



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

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Dominic Pisciotta, Board Chair

Susan Stetzer, District Manager

## October 2008 Full Board Minutes

Meeting of Community Board #3 held on Tuesday, October 28, 2008 at 6:30PM at PS 20, 166 Essex Street.

### Public Session:

Fred Martell came to speak regarding the bar Klimat. Though the applicant was denied an approval for a liquor license by the SLA Committee, he is concerned the applicant may apply again for a beer and wine license.

Robert Wood spoke in protest of a beer/wine license of Spice on 77 East 10th Street. He has collected 170 signatures in opposition to this bar obtaining a license from his building as well as another 450 signatures from the block.

Linda Grimes came to speak in opposition of the application for beer/wine license at Spice at 77 East 10th St.

Ferng Nee came to speak in support of Chinatown's involvement in the DOT's Plaza Program. It will help clean up the streets, create more jobs for vendors and safer streets for the elderly and children.

Christine Lui also spoke in support of the DOT's Plaza Program.

Eddie Wong also spoke in support of the DOT's Plaza Program.

Hsugh Lam Yan supports DOT's Plaza Program and hopes cleaner, safer streets help promote and maintain Chinese culture.

Christopher Kui, AAE (Asian Americans for Equality) came to speak in support of the DOT's Plaza Program. He is interested in working with Chinatown residents to help create a better plan and design for the stretch of street of Forsyth between Canal and East Broadway. Mr Kui would like to see that area used more efficiently.

Lau Fung also spoke in support of the DOT's Plaza Program.

Yun-Qin Li also spoke in support of the DOT's Plaza Program.

Vaylateena Jones spoke regarding the Primary Care Initiative. She gave testimony at the New York City Council and The Department of Health and Mental Hygiene Public Health Forum in the Bronx. Zip 10002 was one of the neighborhoods surveyed. She stated there would be a Health Forum on Staten Island tomorrow.

Ms Jones informed the community of a disaster Preparedness Forum Planning Meeting which will take place November 13 at the Indo-China Community center. The Forum meeting will be attended by multiple agencies including Bellevue Hospital, the Office of Emergency Management and the LES BID.

Ms. Jones also gave testimony at the Department for the Aging's Annual Plan Hearing. The City would like to have a multi-service center in each borough. As a nurse, Ms Jones feels it is not in the best interest for seniors to travel to a center which could potentially be very far away. Rather, she'd like to see staff from the center travel to the seniors. Ms Jones wrote her testimony and requested a meeting with DFTA before closing any Senior Centers within cb3. She contacted more than 6 agencies including the Henry Street Settlement, and the United Jewish Council who'd like to participate in a meeting with DFTA if that should happen.

Amanda McEntire came to speak about the Children's Parade which taking place in Washington Square Park on Halloween from 3-6PM.

Hongmei Liu spoke about Chinese New Year Spectacular coming to NY and NJ December 31-January 27. It takes place in BAM, SUNY Purchase and the NJ Performing Arts Center. The show is a celebration of Chinese art and culture.

Yun-Qin Li from NTDV (New Tang Dynasty TV) spoke regarding competitions that NTDV will be hosting in music, culinary arts, oil painting and photography. She hopes these competitions will help promote Chinese culture and to bridge the culture gap between the East and West.

Morris M. Fajtelewicz is asking elected officials to act on prior Community Board motion which passed to support the Auxiliary Police and Auxiliary Police Reserve Squad. Mr. Fajtelewicz would like City and State Auxiliary Police to have EEO (Equal Employment Opportunity) status.

David Liebmann, Head of School, introduced himself and the new Greenwich Village High School. The Board of Directors of Friends of Greenwich Village High School has set September 2009 for classes to begin for the inaugural ninth-grade at GVHS, "New York City's only free-standing, non-denominational, independent high school."

Yanna Luo spoke in support of the DOT's Plaza Program initiative on Forsyth Street. Ms. Luo said cleaner, safer streets would promote pride in the Chinese culture.

Public Officials:

Mayor Michael Bloomberg, Lolita Jackson & Pauline Yu: Ms. Jackson noted the success of the arts programs at Pier 36 over the summer. She thanked CB3 Arts Task Force for their commitment and input into the project. She said the Mayor's office is also looking into ways to solve the parking issues at NYC's greenmarkets.

Comptroller William Thompson, Sandra Duque:

Comptroller Thompson's office is spotlighting the City's Banking Development District Program (BDD) through which banks receive below-market deposits and in return, neighborhood residents and small businesses have access to full banking services, reduced-rate loans and financial literacy classes.

The Comptroller will honor four leaders at his Polish-American Heritage Celebration at Surrogate's Court in Manhattan on October 30th. The event will be co-sponsored by the General Pulaski Memorial Day Parade Committee, Inc., Kosciuszko Foundation, Inc. and the Polish American Congress-Downstate New York Division.

Public Advocate Betsy Gotbaum, Simeon Banister:

Yesterday the Public Advocate released a new survey of city STD clinics that showed that city clinics were often unable to provide important services and information to New Yorkers. In NYC, free city-run clinics are set up to diagnose and treat sexually transmitted diseases, including HIV. But as Gotbam's report shows, rapid HIV tests are only available at one of the 10 city clinics.

The Public Advocate also released a study arguing the city is not doing enough to provide recreational space for children. A survey of 69 parks in the Schoolyards to Playgrounds program, launched last summer as part of Mayor Michael Bloomberg's PlaNYC, found 16 schoolyards closed when they should have been open.

Borough President Scott Stringer, Gregory Kirschenbaum:

Go Green LES and NYC Apple Day was a huge success with over 8,000 people attending. He thanked CB3 for their efforts. He announced a conference on the Politics of Food at Columbia University taking place on November 19th.

Congressmember Carolyn Maloney, Victor Montesinos:

Congressmember Jerrold Nadler, Erin Drinkwater:

Congressmember Nydia Velazquez, Iris Quinones:

Assembly Speaker Sheldon Silver, Zach Bommer:

Assemblyman Silver submitted a letter to the New York City Board of Standards and Appeals on Oct 7th, urging that they overturn a Buildings Department ruling which permitted a two story addition to 515 E 5th St. The decision could be a precedent setting case, steering many landlords away from trying similar tactics.

He thanked the community for coming out to kick off Go Green LES and NYC Apple Day. The event drew more than 8,000 people and was considered a huge success.

Assemblymember Deborah J. Glick, Matt Borden:

The Office of Deborah Glick announced a Forum on Mayoral Control which will take place November 12th at 6:45PM at The Great Hall at Cooper Union.

Assemblymember Brian Kavanagh, Patrick van Keerbergen:

Assemblymember Kavanagh came to speak. He said the City has announced a budget deficit of 12 billion dollars and called this an "extraordinarily difficult time."

At the request of Assemblymember Kavanagh and Assembly Speaker Silver, The NYS Department of Environmental Conservation has agreed to have a public hearing to investigate the environmental impact of

renewing Con Edison's Title V permit at its East River station. They will use this hearing to examine the possibility of this station operating entirely on natural gas.

After negotiating with the State Department of Agriculture's Food and Nutrition Service, Kavanagh's Office was able to reinstate monthly food packages delivered to seniors at the Lillian Wald Houses after a four month hiatus.

On October 23rd Campos Plaza Tenants Association elected their new president. For the last three months Assemblymember Kavanagh's Office has worked to reinstate the tenant association which has not been recognized for the past eight years.

The Assembly introduced a bill in August that would cap the amount of property tax a household that earns less than 250k would pay. At the same time, it would increase property tax by 1% to any household making more than a million dollars a year.

State Senator Martin Connor, :

State Senator Thomas K. Duane, Romeo Ymalay:

The owners of Met Food at 107 Second Avenue have signed a new long-term lease with their landlord, NYU, which will keep the supermarket in the neighborhood for years to come.

Senator Duane attended a press conference which denounced the rent increases approved this past June by the Rent Guidelines Board. He used that opportunity to promote his Rent Board Reform Bill.

Councilmember Alan Gerson, Matt Viggiano:

Councilmember Gerson held a meeting on safety with the residents of the LES NYCHA housing in response to several shooting incidents that have happened at the Alfred Smith Houses in the past few weeks. Gerson suggested more surveillance cameras, more patrolmen and the reactivation of tenant patrol.

Council Member Gerson once again calls for a city-wide truck management plan after a Con Ed worker was killed on Canal Street from a truck-related accident.

Council Member Gerson voted to support an extension of term limits to three terms. He would have liked to have seen this go through a public referendum however the Mayor's strategy made this impossible. He introduced an amendment which would have mandated a public referendum yet it lost by a narrow margin.

In regards to the Re-Zoning Plan, Gerson is still pushing to up the percentage of affordable housing to 30%.

As Chair of the Development Committee, Gerson extracted the support for a comprehensive Bus Management Plan. He feels it is unacceptable to have a wall of buses idling along the East River.

Discussion points: Anne Johnson, Harry Weider and Vaylateena Jones, Community Board 3 members complained about bus safety and crowding.

Dave McWater pointed out that the faltering economy has more influence on the increase in crime than anything else.

Susan Stetzer pointed out that a problem with getting increased police presence is that the police budget has been cut greatly this year. Each year there are less officers available. She thinks the Assembly Member would have a greater chance of success in getting more surveillance cameras vs. getting more police presence.

Councilmember Rosie Mendez, Jessica Nepomiachi:

Council Member Mendez will not support the bill introduced in the City Council at the request of the Mayor to increase term limits to three.

Council Member Mendez held a hearing in late September of the City Council Subcommittee on Public Housing on NYCHA's plan to transition 8,400 units in 21 developments to Section 8 vouchers.

Council Member Mendez was the Grand Marshal at the LES Art Bike Parade which focused on keeping the streets safe for bikers.

She is also holding another public hearing regarding elevator safety in NYCHA buildings.

She will be attending the rat Forum on November 19th at 6:30 at PS 63.

Members Present at First Vote:

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

Minutes:

Minutes of July 2008 were approved, as is.

Board Chairperson's Report:

Chairperson Dominic Pisciotta: dept for the aging.susan delivered testimony. Go Green LES was success, hopefully more. Personell Taskforce was created last month. Zoning hearing-we need as many board meeting as possible to give testimony. please RSVP to EEO training since it is mandatory. order of the priorities. introduced economic development and planning committee. mapping all SLA establishments to get impact also mapping schools and empty storefronts. 2nd half of the year she'll be analyzing SPURA to help cb3 come up with comm plan.

District Manager's Report:

District Manager Susan Stetzer encouraged us to call 311 to complain because if it goes on record it will have a bigger impact. agencies are more likely to respond to complaints on record.

She attended a meeting of the East Side Alliance methadone clinics. In attendance were BIDS, police, CB 6, and other organizations. Gouverneur Methodone clinic on Delancey has problem with clients who hang out at McDonald's. Project Renewal has become part of the Alliance. Community advisory meeting for Kenton Hall and Project Renewal will be on December 3.

The Russian Orthodox Church on East 2nd Street planned on building 6 floors of residences which went against re-zoning. They have rereported to the office that the plan is now dead.

John Fout, Housing/Land Use Committee chair and District Manager met with DOB regarding 75 First Avenue. The plans are on hold. DOB agrees that the sliver law applies here. They'll notify the community board when plans are ready to be audited.

List of streets scheduled to be to be paved were distributed . DOT would like CB's help to prioritize. Also there is a list of bike racks to be installed. Board members are asked to call the office if they see problems with any of the sites.

The City Council Public Hearing for the rezoning was announced.

The District Manager reported that she attended the DOT academy the previous night. DOT will be focusing on issues pedestrian safety. For example, it will be easier to get speed bumps near schools and there will be more red light cameras.

Committee Reports:

Executive Committee

1. Exec Committee Vote 01

**VOTE:** WHEREAS, the NYC Department of Transportation (DOT) in conjunction with NYC Department of Small Business Services (SBS), opened a request for proposals for their NYC Plaza Program, for the

purposes of working with community partners to create neighborhood plazas throughout the City; and

WHEREAS, the purpose of the program is to create viable, long-term social public spaces, particularly in communities lacking public space, and work with community partners to operate the space long term, with trash cleaning, maintenance, and management of vendors and activities for the community on site; and

WHEREAS, Renaissance Economic Development Corporation (REDC), a community-based non-profit, certified Community Development Financial Institution (CDFI), with a long track record of aiding Chinatown's small businesses stay afloat after the September 11th disaster, submitted an application to the NYC Plaza Program for the plaza space on Forsyth Street between Canal and Division Streets; and

WHEREAS, the proposal submitted by Renaissance called for a plan to benefit the Chinatown community by regulating the usage of the Forsyth Street Plaza, have more open space, to have adequate rules of operation and trash cleanup and maintenance, to program community education, health, arts, and cultural activities on the site, and to refurbish dilapidated portions and bringing lighting under the bridge; and

WHEREAS, Chinatown has been deemed by DOT as a target area in need of such programs, and the location on Forsyth Street has been ranked by DOT of high interest for participation in this program, and in need of more capital project funding; and

WHEREAS, the local community has expressed support for inclusion of this site for the NYC Plaza Program; and

WHEREAS, REDC and DOT will continue to solicit public input for the future planning and design of the plaza before actual implementation; and

WHEREAS, during the next year, REDC, with DOT, will complete outreach campaigns to local merchants, property owners, residents and other community stakeholders. Before construction begins, REDC will return for Community Board #3 approval of the plaza design; now

THEREFORE, BE IT RESOLVED, that Community Board 3 supports REDC in moving ahead with DOT's NYC Plaza Program to plan and design the Forsyth Street site in a public process for future capital improvement and community development.

2. Exec Committee Vote 02

**VOTE:** To approve the expense and capital priorities for FY 2010.

Discussion: Vaylateena would like #3 Al Smith Recreation Center moved to #1 on the budget priority however after a vote, it will remain at #3 where it is.

Discussion: Reg #22, "Affordable Housing Trust Fund to prevent buildings from opting out of Mitchell/Lama and/or project based Section 8":

Some members expressed their concern that this capital priority was not higher on the list.

David Crane notes that in order for this to become a higher priority, the CB needs to follow through on it's efforts to support the Affordable Housing Trust Fund throughout the year.

Michael Byrne noted that upcoming budget cuts will not allow for this program anyway and is therefore pointless to move it up on the list.

Susan Stetzer noted that no matter what priority we place this request, the CB will always receive the same answer: "further study by the agency of this new request is needed"

Richard Ropiak noted that there is better chance at getting a park renovated during these hard economic times.

Harvey Epstein noted the importance of this issue since it was the only issue coming out of the Economic Development, Zoning & Planning Committee on which he sits.

Anne Johnson mentioned that CB members who have strong opinions regarding budget priorities should be attending committee meetings regularly.

David McWater also noted the importance of the Affordable Housing Trust Fund since it was the sole budget request coming from Economic Development, Zoning & Planning Committee in which he chairs.

3. Exec Committee Vote 03

**VOTE:** To authorize the District Manager to provide testimony for the DFTA Annual Plan Hearing on October 27, 2008 to explain Community Board #3's position based on budget priorities for FY 2010.

**(Executive Committee)**

**28 YES 0 NO 0 ABS 0 PNV (Excluding Item 1) MOTION PASSED**  
**Item 1: 27 YES 0 NO 0ABS 1 PNV MOTION PASSED**

**Transportation & Public Safety Committee**

1. FY'2010 Capital & Expense Priorities

**VOTE:** To approve capital and expense budget priorities for FY 2010.

2. Chrystie Street Hotel request for "No Parking Hotel Use Only" signage at 61-63 Chrystie St

**VOTE:** To approves the installation of a one parking space "No Standing – Hotel Loading Zone" in front of the Manhattan Bridge Comfort Inn Hotel located at 61-63 Chrystie St.

3. Support to require Port Authority to comply with all applicable NYC Code Requirements and for all projects in the WTC complex be required to be constructed under the legal jurisdiction of the City of New York, with appropriate Certificates of Occupancy being issued, and including ongoing building and fire code enforcement, security, and police protection

**VOTE:** Resolution requesting adherence to City of New York code policy as it relates to "non-jurisdictional" buildings

WHEREAS, State, federal or international entities have never been subject to the construction and noise code requirements (the "Code Requirements") of the City of New York Department of Buildings ("DOB"), Fire Department of New York ("DFNY") or Department of Environmental Protection ("DEP"); and

WHEREAS, The World Trade Center, which was destroyed on September 11, 2001 and owned by the Port Authority, was not required to be constructed in compliance with Code Requirements and, as a result, was potentially less safe than other structures constructed in compliance with Code Requirements and violations were identified in the 2005 National Institute of Standards and Technology (NIST) federal WTC collapse investigation (specifically the stairwell requirement and the testing of fireproofing that insulates the steel); and

WHEREAS, The DOB has completely overhauled the Building Code and unveiled a new Building Code, which went into effect in July 2008, that completely revolutionized and altered the way new construction projects are undertaken in the City of New York; and

WHEREAS, The new Building Code came about partially as a by-product of the terrorist attacks of September 11, 2001 and were written with a primary focus on life safety issues, efficiency and sustainability, which are all of deep concern to those in this community and to anyone who will ultimately work in, live near or visit the new buildings at the World Trade Center; and

WHEREAS, Department of Finance and Department of Citywide Administrative Services data show approximately 885 non-jurisdictional properties in the city which are not required to meet local building and fire code; now

THEREFORE, BE IT RESOLVED, that CB3-Manhattan calls on both houses of the New York State Legislature to pass legislation to require all non-jurisdictional buildings, as soon as is practical, to comply with all applicable Code Requirements and in the meantime calls on all state, federal and international entities to voluntarily comply with such Code Requirements on all projects; and

BE IT FURTHER RESOLVED, that CB3-Manhattan asks Mayor Michael Bloomberg, New York State Governor David Paterson and New Jersey Governor Jon Corzine to ensure that the WTC complex be required to be constructed under the legal jurisdiction of the City or New York, with appropriate Certificates of Occupancy being issued, and including ongoing building and fire code enforcements, security and police protection.

**(Transportation & Public Safety Committee)**

**28 YES 0 NO 0 ABS 0 PNV (Excluding Item 3) MOTION PASSED**

Item 3: 27 YES 0 NO 0 ABS 1 PNV MOTION PASSED

**Environment Committee**

no minutes submitted

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

- 1. FY'2010 Capital & Expense Priorities  
**VOTE:** To approve capital and expense budget priorities for FY 2010.
- 2. Parks: possible recreational uses for Pitt/Stanton site  
**VOTE:** To table the Pitt/Stanton St. possible recreation uses to next month's agenda.

**Arts & Cultural Affairs Task Force**

- 1. FY'2010 Capital & Expense Priorities  
no vote necessary
- 2. Proposal for criteria and guidelines for CB3 support of capital arts projects (continued)  
no vote necessary
- 3. Planning, Research & Outreach: Arts Town Halls for November, February  
no vote necessary
- 4. Resolution Supporting Proposal for an Economic Impact and Sustainability Study of small theater (venues and companies)  
**VOTE:** WHEREAS, CB3 has a long tradition of Off Off Broadway theaters and companies beginning with East European and Yiddish theater, followed by a creative boon of avant garde, experimental, and cultural exploratory theater, Latino and East European Theatre, path breaking original community theater, all of which continues to this day, and yet has lost many OOB theaters due to real estate competition and lack of public policies targeting the specific needs of OOB theater as documented in the Arts TF previous Town Halls; and

WHEREAS, NYC OOB is losing artists, companies and venues to other Cities that have innovative pro-active policies supporting small arts organizations, individual artists and cultural districts; and

WHEREAS, The economic, social and cultural importance and impacts of OOB to NYC and issues of OOB survival, sustainability needs to be better documented to enable to persuade the City and Foundations to improve and better shape their policies and funding of OOB; and

WHEREAS, During this economic downturn of the financial sector of the City's economy, policies supporting OOB can be beneficial to the resilience of the City's economy by providing affordable theater, generating economic activity benefiting other sectors (e.g. restaurants), and keeping the City attractive to the creative labor force; now

THEREFORE, BE IT RESOLVED, that CB3 supports the applications and proposals for funding of an Off Off Broadway Consortium lead by Shay Gines, New York Innovative Theater Foundation (NYIT) for the purposes of a study of: 1) the economic, social, and cultural impact of OOB theaters, companies and artists; 2) Policies to support the sustainability and resilience of OOB.

- 5. Resolution Proposing Support for Joint Off Off Broadway (OOB) Task Force starting with CB4 and CB5.  
**VOTE:** WHEREAS, CB3's Arts Task Force has documented many problems about the survival and sustainability of small performing arts venues, companies and artists; and

WHEREAS, CB3, CB4, and CB5 have the largest concentrations of Off Off Broadway in New York City; and

WHEREAS, By pooling our resources and through collaborations, a joint task force between CB3, CB4 and CB5, a joint task force will likely be more successful in generating policies, support and consensus for improved policies towards OOB, then an individual CB can achieve on its own; now

THEREFORE, BE IT RESOLVED, that CB3 supports the formation of a Joint Off Off Broadway Task force starting.

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

28 YES 0 NO 0 ABS 0 PVN MOTION PASSED

**SLA & DCA Licensing Committee**

- 1. FY'2010 Capital & Expense Priorities  
no vote necessary

**Renewal with Complaint History**

2. The Box, 189 Chrystie St (op)

**VOTE:** To deny the renewal of the full on-premise liquor license for The Box, 189 Chrystie Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) the applicant will continue to employ a private cleaning company to do daily cleaning in front of 187 Chrystie and 189 Chrystie Street on all days that the subject location is open for business, 2) the applicant will maintain a monitoring system to assurance compliance with sound levels established with the agreement of residents of the neighboring residential apartment buildings. This system will consist of regular written recordings of the actual levels of the existing sound system to demonstrate that the established levels are being maintained by the applicant then applicant and will maintain these written records at the subject location for review by the residents of the neighboring apartment buildings, 3) the applicant will provide advance notice to tenants of 187 Chrystie Street of any red carpet event or "step or repeat" event which will be held at the subject location and any entity contracting to have such an event will agree, as part of its written contract, not to infringe upon or utilize the premise located at 187 Chrystie Street or the sidewalk in front of said premise, 4) the applicant will employ an additional doorman or security person who will have the specific responsibility of addressing and deterring patrons from loitering in front of 187 Chrystie Street or the subject location, 5) an awning will be permanently extended over the façade of the subject location to baffle noise from entering or exiting patrons, 6) the back door and alleyway of the subject location will only be accessible during emergencies and any set loading prior to performances and will be otherwise inaccessible to both patrons and staff, 7) the kitchen duct will be relocated or modified as soon as possible to minimize cooking fumes and sounds suffered by neighboring residential tenants, if such change is compliant with current City and regulatory requirements, 8) the applicant will employ uniformed security personnel whose sole responsibility will be to control and direct traffic to or from the subject location, 9) the applicant will hold monthly meetings with neighboring tenants to insure that the aforementioned conditions are maintained.

3. Sidewalk Bar & Restaurant, 94 Ave A (sidewalk café)

**VOTE:** To approve the application for renewal of the sidewalk café permit for Sidewalk Bar & Restaurant, 94 Avenue A.

4. Dallas BBQ, 132 2nd Ave (sidewalk café)

**VOTE:** To approve the application for renewal of the sidewalk café permit for Dallas BBQ, 132 Second Avenue.

5. Supper, 156 E 2nd St (sidewalk café)

**VOTE:** To approve the application for renewal of the sidewalk café permit for five (5) tables and fifteen (15) seats for Supper, 156 East 2nd Street, because the applicant has signed a change agreement which will become part of its DCA license that 1) it will erect a barrier separating its café from the public sidewalk, 2) it will have two (2) hosts monitoring its sidewalk café and patrons waiting outside during high business traffic, and 3) it will close its restaurant doors and windows at 10:00 P.M. every night to minimize outdoor noise.

**Sidewalk Café Renewal/ULURP**

6. Sugar Café, 200 Allen St (sidewalk café)

**VOTE:** To approve the application, ULURP No. N090012ECM, for renewal of the enclosed sidewalk café for twelve (12) tables and twenty-four (24) seats for Sugar Café, 200 Allen Street.

7. Zerza, 304 E 6th St (sidewalk café)

**VOTE:** To approve the application ULURP No. N09005ECM, for renewal of the enclosed sidewalk café for four (4) tables and eight (8) seats for Zerza, 304 East 6th Street.

**Applications within Resolution Areas**

8. Tuck Shop, 68 E 1st St (rw)

withdrawn

9. Caffe Pepe Rosso, 127 Ave C (up/op)

withdrawn

10. 146 Orchard Rest, 146 Orchard St-THIS IS AN ALTERATION INSIDE AN EXISTING SPACE

**VOTE:** To deny the alteration for 146 Orchard Restaurant, 146 Orchard Street, to wit, adding an additional bar to the ground floor level, 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, serving Continental cuisine, to within a half (½) hour of closing, 2) its ground floor will be utilized for dining and patron service and the basement will be utilized only for offices, storage, bathrooms and its full kitchen, 3) it will close any façade doors and windows, specifically its proposed accordion doors, at 10:00 P.M. every night, 4) it will play ambient background music only, consisting of recorded music and not have DJs, live music or promoted events, and 5) it will open at 12:00 P.M. for lunch service every day with the intention of eventually serving breakfast as well.

11. 6AB Restaurant, 507 E 6th St (rw)-THIS IS A TRANSFER APPLICATION

**VOTE:** That recognizing that this location had been a licensed establishment for fifteen (15) years and that one of the principals of the present application was the manager of the previous business, to deny the transfer of a restaurant wine license to 6AB Restaurant, 507 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 restaurant, serving breakfast, lunch and dinner to within one (1) hour of closing, 2) its hours of operation will be from 8:00 A.M. to 10:00 P.M. every day, 3) it will play ambient background music only.

12. Café Partners, 72 E 1st St (tw)-THIS IS A TRANSFER APPLICATION



**VOTE:** To deny the transfer of a restaurant wine license to Café Partners, 72 East 1st 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, serving breakfast, lunch and dinner to within one (1) hour of closing, 2) its hours of operation will be from 7:00 A.M. to 12:00 A.M. Mondays through Thursdays and 7:00 A.M. to 1:00 A.M. Fridays and Saturdays, 3) it will play ambient background music consisting of compact discs, 4) it will not apply for a sidewalk café or a full on-premise liquor license, and 4) it will empty its four (4) outdoor seats which are permitted within the building line of this location no later than 12:00 A.M. every night. Appended hereto is the Memorandum of Understanding which this applicant has reached with the East 1st Street Block Association.

**Alterations/Transfers/Upgrades**

13. Jing Star (currently Sunrise 27), 27-29 Division St (trans/rw)

**VOTE:** To deny the transfer of a restaurant wine license to Jing Star, 27-29 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 operate as a full-service Chinese restaurant, serving food to within one (1) hour of closing, 2) its hours of operation will be from 9:00 A.M. to 12:00 A.M. every day, and 3) it will play ambient background music only.

14. Vicky's Gourmet (currently Yummy House), 76 3rd Ave (trans/eating place beer)

**VOTE:** To deny the transfer of an eating place beer license to Vicky's Gourmet, 76 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 operate as a full-service Chinese restaurant, serving food to within one (1) hour of closing, 2) its hours of operation will be from 11:30 A.M. to 11:00 P.M. every day, and 3) it will maintain the same method of operation and business name under which this location has been operated for nine (9) years.

15. Xunta, 174 1st Ave (up/op)

no vote necessary

16. Bourgeois Pig, 122 E 7th St (alt)

withdrawn

17. Sushi Park (dba Klimat Bar), 77 E 7th St (up/op)

**VOTE:** To deny the upgrade to a full on-premise liquor license for Sushi Park, doing business as Klimat Bar, 77 East 7th Street, because 1) there have been numerous complaints from residents of the surrounding buildings and the residential tenants of this building of noise from patrons standing on the sidewalk, of smoke from patrons smoking on the sidewalk rising as high as the sixth floor apartments and noise emanating from the open façade into the night, 2) the applicant has conceded that there is a noise issue but has no plans to address it, 3) the closing hours of 12:00 A.M. weekdays and 2:00 A.M. Fridays and Saturdays, which are listed on the upgrade application to Community Board #3 and in the original stipulation signed by the applicant in November of 2005, are inconsistent with resident observations, website advertising and blogs which indicate that this establishment is open until 4:00 A.M., 4) the applicant concedes that this location is within five hundred (500) feet of at least five (5) full on-premise liquor licenses, and 5) the applicant has failed to demonstrate that there is a public benefit to the upgrade of its current license and, in fact, has stated that this application has been made to provide "more stability to the business."

18. Mornir Stojnovic (currently Kush Lounge), 191 Chrystie St (trans/op)

withdrawn

19. Corp to be Formed (currently Mo Pitkins), 34 Ave A (trans/op)

withdrawn

20. SJD Entertainment (currently Summers Bar), 49 Clinton St (trans/op)

**VOTE:** To deny the transfer of a full on-premise liquor license to SJD Entertainment, 49 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 operate as a full-service English restaurant, serving food to within one (1) hour of closing, 2) its hours of operation will be from 11:00 A.M. to 12:00 A.M. Sundays through Wednesdays, 11:00 A.M. to 2:00 A.M. Thursdays and 11:00 A.M. to 3:30 A.M. Fridays and Saturdays, 3) it will play ambient background music only with the exception that it will be permitted to utilize a DJ no more than one (1) time per month, and 4) it will close its façade at 10:00 P.M. every night.

21. A&S Organic (currently Russo's), 40 Ave B (trans/rw)

withdrawn

**New Liquor License Applications**

22. Betty Café, 256 E 3rd St (tw)

withdrawn

23. Fifty Fathoms, 86 Allen St (op)

withdrawn

24. Corp to be Formed, 384 Grand St (op)

withdrawn

25. Tanaghriison, 90 E 10th St (op)

withdrawn

26. 1 Essex LLC, 1 Essex St (op)

withdrawn

27. Compas Group, 86 Orchard St (op)

no vote necessary

28. Fritz, 417 E 9th St (rw)

**VOTE:** To deny the application for a restaurant wine license for Fritz, 417 East 9th Street, because the applicant did not appear before Community Board #3 for review of its application or provide any application materials to review and because there is community opposition to the addition of another establishment with a restaurant wine license on this block which currently has seven (7) such licensed establishments.

29. Stanton Restaurant, 82 Stanton St (op)

withdrawn

30. Spice Thai Hot & Cool, 77 E 10th St (op)

**VOTE:** To deny the application for a full on-premise liquor license for Spice Thai Hot & Cool, 77 East 10th Street, because 1) there is overwhelming opposition to an additional liquor license in this area from residents of this and surrounding buildings, in that thirty-eight (38) residents appeared to speak in opposition to this application before the State Liquor Authority/Department of Consumer Affairs Licensing Committee of Community Board #3, several building presidents of neighboring buildings wrote to Community Board #3 to oppose this application on behalf of their buildings and, further, said committee was presented with an additional two hundred (200) signatures of area residents opposed to this application, 2) this location is within five hundred (500) feet of at least fourteen (14) full on-premise liquor licenses, as well as numerous restaurant wine licenses, 3) there has already been a deterioration in the quality of life of these resident from the cumulative impact of noise and congestion on the sidewalks, traffic congestion and noise emanating from the existing licensed businesses within a two (2) block radius of this location which has resulted in meetings with residents, these existing businesses, Community Board #3 and the 9th Precinct to address said conditions, and 4) the applicant has failed to demonstrate any public benefit in approving a full on-premise liquor license for this establishment, in that it could only assert that it "wanted to have a full liquor license" although its three (3) existing Thai restaurants, two of which are in the East Village, are operating successfully with restaurant wine licenses.

31. 144 Division LLC, 144 Division St (op)

no vote necessary

32. Persimmon, 277 E 10th St (rw)

**VOTE:** To deny the application for a restaurant wine license for Persimmon LLC, 277 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 full-service Korean restaurant, consisting of twenty-four (24) seats with table service of beer and wine, and serving food to within one (1) hour of closing, 2) its hours of operation will be from 6:00 P.M. to 11:00 P.M. Mondays through Saturdays and closed on Sundays, 3) it will maintain a closed façade, 4) it will play ambient background music consisting of compact discs and not have DJs or live music, and 5) it will house waiting patrons within the business. Appended hereto is the Memorandum of Understanding which this applicant has reached with the East 10th Street Block Association.

33. 151 Rivington Sushi, 151 Rivington St (rw)

**VOTE:** To deny the application for a restaurant wine license for 151 Rivington Sushi, 151 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 a full-service sushi inspired restaurant, with no more than thirty (30) seats, and serving food to within one (1) hour of closing, 2) its hours of operation will be from 6:00 P.M. to 12:00 A.M. every day, 3) it will maintain a closed façade, 4) it will install an awning over separately operated bar located in the basement at this address, and 5) it will play ambient background music only.

34. Porchetta, 110 E 7th St (rw)

withdrawn

35. Sarita's Macaroni & Cheese, 345 E. 12th Street (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.

**(SLA & DCA Licensing Committee)**

<b>27 YES</b>	<b>0 NO</b>	<b>1 ABS</b>	<b>0 PNV</b>	<b>(Excluding Items 2, 10, 20 &amp; 32)</b>	<b>MOTION PASSED</b>
<b>Item 2:</b>	<b>26 YES</b>	<b>0 NO</b>	<b>1 ABS</b>	<b>1 PNV</b>	<b>MOTION PASSED</b>
<b>Items 10 &amp; 32:</b>	<b>26 YES</b>	<b>0 NO</b>	<b>2 ABS</b>	<b>0 PNV</b>	<b>MOTION PASSED</b>
<b>Item 20:</b>	<b>26 YES</b>	<b>1 NO</b>	<b>1 ABS</b>	<b>0 PNV</b>	<b>MOTION PASSED</b>

**Economic Development, Zoning, & Planning Committee**

1. FY'2010 Capital & Expense Priorities

**VOTE:** To approve capital and expense budget priorities for FY 2010.

2. Further discussion regarding future of Seward Park Urban Renewal site

no vote necessary

**Housing, Land Disposition, & NYC Housing Authority Committee**

- 1. 1.FY'2010 Capital & Expense Priorities

**VOTE:** To approve capital and expense budget priorities for FY 2010.

- 2. 2.535-537 E 11th St: Pre-ULURP presentation for new construction of 48 units of supportive housing and low-income units

**VOTE:** To support request for site control of 535-537 E. 11th by Lower East Side People's Mutual Housing Association by letter to the Department of Housing Preservation and Development stating:

Community Board 3 Manhattan supports the affordable housing proposal submitted to the Department of Housing Preservation and Development (HPD) by the Lower East Side People's Mutual Housing Association (LESPMHA) at 535-537 E. 11th Street, Block 405, Lots 44 & 45.

Thus, CB 3 supports HPD giving site control to LESPMHA to begin work on the development of a 46-unit supportive housing project.

- 3. 3.Extra Place: possible uses for city-owned site

no vote necessary

- 4. 4.NYCHA: undeveloped air rights and disposition of NYC Housing Authority property

**VOTE:** To write a letter to NYCHA:

Community Board 3 Manhattan recently reviewed a report issued by Manhattan Borough President Scott Stringer entitled, "Land Rich, Pocket Poor: Making the Most of New York City Housing Authority's Unused Development Rights." CB 3 commended BP Stringer's efforts to begin a constructive dialogue on the issue of NYCHA's development rights during the October meeting of its Housing and Land Use Committee.

To further those efforts, CB 3 has several concerns about the future of NYCHA's unused development rights. Although CB 3 understands NYCHA's development rights would not be subject to review through a ULURP process, CB 3 strongly urges NYCHA to open the process to both a public review process and a formal environmental review process. For example, Community Board 4 Manhattan has already expressed input on developments in its board.

Moreover, CB 3 questions whether NYCHA has a formal process to disburse development rights. Several factors, including increased affordable housing and increased revenues for NYCHA's budget shortfall, affect any future decision. Clearly, these difficult choices deserve careful consideration. CB 3 invites NYCHA to attend its Housing and Land Use Committee and explain what long term plan NYCHA has considered.

Finally, CB 3 strongly urges NYCHA not to sell any assets without instituting a public review process and an environmental review.

CB 3 looks forward to response from NYCHA on this critical community issue.

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

**28 YES 0 NO 0 ABS 0 PNV (Excluding Item 2) MOTION PASSED**

**Item 2: 27 YES 0 NO 0 ABS 1 PNV MOTION PASSED**

**Human Services, Health, Disability, & Seniors Committee**

- 1. FY'2010 Capital & Expense Priorities

**VOTE:** To approve capital and expense budget priorities for FY 2010.

- 2. Downtown Hospital presentation re: hospital services and new programs

no vote necessary

**Youth & Education Committee**

- 1. FY'2010 Capital & Expense Priorities

**VOTE:** To approve capital and expense budget priorities for FY 2010.

**Members Present at Last Vote:**

David Adams [A]  
Paul Bartlett [P]  
Michael Byrne [P]

Wendy Cheung [A]  
Pearl Chin [P]  
Rocky Chin [A]

David Crane [P]  
Andrea Diaz [A]  
George Diaz [P]

Harvey Epstein [P]  
Morris Fajtelewicz [P]  
John Fout [P]  
Beth From [A]  
Edward Garcia [A]  
Rabbi Y. S. Ginzberg [A]  
Gloria Goldenberg [P]  
Herman F. Hewitt [P]  
Bonnie Hulkower [A]  
Carolyn Jeffers [P]  
Anne K. Johnson [P]  
Vaylateena Jones [P]  
Meghan Joye [P]  
Joel Kaplan [P]

Sam Krueger [A]  
John Leo [A]  
Eden Lipson [P]  
Bernice McCallum [A]  
David McWater [P]  
Alexandra Militano [P]  
Ilene Morales [A]  
Thomas Parker [P]  
Dominic Pisciotta [P]  
Barden Prisant [P]  
Carolyn Ratcliffe [P]  
Joyce Ravitz [A]  
Lois M. Regan [P]  
Richard F. Ropiak [P]

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

Meeting Adjourned