



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD NO. 3

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Dominic Pisciotta, Board Chair

Susan Stetzer, District Manager

September 2008 Full Board Minutes

Meeting of Community Board #3 held on Tuesday, September 23, 2008 at 6:45 at PS 20, 166 Essex Street.

Public Session:

Daysi M Mejjia from the Manhattan District Attorney's Office spoke regarding the Immigrant Affairs Program which addresses the needs of immigrants who are likely targets of fraud. The program offers a variety of resources and services to the immigrant population. They are holding a seminar on Immigration Fraud Prevention on Tuesday October 14th at 62 Mott St.

Vaylateena Jones a local resident and CB3 member would like the CB to advocate for a collaborative disaster preparedness forum. She also spoke about the rising number of people dying from AIDS in the neighborhood and how the CB can help. Vaylateena proposed better education through inter-agency initiatives. Those initiatives should focus on access to medicine for low income residents.

Romy Charlesworthy spoke in opposition to Mercury Dime receiving a liquor license. Romy cited over-saturation of eating and drinking establishments on 5th Street as well as noise and trash problems.

Carol Czyn spoke in opposition to Mercury Dime. She presented a petition signed by 259 residents of 5th Street who are also opposed to Mercury Dime receiving a beer and wine license.

Stuart Zalyskt spoke in opposition to Mercury Dime.

Kathryn Fendman spoke in opposition to Mercury Dime.

Margaret Tate spoke in opposition to Mercury Dime.

Lydia Saltzman spoke in opposition to Mercury Dime.

Louise Millman spoke in opposition to Mercury Dime.

David Mulkins spoke in opposition to Mercury Dime.

Judith Zaborovoski from the 9th St. Block Association is opposed to the beer/wine license at 417 East 9th Street because the owner never approached the block association before submitting the application.

Walter Paul came to speak in opposition the CB3's motion to approve the liquor license for the Seymour Burton restaurant on 5th Street.

Jen Mazer 272 East 10th St Tenants Association would like a letter of support from Community Board 3 to support her building in converting into an HDFC (Housing Development Fund Corp) through a program such as TIL (Tenement Interim Lease Program).

David Truzman, a social worker at the Mental Health Association of NYC came to speak about Ayudese, a crisis and referral hotline for the Latino community.

Tine Kinderman and Mark Power came to speak on behalf of the Artists Alliance, Inc. regarding the ongoing conflict between AHI and CSV (Clemente Soto Velez) over restoration of the building's facade.

Ellie Covey came to say thank you for the CB's motion to approve the liquor license application of Dixon Place, a theatre and home for local artists.

Mar Ciolli came to speak in support of the Box's application being postponed until next month's SLA committee meeting in order to allow a one month trial period in which the owners will try to create better relationships with their neighbors.

Randy is requesting a postponement until the October's SLA committee meeting so that the owners of the Box can improve relations with the residents of adjoining buildings by decreasing noise complaints and foot traffic.

Charles Cohen spoke in support of the Box's postponement.

Robert Thorpe spoke in opposition to the Box's postponement. He believes they should be denied an approval from the SLA Committee. He cited noise problems, aggressive bouncers and traffic.

Alfredo Sandoval, owner of Mercadito restaurant on Avenue B spoke in regards to complaints about the crowded sidewalk outside the restaurant due to a bench which surrounds a tree on the sidewalk. Alfredo claims the bench was there from when they took over lease. He had not realized it was illegal and has since been in communication with the 5th Precinct and had the bench removed.

Morris Fattelwicz, Auxiliary Police Supervisors Benevolent Association founder and CB3 member would like elected officials to support CB3's motion that asks for the continuation of funding for auxiliary police.

Mark Jaedson spoke to support SLA's decision to deny the liquor license Mitchel Banchik.

Public Officials:

Mayor Michael Bloomberg, Lolita Jackson & Pauline Yu:

Comptroller William Thompson, Sandra O. Duque:

The Comptroller was able to collect one million dollars, for the fifth year in a row, from individuals and firms that have damaged City property. The Comptroller's Office also reported that the online tool Cybersettle has saved the City more than \$57 million in settlement costs since its inception in February 2004.

Public Advocate Betsy Gotbaum, Simeon Banister:

Borough President Scott Stringer, Gregory Kirchenbaum:

In April 2008, the Borough President's Office released "Crowded Out" a comprehensive, borough-wide analysis of residential development and its relationship to local school capacity. Four Manhattan neighborhoods are at risk for serious overcrowding. His office will be helping develop a citywide coalition to ensure the City comes up with a capital plan to bring new schools to these neighborhoods.

The Borough President is also urging federal and state entities to commit themselves to the stringent requirements of the New York City Building Code and allow the necessary inspections so as to avoid another disaster such as the one at the Deutsche Bank tower.

Congress Member Carolyn Maloney, Victor Montesinos:

The Congresswoman helped pass the Credit Cardholder's Bill of Rights which provides more consumer protection and prevents unfair practices by the credit card companies.

Congress Member Jerrold Nadler, Erin Drinkwater:

Congress Member Nydia Velazquez, Iris Quinones:

Assembly Speaker Sheldon Silver, Zach Bommer:

Assemblyman Silver participated in the NYCHA awards ceremony for outstanding tenant patrol members. The Tenant Patrol Program utilizes volunteer residents stationed in the lobbies of their buildings to decrease crime and loitering. He also attended the groundbreaking for the new expansion of Gouverneur's Hospital which added 108,000 more square feet with which to serve local residents.

Finally, the Assemblyman attended a Park Row rally to oppose the new NYPD Command Center which is planned to be built adjacent to Police Headquarters.

Assembly Member Deborah J. Glick, Matt Borden:

Assembly Member Glick introduced legislation that Governor Paterson signed into law which will help ease the burden of textbook costs on college students and professors. The Act will allow faculty to purchase textbooks without being forced to order expensive "bundles" which may include workbooks or CDs.

The Assemblywoman also continues to express her concerns over the natural gas drilling in New York City's Upstate Watershed. The drilling could be leaking toxins into the City's water supply.

Assembly Member Brian Kavanaugh, Paula Castro:

The Assembly Member, along with NYCHA authorities helped re-energize the Camos Plaza Tenant Association. Elections for the Tenant Association President will take place October 23rd.

On September 10th Traffic Enforcement will start enforcing the "Block the Box" legislation which Assemblyman Kavanagh introduced. Blocking the box will no longer be a moving violation which only police officers and a few TEAs could enforce, but rather a \$115 ticket which all 2,800 TEAs can issue.

His office also announced the kick-off event to Go Green LES on October 19th from 11AM-4:30PM on Orchard Street between Grand and Broome.

State Senator Martin Connor:

State Senator Thomas K. Duane, Romeo Ymalay:

Senator Duane is opposed to the New York State Division of Housing and Community Renewal's (DHCR) proposed demolition regulations. He believes they do not address the loopholes that allow disingenuous landlords to get away with 'phony demolitions" and leave tenants victims of illegitimate evictions.

The Senator also expressed his support of the Re-Zoning Plan.

Council Member Alan Gerson, Peter Pastor:

Council Member Gerson expressed his satisfaction that nearly all key provisions of the DASA Law (Dignity in All Schools Act) have finally been enacted by Mayor Bloomberg in a new Chancellor's Regulation.

His "Livability" legislation is finally on the City Council's calendar. On October 16th at 10AM the NYC Council Consumer Affairs Committee will hear testimony regarding two bills:

1. Intro 684 would seek to retrofit all generators used on film shoots to be more environmentally friendly. note: District Manager Susan Stetzer mentioned it might not be legal to single out one industry such as the Motion Picture Association of America.
2. Intro 416-a was drafted to combat excessive noise from illegal straight pipes on motorcycles.

Council Member Rosie Mendez, Jessica Nepomiachi:

On August 13th Council Member Mendez testified at NYCHA's Public Hearing on the Draft Agency Plan. She focused on the \$195 deficit, urging all levels of government to focus on the critical financial plight of NYCHA.

She also attended a rally on City Hall steps and at a DHCR hearing to speak out against new regulations that would codify a loophole in rent laws allowing landlords to evict tenants in order to remove apartments.

Members Present at First Vote:

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

Minutes:

Minutes of June 2008 were approved, as is.

Committee Reports:

Executive Committee

1. Executive Committee Item 1

VOTE: To support the block party on Sunday, October 19, 2008 on Orchard Street between Broome and Grand Streets to be held in conjunction with the Manhattan Borough President's kickoff of the Lower East Side Go Green project.

2. Executive Committee Item 2

VOTE: To create a Personnel Task Force to research and propose procedures for conducting performance evaluation for District Manager.

(Executive Committee)

34 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Parks, Recreation, Cultural Affairs, Landmarks, & Waterfront Committee

1. UNRAP/Hester St Collaborative: Community Study for Allen Street malls
no vote necessary

2. Request for support by Open Road for skateboarding areas in East River Park and Seward Park and enhanced facilities at Coleman Park

VOTE: To give conceptual support to a proposed skateboarding area in East River Park under the Williamsburg Bridge, and to support enhanced facilities in Coleman Oval Park to include additional skateboard "obstacles".

3. Parks: Corlears Hook Park dog run
no vote necessary

4. Proposed recreational use for Parks area at Pitt & Stanton Sts
no vote necessary

5. Clemente Soto Velez Cultural and Educational Center, 107 Suffolk St: request for design support for Art Commission

VOTE: To send a letter of support to the NYC Public Design Commission concerning the proposed restoration of the building envelope of the Clemente Soto Velez Cultural & Educational Center, Inc. at 107 Suffolk Street.
Dear President Stuckey:

Manhattan Community Board #3 recently met with Mr. Jan Hanvik, Executive Director of the Clemente Soto Velez Center and with Mr. Noah Kaufman of the NYC Department of Design and Construction. They presented to us their plans for the restoration of the building envelope of 107 Suffolk Street. We were advised that the estimated cost of construction is approximately \$6 million which is being funded by the NYC Department of Cultural Affairs.

The presentation was detailed and Board members asked questions and offered comments concerning various aspects of the plan, notably the legal requirement for handicapped access.

The Community Board voted at its September 23, 2008 meeting to support this request for the restoration of the building envelope.

Please keep the Community Board apprised of the progress of this project since the Center is important to our community.

6. Request for support for "culture" park at 33 E 1st St
no vote necessary

Block Party Application

7. Fukien American Assoc, 11/18, Market St (Henry St & E B'way)

VOTE: To approve the request of the Fukien American Association for a block party on November 18, 2008 on Market Street (Henry Street – East Broadway).

(Parks, Recreation, Cultural Affairs, Landmarks, & Waterfront Committee)

34 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Arts & Cultural Affairs Task Force

1. Report: Pier 36 Community Based Arts Programming
no vote necessary

2. Arts capital funding proposals FY2010: CB3 Support Requests
no vote necessary

3. Proposal for criteria and guidelines for CB3 support of capital arts projects
no vote necessary

4. Arts Task Force: remaining tasks

VOTE: The Arts Task Force proposes to hold two Town Halls, in the next 6 months:

4. Town Hall: Live music and performance venues: [tentatively: Loss, arts sustainability, and what can be done] November 2008

4. Town Hall: Arts Education: [tentatively: challenges and opportunities] Early 2009

5. Co-sponsor (with SeedCo , LES BID): Workshop and Seminar on Major Capital Arts Project Campaigns

VOTE: CB3 co-sponsor with SeedCol, LES BID and other organizations a workshop and seminar on major arts capital project campaigns.

6. New Business: Dixon Place performing arts venue.
No Vote Necessary

(Arts & Cultural Affairs Task Force)

34 YES 0 NO 0 ABS 0 PNV MOTION PASSED

SLA & DCA Licensing Committee

Renewal with Complaint History

1. The Box, 189 Chrystie St (op)
Withdrawn
2. Mercadito, 179 Ave B (op)

VOTE: WHEREAS, Mercadito, 179 Avenue B, between 11th and 12th Streets, is seeking to renew its full on-premise liquor license and the applicant did not appear before Community Board #3 for review of its application or provide any application materials to review; and

WHEREAS, there has been demonstrated community opposition from residents of the surrounding buildings to additional licenses in this area of Avenue B, as well as from 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 and patron traffic on the street and sidewalks of Avenue B from existing establishments; and

WHEREAS, there are already five (5) licensed establishments on this block of Avenue B between 11th and 12th Streets, including the applicant, four (4) of which are full on-premise liquor licenses and there are 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 retail licenses; and

WHEREAS, the applicant has demonstrated an apparent disregard of these conditions and Department of Transportation regulations by erecting a long bench outside of this establishment, expressly to enable its patrons to congregate on the sidewalk, as well as by placing tables on the sidewalk without a sidewalk café permit, both of which effectively extend this business onto an already overwhelmed street; now

THEREFORE, BE IT RESOLVED, that Community Board #3 denies the renewal of the full on-premise liquor license for Mercadito, 179 Avenue B.

3. Pour House, 64 3rd Ave (op)

VOTE: To deny the renewal of the full on-premise liquor license for The Village Pour House, 64 Third Avenue, because the applicant did not appear before Community Board #3 for review of its application or provide any application materials to review and because the applicant has received violations for improperly using its sidewalk café, allowing patrons to stand in it as though it is an extension of its bar, for extending said cafe beyond its licensed parameters and for loud noise.

4. Carthage Palace, 46 Ave B (op)

VOTE: WHEREAS, Carthage Palace, 46 Avenue B, is seeking to renew its full on-premise liquor license at a location which was formerly operated as a Brazilian steakhouse and lounge doing business as Carne Vale; and

WHEREAS, the applicant has stated that he ceded managerial control of his establishment to the owners of Le Souk, located at 47 Avenue B, approximately two (2) years ago, in exchange for a yearly rental fee, and **allowed them to use the existing liquor license which was issued in his name to operate Carne Vale**; and

WHEREAS, the applicant has now asserted that it resumed control of this location at the beginning of September 2008 and intends to reopen as an Italian restaurant; and

WHEREAS, **the applicant now professes to be unaware that its license was revoked on March 31, 2008**; and

WHEREAS, Avenue B between 5th Street and Houston Street is the worst area in the 9th Precinct in terms of degraded quality of life as a result of its numerous licensed establishments, overwhelming pedestrian and vehicular traffic, late night horn honking, noise and from patrons moving between businesses and emanating from businesses; and

WHEREAS, Avenue B is a narrow residential street which runs from Houston to 14th Streets and which physically narrows between 4th Street and Houston Street; and

WHEREAS, there are at least seventeen (17) full on-premise liquor licenses within five hundred (500) feet of this location, ten (10) of which are on Avenue B below 5th Street and four (4) of which are on this block; and

WHEREAS, the 9th Precinct and Community Board #3 have had to ask the Department of Transportation to eliminate weekend nighttime parking on one side of Avenue B between 4th Street and Houston Street in an effort alleviate traffic congestion and decrease late night noise in this area; and

WHEREAS, the 9th Precinct is still overwhelmed with the regulation and oversight of licensed establishments in this area, including Le Souk , which is located directly across the street from this establishment, which has been the subject of numerous violations and resident complaints and whose owners have been operating the subject location as Carne Vale; and

WHEREAS, despite the existing and well publicized conditions on lower Avenue B, the operators of Carne Vale have installed accordion doors on its façade and commercially used the backyard, both of which effectively extended this business into an already beleaguered community; and

WHEREAS, there have been numerous complaints from residents of the surrounding buildings of noise emanating from the front and back of this establishment, as well as complaints of crowds in front of this establishment and patrons and employees moving between this establishment and Le Souk, located across the street; and

WHEREAS, inconsistent from its asserted use as a restaurant, the operators of this business would alter its dining room by removing its tables to create a dance floor every night and employed dancers; and

WHEREAS, there is no public benefit in an additional Italian restaurant in this neighborhood as there are numerous Italian restaurants located in this area, including three (3) on 4th Street between Avenue A and Avenue B, two (2) on 2nd Street between Avenue A and Avenue B and at least two (2) on Avenue B between Houston Street and 5th Street; now

THEREFORE, BE IT RESOLVED, that Community Board #3 moves to deny the renewal of the full on-premise liquor license for Carthage Palace, located at 46 Avenue B and previously doing business as Carne Vale, and asking the New York State Liquor Authority to investigate 1) the circumstances under which this applicant sublet this location to the principles of Le Souk, located at 47 Avenue B, and allowed them to utilize its liquor license and 2) the present application for renewal of a liquor license which has been revoked.

Applications within Resolution Areas

5. Pan Asian Bistro, 172 Orchard St (rw)

VOTE: WHEREAS, Pan Asian Bistro is reapplying for a restaurant wine license for 172 Orchard Street, between Houston and Stanton Streets after having been denied by this community board in November of 2007; and

WHEREAS, this applicant is seeking to serve wine and beer at an Asian noodle bar in a location that was previously operated as a juice bar; and

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

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

WHEREAS, Orchard Street is one of the worst area in the 7th Precinct in terms of degraded quality of life as a result of so many licensed establishments within close proximity to each other,

overwhelming pedestrian and vehicular traffic, patrons congregating in the street itself, late night horn honking and overwhelming noise emanating from businesses and from patrons as they move between businesses; and

WHEREAS, as a result of these persistent detrimental conditions, the 7th Precinct and Community Board #3 have had to ask the Department of Transportation to eliminate weekend nighttime parking on one side of Orchard Street, first between Houston and Rivington Streets and then asking for an extension down to Delancey Street, in an effort to alleviate the existing pedestrian and traffic congestion and to minimize late night noise; and

WHEREAS, there are presently at least six (6) full on-premise liquor licenses on this one (1) block of Orchard Street, located at 173, 174, 188, 191, 196 and 198 Orchard Street, as well as a number of restaurant wine licenses and a hotel liquor license whose address is 190 Allen Street but which has an entrance and egress on Orchard Street; and

WHEREAS, this applicant operates an establishment which is open until 1:00 A.M. on Fridays and Saturdays, has open façade windows and has a sidewalk café, all of which effectively extend this business onto this already overwhelmed street and contribute to its nighttime noise and congestion; and

WHEREAS, this applicant has failed to show the requested community support for its business in that it has furnished Community Board #3 with petition signatures in support of its business, most of which are not from residents of the surrounding buildings or community; now

THEREFORE, BE IT RESOLVED, that Community Board #3 moves to deny the restaurant wine license for Pan Asian Bistro, located at 172 Orchard Street.

6. Caffe Pepe Rosso, 127 Ave C (up/op)
withdrawn
7. Mary O'Halloran, 220 Ave B (op)
withdrawn
8. I Foods Restaurant, 171 Ave A (op)
withdrawn
9. 102 Ave C Restaurant, 102 Ave C (rw)

VOTE: WHEREAS, 102 Avenue C Restaurant, located at 102 Avenue C between 8th and 9th Streets, is seeking to obtain a restaurant wine license to operate an "authentic Italian" restaurant in a location which has not been previously licensed; and

WHEREAS, Avenue C is a narrow street with two (2) lanes of traffic running from Houston Street to 12th Street; and

WHEREAS, there are twelve (12) licensed establishments on Avenue C between 8th and 10th Streets, five (5) of which are full on-premise liquor licenses located within one (1) block of the herein applicant, between 9th and 10th Streets; and

WHEREAS, the cumulative impact of these establishments within this small area is significant noise and sidewalk congestion at nighttime; and

WHEREAS, said applicant intends to utilize its backyard and to install sliding windows on its façade which would effectively extend its interior noise onto an already noisy street; and

WHEREAS, this location is within close proximity to numerous Italian restaurants, including Pasta Bar, located at 127 Avenue C; now

THEREFORE, BE IT RESOLVED, that Community Board #3 moves to deny the application for a restaurant wine license for 102 Avenue C Restaurant, 102 Avenue C.

10. European Union, 235 E 4th St (alt/extend license)

VOTE: To deny the alteration for European Union, 235 East 4th Street, to wit, extending its restaurant wine license to its sidewalk café, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will install an awning over its sidewalk café which will be extended during its hours of operation, and 2) the hours of operation of its sidewalk café will be from 11:00 A.M. to 10:00 P.M. Sundays through Thursdays and 11:00 A.M. to 11:00 P.M. Fridays and Saturdays and will include any time needed to set up and break down said café. Community Board #3 notes that its approval of this application has been based upon the history of negotiations between this applicant and community

residents, including negotiations regarding this proposed sidewalk cafe, and an operating agreement between it and the East 4th Street Block Association.

Alterations/Transfers/Upgrades

11. Arrow, 85 Ave A (trans/op)

VOTE: To approve the transfer of a full on-premise liquor license to Arrow, 85 Avenue A, understanding that this location has been continuously licensed since before 1993.

12. Falai Panetterie, 79 Clinton St (up/op)

VOTE: To approve the upgrade to a full on-premise liquor license for Falai Panetterie, 79 Clinton Street, because the applicant has no history of complaints at this or its nearby establishment

13. Mo Pitkins, 34 Ave A (trans/op)

withdrawn

14. Kampuchea Noodle Bar, 78-84 Rivington St (alt/expansion/op)

VOTE: To deny the alteration for Kampuchea Noodle Bar, 78-84 Rivington Street, to wit, extending its full on-premise liquor license to the adjacent storefront, 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 11:00 A.M. to 12:00 A.M. Sundays through Thursdays and 11:00 to 1:00 A.M. Fridays and Saturdays, 2) it will not have DJs or live music, 3) it will have no more than ten (10) stools at its bar, and 4) it will not change its method of operation for the life of the license.

15. Kush Lounge, 191 Chrystie St (trans/op)

VOTE: To deny the transfer of a full on-premise liquor license for Kush Lounge, 191 Chrystie Street, because the applicant did not appear before Community Board #3 for review of its application or provide any application materials for review.

16. Maradona, 188 Allen St (up/op)

withdrawn

17. Isabella's Oven, 365 Grand St (up/op)

VOTE: To deny the upgrade to a full on-premise liquor license for Isabella's Oven, 365 Grand Street, because 1) the applicant failed to disclose in this application or its original application for a restaurant wine license that it would commercially use its backyard and have live music, and 2) the applicant has been unable to pay the rent for this location and this application appears to be an effort to sustain her business with the sale of liquor which is inconsistent from the method of operation of this business as an Italian restaurant whose sale of alcohol is incidental to its sale of food.

18. Seymour Burton, 511 E 5th St (alt)

VOTE: To deny the corporate change and alteration for Seymour Burton, 511 East 5th Street, to wit, adding Jason Hennings as a principle and installing a fourteen (14) foot bar on the west wall of said establishment, 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 1:00 A.M. Sundays through Thursdays and 2:00 A.M. Fridays and Saturdays, 2) it will close all of its doors and windows, specifically its façade windows, at 10:00 P.M. every night, 3) it will not have a bar exceeding fifteen (15) feet in length, and operate as a full-service seafood-based restaurant serving food to within one (1) hour of closing.

19. Thompson Lower East Side Hotel, 190 Allen St (alt/remove restaurant from hotel license)

VOTE: To approve the alteration to Thompson Lower East Side Hotel, 190 Allen Street, to wit removing the second floor restaurant, third floor lounge and seventh floor lounge from its hotel liquor license.

19a. Orchard St Restaurant, 190 Allen St (new separate op for restaurant in hotel)

VOTE: To approve the application for a full on-premise liquor license for the second floor restaurant, third floor lounge and seventh floor lounge for Orchard Street Restaurant, located within the hotel at 190 Allen Street.

New Liquor License Applications

20b. Philly's Cheese Steak, 191 E Houston St (rw)

VOTE: To deny the application for a restaurant wine license for Philly's Cheese Steak, 191 East Houston Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) for its first year of operation, the applicant will stop serving alcohol at 12:00 A.M. every night and will seek review of this application by Community Board #3 after this period of time has expired, and 2) it will operate as a cheese steak restaurant with the service of alcohol at tables only.

21b. Mitchell Banchik, 114-116 3rd Ave (op)

VOTE: To deny the application for a full on-premise liquor license for Mitchell Banchik, 114-116 Third Avenue, because 1) this application for a two (2) level bar does not provide any unique public benefit to this community in that this location would be located within a block of businesses that have the same proposed method of operation and are of the same proposed scale as the application, 2) this location has historically been used as a church and has not been previously licensed, 3) there is opposition to the approval of this application from residents of the neighboring large buildings, 110 Third Avenue and 111 Third Avenue, 4) this location is in close proximity to five (5) college dormitories affiliated with New York University, 5) this location is within five hundred (500) feet of at least seven (7) existing full on-premise liquor licenses, 6) given the extreme density of nighttime pedestrian activity that already exists on this portion of Third Avenue, this community would be better served by a daytime business at this location, for which there were possible

- lessees according to its real estate agent, and 7) there are four (4) existing businesses within a two (2) block radius which have already negatively impacted residents with their noise and street congestion and for which this community board has participated in meeting with the businesses, residents and police, namely The Village Pour House, Webster Hall, Amsterdam Billiards and Forum.
- 22b. 8 Rivington Restaurant, 8 Rivington St (op)
VOTE: To deny the application for a full on-premise liquor license for 8 Rivington Restaurant, 8 Rivington 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 espresso bar and restaurant, serving American bistro cuisine until within one (1) hour of closing, 2) that its hours of operation will be from 8:00 A.M. to 1:00 A.M. every day, and 3) it will play ambient background music only.
- 23b. Sinead Duell, 90 E 10th St (op)
no vote necessary
- 24b. Café Partners, 520 2nd Ave (op)
withdrawn
- 25b. Chikalicious Puddin, 204 E 10th St (op)
VOTE: To deny the application for a full on-premise liquor license for Chikalicious Puddin, 204 East 10th 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 dessert bar, serving desserts and cheese plates, and principally utilizing alcohol in its desserts and for the service of digestives, and 2) its hours of operation will be from 12:00 P.M. to 12:00 A.M. Mondays through Saturdays and 12:00 P.M. to 11:00 P.M. Sundays.
- 26b. Old Lao San Snack, 2-6 E B'way (rw)
VOTE: To deny the application for a restaurant wine license for Old Lao San Snack, 2-6 East Broadway, because the applicant did not appear before Community Board #3 for review of its application or provide any application materials for review.
- 27b. New Waloy Snacks, 67B E B'way (eb)
VOTE: To deny the application for an eating place beer license for New Waloy Snacks, 67B East Broadway, because the applicant did not appear before Community Board #3 for review of its application or provide any application materials for review.
- 28b. Rice Village, 81 Chrystie St (rw)
VOTE: To deny the application for a restaurant wine license for Rice Village, 81 Chrystie 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 Chinese restaurant, serving food to within one (1) hour of closing, and 2) its hours of operation will be from 11:00 A.M. to 2:00 A.M. every day
- 29b. Neway KTV, 90 Eldridge St (op)
VOTE: To deny the application for a full on-premise liquor license for Neway KTV, 90 Eldridge Street, because the applicant did not appear before Community Board #3 for review of its application or provide any application materials for review.
- 30b. 417 East 9th St LLC, 417 E 9th St (rw)
no vote necessary
- 31b. Paul O'Sullivan, 200 Allen St (op)
withdrawn
- 32b. Mercury Dime, 246 E 5th St (tw)
VOTE: To deny the application for a restaurant wine license for Mercury Dime, 246 East 5th Street, because 1) although this applicant has been open six (6) months as a coffee shop closing at 12:00 P.M. every night and appeared with fifteen (15) residents and petition signatures in its support, there is still intense community opposition from residents of this street as evidenced by the twenty-seven (27) residents who appeared before Community Board #3 to oppose the approval of this license as well as the petitions in opposition to said license from two hundred fifty-nine (259) additional residents of this block (attached hereto), noting that when this applicant first appeared before Community Board #3 in February of 2007, there were one hundred forty (140) petition signatures in opposition to this license, 2) this establishment is located on a small historically residential side street with two (2) assisted living facilities and this street already has eight (8) existing liquor licenses, including a hotel liquor license for the Cooper Square Hotel, a twenty-one (21) story hotel that intends to have four (4) nighttime indoor venues, one of which has a capacity of one hundred thirty-six (136) people, as well as two (2) outdoor terraces and one (1) outdoor garden, which has a capacity of one hundred eighty-seven (187), all of which will have alcohol service, 3) the applicant concedes that there are at least twenty-two (22) liquor licensed premises within 500 feet of this location, and 4) the quality of life of residents living on this block has already been affected by unruly, noisy and drunken patrons on the street and by poor garbage disposal by these businesses which leaves the street filthy and the residential buildings subject to fines, as well as by the increased vehicular traffic from vehicles dropping patrons off, picking them up and idling on the street.
- 33b. Sarita's Macaroni & Cheese, 345 E 12th St (rw)
VOTE: To deny the application for a restaurant wine license for Sarita's Macaroni & Cheese, 345 East 12th 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 restaurant, serving macaroni and cheese variations, until

within one (1) hour of closing, 2) its hours of operation will be from 11:00 A.M. to 11:00 P.M. Sundays through Thursdays and 11:00 A.M. to 1:00 A.M. Fridays and Saturdays, and 3) it will not install a bar. **AMENDED TO DENIAL FOR FAILURE TO RETURN STIPULATION**

34b. Famous Sichuan, 10 Pell St (rw)

VOTE: To deny the application for a restaurant wine license for Famous Sichuan, 10 Pell 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 Chinese restaurant, serving food to within one (1) hour of closing, 2) its hours of operation will be from 11:00 A.M. to 11:00 P.M. every day, and 3) it will not install a bar.

35b. E 10th St LLC, 441 E 12th St (rw)

no vote necessary

36b. Emperor Japanese Tapas, 96 Bowery (op)

withdrawn

37b. Suimon, 412-414 E 9th St (rw)

VOTE: To deny the application for a restaurant wine license for Suimon, 412-414 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 vegetarian restaurant, serving food to within one (1) hour of closing, 2) its hours of operation will be from 11:30 A.M. to 10:30 P.M. every day, 3) it will keep its doors and windows closed at all times, 4) it will not install a bar, and 5) it will not apply for a full on-premise liquor license or outdoor seating, and 6) it will have ambient, background music only.

38b. Cookout Grill, 214 1st Ave (rw)

VOTE: To deny the application for a restaurant wine license for Cookout Grill, 241 First Avenue, because 1) this location has never been licensed, 2) there are similar food service businesses in this immediate area offering similar limited barbeque menus, 3) this applicant failed to obtain the required petition signatures in support of its application.

39b. Dixon Place, 161 Chrystie St (op)

VOTE: To deny the application for a full on-premise liquor license for Dixon Place, 161 Chrystie 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 theatre with alcohol service in the lounge which will be located in the front of the establishment, 2) it will close no later than 12:00 A.M. Sundays through Thursdays and 1:00 A.M. Fridays and Saturdays, 3) it will prevent crowds from gathering in front of the establishment and use the lounge as a holding area for waiting patrons. This motion is made because, although this location is within five hundred (500) feet of three (3) or more licenses, Community Board #3 has a historical goal of encouraging the development of cultural institutions within its district.

40b. Gesundheit, 290 Grand St (op)

no vote necessary

41b. Persimmon LLC, 277 E 10th St (rw)

no vote necessary

New Business

42b. Friend House LLC, 99 Third Avenue

VOTE: To rescind the prior motion to deny the application for an alteration for Friend House LLC, 99 Third Avenue, to wit changing its principal, because the applicant failed to furnish a signed notarized stipulation that 1) it will operate as a full service Thai restaurant, serving food to within one (1) hour of closing and 2) it's hours of operation will be from 10:00 A.M to 11:00 P.M. Sundays through Thursdays and 12:00 P.M. to 12:00 A.M. Fridays and Saturdays and to now deny the application for an alteration for Friend House, LLC, 99 Third Avenue, to wit changing its principal, unless the applicant agrees to make as a condition of its license a signed notarized stipulation that 1) it will operate as a full service Thai restaurant, serving food to within one (1) hour of closing and 2) it's hours of operation will be from 10:00 A.M to 11:00 P.M. Sundays through Thursdays and 12:00 P.M. to 12:00 A.M. Fridays and Saturdays.

(SLA & DCA Licensing Committee)

35 YES 0 NO 0 ABS 0 PNV (Excluding Items 32, 33, 37 & 39) MOTION PASSED
ITEMS 32, 33, 37 & 39: 34 YES 1 NO 0 ABS 0 PNV MOTION PASSED

Economic Development, Zoning, & Planning Committee

1. Committee goals and priorities

no vote necessary

Housing, Land Disposition, & NYC Housing Authority Committee

▪ DOB presentation: construction issues and processes

no vote necessary

▪ BSA 175-08-BZ, 141 Allen St

VOTE: WHEREAS, Mama Spa Corp. has applied to the Board of Standards and Appeals for a special 10-year permit to operate a Health Establishment under §ZR 73-36 at 141 Allen Street; and

WHEREAS, Community Board 3 understands Mama Spa Corp. qualifies for the special permit because its plans don't interfere with development of surrounding area nor add bulk to the building. Furthermore, it would operate a facility with New York State licensed masseurs and masseuses; and

WHEREAS, Mama Spa has assured CB #3 it plans to operate continually a business consistent with the special permit as a spa and notify the BSA and CB of any change in the method of operation; and

WHEREAS, Mama Spa Corp. would consider hiring workers from the community through the Lower East Side Workforce Development Taskforce; now

THEREFORE, BE IT RESOLVED, that Community Board #3-Manhattan supports the application (BSA 175-08-BZ) for a special permit of a Health Establishment at 141 Allen St.

- Avalon Chrystie site control for Extra Place
no vote necessary

(Housing, Land Disposition, & NYC Housing Authority Committee)

34 YES 1 NO 0 ABS 0 PNV MOTION PASSED

Human Services, Health, Disability, & Seniors Committee

1. Committee goals and priorities
no vote necessary

Youth & Education Committee

2. Committee goals and priorities
VOTE: That the Youth and Education Committee agreed to conduct meetings at various youth programs, remain active in the BP Overcrowding Task Force, try and broaden the AID's education in schools and among the youth in CB3.

(Youth & Education Committee)

34 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Transportation & Public Safety Committee

- DOT presentation on plan to develop and implement mitigation measures to improve the safety of seniors and others citywide, "Safe Street for Seniors"
VOTE: Resolution approving of Safe Streets for Seniors installation on L.E.S.

WHEREAS, DOT presented designs for traffic calming measures that would improve the safety of seniors and the pedestrian environment, encourages walk-ability and reduce fatalities and severe injuries generally; and

WHEREAS, The safety improvements that would be installed in October 2008 include:

1. Bowery and Delancey St: Install pedestrian refuge island, ban some turning movements and modify the signal timing.
2. Bowery at Broome and Grand Sts: Ban some turning movements.
3. Forsyth St one-way conversion: Forsyth St between Grand and Delancey St will be converted from 2 ways to one way northbound. A bike lane will also be installed between Canal and Division Sts. A pedestrian space will be created adjacent to the park's wall by creating a "floating" parking lane, so that parallel parking on both sides of Forsyth St can be restored.
4. Chrystie St: Pedestrian refuge islands will be built at the intersections of Broome and Delancey Sts. Pedestrian fencing will be installed at Broome St to eliminate the dangerous pedestrian crossing on the south side of the intersection.
5. Rutgers St: Pedestrian islands will be built on Rutgers St and a painted median with parking will be established in the middle of the street.
6. Division, Ludlow and Canal St: Cars will no longer be allowed to use Division St between Ludlow and Canal St (about 50' of roadbed). This will extend the small triangle at this intersection, which will be marked for pedestrian use.

WHEREAS, the reconfiguration along Forsyth St fulfills a long-standing request by CB3. In January 2004, CB3 had requested that DOT "restore parking on the west side of Forsyth Street, with a pedestrian zone adjacent to the park wall" and "revert back to parallel parking on both the east and west sides of the street." The new pedestrian space that will be created on the west side of the street also achieves the goal set by the #1 item on the CB3 Capital Budget Priority list for several

years, namely, "Construct a sidewalk at the west side of Forsyth Street adjacent to Sara D. Roosevelt Park;" now

THEREFORE, BE IT RESOLVED, that CB3-Manhattan approves of the installation of these Safe Streets for Seniors improvements on the Lower East Side.

- Reconstruction of E Houston St from Bowery to FDR
no vote necessary
- Chrystie Street Hotel request for "No Parking Hotel Use Only" signage at 61-63 Chrystie St
VOTE: To postpone until October 2008. DOT was asked to research the current regulations at this location and of the changes to be implemented for the "Manhattan Bridge Access Bicycle Project" installation approved by CB3 in May 2008. The applicant was asked to bring photographs and agreed to notify the businesses and residents of the block that this item will be on the October agenda.
- Change no parking area to regular parking in front of Boys Club, 287 E 10th St
no vote necessary
- Newsstand Application, NE corner of Delancey St & Bowery
VOTE: That CB3-Manhattan approves the location for Application #1293493 – installation of a proposed newsstand in front of 183 Bowery on the north-east corner of Delancey St. DOT has determined that this newsstand would not pose any obstruction to free use of the sidewalk, and the applicant has notified the building owner and has not received a negative response.

(Transportation & Public Safety Committee)

34 YES 0 NO 0 ABS 0 PVN MOTION PASSED

Environment Committee

- Committee goals and priorities for next 6 months
no vote necessary
- Report from Go Green LES
no vote necessary
- Update on Con Ed 14th St plant permit renewal
VOTE (1): Resolution to authorize CB3 representatives to pursue means to reduce air pollutant emissions and human exposure. [DRAFT Sept 10th, 2008]

WHEREAS, Community Board 3 has multiple air pollutant sources exposing its residents: vehicle congestion from three bridges; the FDR and other transportation corridors; the 14th Street Steam/Power Plant, and building heating and cooling plants, in one of the highest density residential neighborhoods in the country.

WHEREAS, the spatial concentration of district air pollutant sources are likely to result in hot spots of human exposure greater than measured by the fixed NYS DEC (Department of Conservation) monitoring station.

WHEREAS, recent asthma surveys have revealed high asthma prevalence rates in the CB3 district.

WHEREAS, the New York City area has identified compliance problems with the U.S. Clean Air Act's National Ambient Air Quality Standards (NAAQS)

WHEREAS, the USEPA (Environmental Protection Agency) required State Implementation Plan (SIP) provides NYS DEC with authority to limit permitted source emissions to comply with NAAQS.

WHEREAS, the Draft Environmental Impact Statement of the Lower East Side & East Village 2008 rezoning discloses air pollutant problems from fuel oil building heating and cooling plant emissions, which will increase due to expected new building developments.

WHEREAS, CB3 have environmentally sensitive populations in proximity to concentrated air pollutant sources: elderly, children, and people with respiratory ailments.

WHEREAS, air pollutant sources which power and heat midtown and lower Manhattan, and provide Manhattan vehicular access are uniquely concentrated in CB3 in areas of low income populations and people of color, bringing to bear environmental justice issues.

WHEREAS, cleaner fuels which produce less air pollutant emissions are a feasible alternative for many stationary sources in the district, for example: natural gas and some bio-fuels produce less

criteria pollutants (e.g. Nitrous and Sulfur Oxides [NOx, Sox]; soot [Particulate Matter, PM10; Black Carbon]) and air toxics (e.g. carcinogenic Polycyclic Aromatic Hydrocarbons, PAHs) than fuel oil.

WHEREAS, natural gas and some bio-fuels produce less greenhouse gases than fuel oil and other fossil fuel sources, and thereby contribute towards attainment PlaNYC greenhouse gas carbon reduction targets;

WHEREAS, alternatives to fossil fuel energy sources such as solar, wind, tide and geothermal power emit very little to zero local air pollutants and greenhouse gasses.

THEREFORE, BE IT RESOLVED, that Community Board 3 pursue means to reduce air pollutant emissions, and reduce district human exposure to such emissions, by working with building and power plant operators and owners, environmental specialists, government agencies, and elected officials, to promote the use of cleaner fuels, alternative non-fossil fuel power (e.g. wind, tidal, geothermal, solar), weatherization, energy efficiency, optimizing heating and power plants, air pollution control devices and other means to reduce air emissions. Community Board 3 authorizes the CB3 Environmental Chair, the CB3 Full Board Chair, and their representatives and agents, to carry on and implement this resolution through all appropriate mechanisms.

VOTE (2): Ratification of Request for NYS DEC Public Hearing on Con Ed Title V and SIP permit renewal.

WHEREAS, the Con Ed 14th St Power/Steam Plant is the single largest stationary pollution air emission source impacting CB3 residents and workers health.

WHEREAS, the present permit renewal is the first opportunity for the public to review the operating record of the expanded power plant;

WHEREAS, NYS DEC permit review would benefit from informed public stakeholder testimony and a public dialogue.

WHEREAS, emission reports and other documents for the operation of the steam/power plant were not available to the public during the NYS DEC public comment period.

WHEREAS, CB3 requested the aforementioned reports, but have yet to receive them.

THEREFORE, BE IT RESOLVED, that CB3 ratifies CB3 chair's request for NYS DEC to hold a public hearing on the Title V and SIP permit renewal of the Con Ed 14th Street Steam Power Plant.

(Environment Committee)

33 YES 0 NO 0 ABN 1 PNV MOTION PASSED

Members Present at Last Vote:

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

Meeting Adjourned