



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD NO. 3

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Dominic Pisciotta, Board Chair

Susan Stetzer, District Manager

May 2011 Full Board Minutes

Meeting of Community Board #3 held on Tuesday, May 24, 2011 at 6:30pm at PS 20, 166 Essex Street.

Public Session:

JASON RIVERA: He promoted a website nearsary.com which promotes local events and invited the participation of Dominic to post articles on the site.

MAXINE AMES spoke of the sliding fee scale at the ACCESS Community Health Center on Maiden Lane. She left flyers in the lobby.

TERESA YE of the District Attorney's office thanked CB3, especially Gigi Li, for help with a Town Hall. She discussed the co-hosts of the 2011 CCBA Safety and Crime Prevention Seminar.

JOHANNA LEWIS of the Seward Park Library spoke about the Summer Reading Club. The kickoff is June 9 at 11 AM with events all day, including arts and crafts, stiltwalkers, as well as volunteers. The more who sign up, the more money is available for the Club. The community needs to show how much it needs the library.

PHILIP VAN AVER spoke in favor of creation of the LES Historic District, a Rosie Mendez initiative. The spine of it is 2nd Avenue and includes an array of approximately 300 buildings.

RICHARD MOSES is a member of the LES Preservation Initiative, as is Mr. Van Aver. He is pleased that the Historic Preservation Commission is moving on this designation. They will return when CB3 holds a public hearing on the issue.

ADAM LYNCH of the Uniformed Firefighters Association spoke of the notice to close 25 stations. CB3 was spared, but will still be affected, because CB3 resources will be diverted to areas which have had service cuts. The union is holding a rally Friday June 3 at 9 AM at MetroTech Center, to City Hall, to which the public is invited.

ENRIQUE CRUZ

MIKE HENDERSON does not support the new restaurant planned to go into his residence, 133 Essex Street, being open until 4 AM, as there are plenty of other places to eat late. He supports early closing hours for it so the safety of his building is improved.

VICTOR JUNG, the operator, spoke in support of the restaurant at 133 Essex Street. It is a restaurant, not a bar. They have agreed to all stipulations. 600+ people living within a 2 block radius signed a petition supporting the restaurant staying open until 4 AM Th – S.

EMILY SHAMLIAN spoke in support of the license transfer for 133 Essex. She's the owner, speaking as a small business owner. The condo board opposes it.

NIELS HEILMANN lives on the 2nd floor above 133 Essex and complained about noise, urinating, and vomiting, always between 2-4 AM. He has no problem with the new owners except with a 4 AM closing.

WESLEHY GANS The 133 Essex operator had a bad record, and the intended transferee refused to negotiate at all. He asks CB3 to vote NO unless a 2AM stipulation is implemented.

ROB SHAMLIAN, owner of Mason-Dixon on Essex Street, has had no issues, but feels harassed by the condo board.

ROB HOLLANDER is concerned about 133 Essex. Residents have asked for a 2 AM closing, rather than 4 AM. He cited the 500-foot radius law, which applies to streets as well as avenues. CB3 interprets this law to its liking.

CHARLES DE CHAPIERS doesn't believe the license should be transferable because of the prior owner's bad record, and the new owner's unwillingness to negotiate re a 2 AM vs. a 4 AM closing.

ODED SCHECHTER of 139 Essex is in support of 133 Essex closing at 2 AM and wrote in his complaint that 311 complaints are not responded to adequately.

MANKO MANKERIOUS is on the 4th floor of 133 Essex and supports early closing of 133 Essex because the noise is intolerable even at that level at 4 and 5 AM.

MATT LEVINE is the potential operator of 133 Essex. He has lived in the area for 4 years. He has a prior history with no violations. They are cutting the bar in half and doubling the kitchen. Price points will be moderate. He did everything he could to reach out to residents. No one responded to his email invitations to dialogue. To a question from David Crane, he wants to stay open until 4 AM because that is in the existing asset. He set up a brunch for the bond board and no one showed up but the condo president. He says there are very few RESTAURANTS open til 4 AM. Another board question: Were there noise complaints? He answered that he believed there were noise complaints and that he is trying to fix past problems. The past operator installed \$100,000 in soundproofing, and hired 4 security guards. When metered, no noise violations were issued.

Herman Hewitt: He says there are places to eat at 2-4 AM. He recommends accepting 2AM now, and coming back later to ask for 4 AM. He says they have 750-1000 signatures. There is an existing lawsuit between the current operator and the condo board.

14 people signed to speak in support of the application. Dominic asked them to stand, to identify themselves, and invited 6 to speak. Matt Mulligan, Missla Libsekar, Rachael Spiewak, Aniello Zampella, James Governs,

Michael H. Chan, Cindy Wong, Miguel Reyes, and Caroline Min signed up to speak, but waived their right to allow others to speak for them.

FRANCIS BUSCEMI, the lawyer for 133 Essex, said it will maintain the same capacity. It is changing from a French to a tapas menu. There was no opposition at a hearing by residents of the building. The applicant jumped the gun in his application, but that shouldn't jeopardize the quality of the application or the project. Alix Militano: The SLA reported that no change of hours was included in the request. Mr. Buscemi got an SLA report today showing that it DOES.

MARK LITTLE lived above 133 Essex. This is a "creative" or innovative business/restaurant and extended hours are a part of its entrepreneurship.

JOSH PUSHKIN can't see any reason to oppose the application for 103 Essex.

ENRIQUE CRUZ spoke about the fact that Essex Street is zoned commercial on the ground floor. Closing early won't allow the restaurant to be profitable.

SELGEN ONSAN lives in the building and doesn't think these people or this type of restaurant are a problem. It's a place for local people to hangout. The staff know the clientele.

JAKE ROGERS says the people hanging out at McDonald's are a worse problem. This is a gem, between a McDonald's and a parking lot, with amazing architecture.

NEXT TOPIC: 200 Avenue A. Several people signed up in support, only 1 in opposition. 12 or so stood to identify themselves and show support. Jessica Lorne, Aaron Slavik, Anny Guan, and Jaime Sugino signed up to speak, but waived their right, allowing others to speak for them.

MICHAEL TAUB, the owner of 200 Avenue A for 30 years, runs it as an exhibition/art gallery as well as a restaurant. The company is Avenue A Hospitality.

MONICA LOCASCIO spoke as the artistic manager or curator of Avenue A Hospitality. Their exhibitions are environmentally and politically and socially sensitive.

JOSEPH SUTTON as a venue owner in the neighborhood is in support of Avenue A Hospitality, as a fresh take on public Lower East Side venues.

SARA FLORES spoke on behalf of Avenue A Hospitality. She works in fashion. It isn't a bar. Because people were burned before, it doesn't mean they'll be burned again.

LIZ ROSEN talked of the collaboration between CB3 and Avenue A Hospitality in the Art in Empty Storefronts project. They are a socially-conscious venue. The new project has no relation to what the old project was.

FRANK PALILLO of Avenue A Hospitality asked the audience to be clear that this is not about Superdive, but about a new initiative. He asks the board to be clear about whether they are against an art gallery.

DINA MAGNES says she speaks for 16 people who spoke before the SLA. She said a troubled establishment started as a bookstore, realized it wasn't profitable, so it got a liquor license, then became a problem.

Public Officials:

Mayor Michael Bloomberg, Lolita Jackson & Pauline Yu: No report.

Public Advocate Bill de Blasio, Phil Jones: No report.

Comptroller John Lui, Sandra Ung: No report.

Borough President Scott Stringer, Jessica Silver: At Goddard-Riverside on May 25 there will be a Town Hall to protest cuts to day care. He has been dialoguing with Chancellor Walcott about the relation between the layoff of 6000 teachers, and the outsourcing of \$1B in contracts. How is that money being spent? Applications are still being accepted for the CEC, parental involvement in schools.

Congressmember Jerrold Nadler, Daniel Weisfeld: No report.

Congressmember Nydia Velazquez, Iris Quinones: No report.

Congressmember Carolyn Maloney, Victor Montesinos: May 23 she and Congressman Nadler declared that Congress "war on women" had gone too far. They plan to reintroduce the Equal Rights Amendment soon. Her full statement can be found in this month's CB3 report, available in the lobby.

Assembly Speaker Sheldon Silver, Zach Bommer: Governor's Island is open this weekend for the first weekend of the summer.

Assemblymember Deborah J. Glick, Lisa Parson: The Assembly passed rent regulation laws. We should remind the Senate to get this through. The 9/11 memorial and plans for bus traffic in the area need to be addressed. This is her last CB meeting as she is moving to California to attend graduate school at USC.

Assemblymember Brian Kavanagh, Leslie Peña: No report.

State Senator Daniel L. Squadron, Jordan Levine: Rosemarie Diaz is in Albany with Mary Spink, being honored as a Woman of Distinction. Susan Stetzer and Rosie Mendez are Mary's other two guests. Congratulations to Mary Spink. The Senator held a second forum today to extend rent regulation. There are 22 days left. He organized a Family Day at Baruch Houses that involved Third Street Music School.

State Senator Thomas K. Duane, John Bartos: No report.

Councilmember Margaret Chin, Patricia Olan: She is fighting with Senator Squadron for rent regulation. She is opposed to the firehouse closings. She holds open hours every Friday 2-4 in the district office.

Councilmember Rosie Mendez, Michele Burger: She's been working hard on the rat problem in Tompkins Square. She sponsored a resolution to support marriage equality on the federal level. There is a flyer on preventing rats from infesting community gardens. The newsletter is in the lobby.

Members Present at First Vote:

David Adams	[P]	Linda Jones	[P]	Barden Prisant	[P]
Karen Blatt	[P]	Vaylateena Jones	[A]	Carolyn Ratcliffe	[P]
Jimmy Cheng	[P]	Meghan Joye	[P]	Joyce Ravitz	[P]
David Conn	[P]	Joel Kaplan	[A]	Lois M. Regan	[A]
David Crane	[P]	Carol Kostik	[P]	Janet Riesel	[P]
Andrea Diaz	[P]	John Leo	[P]	Carlina Rivera	[P]
Natasha Dillon	[P]	Ricky Leung	[P]	Richard F. Ropiak	[P]
Harvey Epstein	[P]	Sam Leung	[P]	Susan Scheer	[A]
Morris Fajtelewicz	[A]	Gigi Li	[P]	Nancy Sparrow-Bartow	[P]
Flora Ferng	[A]	Bernard Marti	[P]	Mary Spink	[A]
Rabbi Y. S. Ginzberg	[P]	David McWater	[P]	Gary Tai	[P]
Gloria Goldenberg	[A]	Charlotte Miles	[P]	Elinor Tatum	[P]
Jan Hanvik	[P]	Alexandra Militano	[P]	Rodney Washington	[P]
Herman F. Hewitt	[P]	Chiun Ng	[P]	Jack Waters	[P]
Simon Huang	[A]	Ariel Palitz	[A]	Justin Yu	[A]
Carolyn Jeffers	[A]	Thomas Parker	[P]	Thomas Yu	[A]
Anne K. Johnson	[P]	Dominic Pisciotta	[P]		

Minutes:

Minutes of March 2011 were approved, as is.

Board Chairperson's Report:

Chairperson Dominic Pisciotta

Not all new members have signed Committee Preference forms.

There is a meeting tomorrow where the Essex Street Market will be discussed.

There is a fundraising plan that was put forth at last month's Executive Committee. We need someone to coordinate reaching out to local bank branches for fundraising.

We recognize that Treasurer Mary Spink is not here because she is in Albany being recognized as a Woman of Distinction by the New York State Senate.

We are trying to reduce the burden on office staff by committee chairs being very specific about what they want on the website, what materials they need prepared, etc. Attendance at committees is not good. Herman Hewitt will provide at bi-annual Executive Committee meetings a report on committee attendance to try and improve it.

District Manager's Report:

District Manager Susan Stetzer

Susan was absent to be with Mary Spink at the presentation of the Women of Distinction award.

(Given by Dominic Pisciotta in Susan's absence.) Saturday June 18 the Municipal Art Society with collaborators is holding a meeting on zoning, including training workshops and networking. Priority is being given to Community Board members. www.mas.org is the website to sign up and there are flyers.

Committee Reports:

Executive Committee

VOTE: A request is made of CB3 to write a letter of support for the rescheduling of \$2,000,000 in New York City Department of Cultural Affairs funding, rescheduled by Mayor Bloomberg to FY19 in his preliminary budget. The Clemente Soto Velez Cultural and Educational Center is undergoing major interior and exterior renovations with funding from the Department of Cultural Affairs. These are scheduled to be completed in September 2012. The \$2,000,000 originally awarded for FY12 is for urgently needed code compliant upgrades to the first floor and basement, including ADA compliance, sprinklers, and legal access to the basement.

Besides guaranteeing safety and security for CSV's resident artists and approximate 75,000 annual visitors, these improvements will improve the rentability of CSV's spaces, and therefore the financial stability and sustainability of this historically significant building. The rescheduling of the \$2,000,000 award from FY12 to FY19 means that these critically needed upgrades to this seriously deteriorated building will have to stop for 7 years, seriously damaging the trajectory of repairs to this City--owned building, which provides invaluable services to the Lower East Side and New York City immigrant, artistic, educational, business, and other communities. CB3 and the CSV Center are not requesting new funds. The \$2,000,000 has been awarded. We merely urge the rescheduling of the funds back from FY19 to FY12 so that critically needed upgrades already underway may continue without interruption and the serious negative consequences that such an interruption would occasion.

(Executive Committee)

36 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Con Edison Task Force Carol Kostic gave this report.
no minutes submitted

Transportation & Public Safety Committee

David Crane gave this report. Richard Ropiak brought up the problem of school buses parking in the middle of the street because school personnel take up street parking assigned to them, instead of spaces in lots that are reserved for them.

1. Request for speed hump on Eldridge between Rivington and Delancey

VOTE: WHEREAS, DOT has proposed installation of a speed hump on Eldridge St between Rivington and Delancey St in response to requests by residents and the University Settlement. This block is the location of the University Settlement Early Childhood Center, and Rivington House, an AIDS-specific health care facility and adult day care program; now

THEREFORE BE IT RESOLVED, that CB3-Manhattan approves of the speed hump installation hump on Eldridge St between Rivington and Delancey St.

2. The NYC Dept. of Design & Construction (DDC): safety design installations to be implemented near and around a school Mesivtha Tifereth Jerusalem - 141 E Broadway

VOTE 1: WHEREAS, DOT presented a final design for Safe Routes to Schools safety improvements near Mesivtha Tifereth Jerusalem located at 141 E Broadway. The improvements would have traffic calming effects and would reduce the length of pedestrian crossings. The installation would consist of the installation of the following sidewalk extensions, and new curb cuts and crosswalk markings:

- At East Broadway and Rutgers Street:
 - Half Neckdown on Northwest Corner along East Broadway
 - Half Neckdown on Northeast Corner along East Broadway
 - Full Neckdown on Southwest Corner
 - Half Neckdown on Southeast Corner along East Broadway
 - Installation of pedestrian ramps on all corners
 - New school crosswalk striping on the South, West, and East sides of the intersection
 - New crosswalk and lane striping on the North side of the intersection
- At Canal and Essex Street:
 - Half Neckdown on Southeast Corner along Canal Street
 - Installation of two pedestrian ramps on the Southeast Corner
 - Installation of two pedestrian ramps on the Southwest Corner
 - New school crosswalk striping on the East side of the intersection
 - New crosswalk and lane striping on the South side of the intersection
- At Canal and East Broadway:
 - Installation of one pedestrian ramp on the Northwest Corner
 - New crosswalk striping at the intersection

THEREFORE BE IT RESOLVED, that CB3-Manhattan supports the Safe Routes to Schools safety installation at Easy Broadway and Canal St at the intersections with Rutgers St, Strauss Square and Essex St.

VOTE 2: WHEREAS. CB3-Manhattan has pedestrian safety concerns at the intersection of Pike St and East Broadway and the surrounding blocks. Traffic moves too fast on East Broadway and there are children going through this area to school at Mesivtha Tifereth Jerusalem, 141 E Broadway, and P.S. 2 , 122 Henry St; and

WHEREAS, the Safe Routes to Schools study for Mesivtha Tifereth Jerusalem did cover this area, but used data from 2001-2003 and the recommendations addressed safety concerns only at the eastern end of the block of East Broadway between Pike and Rutgers St/Strauss Square. It did not address the intersection at the western end of the block at Pike St and Easy Broadway, now

THEREFORE, BE IT RESOLVED that CB3-Manhattan requests DOT look again at safety improvements near Pike St and East Broadway, using more recent accident report data, and consider installation of pedestrian safety improvements.

3. 9th Precinct request for No Standing Mon-Fri, 7-4 at 112 E 4th St

VOTE: WHEREAS, there is a traffic congestion problem on E 4 St between First and Second Ave during the hours when school buses load/unload. This is a well-used cross street and the 9th Precinct believes that removing about 3 mid-block street-side parking spaces during school hours will alleviate the congestion problem; now

THEREFORE BE IT RESOLVED, that CB3-Manhattan supports the 9th Precinct request for No Standing Mon-Fri, 7 AM – 4 PM in front of 112-118 E 4th St.

THIS MOTION WAS POSTPONED UNTIL JULY MEETING.

4. 7th Precinct request to extend No Parking for weekend cabaret hours. Extend Ludlow from Delancey to Broome St, west side of Essex, E Houston to Delancey, south side of E Houston from Orchard to Ludlow

VOTE: WHEREAS, during weekend nightlife hours, there is serious congestion along east-bound Houston St on the blocks approaching Ludlow St, on south-bound Essex St above Delancey St, and on east-bound Delancey St on the blocks approaching Ludlow St. This area continues to have more bars open, which brings crowded and large numbers of taxicabs and cars; and

WHEREAS, the 7th Precinct has requested extension of the "No Standing" zones in this area during weekend cabaret hours (11 PM – 6 AM on Friday and Saturday nights) to include one block of Ludlow St south of Delancey St, two blocks of Essex St between E Houston and Delancey St, and one block of E Houston St between Orchard and Ludlow St. These "No Standing" zones would free the curb-side lane for passenger loading/unloading and keep 2 lanes of moving traffic, which would reduce congestion and horn honking and improve emergency vehicle access; and

WHEREAS, creation of extended "No Standing" zones eliminates parking opportunities for vehicles displaying SVP permits (disabled parking). A "No Parking" space would be available for SVP parking, so CB3 believes the community needs to have 1 or 2 "No Parking" spaces during weekend cabaret hours in close proximity to the proposed "No Standing" zone extensions; now

THEREFORE BE IT RESOLVED, that CB3-Manhattan supports the 7th Precinct request to install "No Standing" zones, 11 PM Friday until 6 AM Saturday and 11 PM Saturday until 6 AM Sunday, on the south side of E Houston St from Orchard to Ludlow St, on the west side of Essex St from Stanton to Delancey St, and on the west side of Ludlow St from Delancey to Broome St. In addition, CB3 needs 1 or 2 "No Parking" spaces during these same hours in close proximity to this extended "No Standing" zone to provide SVP access for disabled parking.

5. Support for resolution opposing use of #4 & 6 oil in schools

VOTE: CB3-Manhattan Resolution Requesting Timetable for Phasing Out Use of No. 4 and 6 Heating Oil in NYC Public Schools

WHEREAS: There are 56 public elementary middle, and high schools that burn the dirtiest types of heating oil (No. 4 or No. 6 oil) in the Borough of Manhattan. These schools emit large amounts of soot and heavy metals; and

WHEREAS: These emissions aggravate asthma and other respiratory problems, increase the risk of cancer and cardiovascular disease. The continued use of dirty heating oil in the public schools is exposing the most vulnerable population, children – in addition to teachers and parents in the school community and the surrounding neighborhood; and

WHEREAS: New York City air fails to meet federal standards for particulate matter (soot) and ozone; and

WHEREAS: The two major sources of air pollution generated in NYC are vehicle traffic and buildings burning high-sulfur heating oils, according to the New York City Community Air Survey (NYCCAS), a comprehensive survey of street-level air quality (April 13, 2011); and

WHEREAS: The city will phase out the use of unrefined oil sludge and the most-polluting grades of heating oil as part of the updated PlaNYC, a comprehensive citywide plan for a healthier

environment (April 21, 2011). Under the new rule, all residential, commercial and institutional buildings will be denied new No. 6 oil permits between 2012 and 2015 (depending on when the current permit expires); and, No. 4 oil permits will be denied upon boiler or burner replacement. The sunset date is 2030. However, the rule allows the DEP to enter into "Compliance Agreements" with building owners to renew existing boilers or receive an extension that will allow them to go past the 2015 and the 2030 sunset date, dependent upon the number of buildings owned; and

WHEREAS: Given that the Department of Education owns more than 50 buildings and could be granted extensions to go past the 2015 date for No. 6 oil buildings and past 2030 for No. 4 oil buildings, the public is concerned that schools will not be converted in a timely manner and could drag out for decades; and

WHEREAS: The regulations governing the maintenance and capital improvements in the public schools must be modified and streamlined by the Department of Environmental Protection (DEP), Department of Education (DOE) and School Construction Authority (SCA) to convert the No. 4 and No. 6 oil schools' boiler systems to allow for the switch to natural gas or No. 2 heating oil by 2022; and

WHEREAS: Energy policy analysts have estimated that the costs associated with the conversion of the heating systems will be offset by savings in fuel costs and operating expenses, as well as savings in health care costs, thereby justifying the capital expenditure to the City; and

WHEREAS: Improving the infrastructure of the public schools by converting the boilers that are burning dirty heating oil to using less polluting fuel would provide green jobs now; and

WHEREAS: It is safest and reduces costs for school construction projects to take place while the students are on recess and the heating units are not being used during the summer. This might require relocating summer school students to public schools nearby; and

THEREFORE BE IT RESOLVED THAT: CB3-Manhattan calls on the City to release a timetable for when the boilers of the 56 public schools that burn No. 4 or No. 6 oil will be phased out – prioritizing the 39 schools that burn the No. 6 heating oil, like the recent rules that were passed requiring their conversion by 2015. To facilitate this, the Borough Board calls on the DEP, DOE and SCA to streamline the regulations governing the maintenance, renovation and capital improvements in the public schools as well as allocate the funds necessary to convert the schools' heating systems to allow for the conversion or replacement of the boilers burning dirty oil to natural gas or No. 2 heating oil.

(Transportation & Public Safety Committee)

36 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Outreach Task Force Gigi Li gave a report on opportunities to distribute flyers about CB3, for which the Task Force can use volunteers.

1. New member trainings
no vote necessary
2. Develop strategy to outreach at block parties
no vote necessary

Landmarks Subcommittee Carolyn Ratcliffe gave this report.

- Landmarks presentation on potential East Village Historic District. The study area, bounded roughly by East 2nd and East 7th streets between First Ave and the Bowery, and comprised of nearly 300 buildings.
no vote necessary

Parks, Recreation, Cultural Affairs, Landmarks, & Waterfront Committee No report.

1. Permit procedures for recreation fields

VOTE: WHEREAS, locally-based leagues are thriving examples of recreational sports organizations offering everything from peewee leagues, to adaptive sports for autistic children, to competitive tournament play for boys and girls;

WHEREAS, virtually all of these locally based not-for-profit sports providers have been turning families away simply due to an overall field shortage;

WHEREAS, community-based not-for-profit leagues chartered to serve every child, affordably and inclusively, have at times been crowded out by corporate and adult recreation, by private schools

from other areas, and by for-profit sports providers which charge upwards of \$400 per player with no provision for financial aid in needy cases;

WHEREAS, the lack of available play times is also the result of existing Parks policy that "grandfather" permits for older leagues and organizations, leaving too few for newer organizations;

THEREFORE BE IT RESOLVED, that Community Board 3 asks NYC Parks Department to revisit the policy of grandfathering permits to certain organizations;

AND FURTHER BE IT RESOLVED, that Community Board 3 supports priority consideration for not-for-profit organizations serving the youth of Community Board 3 for use of athletic fields within the district.

Block Party Application

2. Mascot Mobileyes & LES BID Charity Concert 7/17, Orchard St (Delancey-Rivington Sts)
withdrawn

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

36 YES 0 NO 0 ABS 0 PNV MOTION PASSED

SLA & DCA Licensing Committee Alex Militano gave this report. The committee received all the stipulations asked for. # 15 because it's going to DCA. David Crane asked to pull # 20. Herman Hewitt asked to pull # 22.

Applications within Resolution Areas

1. A Casa Fox (A Casa Foods LLC), 173 Orchard St (alt/extend to sidewalk/upgrade to op)
VOTE: To deny the application to upgrade to a full on-premise liquor license for A Casa Foods LLC, doing business as A Casa Fox, 173 Orchard 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, specifically a Latin American restaurant, serving food to within one (1) hour of closing every night, 2) its hours of operation will be from 5:00 P.M. to 10:00 P.M. Tuesdays, 12:00 P.M. to 10:00 P.M. Wednesdays, 12:00 P.M. to 11:00 P.M. Thursdays through Saturdays and 4:00 P.M. to 10:00 P.M. Sundays, and 3) it will play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged. Community Board #3 is approving this upgrade application although this is a location in an area with numerous licensed premises because 1) the applicant has a three (3) year history operating this business without incident, and 2) this is a small location with early hours which has already been operating and, consequently, an upgrade of its license would have little impact on the surrounding area.
2. To Be Determined, 34 Ave A (op)
withdrawn
3. Solo Pizza (Solo Pizza Inc), 27 Ave B (wb)
no vote necessary
4. Ave B Caffe Buon Gusto Inc, 545 E 5th St (aka 76 Ave B) (wb)
withdrawn
5. Paradiso (Paradiso NY LLC), 105 Ave B (wb)
VOTE: To deny the application for a beer wine license for Paradiso NY LLC, doing business as Paradiso, 105 Avenue B, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a full-service Italian café, with seven (7) tables and sixteen (16) seats, serving food during all hours of operation, 2) its hours of operation will be from 8:00 A.M. to 12:00 A.M. all days, and 3) it will play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged. Community Board #3 is approving this upgrade application although this is a location in an area with numerous licensed premises because 1) the applicant has a two and a half (2½) year history operating this business without complaints or opposition from area residents, and 2) the applicant furnished one hundred fifty (150) resident signatures in support of its application.
6. Boxcar Lounge (Oops of New York Inc), 168 Ave B (op)
withdrawn
7. Bat Yam Food Services Inc, 97 St Mark's Pl (wb)
withdrawn
8. To Be Determined, 14 Ave B (op)
no vote necessary
9. Rhong-Tiam & Garden (Orchard Garden 154 Inc), 154 Orchard (wb)
withdrawn

Sidewalk Café Applications

10. A Casa Fox, 173 Orchard St
VOTE: To approve the application for a sidewalk café permit for two (2) tables and four (4) seats, for A Casa Foods LLC, doing business as A Casa Fox, 173 Orchard Street, because the applicant has signed a change

agreement which will become part of its DCA license that 1) the café will consist of two (2) tables with four (4) seats, and 2) it will close no later than 12:00 A.M. all nights.

11. 26 Seats (Paris Cuisine Inc), 168 Ave B

VOTE: To approve the application for a sidewalk café permit for two (2) tables and four (4) seats, for Paris Cuisine Inc., doing business as 26 Seats, 168 Avenue B, because the applicant has signed a change agreement which will become part of its DCA license that 1) the café will consist of two (2) tables with four (4) seats, and 2) it will close its café no later than 11:00 P.M. every night.

12. Peels Restaurant (325 Bowery Restaurant LLC), 325 Bowery

VOTE 1: To approve the application for a sidewalk café permit for twenty-two (22) tables and forty-six (46) seats, for 325 Bowery Restaurant LLC, doing business as Peels, 325 Bowery, because the applicant has signed a change agreement which will become part of its DCA license that 1) the café will consist of twenty-two (22) tables with forty-six (46) seats, ten (10) tables with twenty (20) seats to be located on Bowery and twelve (12) tables with twenty-six (26) seats to be located on 2nd Street (removing the three (3) easternmost tables on 2nd Street from its plans), and 2) the hours of operation for its café will be from 7:30 A.M. to 11:00 P.M. weekdays and 7:30 A.M. to 12:00 A.M. Fridays and Saturdays.

VOTE 2: To deny the alteration application for a full on-premise liquor license for 325 Bowery Restaurant LLC, doing business as Peels, 325 Bowery, to wit extending its full on-premise liquor license to a sidewalk café consisting of ten (10) tables and twenty (20) seats on Bowery and twelve (12) tables and twenty-six (26) seats on 2nd Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that its operating hours for its sidewalk café will be from 7:30 A.M. to 11:00 P.M. weekdays and 7:30 A.M. to 12:00 A.M. Fridays and Saturdays.

13. Cacio & Pepe (Peprico Inc), 182 2nd Ave
withdrawn

14. Stillwater Bar & Grill (East Village 4th St Café Inc), 78-80 E 4th St

VOTE: To approve the application for a sidewalk café permit for five (5) tables and fourteen (14) seats, for East Village 4th Street Café Inc., doing business as Stillwater Bar & Grill, 78-80 East 4th Street, because the applicant has signed a change agreement which will become part of its DCA license that 1) the café will consist of five (5) tables with fourteen (14) seats, and 2) it will close no later than 11:00 P.M. weeknights and 12:00 A.M. Fridays and Saturdays.

Cabaret License

15. Tammany Hall (Orchard Foods Inc), 152 Orchard St ALEX MILITANO MADE CHANGES.

VOTE: To deny the application for a cabaret license for Orchard Foods Inc., doing business as Tammany Hall, 152 Orchard Street, unless the applicant agrees to the following signed notarized stipulation that 1) it will operate as a full-service supper club with a full kitchen and twenty-seven (27) tables with one hundred sixteen (116) seats, serving food to within one (1) hour of closing every night, and 2) it will employ adequate security guards to monitor patron traffic and noise inside and in front of its establishment.

Alterations/Transfers/Upgrades

16. Not A Bookstore LLC, 200 Ave A (trans/op) (Superdive)

VOTE: To deny the application for a full on-premise liquor license for Not A Bookstore LLC, for the premise located at 200 Avenue A, because 1) there are at least nineteen (19) full on-premise liquor licenses within five hundred (500) feet of this location, 2) although the applicant has stated that it is purchasing the assets of the previous business, it is the understanding of Community Board #3 that said license has not been renewed and, consequently, this application should be viewed as new, 3) although the present applicant is stating that it intends to operate a restaurant and art gallery, it is intending to operate until 2:00 A.M. Sundays through Tuesdays and 4:00 A.M. Wednesdays through Saturdays and have live musicians and DJs, which is inconsistent from its proposed method of operation, 4) the community board and this community have significant problems with this location and its landlord because the previous applicant had been approved by this community board to operate as bookstore with stipulations that the service of alcohol would be incidental to that operation, it would reserve the majority of its layout for book shelves, not have DJs or live musicians, close its backyard at 9:00 P.M. every night and close no later than 2:00 A.M. every night, but as soon as it began operating, it immediately violated the aforementioned stipulations by hosting scheduled live performances and closing at 4:00 A.M., then closed, filed an endorsement with the New York State Liquor Authority without notice to the community board and reopened as a bar, doing business as Superdive, with keg service and unlimited drink specials, 5) a principal of this corporation, as well as the previous business, is an owner of 200 Avenue A and his endorsement of the previous businesses and participation in their methods of operation have repeatedly done injury to area residents who have appeared in opposition to this as well as any other application relating to this location, 6) that the previous business with both methods of operation had numerous resident complaints of loud music late at night, as well as unruly and loud crowds of patrons blocking the sidewalks to 311, the community board, the New York State Liquor Authority and the police, and 7) this location has also been abandoned in that it has not been in continuous operation for at least one (1) year and has opened only for infrequent private parties and holidays.

17. Epicurean Management, 11 E 1st St (trans/op) (Bowery Wine)

VOTE: To deny the application for a full on-premise liquor license for Epicurean Management, 11 East 1st Street, as well as for an alteration application for said applicant, to wit extending the premise into the two (2)

adjacent storefronts in the same building, 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, specifically an Italian restaurant, serving food to within one (1) hour of closing every night, 2) its hours of operation will be from 11:00 A.M. to 1:00 A.M. Mondays through Wednesdays and 11:00 A.M. to 2:00 A.M. Thursdays through Saturdays, 3) it will play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged, 4) it will have outdoor seating for no more than twenty-four (24) people in its side courtyard, 5) it will close its side yard at 10:00 P.M. weekdays and 11:00 P.M. weekends, 6) it will have an awning extended over its side yard during its hours of operation and will have access to the yard for patrons through the interior of the business only. While this location has a number of existing licensed premises and there are numerous licenses within five hundred (500) feet of this location, Community Board #3 approves this application with alteration because it believes that the smaller businesses located on Extra Place on 1st Street would greatly benefit from the pedestrian foot traffic provided by the addition of this successful restaurant owner, who has a good operating history at its other locations and has engaged in extensive research to address community needs.

18. Tara Thai Inc, 137 1st Ave (alt/wb)
withdrawn

19. Uncle Charlie's LES (MLG Bar Inc), 87 Ludlow St (alt/op)

VOTE: To approve the alteration of the full on-premise liquor license for MLG Bar Inc., doing business as Uncle Charlie's LES, 87 Ludlow Street, to wit converting its eight hundred (800) square foot basement from a storage area to space for patrons, consisting of eight (8) tables with twenty (20) seats and a twenty (20) foot bar.

20. 133 Essex Restaurant LLC, 133 Essex St (trans/op) David Crane asked to have this item pulled. He recommends that it be amended to read "10AM – 2AM every day of the week." Herman Hewitt seconded it. This is being treated as a new license because the terms of the old license are not automatically transferred. Much discussion followed, with board members directing questions to representatives of the condo owners, and of the current and potential restaurant/bar owners. Alex Militano reported that the Committee probably voted to approve the application as is because it was merely grandfathering. She also explained that complaints against a former operator and the potential or future operator are both relevant. Harvey made a motion to call the question. Dominic called for a straw poll, then a subsequent hand vote was taken. 8 were in favor of the amendment. 19 were opposed. 4 abstained. The motion to amend the vote did not carry. The vote was taken at 9:35 PM.

VOTE: To deny the application for a full on-premise liquor license for a 133 Essex Restaurant LLC, 133 Essex Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a full-service restaurant, specifically a new American restaurant with a full kitchen and at least forty-three (43) tables with one hundred forty-four (144) seats, and serving food to within one (1) hour of closing every night, 2) its hours of operation will be from 10:00 A.M. to 2:00 A.M. Sundays through Wednesdays and 10:00 A.M. to 4:00 A.M. Thursdays through Saturdays, 3) it will close any façade doors and windows at 10:00 P.M. every night, 4) it will move its commercial entrance away from the residential entrance of the building, 5) it will not have a sidewalk café, 6) it will play ambient background music only, consisting of recorded music, and not have live music, promoted events, scheduled performances or any event at which a cover fee will be charged but it may use DJs for special events provided it is no more than fifty (50) times per year, 6) it will have an identification checker after 8:00 P.M. every night and employ additional security for special events.

21. To be Determined, 500 E 11th St (trans/op) (Angels & Kings)

VOTE: To deny the application for a corporation to be determined, for the premise located at 500 East 11th Street, because 1) although this applicant has stated that it would operate as a tavern restaurant, it has a security plan that is excessive for a small tavern restaurant and it has conceded that there will be no kitchen, and it will stop serving a full menu after 12:00 A.M. although it intends to remain open until 2:00 A.M. Sundays through Wednesdays, 3:00 A.M. Thursdays and 3:30 A.M. Fridays and Saturdays, 2) the applicant has conceded that it has no experience operating such a establishment, it was unaware of the terms of the stipulation of settlement imposed on the method of operation of this location by a prior nuisance abatement and given these circumstances, this community board has little confidence that this applicant can address the issues that might arise from operating this business in this location, and 3) there have been numerous complaints of noise from the prior business, including from the senior home located directly across the street from this location, as well as a nuisance abatement for underage sales resulting in stipulations in perpetuity requiring security, identification checkers and patrol of the premise.

22. Le Lupanar (LES Development LLC), 103 Essex St (alt/op) (change method of operation). Herman Hewitt pulled this item, asking to approve the applicant, but eliminating 3) and 4), and making other changes. Dominic: This would have to be voted down first. Herman originally voted for this business as is. Alex Militano clarified that this was not a transfer or sale of assets. Dominic: Considers it a slap in the face to the CB to change their operations, to get in trouble for it, then come to the CB to ask for permission to alter their operations. David McWaters: They should solve their legal issues, then come to the CB with this request. Dominic: We are voting on this issue as written.

VOTE: To deny the alteration application of the full on-premise liquor license for LES Development LLC, doing business as Le Lupanar, 103 Essex Street, to wit *changing its method of operation from a full-service French restaurant to a tapas lounge, replacing its dining tables and chairs with couches and coffee tables, changing its closing hours from 11:00 P.M. Sundays through Thursdays and 12:00 A.M. Fridays and Saturdays to 12:00 A.M. Sundays, 1:00 A.M. Mondays and Tuesdays and 4:00 A.M. Wednesdays through Saturdays, and adding entertainment level music and DJs Fridays and Saturdays from 11:00 P.M. to 3:00 A.M.,* because 1) this community board approved the original application for a full on-premise liquor license for this corporation in November of 2006 with stipulations to operate as a full-service French restaurant, serving food to within one (1) hour of closing every night, close no later than 11:00 P.M. Sundays through Thursdays and 12:00 A.M. Fridays and Saturdays, not operate its backyard, and install additional soundproofing, if needed, 2) this applicant now appears before this community board having already instituted the proposed alterations and with a resultant pending nuisance abatement from April of 2011 for underage sales and unlicensed security and pending SLA reports for underage sales and operating contrary to its stipulations, 3) this applicant is now seeking the endorsement from this community board of the unauthorized alteration of its methods of operation to assist it in obtaining a favorable result in the nuisance abatement action pending against it, 4) this community board is unwilling to retroactively approve these unauthorized alterations in its method of operation which constitute the breaching of an agreement with the community board and the SLA.

23. Hop Devil Grill, 125-129 St Marks Pl (trans/op)

VOTE: To deny the application for a full on-premise liquor license for a corporation to be formed, maintaining the existing business name of Hop Devil Grill, 125-129 St Marks Place, 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 tavern restaurant, specifically a Southwestern American grill, with a full menu serving food to within one (1) hour of closing every night, 2) its hours of operation will be from 12:00 P.M. to 4:00 A.M. all days, 3) it will close any façade doors and windows at 10:00 P.M. every night, and 4) it will play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged.

24. Evir Corp, 117 2nd Ave (trans/wb)

VOTE: To deny the application for a beer wine license for EVIR Corp., 117 Second 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 restaurant, specifically an Italian restaurant, serving food to within one (1) hour of closing every night, 2) its hours of operation will be from 11:00 A.M. to 1:00 A.M. Sundays through Thursdays and 11:00 A.M. to 3:00 A.M. Fridays and Saturdays, 3) it will close any façade doors and windows at 10:00 P.M. every night, and 4) it will play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged.

New Liquor License Applications

25. CC'S Café (Christine Coffee House Inc), 41 Monroe St (wb)

VOTE: To deny the application for a beer wine license for Christine Coffee House Inc., with a proposed business name of CC's Cafe, 41 Monroe 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 food during all hours of operation, 2) its hours of operation will be from 8:00 A.M. to 10:00 P.M. Sundays through Wednesdays and 8:00 A.M. to 2:00 A.M. Thursdays through Saturdays, and 3) it will play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged.

26. Led Zeppole (Arti Restaurant & Catering Group), 328 E 14th St (wb)
no vote necessary

27. The Toucan & The Lion (Type A Goods LLC), 342 E 6th St (op)

VOTE: To deny the application for a full on-premise liquor license for Type A Goods LLC, with a proposed business name of The Toucan & The Lion, 342 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, specifically a Mediterranean Asian fusion restaurant, serving food to within one (1) hour of closing every night, 2) its hours of operation will be from 5:00 P.M. to 1:00 A.M. Sundays and Mondays and 5:00 P.M. to 2:00 A.M. Wednesdays through Saturdays, 3) it will close any façade doors and windows at 10:00 P.M. every night, and 4) it will play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged.

28. 93 Ludlow St Inc, 95 Delancey St (op)

VOTE: To deny the application for a full on-premise liquor license for a 93 Ludlow Street Inc., 95 Delancey Street, also known as 93 Ludlow 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, specifically an international European Spanish tapas restaurant, serving food to within one (1) hour of closing every night, 2) its hours of operation will be from 2:00 P.M. to 4:00 A.M. all days, 3) it will close any façade doors and windows at 10:00 P.M. every night, and 4) it will play ambient background music only, consisting of recorded

music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged.

29. Eldridge Bistro, 245 Eldridge St (wb)

VOTE: To deny the application for a beer wine license for a corporation to be formed, with a proposed business name of Eldridge Bistro, 245A Eldridge Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a full-service restaurant, serving food to within one (1) hour of closing every night, 2) its hours of operation will be from 10:00 A.M. to 2:00 A.M. all days, 3) it will close any façade doors and windows at 10:00 P.M. every night, and 4) it will play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged.

(SLA & DCA Licensing Committee)

36 YES 0 NO 0 ABS 0 PNV (Excluding Items 20 & 22) MOTION PASSED

Item 20: 31 YES 3 NO 1 ABS 0 PNV MOTION PASSED

Item 22: 27 YES 1 NO 3 ABS 0 PNV MOTION PASSED

SLA Policy Task Force

- Implement policies and recommendations of SLA Policy Review Taskforce passed in February.
no vote necessary

Arts & Cultural Affairs Task Force Jan Hanvik reported on the Art in Empty Storefronts initiative launched during the New Museum's Festival of Ideas for a New City May 7 – 8. For those interested in seeing which sites were matched with which arts projects, No Longer Empty, CB3's partner in matching artists and spaces, is organizing a walking tour of the sites for Saturday June 4 2 – 3:30, meeting at 215 East Houston.

1. Arts education forum
no vote necessary
2. Support letter to rescind rescheduling of CSV's FY 12 Dept of Cultural Affairs award to FY 19
no vote necessary

Economic Development Committee Richard Ropiak gave this report. Walmart in Brooklyn was mentioned because SPURA allows for a supermarket, on which opportunity Walmart can bid. David McWaters: The sentiment at SPURA meetings was anti-Walmart because the appearance of a Walmart always wipes out small competitors. This site is 40-50,000 sq ft.

1. Presentation: Examining the Potential Impact of Walmart in NYC
no vote necessary
2. Creating a CB 3 template for recommendations to Lower East Side Employment Network
no vote necessary
3. LES BID-planned expansion to Bowery to Clinton from E Houston to Broome, Forsyth to Clinton between Broome and Grand, Allen to Clinton from Grand to Canal
no vote necessary

Land Use, Zoning, Public & Private Housing Committee

Monday, May 02, 2011 SPURA Meeting

1. Seward Park Project Planning: Discussion on the Essex Street Market
no vote necessary
2. Seward Park Project Planning: Continuation of Urban Design Discussion. Specifics to be provided on the CB 3's website or made available by calling CB 3 office a few days before date of meeting
no vote necessary

Monday, May 09, 2011 Land Use Meeting David McWaters reported on this meeting. David Crane asked if this was a ULURP that must be voted on. The answer was yes, separately, because the committee had a quorum but the board did not. DM explained that "disposition" does not mean "sale."

1. ULURP 110247PPM: 150 Essex St (B354, L12), Proposed disposition of City-owned property to facilitate renewal of existing lease to the Community Healthcare Network (CHN)
VOTE: ULURP 110247PPM for 150 Essex Street is approved unanimously
2. Variance Application (BSA Calendar No 24-11-BZ) affecting property located at 44 E 2nd St (Block 444, Lot 59). Application to allow construction of elevator and vestibule to make school accessible.
VOTE: The variance application (BSA Calendar No 24-11-BZ) affecting property located at 44 E 2nd St (Block 444, Lot 59) is approved.

(Land Use, Zoning, Public & Private Housing Committee) Monday, May 09, 2011 Meeting

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

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

Human Services, Health, Disability, & Seniors / Youth & Education Committee Did not meet.
no meeting scheduled

Chinatown Working Group: John Leo gave a report on June 2 and June 13 meetings. Information is at www.chinatownworkinggroup.org

A vote was taken on everything except Transportation, # 3, which was postponed to July, and SLA, #s 20 and 22, which were pulled for a separate vote.

Members Present at Last Vote:

David Adams	[P]	Linda Jones	[A]	Barden Prisant	[A]
Karen Blatt	[P]	Vaylateena Jones	[A]	Carolyn Ratcliffe	[P]
Jimmy Cheng	[P]	Meghan Joye	[P]	Joyce Ravitz	[P]
David Conn	[P]	Joel Kaplan	[A]	Lois M. Regan	[A]
David Crane	[P]	Carol Kostik	[P]	Janet Riesel	[P]
Andrea Diaz	[P]	John Leo	[P]	Carlina Rivera	[P]
Natasha Dillon	[P]	Ricky Leung	[P]	Richard F. Ropiak	[P]
Harvey Epstein	[P]	Sam Leung	[A]	Susan Scheer	[A]
Morris Fajtelewicz	[A]	Gigi Li	[P]	Nancy Sparrow-Bartow	[P]
Flora Ferng	[A]	Bernard Marti	[P]	Mary Spink	[A]
Rabbi Y. S. Ginzberg	[P]	David McWater	[P]	Gary Tai	[A]
Gloria Goldenberg	[A]	Charlotte Miles	[A]	Elinor Tatum	[A]
Jan Hanvik	[P]	Alexandra Militano	[P]	Rodney Washington	[P]
Herman F. Hewitt	[P]	Chiun Ng	[P]	Jack Waters	[P]
Simon Huang	[A]	Ariel Palitz	[A]	Justin Yu	[A]
Carolyn Jeffers	[A]	Thomas Parker	[P]	Thomas Yu	[A]
Anne K. Johnson	[P]	Dominic Pisciotta	[P]		

Meeting Adjourned 9:50 PM.