



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD NO. 3

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Dominic Pisciotta, Board Chair

Susan Stetzer, District Manager

June 2011 Full Board Minutes

Meeting of Community Board #3 held on Tuesday, June 28, 2011 at 6:30pm at PS 20, 166 Essex Street.

Public Session:

DP announced a limit of 6 speakers per side of an issue. If there is time at the 1-hour time limit, more might be admitted. He asks that all respect the 2-minute time limit.

PATRICE JONS from the US Census Bureau spoke about ongoing surveys being done in the area and about free workshops being done by the Bureau. She had brochures to hand out.

TERESA HAGAN talked about the Peach Tree Garden and the decision to be excluded from Green Thumb. They clean out the vacant lot and remove snow and wonders why some have keys for access to the lot and others don't. Lisa Kaplan of Rosie Mendez' office, per Susan Stetzer, to be alerted re this. She asks CB3 for an arbitrator to settle the issue. SS: It's a complicated issue that's been developing over a long time related to problems internal to the garden. She, Lisa, and Green Thumb have been in touch and are organizing a conference call.

EILEEN JOHNSON of the Little Missionary's Day Nursery is petitioning to co-name St. Mark's Place between 1st Avenue and Avenue A "Sara Curry Way" after the woman who took in immigrant children and fed them and their parents and otherwise supported them in what became NYC's oldest day care center.

ANDREA NICOLAY, manager of the Chatham Square Library thanks CB3 for its support. SS asked the Central Library for statistics for the District Needs Statement. She will get this information to SS.

PAUL BARTLETT asked a) the role of Public Members' ability to speak at Full Board Meetings and the wisdom of the 6-speaker limit, and b) the loss of performing arts venues in CB3, that were lost to bars and restaurants. The Arts Task Force is addressing this issue and asks the board to continue to address the need.

CRYSTAL FIELD of Theater for the New City asks for approval of the grant of \$100000+ grant from Con Edison for redoing the heating system of their Johnson Theater, the big one. This renovation will lower the carbon emissions to the equivalent of planting 140-200 trees. She gave details of current heat wastage, and how a cool roof will help reduce this.

DP asked others here to speak for the theater to stand and show support. 13 stood.

KEVIN MARTI (sp?), an actor at the theater, spoke in favor of the grant.

MARY KRAPF asked for support for the system as engineers assure it will greatly reduce pollution. Neighborhood people can attend events at TNC as they're affordable.

ROCHELLE PASHKI lauded the affordable and free events produced by TNC and believes the audiences should have air conditioning in summer and heating in the winter.

EDWARD SHEA, a TNC board member and resident of 12th and Avenue A, says this project all adds up and says "ditto" to what Crystal said. BINA SHARIF, a playwright at TNC, lauds TNC as one of the few places that supports developing artists. She has innumerable worries besides producing. Her worst worry in the winter is heating.

MARY ANN MAIKISH spoke of TNC's afterschool program in the community, another important reason for adequate heating and ventilation.

PHILIP VAN AVER of LESPI spoke on the proposed Historic District. Landmarks Preservation Commission did an in-house study in approximately 2004 of an area north of Houston Street. He wants to put to rest a false rumor that there is a \$5000 fee to renovate landmarked buildings when in fact fees are pro-rated

MARIE BEIRNE is a historic preservation activist working on an oral history project of Peter Cooper Villager/Stuyvesant Town. With the Lower East Side Preservation Initiative, she is working on a documentary film about important cultural figures in the area to effect the designation of this new historic district.

TRACY RACZE and JOE KESHNER spoke in favor of the Con Ed Task Force grant application to plant trees and flowers as a street buffer, as no other street is as impacted by Con Ed as this street, which she described as the "driveway" for Con Ed, turning the street into an area where no trees survive. They have leveraged other funds for maintenance.

BONNIE HULKOWER is in of Piney Woods proposed for 34 Avenue A as a place for excellent cutting edge music so she doesn't have to go to Williamsburg to hear such music.

BOB SISCO is a member of the congregation of an LES synagogue and is against the wholesale landmarking of a whole district as it would raise the cost to small organizations of doing business, would impose bureaucracies, renovations, etc.

BRAD BURGESS wonders what public speaking rights come with public membership. With the Living Theater, he was alarmed to return from Europe to learn the Kansas arts council was disbanded. A cultural dialogue will reduce alcohol and public nuisance problems through culture and education.

DB addressed the Public Member issue, saying the major input is to give expertise at the committee level.

MARK JOHNSON spoke against a bar at 34 Avenue A. The owner says it is an arts/music venue but it is not, it is a bar.

KEVIN DONOVAN opposes Piney Woods at 34 Avenue A. People who oppose it aren't against the arts. They are opposed to the mathematics which dictate that the bar must sell x-amount of liquor to be profitable, and the people who wander beyond the security area after drinking. "Too much is too much."

ELKE HOFMANN read a statement from the applicant to 34 Avenue A. He met with a music curator who would put together a music program reflective of the values that brought him to Avenue A 30 years ago. He wishes to erase the stain left by Aces and Eights, which was there before. They've participated with 2 dozen arts organizations.

ANN SHIELDS, who has lived in the East Village for 27 years and lives a block from 34 Avenue A, supports Todd Patrick's application for 3 Avenue A, so there will be a rich arts scene as there used to be.

BOB KREIZEL asked people opposed to 34 Avenue A to stand. DP counted 21. As a resident suffering many years of noise on Avenue A, he's concerned about quality of life and peace of mind. This is a place now where people want to come and drink and party all night. When done with the bars, they filter down the street. They don't go home. He is a musician and works for the Ford Foundation and believes the owner should open a music venue, not a bar.

SAMARA LUBELSKI, sympathetic to the issues of sound and noise, is a musician who has worked with Todd Patrick for 7 years and can vouch for his word when he says he's bringing a responsible art space to Avenue A.

TAMARA SANDY, a working artist in the neighborhood for many years, opposes the 34 Avenue A application. Her art friends work multiple jobs and must catch up on sleep and grab a few hours to work. TNC proves we don't need alcohol to enjoy the arts. We should be able to keep our windows and shades open at night. Avenue A shouldn't be an all night entertainment district.

MERI MICARA opposes 34 Avenue A, referring to CB3's public benefit policy, as she can see no public benefit from another bar/restaurant. There is already a higher concentration than in any other neighborhood of for profit and not for profit music venues. She listed many of them.

ELLIOT ARUNOW has lived here for 7 years and worked in music for longer. Supporters of this venue also decry the decline of the neighborhood. His artists are not MTV-style artists appropriate to Mercury Lounge but cutting edge artists. This will be a true art space.

YALE EVELEV of Luaka Bop label asked people in support of 34 Avenue A to stand or raise their hands. DP counted 35. This will not be a frat bar.

ETHAN SWAN of the New Museum has known Todd Patrick for 13 years and knows a bare bones version he did of what will be Avenue A. He thinks young people will have to go to Williamsburg to experience the types of music events that will be featured here.

DAVID MCWATER spoke from the floor to say that Paul Bartlett was told he couldn't speak on this issue, therefore Susan Stetzer shouldn't be allowed to speak. DP stated that such a rule about DM as quoted does not exist in bylaws.

SUSAN STETZER: Speaking as a neighborhood resident across the street from 34 Avenue A, she knows that 34 people impacted signed a statement against the application, and none signed in support. Those who showed up in support don't live in the affected area. If we consider the existence of music to be a public benefit, CB3 does not live up to its responsibilities to represent the impacted community. Another venue was turned down by CB3 because it had an art exhibit space attached. Turning down this application would be consistent with that.

DALE GOODSON, a working artist, also laments the loss of arts venues, but opposes this application because this new application is in a resolution area. He cites Super Dive and Aces and Eights and believes this will be a repeat of that. This is not the way to revitalize a neighborhood. It does nothing for residents of the block.

JONATHAN BOYARIN opposes the application as neighborhoods starved for night life could use a bar like this, but not this neighborhood. Bar owners should work with the neighborhood.

SUSAN HOWARD came to speak against the 34 Avenue A application but instead, will fight the rule of 6 people speaking for or against an issue. She doesn't believe in people being counted, instead of being heard. She likes Phil Hartman as a really nice guy, but cites the 35 other nearby music venues.

ANNE JOHNSON as a former CB3 Chair cites the fact that it was always the Chair's prerogative to decide who and how many would speak on any issue.

PAUL POLOW spoke in favor of 34 Avenue A, saying opposition is due to fear of the unknown. He knows Todd Patrick personally and professionally and can vouch for his concern for the neighborhood. He hates noise as much as anyone but believes in the owner.

Public Officials:

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

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

Comptroller John Luj, Sandra Ung: No report.

Borough President Scott Stringer, Alec Schierenbeck: He spoke about the passage of the marriage equality law and of the necessity to repeal the Defense of Marriage Act. They just released a study "Tenants and Toxins" about the burning of dirty oil. These boilers are largely located in rent-controlled buildings. An aggressive loan program is needed to make boiler upgrades affordable. Copies of the report are with him and in the lobby. An audience member asked about hydrofracking. Alec said he is strongly against it and was featured in the movie Gasland as such.

Congressmember Jerrold Nadler, Daniel Weisfeld: No report.

Congressmember Nydia Velazquez, Iris Quiñones: She read from a report which is available in the lobby

Congressmember Carolyn Maloney, Victor Montesinos: No report.

Assembly Speaker Sheldon Silver, Zach Bommer: Assemblyman Silver spoke. He thanked the Community Board and the citizenry for working on the major victory for New York, leading the nation once again. He said rent regulation was renewed in 1993, 1997, and 2003. Concessions had to be made to get that. Joe Bruno vowed to end it in 2003. It didn't happen, but concessions were made to the real estate industry. No concessions were made this time. In fact, the regulations were expanded and enhanced.

Assemblymember Deborah J. Glick, Sarah Malloy-Good: She introduced herself as the new liaison to CB3. Copies of the report are in the lobby.

Assemblymember Brian Kavanagh, Leslie Peña: They are very happy about the marriage equality act and with the legislative season overall. They held a book drive and received over 1600 books so students had several books to choose from to read over the summer. Newsletters are available in the lobby. SS asked what the followup is to free mammograms. Leslie will get back to her.

State Senator Daniel L. Squadron, Jordan: They are very pleased about the marriage equality bill, as well as the passage of rent regulation, and an ethics bill. His newsletter is available.

State Senator Thomas K. Duane, John Bartos: They are pleased that the marriage equality bill passed and thanks CB3 for its strong support. DP thanked the Senator.

Councilmember Margaret Chin, Matthew Viggiano: Margaret wants to thank all District 1 residents who showed up to support the rescinding of cuts to senior centers, firehouses, day care, etc. District 1 had more petitions, more people showing up, etc. She would have liked to see a freeze on rent increases or at least lower increases. Forsyth between Stanton and Rivington is being voted on tonight with a name change to Harry Weider Way. Flyers are available in the lobby.

Councilmember Rosie Mendez, Michele Burger: Rosie has been working on strengthening rent laws and keeping rents affordable. Libraries won't be open less than 5 days a week. There will be no teacher layoffs or firehouse closing. There is a GOLES hearing on tenant abuse.

DAVID MCWATER called a point of order, asking why Paul Bartlett was not allowed to speak because he is a Public Member. DP explained that he signed up after the 6 people who were going to speak had signed. David Crane says Paul Bartlett misunderstood, that he was not allowed to speak because he was not one of the first to sign up, NOT because he is a Public Member.

JOHN LEO passed out election forms. 35 members voted. JL gave results at 9:05 PM.

Members Present at First Vote:

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

Minutes:

Minutes of April 2011 were approved, as is.

Board Chairperson's Report:

Chairperson Dominic Pisciotta

All board members should be assigned to at least one committee. If anyone is not, they should inform DP. The Con Ed Task Force needs new members. Some will be appointed and should accept.

We should acknowledge all public officials who got the marriage equality bill passed. He has been working on this issue since 1999. His family is excited and happy and yes he will be getting married at some point.

District Manager's Report:

District Manager Susan Stetzer

We have been fighting the \$8000 cut to the Community Boards and it is now being restored by OMB. This was supported by elected officials as well as OMB and should be seen as a sign of confidence and respect for community boards.

The calendar for Budget Consults to meet with various city agencies is available here and members are very encouraged to attend meetings with agencies they are interested in. This is the best way to understand the budget process.

The CB3 outreach brochure is now available in Spanish, English, and Chinese.

Demolition for 51 Astor Place will start soon and will last -17 months.

District Needs Statement will be voted on in July, so all the committees must finalize their statements.

The rapist of Sara Roosevelt Park was let out on bail. This was a judge's decision.

Committee Reports:

Executive Committee

no vote necessary

The Chinatown Working Group and its zoning subgroup were discussed. There is discussion about expanding its boundaries. DP will write a letter stating that we do not want SPURA to be included in the expanded boundaries

of 197A.

Human Services, Health, Disability, & Seniors / Youth & Education Committee: No report.

1. Review District Needs Statement & Create Budget Consultation Agenda
no vote necessary
2. Presentation: new changes in ADA law
no vote necessary
3. Common Ground presentation on services at The Andrews, 197 Bowery
no vote necessary
4. Presentation: City funding of JROTC in schools
no vote necessary

Con Edison Task Force: Carol reported on the 2 resolutions. The next meeting in September will review the guidelines and define the next round. Vaylateena Jones asked if the task force was aware of trees to which some people have allergies. Carol said "yes." John Leo: There can't be a release of funds if stipulations are put on these resolutions. TNC has a stipulation. JH asked if \$5000 maintenance was enough. A resident spoke of a tree guarantee, an environmental committee, a rain catchment system, etc. They're VERY aware of it.

- New Proposal Final Review and Vote
- a. Theatre for the New City -- HVAC Upgrade/Cool Roof (\$110,000)

VOTE: WHEREAS The Con Edison Settlement Fund (the "Fund") was established as an outcome of the Article X East River Power Plant Repowering Project, and

WHEREAS the Supplemental Joint Stipulation dated March 13, 2002 (the "Stipulations") establishing the Fund provided for monies to be used to write down the cost of fuel-switching for certain generators during the winter months, within certain price parameters and at the direction of Manhattan Community Board #3 ("CB3"), and separately to subsidize the cost of conversions to steam heat, if feasible conversions can be identified, and separately, other items of work that do not pertain to this Resolution, and

WHEREAS the Stipulations also provided for CB3 to recommend alternative uses for the Fund for "alternative air quality improvements in the general neighborhood of the East River Complex" [stipulation #7], and for alternative community benefit projects, except no such projects may be funded, "unless they assist the local community in in the development and implementation of projects such as local air quality improvement, health improvement, or amenities programs in the general vicinity of the East River Complex," and

WHEREAS in each case of an alternative proposal, it must be identified by CB3 and the City of New York and approved by Con Edison as "prudent expenditures" [stipulation #8], and

WHEREAS CB3 has created the Con Edison Task Force to administer the process of reviewing potential alternative uses and recommending them to the full CB3 for a vote, and

WHEREAS application guidelines were initially adopted by the Task Force in 2009, and revised in 2011, in each case posted on the CB3 web site and publicized at multiple CB3 meetings, and

WHEREAS this proposal review process was established so that the process was fully transparent; dates and criteria were clearly identified; the process was fully public and decisive and applied equally to all proposals; and all activities of the Task Force complied with Open Meetings law, and

WHEREAS the current application cycle began with an April 15, 2011 application deadline, and three applications were received with a total funding request of \$1,377,475, and

WHEREAS the Task Force met on May 16th and conducted an initial review of each application, identifying questions and additional information needed for each applicant, and each applicant was requested to submit the supplementary materials by May 26th for the June 14 Task Force meeting, and agreed to do so, and

WHEREAS an application was received on March 31st from the Theater for the New City ("TFNC") for a total of \$110,000 to fund (a) renovation of HVAC systems for two of it's four theater spaces, and (2) roof repairs and "Cool Roof" surface treatment for the roof of one theater, in conjunction with a New York City energy efficiency program, and supplemental materials were received by the May 26th deadline, and such materials were reviewed and evaluated according to the CB3 guidelines, and

WHEREAS TFNC is a long-standing community arts organization located on First Avenue and 10th Street, in a building which it bought in 1986 and renovated into a four-theater complex, and plays an active role in community arts including environmental education-related arts events, and

WHEREAS one of the four theaters for which funding is requested, the Johnson Theater, is heated with a garage heater that cannot be used during performances, and the other, the Community Theater, does not have an independent heating system and is inefficiently heated together with a lobby space; and the project further will fund patching of the Cino Theater roof and painting the roof white as an energy efficient "Cool Roof" in coordination with NYC's Cool Roofs Program, and

WHEREAS TFNC's engineer has prepared detailed specifications and received bids from four contractors, two of which fit within the proposed budget and a third which TFNC believes will be negotiable to the budget amount, and

WHEREAS an energy engineer (Frank Magnotti, Comverge), provided an estimate that the Johnson Theater retrofit would lead to carbon dioxide emissions reduction of 46-72,500 pounds annually, the equivalent of planting 140-220 trees, and would be eligible for a rebate from Con Edison for reducing the power load; and the "Cool Roof" would further reduce energy consumption and advance conservation goals of the City directly and as a conspicuous participant, and

WHEREAS TFNC has identified \$81,500 additional funding being sought for this and other HVAC work, however only a portion has been actually received, and the project cannot move forward unless a \$50,000 grant from the New York State Council on the Arts is awarded, or substitute funds secured in this amount,

THEREFORE the Community Board finds that the TFNC project will improve air quality in the neighborhood of the East River Power Plant, reduce load on the electrical system and provide local leadership for the City's "Cool Roofs" program and therefore awards funding to TFNC in the amount of \$110,000 for the work identified in its proposal of March 31, 2011 as modified on May 26, 2011, subject to TFNC receiving a firm award of \$50,000 for this work from the New York State Council on the Arts or another source by December 31, 2011 and providing evidence of this funding to the Task Force for review and acceptance.

b. 14 BC Coop -- East 14th Street Buffer and Trees (\$151,000)

VOTE: WHEREAS The Con Edison Settlement Fund (the "Fund") was established as an outcome of the Article X East River Power Plant Repowering Project, and

WHEREAS the Supplemental Joint Stipulation dated March 13, 2002 (the "Stipulations") establishing the Fund provided for monies to be used to write down the cost of fuel-switching for certain generators during the winter months, within certain price parameters and at the direction of Manhattan Community Board #3 ("CB3"), and separately to subsidize the cost of conversions to steam heat, if feasible conversions can be identified, and separately, other items of work that do not pertain to this Resolution, and

WHEREAS the Stipulations also provided for CB3 to recommend alternative uses for the Fund for "alternative air quality improvements in the general neighborhood of the East River Complex" [stipulation #7], and for alternative community benefit projects, except no such projects may be funded, "unless they assist the local community in in the development and implementation of projects such as local air quality improvement, health improvement, or amenities programs in the general vicinity of the East River Complex," and

WHEREAS in each case of an alternative proposal, it must be identified by CB3 and the City of New York and approved by Con Edison as "prudent expenditures" [stipulation #8], and

WHEREAS CB3 has created the Con Edison Task Force to administer the process of reviewing potential alternative uses and recommending them to the full CB3 for a vote, and

WHEREAS application guidelines were initially adopted by the Task Force in 2009, and revised in 2011, in each case posted on the CB3 web site and publicized at multiple CB3 meetings, and

WHEREAS this proposal review process was established so that the process was fully transparent; dates and criteria were clearly identified; the process was fully public and decisive and applied equally to all proposals; and all activities of the Task Force complied with Open Meetings law, and

WHEREAS the current application cycle began with an April 15, 2011 application deadline, and three applications were received with a total funding request of \$1,377,475, and

WHEREAS the Task Force met on May 16th and conducted an initial review of each application, identifying questions and additional information needed for each applicant, and each applicant was requested to submit the supplementary materials by May 26th for the June 14 Task Force meeting, and agreed to do so, and

WHEREAS an application was received on April 15th from the 14 BC Apartment Corporation ("14 BC") for a total of \$158,725 to fund construction of a series of approximately 13 generally raised beds for trees and other plantings, 10 of which would be new beds and three existing bed expansions, which would encompass the full block between Avenues B and C, and supplemental materials reducing the requested funds to \$151,000 were received by the May 26th deadline, and such materials were reviewed and evaluated according to the CB3 guidelines, and

WHEREAS the block covered in the application is East 14th Street between Avenues B and C, adjacent to the Con Edison plant, on the south side of the street, with a sidewalk width between 17 and 23 feet, and is a primarily residential block with a high-rise apartment building that is part of Campos Plaza and nine old-law tenement buildings, six of which together are 14 BC Apartment Corp., the applicant, a residential coop, and

WHEREAS the location of Con Edison steam pipes in close proximity to the sidewalk prevents the conventional planting of trees in sidewalk tree pits, and requires testing of conditions, permitting, and tree bed design that includes insulation and raised beds to create distance and protection from steam pipe heat, and

WHEREAS 14 BC has established definitively with the NYC Parks Dept. and the Lower East Side Ecology Center that the City does not undertake street planting under these conditions, and

WHEREAS 14 BC seeks to place street trees in elongated planting beds to create a buffer to noise and fumes from traffic, particularly related to the Con Edison plant in the next block; provide a barrier between the street and pedestrians, including playing children; enhance quality of life and community feeling on the block; and ensure street tree survival, and

WHEREAS 14 BC has identified and worked closely with a qualified vendor, Town and Gardens, that will perform the needed research, testing and permitting as well as construct and plant the beds, under 14 BC supervision, and has developed a preliminary site plan and budget with the vendor, and

WHEREAS while the trees and beds will be property of New York City, 14 BC has committed to tree and planting maintenance and watering, regardless of whether others on the block assist, and has raised \$5,000 as a reserve fund for this expense, and

WHEREAS 14 BC has reached out to Campos Plaza management and tenants association as well as NYCHA management, and has committed to working with all block residents and business owners to include them in the design process and maintenance of plantings, and

WHEREAS East 14th Street is a major corridor and the project will benefit not just residents of the block but pedestrian traffic (including Con Edison employees),

THEREFORE the Community Board finds that the 14 BC proposal addresses a full city block in immediate proximity to the East River Power Plant and will improve air quality, health and safety, and quality of life on the block, and awards funding of \$151,000 to 14 BC for the work identified in its proposal of April 15, 2011 as modified on May 26, 2011.

- c. Lower Eastside Girls Club -- Green Roof Corridor and Health Study (\$1,108,750)
no vote necessary

(Con Edison Task Force)

33 YES 1 NO 0 ABS 1 PNV (Excluding Item b) MOTION PASSED

Item b: 32 YES 1 NO 0 ABS 2 PNV MOTION PASSED

Transportation & Public Safety Committee: DAVID MCWATER suggests the "public safety" aspect of the committee address the issue of the "cop rape" by creating a resolution about sentencing. JOYCE RAVITCH agrees the cops should get the highest punishment possible. ANNE JOHNSON; The sentence may come down in a

month so we should consider this under New Business. DP recommends someone start writing the resolution and research the facts so it is strong.

1. Review District Needs Statement & Create Budget Consultation Agenda
no vote necessary

2. Street co-naming: St Marks Pl (1st Ave & Ave A) co-named Sara Curry Way

VOTE: Resolution to Support "Sara Curry Way" Co-Naming for One Block of St. Marks Place

WHEREAS, Sara Curry founded the Little Missionary's Day Nursery in 1896 in a small apartment on Avenue C, and in 1901, with the help of generous benefactors, she purchased 93 St. Marks Place. Over 200 children a day were cared for at the Nursery while their parents, mostly immigrants, worked and tried to improve their lives. Sara Curry dedicated her life to providing child care for the working parents of the Lower East Side. In addition, she created a haven for families of all races and religions at the nursery and clothed and fed many who otherwise would have gone hungry. Short in stature, she was known as "the Little Missionary," hence the name of the school. Until her death in 1940, Miss Curry continued to serve the community. Over the years, the Nursery has been a place of support and sustenance to children and parents; and

WHEREAS, A petition for co-naming St. Marks Place between First Ave and Ave A as "Sara Curry Way" demonstrated substantial neighborhood awareness and support. The petition gathered about 350 signatures from the block, which only has 278 residences and 37 businesses; now

THEREFORE, BE IT RESOLVED, that CB3-Manhattan supports co-naming St. Marks Place between First Ave and Ave A as "Sara Curry Way." Sara Curry's life work caring for the most vulnerable children exemplifies the spirit and sense of community of the Lower East Side.

3. Request for "No Standing during School Hours" or "No Parking during School Hours" signs by Comprehensive Kids Developmental School at 383 Grand St

VOTE: To postpone until July, asking the applicant to attend the Transportation Committee meeting.

4. DOT Update on 1st and 2nd Avenues Select Bus Service (SBS). VAYLATEENA JONES asked for the M22 where it intersects with the M15, that there be a request for a special stop there. DC: He understands the request, but it's not what the motion is about. We will pull this while DC works on language.

VOTE: Resolution Asking for Better Integration of M15 SBS Bus Stops with Various Local Bus Stops

WHEREAS, The M15 Select Bus Service (SBS) replaced the M15 Limited in Manhattan beginning October 10, 2010. In the CB3 district, the M15 local and SBS routes run along First and Second Ave, Allen St, Madison St and St James Pl.

WHEREAS, In the CB3 district, the M15 SBS stops are often several blocks from the M15 local bus stop and crosstown bus routes, which reduces rider options, making it difficult to transfer between M15 SBS and local routes or choose local or SBS as the bus arrives. NYCT service on these routes would be greatly improved if the stops were better integrated—perhaps adjacent, but certainly closer together; and

WHEREAS, special permanent raised platforms for SBS stops are going to be installed very soon; now

THEREFORE, BE IT RESOLVED, that CB3-Manhattan requests that NYCT and DOT promptly evaluate relocating or combining M15 local and SBS bus stops in our district so the M15 SBS stops would be better integrated with M15 local and various crosstown routes to provide riders with more options.

5. Local Spokes: Lower East Side/Chinatown Bicycling Coalition engages local residents to envision the future of bicycling in our diverse neighborhoods.

no vote necessary

6. Update on bus metering proposal

VOTE 1: CB3-Manhattan requests that DOT return to the July Transportation Committee meeting to continue the discussion of the bus metering proposal for parking/layover in Lower Manhattan below Houston St. We ask that prior to the meeting, DOT deliver a list of map of potential locations for bus metered parking/layover. DOT is designing a bus parking/layover survey in the CB3 district to collect additional data such as counts and lengths of observed bus parking/layover. We ask that DOT be prepared to present data about demand for bus parking/layover in our area, even if the results are preliminary.

VOTE 2: CB3-Manhattan requests that NYPD develop a plan to enforce the new regulations that DOT is implementing to create metered bus parking/layover spaces and disallow bus parking/layover in non-metered spaces. These new regulations would go into effect in Lower Manhattan below Houston Street before the Sept 11, 2011 opening date of the WTC memorial.

7. DDC: Installation of Trunk Water Main along Grand Street (Broadway to Essex Street) Project ID: MED606-R. Trunk Water Main Project. It is integral to energizing City water tunnel #3 that will feed the city fresh

water. There are also typical reconstruction activities that will also occur (including, but not limited to: sewer rehab, utility upgrades, some sidewalk reconstruction, etc)

no vote necessary

8. No Parking sign in front of driveway to ensure access at Immaculate Conception Church, 414 E 14th St
VOTE: CB3-Manhattan requests that DOT install "No Parking Anytime" signage in the active driveway of Immaculate Conception Church, 414 E 14th St. Cars have been parking there, blocking the active driveway, which does serve the school. The local precinct has requested the "No Parking" signage to facilitate enforcement.

9. Old Business: 9th Precinct request for No Standing on school days 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 – 9:30AM and 2 PM – 5:30 PM in front of 112-118 E 4th St.

(Transportation & Public Safety Committee)

35 YES 0 NO 0 ABS 0 PNV (Excluding Items 2 & 6-VOTE 2) MOTION PASSED

Item 2: 34 YES 0 NO 0 ABS 1 PNV MOTION PASSED

Item 6-VOTE 2: 34 YES 0 NO 0 ABS 1 PNV MOTION PASSED

Parks, Recreation, Cultural Affairs, Landmarks, & Waterfront Committee: Thomas Yu reported on 2 resolutions, 1 of them more-or-less housekeeping, on the "no new festivals" issue, and the other a Waterfront Subcommittee approval. Last night's Columbus Park meeting dealt with sound permitting and the arrest of a musician playing without a permit. A test policy is being tried. The elected officials will organize a concert with amplified sound where many musicians can participate.

1. Review District Needs Statement & Create Budget Consultation Agenda
no vote necessary
2. Update on meeting with sports field stakeholders regarding permit distribution
no vote necessary
3. Update on Parks operations projects
no vote necessary
4. Review Street Fair/Block Party Guidelines

VOTE: WHEREAS, the Mayor's Office will only allow the same existing 10 street festivals to be approved in CB3, and at the same locations; and

WHEREAS, CB3 recognizes these certain recurring events do not need review every year; and

WHEREAS, CB3 also recognizes additional Parks Committee guidelines can be streamlined to facilitate the approval process; and

THEREFORE BE IT RESOLVED, that CB3 will automatically approve the same existing 10 street festivals without the need for applicants to come before the committee, so long as no prior complaints or issues arise; and

FURTHER BE IT RESOLVED, that CB3 authorizes the CB3 office staff to automatically deny weekend block party applications that do not fall within a 9am to 9pm window, and recommend to the applicant to keep events within that time frame; and

AND LET IT BE RESOLVED, that CB3 authorizes the CB3 office staff to automatically deny block party applications that close major thru streets or reroute MTA bus traffic, unless they have exhausted all other alternative locations and routes.

5. Explanation of tree planting project at Village East
no vote necessary
6. Proposal to improve Coleman Skate Park
no vote necessary

Block Party Application

7. Community Access, 7/30, E 2nd St (Aves B & C)
no vote necessary
8. La MaMa's 50th Anniversary Celebration, 10/16, E 4th St (Bowery & 2nd Ave)
VOTE: To approve La MaMa's 50th Anniversary Celebration, 10/16, E 4th St (Bowery & 2nd Ave)
9. 9BC Tompkins Square Block Party, 9/17, E 9th St (Aves B & C)
VOTE: To approve the 9BC Tompkins Square Block Party, 9/17, E 9th St (Aves B & C).

10. Waterfront Subcommittee resolution

VOTE: WHEREAS, on June 14th, 2011, NYCEDC presented the Site Plan Referral for Waterfront Coalition for East River Esplanade South, Package III (which includes the esplanade section from Pike Slip to Pier 35 and Pier 35 itself) as a follow-up to its last presentation in July 2010 for the same area; and

WHEREAS, present plans include the following:

- In the Pike Slip area of the esplanade, two half-court Basketball courts and Patanque courts, with adjacent plantings;
- At Rutgers Slip, a step-down (lookout) to the water, with planters on either side;
- Seating will be provided along the esplanade from Pike Slip to the entrance of Pier 35;
- The entrance to Pier 35 will be raised 1-2 steps and the Pier will include outdoor exercise equipment, tables and seating, an Eco-park with shrubs, grasses, a dune scape, seating, swings at the pier end, a small performance area and a future pavilion of ca. 3,000 square feet;
- Areas for environmental education programs for children is a strong possibility and being looked into.

WHEREAS, the four month bidding process should be completed by December 31st, 2011, and construction on the site is to begin shortly thereafter;

WHEREAS, the area below Pike Slip to the Brooklyn Bridge is presently being designed, and funding is to be approved, including an area for fishing;

NOW, THEREFORE BE IT RESOLVED, that CB#3 approves and supports the proposed plans, providing that all aspects of the waterfront are fully ADA accessible, for the waterfront esplanade from Pike Slip to and including Pier 35 as outlined above.

Parks, Recreation, Cultural Affairs, Landmarks, & Waterfront Committee (Columbus Park Meeting)

- Event & Sound Permits in Columbus Park
no vote necessary

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

35 YES 0 NO 0 ABS 0 PNV MOTION PASSED

SLA Policy Task Force: Alex Militano: We're expecting a draft of "best practices" in the near future to attach. "Public benefit" is being defined. Population and license density and other factors will be plugged into a format to define "over-saturation."

- Implement policies and recommendations of SLA Policy Review Taskforce passed in February
VOTE: Having resolved on February 22, 2011, to enact various policies governing the approval of liquor license applications within Community Board #3, this community board now moves to put into effect the transfer policy as well as the criteria for review of applications, outlined in said policy statement, as of June 28, 2011.

The effective transfer policy will provide as follows: that business owners whose applications have been approved by resolution by this community board to on or before June 28, 2011, may be considered as "transferring" their businesses to new applicants provided that the new applicant

- 1) adopt the current stipulations as conditions of its license,
- 2) maintain the current method of operation, and
- 3) when they become available, adopt best practices recommendations for operating businesses that have been created by this community board

This transfer benefit will not apply to any business that has been inactive for two (2) or more years.

This transfer benefit will only apply to businesses that have been previously reviewed and approved by Community Board #3 and found to be operated by responsible business owners. This review will include a review of SLA reports and actions, NYPD violations and 311 and community board and community complaints regarding their businesses.

This transfer benefit will also apply only where the new applicants being reviewed by Community Board #3 are found to be responsible business owners who are compatible with the proposed application and this community. Responsible business owners who are compatible with the operation of a business in this community have been identified in the policy statement of February 22, 2011, as "experienced and

responsible for managing the business with the same method of operation, will be a good neighbor and does not have violations within the last two (2) years for any business he or she owns or manages."

The criteria for review of liquor license applicants will henceforth be prominently posted on the community board website as follows:

- 1) an evaluation of the location of the proposed business, which will include an evaluation of the nearby businesses including businesses of the same type, licensed premises within five hundred (500) feet, street size, zoning and complaints pertaining to the location; and
- 2) an evaluation of the proposed method of operation, including
 - a) the type of business,
 - b) whether or not the proposed business includes a restaurant or food service with kitchen or prep area and its proposed hours for serving food,
 - c) its hours of operation,
 - d) its certificate of occupancy and the proposed number of tables and seats,
 - e) its efforts to control noise from music and patrons, including proposed soundproofing and placement of sound systems, as well as noise emanating from any open doors and windows,
 - f) its efforts to control patrons and vehicular traffic in front of its establishment, and
 - g) whether or not there is a security plan and what it consists of
- 3) an evaluation of the experience of the applicant, including
 - a) his or her experience operating a business within the same community,
 - b) his or her experience operating any business,
 - c) his or her experience operating the same type of business within this or another community as that being proposed, and
 - d) his or her history with the SLA within the past three (3) years
- 4) evaluating the community involvement, including
 - a) whether the applicant has met with or contacted neighborhood and block associations,
 - b) whether there is community opposition or support for the proposed application as evidenced by residents who appear at community board meetings, signed petitions in support of or against the application, and block or neighborhood associations support or opposition, and
 - c) the proposed public benefit of any proposed business which will be within five hundred (500) feet of three (3) or more existing businesses

Public Benefit may be found where the majority of the operation of a business

- provides a good or service that is needed by the local community,
- provides unique goods or services not already in the local community,
- provides a cultural benefit or increases retail diversity,
- enhances the quality of life of the residents, or
- includes a conscientious business owner who would act as stabilizing force in the community

Courts have excluded jobs or tax revenue as being a public benefit.

(SLA Policy Task Force)

33 YES 2 NO 0 ABS 0 PNV MOTION PASSED

SLA & DCA Licensing Committee: AM'S CORRECTIONS NEED TO BE CHECKED. DP MENTIONED HE NO LONGER WANTS TO SEE RECOMMENDATIONS THAT VOTES GO TO FULL BOARD. CHECK HIS WORDING OF THIS.

1. Review District Needs Statement & Create Budget Consultation Agenda
no vote necessary

Renewal with Complaint History

2. Culturefix (ADSCAS LLC), 9 Clinton St (wb)

VOTE: To deny the renewal of a full on-premise liquor license for ADSCAS LLC, doing business as Culturefix, for the premise located at 9 Clinton Street, because 1) this applicant originally applied for a beer wine license for a two-story gallery, tavern and electronics store and was denied at its Community Board #3 committee hearing because members were unconvinced that a beer wine license would be ancillary to the limited food service or would merely act as an amenity to an art gallery rather than becoming the primary method of operation, there was no table seating in the one large two (2) story room which the applicant identified as an art gallery and lounge space, and the applicant was seeking to employ DJs twice a month, which had not been indicated in its application, and planned to install six (6) speakers as part of its music system, 2) subsequent to the committee vote to deny its original application, this applicant asked to withdraw and appear again but failed to appear before the community board after serving notice and being calendared on the May 2010

agenda, 3) after one (1) year of operation, this applicant now appears before this community board with persistent complaints of loud late night music from neighboring tenants and a pending nuisance abatement from this month based upon sales of alcohol to minors and unlicensed security.

Applications within Resolution Areas

3. CastleBlade, 17 Clinton St (alt/wb/addition of seats and space)

VOTE: To deny the alteration of the full on-premise liquor license for CastleBlade, doing business as Frankie's Sputino, 17 Clinton Street, to wit extending its beer wine license to the adjacent storefront at the same address, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will continue to operate as a full-service Italian restaurant, consistent with its operation of the past five (5) years, 2) its hours of operation will continue to be from 5:00 P.M. to 12:00 A.M. Sundays through Thursdays and 5:00 P.M. to 1:00 A.M. Fridays and 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, and 4) it will not have French doors or windows. 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 five (5) year history operating this business without incident, and 2) this is an alteration to extend its existing beer wine license into an adjacent storefront which it has been operating as an addition to its business for the past two (2) years and, consequently, an expansion of its license would have little impact on the surrounding area.

4. To Be Determined, 14 Ave B (op)

VOTE: WHEREAS, a corporation to be determined, with principal M. Breinich, is seeking a full on-premise liquor license at 14 Avenue B, between Houston and 2nd Streets; and

WHEREAS, the method of operation of this proposed business as a tavern restaurant brew pub with beer retail, with a full on-premise liquor license, with two (2) bars, each twenty-four (24) feet in length, hours of operation from 11:00 A.M. to 2:00 A.M. Sundays, 4:00 P.M. to 2:00 A.M. Mondays to Wednesdays, 4:00 P.M. to 4:00 A.M. Thursdays and Fridays and 11:00 A.M. to 4:00 A.M. Saturdays, and a limited menu of appetizers and sandwiches indicate that it will operate consistent with a late night bar; and

WHEREAS, while the applicant states that this application will be a transfer of an existing full on-premise liquor license, 14 Avenue B was previously operated as a club doing business as Butterfly, which had a history of citations for unlicensed security, unlicensed cabaret, unlicensed sidewalk café, after hours consumption, disorderly conduct, exceeding its capacity and noise prior to closing and which has been closed since 2007 and, consequently, Community Board #3 views this application as new; and

WHEREAS, there are at least sixteen (16) full on-premise liquor licenses within five hundred (500) feet of this location, as conceded by the applicant; and

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

WHEREAS, Community Board #3 has for years mediated complaints from residents regarding the noise and congestion that has resulted from the existing businesses on Avenue B between Houston and 4th Streets; and

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

WHEREAS, while the applicant has asserted that the operation of a brew pub would be a public benefit to this community as this location would be the second brew pub in Manhattan, Community Board #3 cannot see the addition of another premise with a full on-premise liquor license, operating principally as a bar or tavern, as a public benefit in this neighborhood where there are so many licensed premises and so many enforcement issues as a consequence; now

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the application to transfer the full on-premise liquor license located at 14 Avenue B to a corporation to be determined, with principal M. Breinich.

5. To Be Determined, 34 Ave A (op): A hand vote was taken on this item at 9:40 pm. Overwhelmingly in favor of denying, maybe 5 opposed to denying. HERMAN HEWITT moved the first motion. Joyce Ravitch

seconded. DAVID MCWATER voiced the opinion that this vote is still arbitrary, whereas community benefit can't be proven, yet some applications are approved and some denied. ANNE JOHNSON mentioned the importance of such venues for young artists, and says she got a liquor license approved because she knew the venue would not be a cause of trouble. HERMAN HEWITT: The CB's job is not to protect people's investments, but to benefit the community. ARIEL: This project brings back "old New York" with its venues that support the arts. DAVID CRANE: There's no license there now and we don't need to create another one. HARVEY EPSTEIN: His windows face that location. What will go in there? The owner put in the cinema, not to make money, which he lost, but because he thought it was the right thing for the community. ALEX MILITANO: Commenting on the committee's work is different from sitting in the committee for many months. The owner asked the committee to trust his judgment on who he was selling to. It was Aces and Eights, which resulted in a lot of problems. DAVID CONN says denial of 200 Avenue A and approval of 34 Avenue A, a similar case, weakens CB3 because it makes it inconsistent. HERMAN HEWITT: It was revealed that Phil Hartman, although respected in the community, is not the majority shareholder and can't make major decisions re this venue. DP: Emotions are difficult to disentangle from technical issues but it needs to be done.

VOTE #1: To deny the application for a full on-premise liquor license for a corporation to be determined, with principals Phil Hartman and Todd Patrick, for the premise located at 34 Avenue A, because 1) although the applicant has stated that it intends to operate a business which will be fifty percent (50%) tavern restaurant and fifty percent (50%) performance space, the method of operation as a two-story eating and drinking establishment with bars on both floors, a closing time of 4:00 A.M. every night and one (1) to two (2) security guards per night is more consistent with a late night restaurant bar which is of no public benefit in a neighborhood already overwhelmed with late night restaurants and bars, 2) there are already fifty-six (56) licensed establishments along Avenue A, from Houston to 14th Streets, as well as at least fifteen (15) full on-premise liquor licenses within five hundred (500) feet of this location, as conceded by the applicant, 3) residents of the immediate area complain of late night noise from patrons and existing businesses, as well as overwhelming traffic congestion at night, and the limited enforcement resources in Community Board #3 cannot accommodate the additional people from another later night venue, 4) one of the principals, Phil Hartman, sold this location to the prior tenants, Aces & Eights, who operated their business as a bar lounge, contrary to their agreement with this community board and in violation of Department of Health regulations, was closed by the Department of Health, denied a liquor license by the SLA and, consequently, this is an unlicensed location, and 5) Phil Hartman has had open violations at other businesses he has operated for operating outside of the Certificate of Occupancy.

6. JujoMukti Tea Lounge (JujoMukti Inc), 211 E 4th St (wb)

VOTE: To deny the application for a beer wine license for JujoMukti Inc., doing business as JujoMukti Tea Lounge, 211 East 4th 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 tea lounge with an expanded menu, serving food to within one (1) hour of closing, 2) its hours of operation will be from 5:00 P.M. to 10:00 P.M. Sundays through Thursdays and 2:00 P.M. to 12:00 A.M. Fridays Saturdays,; and 3) it will play ambient background music only, consisting of recorded music and unamplified acoustic music, and not have DJs, scheduled performances or any event at which a cover fee will be charged. Community Board #3 is approving this application although this is a location in an area with numerous licensed premises because, based upon that testimony of patrons who appeared in its support, this is an existing business which functions as a cultural center that provides business and healthy lifestyle development to its patrons, as well as poetry and acoustic performances, and the provision of beer and wine is intended to support the continuation of these programs.

7. The Saint Mark's Red House (TTD& G LLC), 115 St Marks Pl (wb)
withdrawn

8. MAT NA Bar and Grill (6 St Marks Restaurant LLC), 6 St Marks Pl (wb)

VOTE: WHEREAS, 6 St Marks Restaurant LLC, is seeking to obtain a beer wine license for a Korean Japanese grill restaurant, with a proposed business name of MAT NA Bar and Grill, to be located in the previously unlicensed first floor of a four (4) story building, at 6 St. Mark's Place, between Second and Third Avenues; and

WHEREAS, the proposed method of operation of this business is as a Korean Japanese grill restaurant, with hours of operation of 5:00 P.M. to 2:00 A.M. Sundays through Wednesdays and 5:00 P.M. to 4:00 A.M. Thursdays through Saturdays; and

WHEREAS, there has been demonstrated consistent opposition to the addition of any other liquor licenses on this block of St. Mark's Place, located between Second and Third Avenues, because, there are already at least sixteen (16) liquor licenses on this single block, as conceded by the applicant; and

WHEREAS, there has been opposition to the approval of this application from the St Marks Place Block Association and the tenants association of the neighboring building, 8 St Marks Place, because

of conditions of overwhelming noise from patrons and garbage from existing businesses on the street, as well as from the concerns about how the other commercial floors of this building have been operated; and

WHEREAS, the numerous existing nighttime establishments have resulted in significant noise and vehicular and pedestrian traffic, conditions which have been specifically targeted for enforcement by the Ninth Precinct through the Model Block Program and which has resulted in a request by the previous commanding officer of said precinct that no new liquor licenses be issued on this street; and

WHEREAS, there are now numerous Korean and Japanese restaurants on this one (1) block of St. Marks Place and, consequently, there is no commercial benefit in approving a beer wine license for this applicant; and

THEREFORE, BE IT RESOLVED that Community Board #3 denies the application for a beer wine license for 6 St Marks Restaurant LLC, 6 St. Mark's Place, first floor.

9. EHD II Restaurant LLC, 120 Rivington St (op). This is the only applicant that did not supply a stipulation. **VOTE:** To deny the application for a full on-premise liquor license for EHD II, 120 Rivington Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will continue to operate as a full-service American restaurant, serving food to within one (1) hour of closing, 2) its hours of operation will be from 10:00 A.M. to 12:00 A.M. Sundays through Thursdays and 10:00 A.M. to 2:00 A.M. Fridays and 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, and 4) it will close any doors and windows at 10:00 P.M every night. Community Board #3 is approving this 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 another restaurant in the same area without incident, and 2) there is an existing restaurant at this location operating with a full on-premise liquor license.

Sidewalk Café Applications

10. Bistro Nomad (78 Second Ave Sandwich Shop, Inc), 78 2nd Ave (alt/expansion of sidewalk café to 10 tables and 21 chairs)

VOTE: To approve the application for the alteration of an existing sidewalk café permit for 78 Second Avenue Sandwich Shop Inc., doing business as Bistro Nomad, 78 Second Avenue, to wit increasing the overall footprint of the café consistent with the submitted plans and expanding the seating to ten (10) tables and twenty-one (21) seats, because the applicant has signed a change agreement which will become part of its DCA license that 1) the café will consist of ten (10) tables with twenty-one (21) seats, and 2) it will close its café no later than 11:00 P.M. Sundays through Thursdays and 12:00 A.M. Fridays and Saturdays.

Alterations/Upgrades

11. The International Bar (Get Ur Dun EZ LLC), 120 1/2 1st Ave (alt/op)
VOTE: To approve the alteration of the full on-premise liquor license for Get Ur Dun EZ LLC, doing business as The International Bar, 120½ First Avenue, to wit reducing the backyard size by half and reducing the seating in the backyard from three (3) tables and twelve (12) seats to two (2) tables and eight (8) seats.

New Liquor License Applications

12. Company, 242 E 10th St (op)
withdrawn
13. St. Jerome's (Rivington Wine and Cheese), 155 Rivington St (op)
withdrawn
14. Café 81, 81 E 7th St (op)
withdrawn
15. Karczma (Karczma NY Inc), 178 2nd Ave (op)
withdrawn
16. Empellon, 105 1st Ave (op)
withdrawn
17. Foundation, 137 Essex St (op)
withdrawn
18. Luzzo's (Luzzo's East), 211-213 1st Ave (op)
withdrawn
19. Bar Veloce (175 2nd Ave Corp), 175 2nd Ave (op)
VOTE: Understanding that the applicant is combining its two (2) existing businesses, presently doing business as Bar Veloce and Bar Carrera, at 175 Second Avenue, also known as 245 East 11th Street, Storefronts 2, 3 and 4, Community Board #3 moves to deny the application for a full on-premise liquor license for 175 Second Avenue Corp., with a proposed business name of Bar Veloce, 175 Second Avenue, also known as 245 East 11th Street, Storefronts 2, 3 and 4, 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 tapas wine bar, serving food during all hours of operation, 2) its hours of operation will be from 8:00 A.M. to 3:00 A.M. all days, 3) it will close any

façade doors and windows at 11:00 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.

20. Slices Group, Inc., 248 E 5th St (op)
withdrawn

21. Maslawala, LLC, 179 Essex St (wb)

VOTE: To deny the application for a beer wine license for Maslawala LLC, with a proposed business name of Maslawala, 179 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 Indian restaurant, serving food during all hours of operation, 2) it will serve beer and wine no later than 1:00 A.M. Sundays through Tuesdays and 2:00 A.M. Wednesdays through Saturdays, 3) it will close any façade doors and windows at 10:00 P.M. every night, 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, and 5) it will close its outdoor area within its building line, consisting of four (4) tables and eight (8) seats, no later than 11:00 P.M. every night.

22. Agua Clara Restaurant Corp, 202 C-D Rivington St (wb)
withdrawn

23. Ichibantei LLC, 401 E 13th St (wb)
withdrawn

24. Cooper Craft & Kitchen (Trim Castle Corp), 87 2nd Ave (op)

VOTE: As this applicant has entered into a Memorandum of Understanding with the East Fifth Street Block Association (attached hereto), Community Board #3 moves to deny the application for a full on-premise liquor license for Trim Castle Corp., with a proposed business name of Cooper Craft & Kitchen, to be located at 87 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 an American comfort food restaurant, serving food during all hours of operation and having its kitchen operating during all hours of operation, 2) its operating hours will be from 11:00 A.M. to 1:00 A.M. Sundays through Wednesdays and 11:00 A.M. to 2:00 A.M. Thursdays through Saturdays, 3) any façade doors and windows will be closed no later than 11:00 P.M. every night and when music is playing, 4) it will play ambient background music only, consisting of recorded music, except that it may have DJs up to twelve (12) times per year for private parties only, and it will not have live music, promoted events, scheduled performances or any event at which a cover fee will be charged, and 5) it will designate an employee one of whose responsibilities will be to abate noise and crowd congestion on the sidewalk around the business.

25. To Be Determined, 245 A Eldridge St (wb) AM MADE A CORRECTION TO THIS ONE ALSO.

VOTE: To deny the application for a beer wine license for a corporation to be formed, with principal Zoe Feigenbaum, and a proposed business name of Zoe, to be located at 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 American restaurant, serving food to within one (1) hour of closing every night, 2) its hours of operation will be from 8:00 A.M. to 12:00 A.M. Sundays through Thursdays and 8:00 A.M. to 2:00 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.

26. Lasagna Restaurant, 140 Orchard St (op)
withdrawn

27. Sweet & Lowdown (Moontide Hospitality Inc), 123 Allen St (op)

VOTE: To deny the application for a full on-premise liquor license for Moontide Hospitality Inc., with a proposed business name of Sweet & Lowdown, 123 Allen 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 tapas wine and craft beer bar, serving food during all hours of operation, 2) its hours of operation will be from 5:00 P.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)

35 YES 0 NO 0 ABS 0 PNV (Excluding Item 5) MOTION PASSED

Item 5 (VOTE #1): 28 YES 7 NO 0 ABS 0 PNV MOTION PASSED

Arts & Cultural Affairs Task Force: No report.

1. Review District Needs Statement & Create Budget Consultation Agenda
no vote necessary
2. Arts Education Forum follow-up
no vote necessary
3. Proposal to request museums to provide free passes to educators
no vote necessary

Economic Development Committee: No report.

1. Review District Needs Statement & Create Budget Consultation Agenda
no vote necessary
2. Avalon Bay Retail Plan
no vote necessary
3. Continued discussion of potential implications of Walmart in NYC
no vote necessary

Small Business Guide to Lease Negotiations Subcommittee

- Create Small Business Guide to Lease Negotiations
no vote necessary

Land Use, Zoning, Public & Private Housing Committee

Wednesday, May 25th, 2011 Meeting (SPURA): DAVID MCWATER asked for support of a resolution. JOYCE RAVITCH moved to accept it. DP: CB 11 has been through this process. The City's EDC is not allowed to put in.... HARVEY suggested a "friendly amendment."

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

VOTE 1: WHEREAS, the Community Board 3 Land Use, Zoning, Public & Private Housing Committee is considering guidelines for the Seward Park Redevelopment Project Environmental Impact Study (EIS); so

THEREFORE, BE IT RESOLVED the committee supports the following Urban Design Principles for Sites 1-6 (those South of Delancey Street):

1. **Height of all buildings.** The buildings should be contextual in design, taking into account the unique crossroads of the two different urban design contexts presented by the area. As such, Sites 1, 3 and 6 should not exceed fourteen stories. Site 2 should not exceed 24 stories. Either Site 4 or 5 can be up to 24 stories, with the other not to exceed 14 stories.
2. **School.** If a school is developed (as preferred), it should be on Site 5, with the entrance on a side street and not Grand Street.
3. **Commercial development.** If commercial development is needed beyond the ground level and second floor (e.g., to comply with the guidelines), the extra commercial development should be placed on either Site 2 or Site 4, with a final determination following the EIS's study of the comparative impacts of the two alternative sites.
4. **Public open space.** Public open space of not less than 10,000 square feet should be provided on the north side of Site 5 or the south side of Sites 2, 3, or 4.
5. **Pedestrian safety.** A pedestrian overpass should be built over Delancey Street, between Site 2 and Site 9.
6. **Parking.** All future parking lots on any of the sites should be underground.
7. **Street grid.** The four streets in the grid should remain and be utilized.
8. **Street life.** The site area's design should be done so as to maximize street life.
9. **Mixed-income quality.** Assure that all of the buildings (with no exceptions) are mixed-income, so as to avoid the problem of uneven distribution of amenities, maintenance, and more; with the exception of senior housing that depends on federal funding that does not allow mixed-income.

VOTE 2: WHEREAS, the SPURA Guidelines approved by the Land Use, Zoning, Public and Private Housing Committee and unanimously adopted by Community Board 3 in January 2011 specify that "with the exception of a possible supermarket, no single retail tenant should exceed 30,000 square feet (sf) in size" and that "'mid-box' retail is defined as stores equal to 10,000 to 30,000 sf"; and

WHEREAS, many chain stores achieve lower prices by paying inadequate wages to their employees or by failing to provide adequate benefits to their employees; and further

WHEREAS, the lower prices thus achieved may force out local small businesses the Guidelines encourage; so

THEREFORE, BE IT RESOLVED stores exceeding 15,000 sf (square feet) are required to give priority in hiring to CB 3 residents, work with local workforce development/hiring network organizations such as the Lower East Side Employment Network to find and train qualified candidates, provide a living wage (as is expected to be determined by City Council legislation) with appropriate health, leave, and savings benefits for both full-time and part-time employees. Priority hiring commitments will be created and incorporated into the RFPs for developers as well as an agreed upon amount for the developer to contribute to outreach for local hiring. In addition, the RFPs will provide that all leases to commercial tenants will include the local hiring and wage commitments. While not included in an RFP or ULURP, but will be codified in a Points of Agreement with the Deputy Mayor for Economic Development, guidelines for hiring by mid or big-box companies are to 1) use a "first source" hiring method whereby the CB's local hiring network receives job vacancy postings by the company for 2-3 weeks before general release to job market and 2) companies will reach for a goal of hiring 75% of their staff locally after three years of a store's start-up. An MOU with the developer and CB must be signed memorializing both the local hiring agreements for permanent and construction jobs; and

THEREFORE, BE IT FURTHER RESOLVED that Community Board 3 strongly urges that union labor be used in the construction of the SPURA developments. The CB will negotiate with union groups to get an agreement to hire from local union members and work with the developers' General Contractors to hire these members.

Monday, June 13th, 2011 Meeting

1. Review District Needs Statement & Create Budget Consultation Agenda
no vote necessary
2. BSA (Board of Standards and Appeals)—Q & A—what BSA looks for in Community Board recommendations
no vote necessary
3. 400-402 Grand St: request for support for TIL Program
no vote necessary
4. 412a Application for 101 Ave D (B377,L1202-1203)
VOTE: WHEREAS, the Lower East Side Girls Club is building community space within the Lower East Side;
and

WHEREAS, the project will provide at least 20% affordable housing; so

THEREFORE BE IT RESOLVED Community Board 3 supports the 421a application for 101 Avenue D.

Monday, June 27th, 2011 Meeting (SPURA)

1. Continuation of Essex Street Market Discussion
no vote necessary
2. Pre-Environmental Impact Study (EIS) Scoping Discussion
no vote necessary
3. Seward Park Project Planning: Continuation of Urban Design Discussion. Additional specifics, if any, to be provided on the CB3's website or made available by calling CB 3 office a few days (or earlier) before date of the meeting
no vote necessary

(Land Use, Zoning, Public & Private Housing Committee)

35 YES 0 NO 0 ABS 0 PNV MOTION PASSED

VOTE: On everything except SLA # 5 and Transportation special bus stop.

VOTE AT 10:20 PM TRANSPORTATION # 4 AND SLA # 5; SLA # 5 MOTION # 1: A "YES" IS TO DENY BOTH MOTIONS PASSED.

NEW BUSINESS: DAVID MCWATER: "Whereas the misconduct of two officers against a resident of CB3 was perpetrated by police officers in the district, and whereas they were acquitted of rape but admitted to other violations of standards of police conduct, and whereas trust in police officers sworn to protect residents of this district was betrayed, Therefore, let it be resolved that CB3 recommends that the officers involved receive the maximum sentence allowable under the law. JOYCE RAVITCH seconded the motion and made a recommendation it be sent out to all the community boards.

(NEW BUSINESS)

16 YES 1 NO 11 ABS 1 PNV MOTION PASSED

VOTE TAKEN AT 10:35. LANGUAGE TO BE REFINED LATER SO AS NOT TO LOSE QUORUM.

Members Present at Last Vote:

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

Meeting Adjourned 10:35 PM.