



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD NO. 3

59 East 4th Street - New York, NY 10003
Phone: (212) 533-5300 - Fax: (212) 533-3659
www.cb3manhattan.org - info@cb3manhattan.org

Dominic Pisciotta, Board Chair

Susan Stetzer, District Manager

June 2009 Full Board Minutes

Meeting of Community Board #3 held on Tuesday, June 23, 2009 at 6:30pm at PS 20, 166 Essex Street.

Public Session:

Michael Tummlala: is speaking in support of the proposed crosswalk on Clinton Street and the proposed non-commercial street and the proposed non-commercial traffic signs on East Broadway.

Edward Green: is speaking on the proposal to have the Department of Transportation put up signage on East Broadway to declare it "only local commercial traffic". He lives in Seward Park Housing.

Adolf Perez: is here to make an announcement concerning his mental health clinic. He explained the services that his clinic provides and explained that information is available at the front of the meeting. The clinic is called Article 16 Clinical Services at AHRC. It is located at 83 Maiden Lane. <http://www.ahrnyc.org>

Jeanie Chin: is speaking about the DOT plan to move into Chinatown and kick out residents. She is strongly against any design that would close part of Park Row. She is asking that the Community Board support the Alternative plan which is on the Community Board Agenda

Mark Ciolli: is here to speak about the Box (a liquor licensed establishment). Mr. Ciolli believes that there is no way to enforce the stipulations that have been placed on the Box.

Simon Hammerstein: is presenting the Box. He states that the Box is meeting its stipulations and meeting the concerns of the community.

Javier Rigas: is the manager of the Box. He believes they have met or have done their best to meet their stipulations. He explained the issues that the Box has had in the past and their actions to meet the concerns of the community.

Samuel Vasquez: is speaking on the sidewalk conditions at the Masaryk Towers Development Commercial Shopping Plaza Mall. He states that the sidewalks are in dire need of repair. He believes that the conditions of the sidewalks constitute dangerous and unsafe conditions. He states that he has 250 signatures regarding this issue.

Public Officials:

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

Public Advocate Betsy Gotbaum, Tommy Lin: states that the PA is displeased with the 40% reduction in the budget of the PA's office.

Comptroller William Thompson, Sandra Duque: n/a

Borough President Scott Stringer, Gregory Kirschenbaum: spoke about the BP's report on Supermarkets.

Congressmember Jerrold Nadler, Erin Drinkwater: n/a

Congressmember Nydia Velazquez, Iris Quinones: n/a

Congressmember Carolyn Maloney, Victor Montesinos: n/a

Assembly Speaker Sheldon Silver, Ed Velesky and Karen He: stands behind the delay of the new construction on Chatham Square. The Speaker has co-sponsored legislation to fix a problem in the liquor license laws regarding the 500-ft rule. Karen also briefed the CB on the fight for 10 Stanton St.

Assemblymember Deborah J. Glick, Matt Borden: stated that the Assemblymember did not vote for Mayoral Control. The Assemblymember also spoke about the RGB meeting against Rent increases.

Assemblymember Brian Kavanagh, Paula Castro: n/a

State Senator Daniel L. Squadron, Mary Cooley: spoke concerning the situation regarding the evenly divided State Senate. Mary stated that Senator Squadron supports a bi-partisan agreement to resolve the situation.

State Senator Thomas K. Duane, Romeo Ymalay: reported on the RGB meeting.

Councilmember Alan Gerson, Patricia Olan: reported on issues regarding the passage of the FY 2010 Budget including the fact that firehouses will remain open as well as other items.

Councilmember Rosie Mendez, Jessica Nepomiachi: spoke about funding from the Sch. C part of the budget.

Members Present at First Vote:

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

Minutes:

Minutes of April 2009 were approved, as is.

Statements by Candidates for Board positions

Assistant Secretary:

Carolyn Ratcliffe made a statement in support of her candidacy for Assistant Secretary. Dominic Pisciotta read a written statement by Meghan Joye.

MEGHAN JOYE WINS

2nd Vice Chair:

Sam Krueger made a statement in support of his candidacy. He spoke of his experiences and his qualifications. Anne Johnson made a statement in support of her candidacy. She spoke of her experiences and her qualifications.

THE FIRST VOTE ENDED IN A TIE 21-21. THERE WAS A SECOND VOTE.

ANNE JOHNSON WINS RUNOFF 20-19

Chair of the Community Board:

Barden Prissant gave a speech on his vision for what he would do as Chair. Dominic gave a speech regarding what he has done and what he was worked for as Chair over the past year. He also spoke of what he would do as Chair for another year.

DOMINIC WINS

Board Chairperson's Report:

Chairperson Dominic Pisciotta

The City Council has restored the budget cuts for the Community Boards. He wrote a letter to Alan Gerson expressing his displeasure that CB3 was not included in the Bowery Rezoning Plan. He also spoke about Eden Lipson's memorial service.

District Manager's Report:

District Manager: Susan Stetzer

There will be major water main construction work in the 3-4th Avenues, 3rd to 9th Street area. This will last approximately 2 1/2 years and will impact the community in regard to sidewalk and street lane closures and sidewalk restrictions and some water cutoffs. There will be a public meeting on June 24. The work will be coordinated by the Dept. of Design and Construction.

The Manhattan Borough President's office will be offering a "Land Use 101" for Board members and members of the public. This meeting is next Monday, June 29. It is especially important for new members.

We are now in the midst of participating in the fiscal year 2011 budget. We will be voting on the District Need Statement in July and also be submitting questions for the budget consultations with agencies. Any program or capital priority we are considering for the October vote for budget priorities should first be discussed with the agencies to understand the current funding and status of the item. Please send me any budget questions you would like on the agenda to discuss in consultations.

Committee Reports:

Executive Committee

VOTE: To support the resolution of Community Board #6, Manhattan to investigate possible multiple uses for the building at Bellevue Hospital that has been a psychiatric clinic and men's shelter for many years so that it might have multiple uses for the elderly and more medical-related activities, rather than the proposal to make it a hotel/conference center for doctors in the surrounding area.

("Community Board 6, Manhattan resolution: The Psych Building")

WHEREAS: in 2001 the City Council rezoned the northern portion of the Bellevue campus from E.28th to E.30th Streets with restrictions pursuant to a special permit restricting building uses to scientific research and development, and

WHEREAS: the 197(a) plan approved by the City Council specifies that development in the First Avenue medical corridor defined in the plan must be related to medical, scientific or institutional uses, and

WHEREAS: the Request for Proposals (RFP) for the redevelopment of the Psych Building specifically stated that "NYCEDC and HHC seek proposals to redevelop the building as a hotel and conference center catering to the surrounding medical and lifescience-related communities" but did not include requests for any other possible medical-related uses (e.g. housing for professional medical staff, medical professional offices, skilled nursing facilities); and

WHEREAS: residents of the surrounding community have expressed opposition to a hotel and conference center as opposed to a more directly related medical use(s) such as those described above; and

WHEREAS: there is a lack of high quality skilled nursing facilities in Manhattan and especially within the Community Board Six, Manhattan(CB6) district; and

WHEREAS: according to the Visiting Nurses Association of New York City there are only 53 permanent inpatient Hospice beds in Manhattan; and

WHEREAS: the NYC Department of City Planning projects that Manhattan's elderly population aged 65 and over will grow by 57.9% between 2002 and 2030 adding 108,000 elderly persons; and

WHEREAS: the U.S. Census Bureau, American Community Survey estimates (2005- 2007 data set) that in the CB6 district there were 21,083 persons age 65 and over(a growth of 5% over the 2000 census) and of these 10,400 or almost 50 percent were 75 and older; and

Therefore be it Resolved, that Community Board Six, Manhattan strongly urges the HHC and the NYCEDC develop the Psych Building consistent with the 197 (a) plan approved for this area and request proposals for medically related uses such as a sub-acute facility (e.g. a skilled nursing facility with subacute rehabilitation services to complement the acute services available at Rusk Institute); and

Therefore be it further Resolved, that Community Board Six, Manhattan urges the HHC and the NYCEDC to consider multiple uses of the building that would allow for a continuum of care for seniors and others in need of such care (e.g. assisted living housing, a skilled nursing facility with subacute rehabilitation services to complement the acute services available at Rusk Institute, and hospice care).

(Executive Committee)

38 YES 0 NO 0 ABS 0 PNV MOTION PASSED

NOMINATING COMMITTEE

<u>Candidates</u>	<u>Positions</u>	<u>votes</u>
Dominic Pisciotta	Chair	29
Herman Hewitt	1st Vice-Chair	41
Anne Johnson	2nd Vice-Chair	20
Lois Regan	Secretary	40
Meghan Joye	Assistant Secretary	27
Andrea Diaz	Treasurer	40

Housing, Land Disposition, & NYC Housing Authority Committee

1. FY'2011 District Needs Statement & Budget Consultation Agenda
no vote necessary
2. Preliminary support for disposition of city-owned land at 710 E 9th Street
no vote necessary

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

1. FY'2011 District Needs Statement & Budget Consultation Agenda
no vote necessary
2. Parks: reconstruction of asphalt ballfields with artificial turf at Corlears Hook Park
VOTE: To support the design plan presented by the Parks Department for the reconstruction of the ballfields at Corlears Hook Park.
3. Presentation by Governors Island Preservation & Education Corp: Park & Public Space Master Plan for Governors Island
no vote necessary
4. Assembly Member Kavanaugh: Support for installation of Spud (barges) Pier Project for the East River
VOTE: To support the proposal for spud barges in the East River in principle with the understanding that Assembly Member Kavanaugh will return to Community Board #3 with additional information as the proposal develops.

Block Party Application

5. 1st Street Block Association, 9/19, E 1st St (1st & 2nd Aves)
VOTE: To support the request by the 1st Street Block Association for a block party on September 19, 1009 on East 1st Street (1st & 2nd Aves).
6. E 4th Street A & B Block Association, 10/3, E 4th St (Aves A & B)
VOTE: To support the request by the East 4th Street Block Association for a block party on October 3, 2009 on East 4th Street (Aves A & B)

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

38 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Human Services, Health, Disability, & Seniors Committee

1. FY'2011 District Needs Statement & Budget Consultation Agenda
no vote necessary
2. Presentation on the World Trade Center Health Registry (WTCHR) 9/11 Active Referral Project
no vote necessary
3. Gouverneur Hospital request for support for two grants: World Trade Center Pulmonary Wellness Program and Program to Improve the Prevention of Tuberculosis in a Chinese American Community
VOTE: To support and send letters.

Mendel Hagler, Esq.,
 Executive Director Gouverneur Healthcare Services
 227 Madison Street
 New York, NY 10002

Dear Mr. Hagler,

Community Board 3, Manhattan is pleased to offer this letter of support endorsing the application by Gouverneur Healthcare Services being submitted in response to **The World Trade Pulmonary Wellness Program**.

Gouverneur is one of the primary providers of outpatient healthcare services in the Lower East Side. This facility has a well-deserved reputation in primary healthcare and preventive services.

Gouverneur has an excellent reputation for reaching underserved populations such as the homeless, the uninsured and recent immigrants. It has a culturally competent and sensitive multi-lingual staff that is very adept at reaching community members with limited English proficiency. Often, individuals remain unaware of available healthcare services without these types of active intervention and outreach that Gouverneur offers. These are essential services in the Lower East Side because of its growing population of recent immigrants.

Community Board 3, Manhattan believes that this proposal will strongly address the need for pulmonary wellness in this community. We urge support for this application.

Mendel Hagler, Esq., Executive Director
Gouverneur Healthcare Services
227 Madison Street
New York, NY 10002

Dear Mr. Hagler,

Community Board 3, Manhattan is pleased to offer this letter of support endorsing the application by Gouverneur Healthcare Services being submitted in response to **The Program to Improve the Prevention of Tuberculosis in a Chinese American Community**.

Gouverneur is one of the primary providers of outpatient healthcare services in the Lower East Side. This facility has a well-deserved reputation in primary healthcare and preventive services. This program will be based in both the Gouverneur Healthcare Center and its Chinatown, community based center, Smith Communicare Center.

Gouverneur has an excellent reputation for reaching underserved populations such as the homeless, the uninsured and recent immigrants. It has a culturally competent and sensitive multi-lingual staff that is very adept at reaching community members with limited English proficiency. Often, individuals remain unaware of available healthcare services without these types of active intervention and outreach that Gouverneur offers. These are essential services in the Lower East Side because of its growing population of recent immigrants.

Community Board 3, Manhattan believes that this proposal will strongly address the need to prevent tuberculosis in the Chinatown community. We urge support for this application.

(Human Services, Health, Disability, & Seniors Committee)

38 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Youth & Education Committee

1. FY'2011 District Needs Statement & Budget Consultation Agenda
no vote necessary
2. Clarification of letter to support Center for Arts Education: whether a) to sign proposed letter calling for creation of a dedicated funding line for arts education, or b) to draft a separate letter calling for restoration of funding for arts education

VOTE: To support the Center for Arts Education and sign the proposed letter calling for creation of a dedicated funding line for Arts Education.

(Youth & Education Committee)

38 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Transportation & Public Safety Committee

1. FY'2011 District Needs Statement & Budget Consultation Agenda
no vote necessary
2. Residents request for crosswalk on Clinton St midblock between Grand St and E Broadway
VOTE: Whereas the community supports and demonstrates a need for a signalized crosswalk on Clinton Street between Grand Street and East Broadway, the Community Board #3 requests that DOT work with the Seward Park Coop board to assess the best location if there is a need for the new signalized crosswalk and if so, where is the best location on Clinton Street between Grand and East Broadway.
3. Signage on E. Broadway to indicate No trucks except for local delivery
VOTE: Whereas the CB#3 requests that DOT put signage stating that no trucks expect for local truck delivery should occur on East Broadway.
4. Discussion of letter from DOT responding to Chatham Sq Task Force resolution

VOTE: Resolution Asking City to Reconsider CB3 Recommendations to Improve Chatham Square/Park Row Redesign

Whereas, it has come to the attention of Community Board 3 that the NYC Department of Transportation (DOT) unexpectedly did not have contracts sent out to bid for the Chatham Square project, which will delay the project for at least a minimum of 6-12 months,

Whereas, Community Board 3 is disappointed with DOT for the lack of direct communication regarding this delay, and the absence of DOT representatives to appear directly before the Board to provide further information on how this would impact the community,

Whereas, City administration has not kept good faith with the Community Board. In DOT's letter to the Community Board dated May 1, 2009, in answer to its resolution regarding Chatham Square, Lower Manhattan Borough Commissioner Luis Sanchez acknowledges the work done by the Community Board. "By forming the Chatham Square Task Force, Community Board 3 provided the City team with a partner for constructive discussion about ways to improve our project and meet the community's needs,"

Whereas, in the process of this collaboration, the City explained to the CB that it was necessary to move forward immediately to minimize the negative impact on the community of parallel construction on the Brooklyn Bridge, the water tunnel, and the Chatham Square project. Because of this, the Chatham Square taskforce timetable was scheduled to accommodate this need. Considering the hard work put in by the Community Board in collaborating with the City to facilitate community input and improve the project to meet community needs, the City should have kept the Community Board updated as to the status of this project,

Whereas, the taskforce and Community Board made a very strong case that the project would be improved by serious consideration of a Community-led design that would minimize disruptions to the area by simplifying the construction scope and re-connecting St James Place to East Broadway,

Whereas, the taskforce and Community Board's recommendation of a second eastbound lane on Worth Street should DOT move ahead with its own configuration, which according to DOT's response letter was a "recommendation [that] was very well received, given the significant improvement it would generate for traffic on Worth Street. Indeed, the original proposal for Chatham Square included a second eastbound lane on Worth Street and a third southbound lane on the Bowery."

Whereas, the DOT's explanation for denying this recommendation was that:

Unfortunately, it will not be possible to build this configuration because of the existence of State-protected parkland in the intersection. The Board of Estimate approved the mapping of the 0.92-acre public place on August 26, 1960. A local law was adopted in May, 1961 by the City Council approving the mapping which discontinued the street lands so that the parcel could become part of the "park lands of the City." Because this City-designated park parcel has been in existence for so many years, it now enjoys special protection under State statute. In order for this parkland to be eliminated, a special "parkland alienation" process would be needed. This process requires legislative approval at the State and City level.

The City identified the existence of this park parcel during the due diligence phase of the planning process in late 2007. At that time, the City team made inquiries to determine whether City and State elected officials would support a parkland alienation procedure. The City team did not receive support for this course of action. The team therefore developed an alternative intersection design and updated the One Police Plaza EIS documentation with a Technical Memorandum discussing this change."

Now that the City is ready to solicit bids for the construction of the project, it is simply too late to consider such a fundamental change to the design. We asked our infrastructure experts at the Department of Design and Construction (DDC) to evaluate whether this change could be made, and they informed us that ***it would necessitate another five to seven months of design time.*** More importantly, it would require a new alignment of the DEP water main, which would in turn impact the catch basin and private utility work that must be done to accommodate it. Put simply, there is no aspect of construction work that could be started until after the new alignment is completed. ***Due to our scheduling considerations, this is not an acceptable alternative.***

Whereas, the Community Board believes that the above modification would greatly benefit the community--and this would be important for many years to come,

Whereas, the additional turn lanes were denied because of the need to move ahead immediately with bids; however, the bids have not been sent out and this important modification has not been reconsidered, and now time is available for DDC to reconsider this alternative design,

Whereas, the Community Board also offered to help facilitate the process with state elected officials to move forward discussions of parkland alienation, the offer was not accepted by the City. In the May 1 letter, DOT claimed "we do not believe that it is possible to proceed with an alienation procedure at this late stage in the project design process",

Therefore be it resolved, that the Community Board believes that there is an immediate need for the City to update the Community Board on this project. The city stressed the need to move forward at risk of grave consequences to the community. We now need to understand the consequences of this delay and what options are being considered to mitigate this negative impact.

Be it further resolved that the current delay gives ample time to move forward with discussion and serious consideration on Community-led design, or mitigations on the city design via parkland alienation, as a great improvement to the current Chatham Square design. The Community Board now asks that DOT revisit and reconsider ALL recommendations made by the Chatham Square Taskforce resolution passed by the full board, including but not limited to the Community-led design, additional turn lanes, safer crosswalks on St James and Oliver Streets, local hiring and bus turn simulations.

Lastly, Community Board 3 will be reaching out to elected officials to work on potential parkland alienation, and asks that DOT move forward to make a proposal to Speaker Sheldon Silver's office regarding this.

5. Bowery Hotel (335 Bowery) review of extended loading/unloading area
no vote necessary
6. NY-CLASS (New Yorkers for Clean, Livable & Safe Streets) request for support in removing horse-drawn carriages from NYC streets and replacing it with a electric powered old fashioned style cars
VOTE: CB3 supports removal of horse drawn carriages within New York City, where the horses are treated inhumanely and requests the City consider alternatives that are ADA/handicap accessible.

(Transportation & Public Safety Committee)

38 YES 0 NO 0 ABS 0 PNV (Excluding Items: 3, 4 & 6) MOTION PASSED

Item 3: 36 YES 1 NO 1 ABS 0 PNV MOTION PASSED

Item 4: 37 YES 0 NO 0 ABS 1 PNV MOTION PASSED

Item 6: 36 YES 2 NO 0 ABS 0 PNV MOTION PASSED

Environment Committee

- FY'2011 District Needs Statement & Budget Consultation Agenda
no vote necessary

Con Edison Task Force

1. Continued discussion of funding proposals: Asthma Free School Zone, Air Monitoring, LES Ecology Center, LES Girls Club
no vote necessary
2. Development of RFP, Deadline for remaining grants
no vote necessary

Personnel Task Force

- Establish evaluation procedures
no vote necessary

SLA & DCA Licensing Committee

1. FY'2011 District Needs Statement & Budget Consultation Agenda
no vote necessary

Renewal with Complaint History

2. M&R Mediterranean Inc (Zerza), 304 East 6th Street (op)
VOTE: To deny the renewal of the full on-premise liquor license to M&R Mediterranean Inc, 304 East 5th Street, unless the applicant agrees before the SLA to add as conditions of its license the following signed

notarized stipulation that 1) it will operate a Mexican tapas restaurant and tequila bar, serving food to within one (1) hour of closing, 2) it will close no later than 2:00 A.M. every night, and 3) it will play ambient background music only, consisting of recorded music from an iPod dock.

3. E Brothers Corp (Forum), 127 4th Ave (op)

VOTE: To deny the renewal of the full on-premise liquor license to E Brothers Corp, 127 Fourth Avenue, unless the applicant agrees before the SLA to add as conditions of its license the following signed notarized stipulation that 1) it will operate a full-service restaurant, serving American cuisine to within one (1) hour of closing, 2) it will close any façade windows and doors no later than 10:00 P.M. every night, 3) it will employ five (5) security persons on weekends and, if necessary, one (1) security person during weeknights, and 4) it will play ambient background music only, consisting of recorded music.

4. B Foster Restaurant LLC (Angels & Kings), 500 E 11th St (op)

VOTE: To deny the renewal of the full on-premise liquor license to B Foster Restaurant LLC, 500 East 11th Street, unless the applicant agrees before the SLA to add as conditions of its license the following signed notarized stipulation that 1) it employ two (2) security guards on the weekend and one (1) on weeknights, 2) it will not open its business to patrons unless its security personnel is present, 3) it will maintain its video surveillance for thirty (30) days for law enforcement needs, 4) it will use an identification scanner at its entrance, and 5) it will close any façade doors and windows no later than 10:00 P.M. every night.

SUBSTITUTE MOTION: To deny the renewal of the full on-premise liquor license to B Foster Restaurant LLC, 500 East 11th Street, because the establishment has had three underage sales in a five-month period. It has also had a nuisance abatement.

Sidewalk Café Application

5. Al Kasba Mediterranean Food Corp (Al Diwan), 210-212 Ave A (new unenclosed)

VOTE: To approve the application for a sidewalk café permit for eleven (11) tables and twenty-two (22) seats for Al Kasba Mediterranean Food Corp, 210-212 Avenue A, because the applicant has signed a change agreement which will become part of its DCA license that 1) its café will consist of eleven (11) tables with twenty-two (22) seats, three (3) tables with six (6) seats to be located flush against the façade of the business on 13th Street, eight (8) tables with sixteen (16) seats to be in two (2) rows located on Avenue A, 2) it will close no later than 10:00 P.M. Sundays through Thursdays and 11:00 P.M. Fridays and Saturdays, and 3) it will have an awning extended over its café during all of its hours of operation.

6. Circle Seven Entertainment LLC (Kuta), 65 Rivington St (new unenclosed)

VOTE: To approve the application for a sidewalk café permit for eight (8) tables and sixteen (16) seats for Circle Seven Entertainment LLC, 65 Rivington Street, because the applicant has signed a change agreement which will become part of its DCA license that 1) its café will consist of eight (8) tables with sixteen (16) seats, 2) it will close no later than 11:00 P.M. weeknights and 12:00 A.M. Fridays and Saturdays, and 3) it will have an awning extended over its café during all of its hours of operation.

Applications within Resolution Areas

7. 179 Ludlow LLC, 179 Ludlow St (op)

VOTE: **WHEREAS,** 179 Ludlow LLC, has applied for a hotel liquor license at the previously unlicensed 179 Ludlow Street, between Houston and Stanton Streets, for a seven-story building, which includes a two-story French restaurant and lounge in the lower two (2) floors; and

WHEREAS, this corporation is a partnership of Mike Russo, the owner of this development, and Bruno Jamais, who previously applied to Community Board #3 in January and February of 2009, for a full on-premise liquor license to operate a two-story French restaurant and lounge at this location which was denied in February of 2009; and

WHEREAS, this applicant is now intending to operate a hotel which would include a two (2) floor establishment which will contain a dining area, bar and lounge and seating one hundred ten (110) people; and

WHEREAS, while the application now states that there will be no live music, Bruno Jamais, one of the principals, has previously appeared and stated that the restaurant and lounge would operate consistent with his existing establishment, which advertises live music and dancing; and

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

WHEREAS, Ludlow 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, there are seventeen (17) liquor licensed establishments on Ludlow Street between Houston and Rivington Streets, the majority of which are full on-premise liquor licenses, as well as

thirty-four (34) full on-premise licensed establishments within five hundred (500) feet of this location, as conceded by the applicant; and

WHEREAS, there are numerous French restaurants and lounges in the immediate area, as well as numerous existing hotels and as well as seven (7) projected hotels currently under construction within a five (5) block radius of this location; and

WHEREAS, Ludlow Street may be the single worst area in the 7th Precinct in terms of degraded quality of life the 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, these persistent detrimental conditions have resulted in the 7th Precinct and Community Board #3 petitioning the Department of Transportation to eliminate weekend nighttime parking on one side of Ludlow Street, between Houston and Delancey Streets, to alleviate the existing pedestrian and traffic congestion and to minimize noise; and

WHEREAS, 179 Ludlow LLC, one of whose principals is the owner of this building, is now applying for a hotel liquor license to operate its business in what is presently a semi-constructed building with numerous violations from various city agencies, no certificate of occupancy and **which still has a Stop Work Order issued against it for unsafe conditions, including unsafe scaffolding and rat infestation, and for which the owner conceded it had taken no action**, and said building had been declared an emergency site by the Mayor's Office because it could not locate its developer or owner to address these unsafe conditions; and

WHEREAS, the developer for this location appeared at two (2) hearings of this application before Community Board #3 and asked this community board to approve this applicant so that the developer could secure financing to complete the building located at 179 Ludlow Street; and

WHEREAS, Community Board #3 is unwilling to engage in the speculation necessary to approve a hotel liquor license in an area where there are already too many licensed establishments so that the building developer can secure financial support for the completion of a building site which the owner has allowed to lapse into a deplorable condition and with no foreseeable benefit to the community; and

WHEREAS, the previous inaction of the owner with respect to this delinquent site is a clear indication of the likelihood that he will not address or recognize community concerns about his building or its commercial space in an area already overwhelmed by noise and congestion because it has already failed to respond to the Department of Building, the Department of Health, the Department of Transportation and the Mayor's Office; and

WHEREAS, the applicant has an apparent disregard of the existing conditions on Ludlow Street, in that it is intending to operate an establishment which will seat at least one hundred ten (110) people on two (2) floors, which will have one (1) floor designated as a bar and lounge area (architectural drawings appended hereto), which will likely have a live music venue and **which has failed to supply a traffic alleviation plan for what is already a small congested street although its intent is to attract high end and famous customers in keeping with its previous businesses and despite the repeated requests of this community board based upon existing conditions**; and

WHEREAS, the applicant has failed to demonstrate substantial community support for this proposal which is a requirement of this community board for applicants within this area and local businesses have repeatedly stated that they will not be well served by additional hotels in this area; now

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the hotel liquor license for 179 Ludlow LLC, 179 Ludlow Street.

8. Sushi Hana, 111 Rivington St (rw)

VOTE: To inform the SLA that Sushi Hana, 111 Rivington Street, has withdrawn its request for a restaurant wine license before Community Board #3 and to ask that the SLA not consider this application until the applicant reapplies to this community board with the requisite thirty (30) days notice to the SLA.

9. Bia, 154 Orchard St (op) **THIS IS A TRANSFER OF A RW**

VOTE: To deny the transfer of a restaurant wine license to Bia, 154 Rivington Street, unless the applicant agrees before the SLA to add as conditions of its license the following signed notarized stipulation that 1) it

will operate a full-service Vietnamese restaurant, serving food to within one (1) hour of closing, 2) it will play ambient background music, consisting of recorded music, 3) its hours of operation will be from 10:00 A.M. to 12:00 A.M. Sundays through Wednesdays and 10:00 A.M. to 2:00 A.M. Thursdays through Saturdays, and 4) its backyard garden will be enclosed by heavy plastic sheets at all times, and with a soundproofed roof.

10. La Lucha, 147 Ave A (eb)

THIS MOTION DID NOT PASS

VOTE: To deny the application for an eating place beer license for La Lucha, 147 Avenue A, because 1) Avenue A, although classified as an avenue, is a narrow street running from Houston Street to 14th Street, which is presently overwhelmed by nighttime establishments of all types, as well as incredible vehicular and pedestrian traffic congestion as a result of so many businesses, 2) there are at least ten (10) liquor licensed establishments within a couple of blocks of this location, as well as numerous liquor licenses of all types within five hundred (500) feet of this location, and 3) there are numerous existing Mexican taco restaurants of the same size and character on Avenue A and First Avenue, including one located adjacent to this proposed business, which do not have licenses of any class, and 4) this is a previously unlicensed location.

THIS MOTION DID NOT PASS

VOTE: To deny the application for an eating place beer license to La Lucha, 147 Avenue A, unless the applicant agrees before the SLA to add as conditions of its license the following signed notarized stipulation that 1) it will not upgrade its license from an eating place beer license, and 2) it will close not later than 12:00 A.M. While Community Board #3 recognizes that this area has a great number of existing licensed establishments and is already overcrowded with people and vehicles, it is approving this applicant because the establishment is small in size and scope and it would be a benefit to the community to replace an existing empty storefront with this business.

THIS MOTION DID NOT PASS

VOTE: To deny the application for an eating place beer license to La Lucha, 147 Avenue A, unless the applicant agrees before the SLA to add as conditions of its license the following signed notarized stipulation that 1) it will provide a delivery service area from Bowery to the East River and 14th Street to Stanton Street, as well as selling additional merchandise, such as Mexican t-shirts and key rings, 2) it will operate a Mexican taco restaurant, serving food to within half an hour (½) of closing, 3) it will close no later than 11:00 P.M. Sundays through Wednesdays and 12:00 A.M. Thursdays through Saturdays.

ORIGINAL MOTION REINSTATED BY JOHN FOUT: VOTE: To deny the application for a full on-premise liquor license for La Lucha, 147 Avenue A, because 1) Avenue A, although classified as an avenue, is a narrow street running from Houston Street to 14th Street, which is presently overwhelmed by nighttime establishments of all types, as well as incredible vehicular and pedestrian traffic congestion as a result of so many businesses, 2) there are at least ten (10) liquor licensed establishments within a couple of blocks of this location, as well as numerous liquor licenses of all types within five hundred (500) feet of this location, and 3) there are numerous existing Mexican taco restaurants of the same size and character on Avenue A and First Avenue, including one located adjacent to this proposed business, which do not have licenses of any class, and 4) this is a previously unlicensed location.

11. L Arte Del Gusto LLC (Falai), 68 Clinton St (up/op)

VOTE: To deny the application to upgrade to a full on-premise license for L Arte Del Gusto LLC, 68 Clinton St, unless the applicant agrees before the SLA to add as conditions of its license the following signed notarized stipulation that 1) it will continue to operate a full-service Italian tapas restaurant, serving food to within one (1) hour of closing, 2) its hours of operation will be from 7:00 A.M. to 10:30 P.M. Mondays through Fridays and 8:00 A.M. to 11:00 P.M. Saturdays and Sundays. While Community Board #3 recognizes that this area has a great number of existing licensed establishments and is already overcrowded with people and vehicles, it is approving this applicant because the owner is always at this or his nearby establishment, the establishment is world renowned, it has no complaint history and there is a public benefit in having a café open in this area for breakfast, lunch and dinner.

MOTION DID NOT PASS

ORIGINAL MOTION REINSTATED BY MICHAEL BYRNE:

Alterations/Transfers/Upgrades

12. Momofuku Noodle Bar, 171 1st Ave (up/op)

withdrawn

13. Gama, 12 St Marks Pl (trans/op)

withdrawn

14. Always Good Brothers Inc (Joe's Shanghai), 9 Pell St (trans/rw)

VOTE: To deny the transfer of a full on-premise liquor license to Always Good Brothers Inc, 9 Pell Street, unless the applicant agrees before the SLA to add as conditions of its license the following signed notarized stipulation that 1) it will continue to operate 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 11:00 P.M. every day.

15. Falai Panetteria, 79 Clinton St (up/op)
withdrawn

16. Desmo 916 Corp (Lavagna), 545 E 5th St (up/op)

VOTE: To deny the upgrade to a full on-premise liquor license for Desmo 916 Corp, 545 East 5th Street, unless the applicant agrees before the SLA to add as conditions of its license the following signed notarized stipulation that 1) it will continue to operate a full-service Italian restaurant, serving food to within one (1) hour of closing, 2) it will close its façade doors at 10:00 P.M. every night, 3) its hours of operation will be from 6:00 P.M. to 11:00 P.M. Mondays through Thursdays, 6:00 P.M. to 12:00 A.M. Fridays and Saturdays and 5:00 P.M. to 11:00 P.M. Sundays, and 4) it will play ambient background music, consisting of recorded music from an iPod. Community Board #3 recognizes that there was a substantial demonstration of community support for this application through one hundred sixteen (116) petition signatures from residents of this block, as well as support for this applicant which has been operating for ten (10) years and donates his time and money to area charities and the local.

17. Grotto, 100B Forsyth St (alt/add/op)
withdrawn

18. Motorino (Una Pizza Napoletana), 349 E 12th St (trans/rw)
withdrawn

19. Klimat Restaurant, 77 E 7th St (up/op/alt/extend hours)
withdrawn

20. Allen & Delancey, 115 Allen St (alt/extend hours)
withdrawn

21. Red Velvet (Nicks Empanadas), 174 Rivington St (trans/op)

VOTE: To deny the transfer of a full on-premise liquor license to Red Velvet, 174 Rivington Street, unless the applicant agrees before the SLA to add as conditions of its license the following signed notarized stipulation that 1) it will serve food at all times and have seating and counter space for food service in the front of the establishment, 2) it will have no open façade doors or windows, 3) it will use its back door for emergency egress only and will not allow its use by either patrons or staff except in the event of an emergency, and 4) it will supplement the existing soundproofing with additional sound limiting measures, if necessary, including seeking additional recommendations from a sound engineer if there are noise complaints.

New Liquor License Applications

22. Grand Park, 365 Grand St (op)

VOTE: To deny the application for a full on-premise liquor license to Grand Park, 365 Grand Street, unless the applicant agrees before the SLA to add as conditions of its license the following signed notarized stipulation that 1) it will operate a full-service, Italian family-friendly restaurant, serving food to within one (1) hour of closing, 2) it will play ambient background music, consisting of low recorded music only, in interior room and enclosed exterior rooms 3) it will immediately address the complaints of any residents, and 4) it will close any facade windows, including any widows on its backyard enclosures no later than 10:00 P.M. every night. Community Board #3 recognizes that there was a substantial demonstration of community support for this application through four hundred (400) petition signatures, ten (10) residents who appeared before the community board and emails and letters of support that were sent to the community board office.

23. Butter Lane, 123 E 7th St (rw)
withdrawn

24. 55 Delancy Cafe, 55 Delancy St (rw)
Withdrawn

25. Fritz Corp, 417 E 9th St (rw)
withdrawn

26. Tenzin & Tenzin, 306 E 6th St (rw)

VOTE: To deny the application for a restaurant wine license for Tenzin & Tenzin, 306 East 6th Street, because the applicant again did not appear before Community Board #3 for review of its application or provide any application materials for review.

27. Rama Cafe, 26 1st Ave (rw)
withdrawn

28. Cafe Hade Bade, 89 E 2nd St (rw)
withdrawn

(SLA & DCA Licensing Committee)

38 YES 0 NO 1 ABS 0 PNV (Excluding Items: 2, 4, 5, 9, 10, 11, 16, 22) MOTION PASSED

Item 2: 36 YES 0 NO 3 ABS 0 PNV MOTION PASSED

Item 4: 27 YES 9 NO 4 ABS 0 PNV MOTION PASSED

Item 5: 37 YES 1 NO 1 ABS 0 PNV MOTION PASSED

Item 9: 36 YES 0 NO 3 ABS 0 PNV MOTION PASSED

Item 10: 26 YES 11 NO 2 ABS 0 PNV MOTION PASSED

Item 11: 32 YES 6 NO 1 ABS 0 PNV MOTION PASSED

Item 16: 32 YES 4 NO 3 ABS 0 PNV MOTION PASSED

Item 22: 36 YES 0 NO 3 ABS 0 PNV MOTION PASSED

Economic Development, Zoning, & Planning Committee

- 1. FY'2011 District Needs Statement & Budget Consultation Agenda
no vote necessary
- 2. Report from Chinatown working group
no vote necessary
- 3. Discussion of development of Seward Park Urban Renewal Area (SPURA), including presentation by NYC EDC on existing site conditions for city-owned properties

Principles

- 1. Preserve the mixed-use residential character (MURC) of the neighborhood.
 - 2. Establish a district more in keeping with current planning principles of contextual design.
 - 3. Stabilize the mixed-income character of the neighborhood through various forms of housing, including rental and home ownership. Any low, moderate, and middle-income housing component shall remain so in perpetuity.
 - 4. Exemplify good design and sound environmental principles.
 - 5. Develop the area to optimize its residential potential.
 - 6. Anchor the community with cultural and civic amenities to benefit residents (community) of all ages.
 - 7. Any commercial development shall promote a diversity of goods, services, and price points.
 - 8. Consider the historical significance of the Essex Street Market and feasibility and purpose of preservation or adaptive reuse.
 - 9. Prioritize housing for current CB3 residents.
 - 10. Maximize the potential for local construction jobs.
 - 11. First priority should be given to Tenants at Title Vesting (TATV) – the former site tenants. The city shall make diligent efforts to locate them.
4. The RFP(s) shall be awarded pursuant to these guiding principles. Maximization of city revenue from the sale of the land shall be a secondary consideration. Small Business Services Presentation: how to start, operate, and expand
no vote necessary

(Economic Development, Zoning, & Planning Committee)

37 YES 1 NO 1 ABS 0 PNV

Members Present at Last Vote:

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

Meeting Adjourned