people who use wheelchairs; and

WHEREAS, the City’s public bus system is equipped with accessible busses, which is a great improvement over the inaccessible buses, but does not replace the need for accessible subways and taxis and does not provide sufficient service for residents needing inter-borough transportation; and

WHEREAS, the MTA’s Access-a-Ride program for people with very serious disabilities is often unreliable, inflexible, and inconvenient, and is not available to many residents and tourists; and

WHEREAS, access to good transportation is a key concern of people with disabilities, as it significantly improves their ability to work, get necessary services, and otherwise participate in society; and

WHEREAS, NYC has within the past year decided that most yellow taxicabs and most black cars will be required to meet strict emission standards within the next few years that can be satisfied only by hybrid vehicles. Although there are currently no suitable hybrid vehicles that can serve either of these roles, it is justifiably expected that if New York City demands such vehicles, the auto industry will produce them - the expectation that industry would produce a suitable purpose-built accessible taxi vehicle upon New York City’s demand is equally justified; and

WHEREAS, accessible taxi services have existed for many years in other cities, including London, which has required that all new black cabs be accessible since 1989; and

WHEREAS, it is within New York City’s grasp to lead, not follow, in fostering better transportation options for its residents and visitors with disabilities; now

THEREFORE, BE IT RESOLVED, that Community Board 3-Manhattan continues our support for the goals of the Taxis for All Campaign; and

BE IT FURTHER RESOLVED, that Community Board 3 Manhattan calls upon the New York City, and specifically, the New York City Taxi and Limousine Commission to commit to converting NYC's yellow taxicab fleet to accessible vehicles and making its car service or livery fleet accessible, as they have done in moving New York City toward environmentally friendly taxicabs and black cars.

2. DOT: Manhattan Bridge Access Bicycle Project

**VOTE:** WHEREAS, DOT plans to install a complete network of bike routes and pedestrian safety measures on streets around the Manhattan Bridge. The project goal is safer and more comfortable streets for all street users. Design objectives include:

- 1) Creating dedicated cycling space on direct and convenient routes to and from the Manhattan Bridge.
- 2) Improving safety for all street users, particularly senior pedestrians.
- 3) Traffic calming for all street users.
- 4) Maintaining vehicular access and traffic flow by preserving current vehicle capacity; and

WHEREAS, the project would install dedicated bicycle lanes in both directions on Chrystie St between Canal St and E Houston St and on East Broadway between Chatham Sq and Grand St; and

WHEREAS, between 2001-2006, there were 864 crashes on the 7 blocks of Chrystie St, of which 116 involved pedestrians (4 fatalities) and 26 involved cyclists (1 fatality); and

WHEREAS, the project would install 2 pedestrian refuge islands and 7 left-turn bays on Chrystie St between Canal St and Rivington St. The north-bound roadway between Rivington St and E Houston St would be narrowed to one through lane; and

WHEREAS, the project would remove 52 parking spaces along the east side of Chrystie St between Grand St and Stanton St. These are the parking presently adjacent to the wall of Sara D Roosevelt Park, which primarily serve daytime customers (all 52 of these parking spaces have middle-of-the-night street cleaning signage and 19 have 2-hour metered parking between 9am-7pm); now

THEREFORE, BE IT RESOLVED, that Community Board 3-Manhattan supports the Manhattan Bridge Bicycle Access Network, which includes bike lanes and street configuration changes on Chrystie St, Canal St and East Broadway as described above; and

BE IT FURTHER RESOLVED, that CB3 asks DOT to prepare the public and other agencies for these changes by:

- 1) Producing a fact sheet in English, Spanish and Chinese to distribute to residents and businesses in the area. The situation with parking spaces should be explained, and businesses will need to understand traffic regulations regarding bike lanes.
- 2) DOT should work with NYPD so they understand the new regulations and street geometry.

3. DOT: discuss what pedestrian safety signage/measures are possible near The Boy's Club of New York's Harriman Clubhouse located at 287 E 10th St  
no vote necessary

4. DDA Luxury Limo & Car Service base license application

**VOTE:** CB3-Manhattan does not object to the application for a new TLC base license by DDA Luxury Limo & Car Service, because the applicant provides a letter to CB3 stating that:

- 1) All drivers will have to sign the "Memorandum to All Drivers" which has been provided by CB3 acknowledging that they understand they must adhere to all traffic, sanitation and health regulations;
- 2) Enforcing these regulations will be a priority of the business; and
- 3) The applicant will return to CB3 when their license is up for renewal in 2 years to discuss what measures they have taken to protect the "quality of life" of area residents.

5. Request for loading/unloading at 155 Attorney St

**VOTE:** To postpone until June.

6. LES BID grant proposal to add bishop crook lampposts on Allen St, Delancey St, Houston St, Broome St, Grand St, Norfolk St, Suffolk St, Clinton St, Essex St, Orchard St, Hester St, Broome St  
no vote necessary

7. Request the return of two-way traffic on Market St between Cherry & South St

**VOTE:** WHEREAS, a few years ago, the two-way traffic on Market Street between Cherry and Water Streets was changed to one-way north-bound (colloquially referred to as west-bound); and

WHEREAS, the change enables buses, vans and limousines to illegally double-park and idle on Market Street adjacent to the Murray Bergtram High School track and field site; and

WHEREAS, many tour buses illegally turn onto Cherry Street from Pike Street (the designated through Truck Route), and now have to traverse narrow Cherry Street to Catherine Street to queue up on South Street; and

WHEREAS, the restoration of two-way traffic on Market Street would enable these huge tour buses to turn onto the wider Market Street to continue to South Street, thereby helping to lessen the hazards and congestion affecting the heavily-populated Knickerbocker Village, the well-used Tanahey Park, the side-view mirrors that are sheared off parked cars, and most importantly the day-care center at the corner of Market and Cherry Streets, and the many children crossing Catherine Street at Cherry from IS 126, where these huge buses turn; now

THEREFORE, BE IT RESOLVED, that Community Board #3, Manhattan, requests that the Department of Transportation restore two-way traffic on Market Street between Cherry and Water Streets for the reasons cited above.

8. Report from Con Ed Settlement Fund

**VOTE 1: Resolution supporting \$50,000 of Con Edison Settlement Funds for Asthma Free School Zone**

WHEREAS, Asthma Free School Zone (“AFSZ”) is well in to its first year of funding from the Con Edison Settlement Fund, and has performed well in its plan, as modified, to provide asthma education and mitigation strategies to schools within CB3, and other projects to address respiratory health problems in the area of the Con Edison plant; and

WHEREAS, AFSZ has presented a plan for a second year of funding, extending its work with schools to include day care centers, and committing to target schools and day care centers in the area from 14th Street to 6th Street, Avenue D to First Avenue; and

WHEREAS, AFSZ and the Con Edison Settlement Fund Subcommittee (“Subcommittee”) have identified three potential additional areas of work for AFSZ to undertake in its second year, each of which have been described in its proposals for its first or second year of funding: (1) school crossing guard training, (2) air sampling, and (3) additional work on a tenant survey of two buildings at Campos Plaza, and AFSZ will work with the Subcommittee to prioritize among these projects when more information is available from initial work in these areas that was already funded; and

WHEREAS, the Subcommittee will determine how funds should be allocated between the foregoing three additional work items; now

THEREFORE, BE IT RESOLVED, that CB3-Manhattan hereby recommends and approves the release of Con Edison Settlement Funds to AFSZ in the amount of \$50,000 for the period August 2008-July 2009, with the understanding and commitment that AFSZ will:

- 1) Execute the continued school and day care outreach outlined and budgeted in its proposal dated April 21, 2008, prioritizing sites in the geographic target area described above, and reporting the sites selected to the Subcommittee, but with flexibility to extend the area south to Houston Street with the prior approval of the Subcommittee.
- 2) Provide an interim report of the results of its tenant survey at Campos Plaza, as directed by the Subcommittee.
- 3) Report on the outcomes of its initial crossing guard training conducted for the 7th Precinct-based crossing guards, and provide samples of the training materials used.
- 4) Identify sites and a budget for air quality sampling in the target area.
- 5) Report to the Subcommittee any and all significant changes to the proposal in a timely manner, and seek approval for any major modification of the proposal; and

BE IT FURTHER RESOLVED, that CB3 authorize Con Ed to release \$30,000 in funds in July 2008, and release an additional \$20,000 as directed by CB3 after approval of project work plan for the remaining \$20,000 funds by the Settlement Fund Subcommittee as outlined above.

**VOTE 2: Resolution supporting \$86,984 of Con Edison Settlement Funds for LESEC Small Business Sustainability Program**

WHEREAS, the Lower East Side Ecology Center (LESEC) Small Business Sustainability Program (SBSP) Proposal’s objective is to reduce air pollutants and improve environmental health; and

WHEREAS, the SBSP proposal’s target businesses are in the proximity of the Con Ed plant, between 1st Avenue to the East River, and East 14th St to East 6th St.; and

WHEREAS, the LESEC is an established ecological organization in the CB3 district with an excellent track record serving the district and the City; and

WHEREAS, the SBSP program is reproducible in nature, and can be extended in the future to other types of businesses and areas within the CB3 district and elsewhere; and

WHEREAS, the program has an educational component, which will result in benefits beyond the program funding cycle; and

WHEREAS, the sustainability improvements will have a lifetime of benefits beyond the program's cycle; and

WHEREAS, the LESEC has secured strategic partnerships and supporters with experienced qualified personnel including: East Village Community Coalition (Buy Local Initiative), Green Maps, Envirolution & EME Group (energy audits), and a local green business owner (Dominique Camacho, Leadership in Energy and Environmental Design/LEED certified); and

WHEREAS, the SBSP will leverage the Con Ed Settlement Funds with resources from the New York State Energy Research and Development Authority (NYSERDA); and

WHEREAS, the SBSP proposal will train youth (college students) in urban business sustainability and community organizing for sustainability; and

WHEREAS, the SBSP program director is an established educator in climate change sustainability; and

WHEREAS, the LESEC has agreed to make changes and improvements in the proposal suggested by subcommittee members over the last five months of review; and

WHEREAS, the LESEC has secured a partnership with the Center for Research in Environmental Decision-making (CRED), Columbia University to evaluate the project and CRED is at the forefront of developing evaluation metrics and tools for environmental programmatic impacts; and

WHEREAS, the LESEC has agreed to cooperate with other programs funded by the Con Ed Settlement Funds; now

THEREFORE, BE IT RESOLVED, that the Con Ed Environmental Settlement Fund Subcommittee hereby recommends and approves the release of \$86,984 of Con Ed Environmental Settlement Funds for the LES Ecology Center Proposal: Small Business Sustainability Program, with the understanding and condition that the following modifications will be made to the proposal:

- 1) The reduction of air pollutants (criteria pollutants and greenhouse gases) be estimated in the sustainability scoring system and summarized in the evaluation reporting documents, and
- 2) The proposal will have a section that clearly spells out the process of program evaluation, and evaluation metrics, and commits the program to at least quarterly reporting to the Con Ed Settlement Fund Subcommittee
- 3) The LESEC reports to the Con Ed Settlement Fund Subcommittee any and all significant changes to their proposal in a timely manner, and will seek approval for any major modification of the proposal.

**(Transportation, Environment & Public Safety Committee)**

**40 YES 0 NO 0 ABS 0 PNV (Excluding Item #4) MOTION PASSED**

**Item #4: 39 YES 1 NO 0 ABS 0 PNV MOTION PASSED**

**Human Services & Seniors Committee**

- Housing Works update on services provided in CB3  
no vote necessary

**Youth & Education Committee**

- Request to support state assembly legislation (A10439) sponsored by Assembly Member Kavanagh to amend the public officers law and the New York City charter to lower the minimum age for appointment to a community board in NYC from eighteen to sixteen

**RECOMMENDATION (no quorum):** That Community Board #3, Manhattan support Assembly Member Kavanagh's legislation to lower the minimum age for appointment to the CBs in New York City from 18 to 16.

**(Youth & Education Committee)**

**34 YES 3 NO 2 ABS 0 PNV MOTION PASSED**

Members Present at Last Vote:

David Adams [A]  
Paul Bartlett [P]  
Michael Byrne [P]  
Wendy Cheung [A]  
Pearl Chin [P]  
Rocky Chin [P]  
David Crane [P]  
Andrea Diaz [P]  
George Diaz [P]  
Harvey Epstein [P]  
Morris Faitelewicz [P]  
John Fout [P]  
Beth From [A]  
Edward Garcia [A]  
Rabbi Y. S. Ginzberg [P]  
Gloria Goldenberg [P]  
Herman F. Hewitt [P]

Bonnie Hulkower [P]  
Carolyn Jeffers [P]  
Anne K. Johnson [P]  
Vaylateena Jones [P]  
Meghan Joye [P]  
Joel Kaplan [P]  
Sam Krueger [A]  
John Leo [P]  
Eden Lipson [A]  
Bernice McCallum [P]  
David McWater [P]  
Alexandra Militano [P]  
Ilene Morales [P]  
Thomas Parker [P]  
Dominic Pisciotta [P]  
Barden Prisant [P]  
Carolyn Ratcliffe [P]

Joyce Ravitz [P]  
Lois M. Regan [A]  
Richard F. Ropiak [P]  
Lawrence Rosenblatt [P]  
Elizabeth Sgroi [A]  
David Silversmith [P]  
Deborah A. Simon [P]  
Arlene Soberman [P]  
Nancy Rose Sparrow-Bartow [P]  
Elinor Tatum [A]  
David Weinberger [A]  
Harry Wieder [P]  
Samuel Wilkenfeld [P]  
Douglas Witter [A]  
Noah Yago [P]  
Thomas Yu [P]

Meeting Adjourned