



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

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Dominic Pisciotta, Board Chair

Susan Stetzer, District Manager

## October 2011 Full Board Minutes

Meeting of Community Board #3 held on Monday, October 31, 2011 at 6:30pm at BRC Senior Services Center, 30 Delancey Street.

Gigi Li called the meeting to order at 6:33 PM.

Rachel Evans, library manager at Seward Park Library, introduced upcoming programs, including a film, and financial literacy meetings.

Ermin Siljkovic from GROW NYC introduced their program about curbside recycling in neighborhood buildings, and about Load Out Day November 5, a collaboration with Fourth Arts Block constituents to load-out art materials, plus e-waste. Unwanted textiles/clothing can be donated to this. It will be on East 3 between Bowery and 2nd Avenue.

Jean Standish appeared to support the naming of East 6th Street "Miriam Friedlander Way" after the former City Council member. She advocated for LGBT people, the homeless, and others.

Katherine Wolpe also spoke in favor of renaming East 6th Street in honor of Miriam Friedlander. Her ashes are at St. Mark's Church. She advocated for a group "women fighting poverty."

Vaylateena Jones, Community Affairs Chairperson at Gouverneur Gardens spoke of an event on November 15 at 7:30 where Ark Restaurants was invited to speak.

Vaylateena Jones spoke about the community benefits of Basketball City. She would like to know what the current stipulations are.

NB Susan Stetzer mentioned this is on November agenda.

Brian Smith of the LGBT Community Center on West 13 Street introduced some of his constituents. They spoke against the marketing of tobacco products to youth, giving the example of a Rite-Aid promoting candy and cigarettes in close proximity. They handed out flyers.

NB: Joyce Ravitz explained how the CB works and invited them to offer an agenda item to present at the Health and Human Services Committee.

Frances Goldin spoke in favor of changing East 6th Street to Miriam Friedlander Way. The speaker knew Miriam Friedlander for 65 years and applauds her efforts to preserve lower Manhattan.

Angelika lived in the same building as Miriam Friedlander. The building was given many violations for lack of provision of basic services. Ms. Friedlander was not a tenant advocate against these violations, in her own building.

Barbara Dydek of East 6 Street supports the street re-naming, based on many of Ms. Friedlander's inclusive attitudes to all.

Aaron Sosnick is a founder and board member of the East Village Community Coalition. He believes the SLA Committee is inconsistent and not sympathetic to community concerns, although he believes the board overall IS. He believes this is essential for the community to have an influence at the state level.

Kurt Kavanagh of the East Village Community Coalition cited specific cases where licenses were approved without proof of public benefit, or which did not follow established procedures. He said it is time for the SLA Committee to follow the policy document.

Andrew Coamey mentioned new licenses on the agenda for tonight and cases in which policy was not followed. He is concerned that such establishments can revert to daytime retail establishments as liquor licenses are seldom revoked.

Dale Goodson of the North Avenue A Neighborhood Association cited the bringing to a halt of SLA Committee meetings while members argue, year after year, about case-to-case negotiations

Andito Lloyd of the Greenwich Village Society for Historic Preservation introduced herself and said she is available to answer any questions that might come up pertaining to the East Village historic district designations.

Shaun McNutt spoke in favor of the application of Jane's Sweet Buns to open because they are unusual in offering sweets with drinks.

Lisa Kaplan, living in the neighborhood for 30+ years, spoke in favoring of naming East 6 Street Miriam Friedlander Way. She believes she fought harder for tenants' rights than anyone.

Public Session: Concluded 7 PM.

Public Officials:

Mayor Michael Bloomberg, Pauline Yu: No report.

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

Comptroller John Lui, Sandra Ung: No report.

Borough President Scott Stringer, Alec Schierenbeck: He is the Community Liaison to CB1 and CB3. The Borough President held a press conference to announce a series of findings of rampant examples of job listings saying "You must be currently employed before applying for this job," and job openings that required credit checks. It is outrageous that unemployed people are disqualified at the outset. Go Green Lower East Side is strongly supported by John Leo, representing CB3 and Con Ed. They are making East 4 Street a model for greening the LES, painting 35000 sq ft of rooftops white. They're working on affordable housing in Cooper Square.

Congressmember Jerrold Nadler, Daniel Weisfeld: No report.

Congressmember Nydia Velazquez, Iris Quinones: No report.

Congressmember Carolyn Maloney, Victor Montesinos: No report.

Assembly Speaker Sheldon Silver, Zach Bommer: He thanks everyone who joined the Speaker at the 9/11 memorial event. The Speaker sponsored the Iran Divestment Act. He will pass information around. He is keeping up the fight for the "millionaires' tax" so the cut doesn't happen in January.

Assemblymember Deborah J. Glick, Matt Borden (Chief of Staff): She supports the renaming of East 6 Street "Miriam Friedlander Way." She is protesting policy brutality, especially at Zucotti Park. She is protesting the barbaric practice of maltreatment of carriage horses. Another one died last week. Electric vintage cars might replace them.

Assemblymember Brian Kavanagh, Leslie Pena: No report.

State Senator Daniel L. Squadron, Mary Cooley: November 15 in BRC Community Center will be the local "community convention." It's a chance to speak with him directly about any issue they'd like to see him do in the community and/or in Albany. L trains will be increased. Domestic Violence Awareness Month was cited as an important event. He cites the naming of East 6 Street "Miriam Friedlander Way."

State Senator Thomas K. Duane, John Bartos: He recently released a report on the quality of the M15 bus. Ticket kiosks are running out of paper and some enforcers are overzealous. Ripped and peeling signage confuses riders. [www.tomduane.com](http://www.tomduane.com) has the details. He is in support of naming East 6 Street "Miriam Friedlander Way."

Councilmember Margaret Chin, Matt Viggiano: Her flyer includes an invitation to visit World Trade Center Memorial Plaza November 6. It's a great chance to visit the site before it's completely built out. She joined constituents at PS 137 on the Lower East Side reiterating support for a Targeted Action Program to support students' success at the school, which they're trying to keep open. They've been meeting with the Occupy Wall Street protesters, asking them to conduct themselves like responsible members of the community. The Harbor School is seeking students for Fall 2012. A listing of seats available for pre-K is available.

Councilmember Rosie Mendez: She spoke in favor of naming East 6 Street "Miriam Friedlander Way," for what she did in support of ACT-UP and women's rights. She's been meeting with people about the rat problem in Tompkins Square Park. In colder weather, they can implement remediations that won't endanger red-tailed hawks. She has been working on a building for 6 years to bring down the proposed height to the level it is supposed to be. She's waiting for the DOB to enforce what it said it would do. She supports St. Mark's Bookstore to stay in business where it is. The best thing we can do is go there and buy books. She testified at a

hearing about Mitchell-Lama, that they need a clear process about privatization. She referred to a problem with tenants receiving Section 8 vouchers, people on the verge of eviction because of problems with entering computer data, NOT because of problems with non-payment. She cited her handout.

Members Present at First Vote:

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

Minutes:

Minutes of July 2011 were approved, as is. Vaylateena Jones asked to have it entered into the September minutes that the last page of the Community Board 3 Liquor License Application Questionnaire states that if there are block associations or tenant associations in the immediate vicinity of your location, you must contact them. Gouverneur Gardens hasn't been contacted.

**(Minutes)**

**33 YES 0 NO 1 ABS 0 PNV MOTION PASSED**

Board Chairperson's Report:

Chairperson Dominic Pisciotta: Gigi Li gave the report. 1) Board members should have received 2 emails with spreadsheets covering attendance for the first 6 months of the year. More rigorous procedures will be implemented. 2) Random door assignment was implemented as we received no volunteers. 3) Alex Militano described the holiday party as taking place at Donnybrook after full board meeting December 20. Everyone except elected officials pay \$10.

District Manager's Report:

District Manager Susan Stetzer:

The District Manager thanked Tom Parker as he is taking on project to check out new meeting locations offered to the community board for meetings.

The next full board meeting is at PS124 on Division Street. The school has waived the security fees, as PS20 would not.

The following explanation was given for the budget priorities being voted on.

In July, committees submitted agenda items of potential priorities. This could be status of programs, such as home delivery of meals or needed reconstruction of park. For many agencies, we have group consultations; we include agenda items from all Manhattan cbs.

We discuss all potential priorities with agencies. We do NOT want to list all programs or capital projects that are important to us. If a project is funded and not in danger of losing funding, such as a mayoral initiative, we do not want to waste a priority on this. We want to advocate for programs that are important to us and in danger of losing funding. An example on the current list is Home advantage program. Because of a funding change, the City now finds it easier to fund homeless people in shelters instead of placing them in homes. We want to advocate for keeping the advantage program.

Committees rank the priorities in order of importance, and we always preserve the committee order. The ranking on the overall list is very important to agencies.

We also have programs that are funded, but could be in danger of cuts, and are very important to us. We put these at end of list as continued funding to show importance.

We are allowed 25 expense priorities and 40 capital priorities. We never use all capital priorities, but we find it hard to limit expense to 25. This year we had 28 priorities from committees. We dropped the lowest priorities from 3 committees to reach 25.

The priorities are submitted to OMB—who tracks them and transmits to agencies. The next step will be answers from the agencies. Then the mayor will release preliminary budget—and we will advocate for important priorities that are not included. this will happen again with the executive budget.

There is a late night noise survey that is on line at nyc.gov. This will be helpful to residents who cannot contact 311 to report noise complaints because of the long wait.

Residents and board members are asked to call 311 when it is cold to report homeless people who are very vulnerable in cold weather

The City has a bench program. There are 2 styles of benches. The public can go on-line and request them e.g. at bus shelters without benches, near senior centers or shopping areas. Nyc.gov/citybench is the website.

Our police are overstretched because they are staffing the Occupy Wallstreet protests.

Committee Reports:

**Executive Committee:** Gigi Li started with Draft Capital Priorities for FY13, asking for questions re the items, or the priorities. Richard asked for a clarification of Bullet Point # 2 but decided not to propose a change. The church wrote the letter. Thomas Yu proposed we say "one of the oldest sites of continuous worship." There were no questions re the Cabrini or St. Mark's support letters.

1. Request for Support for lease extension for Cabrini Nursing Center for Nursing and Rehabilitation.

**VOTE:** To send the following letter to request a lease extension for Cabrini Nursing Center for Nursing and Rehabilitation,

October 20, 2011

Kenneth K. Fisher, Esq.  
Cozen O'Connor  
277 Park Avenue  
New York, NY 10172

Re: MM 62-74 Avenue B Owner, LLC

Dear Mr. Fisher:

Community Board 3, Manhattan joins our elected officials in our concern about the possible closure of Cabrini Center for Nursing and Rehabilitation (CCNR), located in the building your client is acquiring at 542 E. 5th Street. Losing this facility would be a serious threat to health care services in Community Board 3

For nearly 20 years, CCNR has provided the low-income elderly residents of this community with much-needed quality health care services. This nursing home regularly maintains 97% occupancy and is able to sustain a positive cash flow, even as other facilities close due to overwhelming financial challenges. The need for nursing home beds locally is already dire, and we cannot sustain a loss of the 240 beds at CCNR, the largest facility in this community.

After a long search for an alternative home, CCNR has reached an agreement to collaborate and relocate to a new facility to be built on a site owned by the Archdiocese of New York. We are confident that CCNR, in cooperation with the Archdiocese, can secure all necessary approvals from the State of New York to secure financing and build the new facility within five years. Until that time, though, CCNR must keep its current home or else risk losing its operating license to the State. Thus, it is imperative that CCNR be permitted to stay past the expiration of its current lease in April 2012.

Community Board 3 asks that you communicate to your client our urgent request to extend the current lease of CCNR for five years

2. Request for support for funding for St. Marks Church for renovation and restoration work of this landmarked building

**VOTE:** To send the following letter to support St. Marks Church request for support for funding to renovate the landmarked church.

Ms. Rose Harvey  
Commissioner  
NYS Department of Parks, Recreation & Historic Preservation

Empire State Plaza –Agency Building 1  
Albany, NY 11238

Re: St. Mark's Church Historic Preservation Grant

Dear Ms. Harvey:

Community Board 3, which encompasses the east side of lower Manhattan, is pleased to support the application of St. Mark's Church in-the-Bowery for funding under the Department's Historic Property Preservation and Planning Program. CB3 is very interested in preserving the historic properties in our area, and we urge you to provide the requested funding so that St. Mark's can carry out desperately needed renovation and restoration work.

St. Mark's is a valuable resource to our community and to the entire state. It contributes to the economy of the community and the vitality of the city in numerous ways:

- It offers visitors from near and far, as well as scores of schoolchildren, the opportunity to experience the history of New Amsterdam and the contributions of the Dutch to the city. The church, completed in 1799 on the site of Peter Stuyvesant's original chapel, is one of the oldest site of continuous worship in the city. Visitors can explore the churchyard and see the graves and markers of countless historic figures, including members of the Stuyvesant family, Revolutionary War hero Nicholas Fish, and former NYS Governor and US Vice President William Tompkins.
- The interior of the main building, which was consumed by fire in 1979, was reconstructed as a multi-use facility. It now houses three resident arts projects – Danspace, the Incubator Arts Project, and St. Mark's Poetry Project. Together these groups attract over 60,000 visitors a year, offering high-quality and low-cost events. The building is also used frequently for concerts and other community activities. CB3 has a high poverty rate, and the willingness of St. Mark's to offer its site for free and low-cost performances makes it a valuable resource for our residents, as well as enabling many artists and performers to make a living at their craft.
- St. Mark's landmarked Rectory, designed by Ernest Flagg, suffered a serious fire in 1989 and subsequently was transformed into the Neighborhood Preservation Center, a hub of historic preservation activities in New York City.

The large number of people who visit and use St. Mark's each year has contributed to the wear and tear on the historic property and necessitated renovation and restoration of various parts of the site. This is a property that deserves support and we hope that the Department will act favorably on its request for funding.

Sincerely,

3. Capital and Expense Priorities for Fiscal Year 2013.

**VOTE:** The Executive Committee votes to support the Expense and Capital Priorities as amended by the committee. (see separate attachment)

#### **Arts & Cultural Affairs Task Force**

No report.

1. FY '2013 Capital & Expense Priorities  
no vote necessary
2. Arts Education - Lower E Side Arts Jobs Training Program Forum  
no vote necessary
3. Greening the Arts on the Lower E Side  
no vote necessary
4. Free Museum Passes for Educators  
no vote necessary

#### **Economic Development Committee**

Richard Ropiak reported that, given all the area's store vacancies, the committee is reaching out to property owners. It's nearly impossible to get commercial rent control. Instead, EDC will contact storeowners to ask them to consider putting in there something that doesn't require a liquor license. If approved tonight, they will pursue this. Who the property owners are, and how they respond, will be reported on.

1. FY '2013 Capital & Expense Priorities  
no vote necessary
2. Letter to landlords regarding retail diversity

**VOTE:** WHEREAS, our neighborhood is slowly losing its retail diversity as small mom and pop shops close to be replaced by higher rent tenants, such as eating and drinking establishments, banks and chain stores; and

WHEREAS, some landlords have left retail spaces vacant while holding out for these higher rent tenants; and

WHEREAS, some landlords have signed leases with such tenants leading them to believe that they could be approved for liquor licenses in areas where the Community Board is not likely to approve applicants because of the numerous licensed establishments already in existence in those areas; and

WHEREAS, because of these conditions, Community Board 3 currently has a high demand for daytime retail service; and

WHEREAS, Community Board 3 believes that it is important for neighborhood landlords to understand our expectations and concerns given these existing conditions; now

THEREFORE, BE IT RESOLVED that Community Board 3 approves the attached letter to neighborhood landlords with the intention of distributing it to brokers and landlords of commercial storefronts within Community Board 3.

Dear CB3 property owner,

The Community Board is the structure for community participation in planning and decision making for our community. CB3 looks at the community as a whole to plan for its economic benefit. Residents and business owners in CB3 are working together to ensure the economic vitality of our neighborhood. We believe it is important to involve property owners in this planning as well.

Among our chief concerns are maintaining economic diversity and serving local retail needs. Our community has a high demand for more daytime retail business such as grocers, butchers, shoe stores, stationery stores and other businesses that serve our local residents. Research and public input have indicated that our current condition of too many bars and eating/drinking businesses works against promoting a diverse economy.

We want to ensure that you as property owners are aware of these community needs and priorities and that you relay them to your prospective commercial tenants. It is important for new prospective businesses to understand community priorities and plans before finalizing leases and investing money. In this effort, we welcome your participation in our planning and outreach. Please consider the following factors before signing a lease with your next retail tenant:

- Business owners who live and participate in the neighborhood are considered more community-friendly than absentee owners.
- Businesses should have diverse price points for our diverse community.
- Businesses open during the day and that attract daytime street traffic are a current priority.
- Businesses that offer a product or service other than eating and drinking are a current priority. Some areas in our neighborhood have been overwhelmed with bars and restaurants. Our community does not have the infrastructure to be an entertainment zone. CB3 recommendations to approve liquor licenses will reflect this. It is important and fair for potential businesses to be aware of these priorities and areas. The areas that CB3 believes are oversaturated with eating/drinking establishments can be found on the CB3 website. Click on Liquor License Information and the CB3 Restrictions on Liquor Licenses in Certain Areas.

We invite your suggestions and participation in creating an economically vibrant community that will better serve the needs of our residents. The schedule for CB3 meetings, which are always open to the public, can be found on our website at [www.cb3manhattan.org](http://www.cb3manhattan.org). You can also sign up on the website to receive monthly agendas by email.

3. Report from Subcommittee  
no vote necessary
4. New Business Acceleration Team presentation  
no vote necessary

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

Thomas Yu: There was a discussion that not-for-profits including youth groups are charged the same \$16 fee as for-profits. They will look into prioritizing not-for-profits over for-profits. There are parks that sit empty because they are grandfathered into a permit whether they intend to use the permit or not. Parks doesn't have the staffing capacity to oversee this. Rabbi Ginzberg is a school principal who reported that he can ask for a permit 5 months in advance, and not get an answer until 2 weeks before the event, which affects planning and publicity. Susan Stetzer explained that his permits go through a different process than the process Thomas Yu was describing.

1. Overview of Parks Department ballfield permitting process  
no vote necessary

2. FY '2013 Capital & Expense Priorities

**VOTE:** Support the attached Parks and NYPL list of capital and expense items in recommended prioritized order.

#### **Land Use, Zoning, Public & Private Housing Committee**

Gigi Li mentioned there is a motion to change a site into transitional housing for homeless LGBT youth. The motion is self-explanatory.

The Chinatown Working Group: In November there will be items in the Human Services AND Land Use committees. The next full meeting is 11/7/11 at 4 PM at American Legion on Canal Street.

1. FY '2013 Capital & Expense Priorities

no vote necessary

2. Request for site control of 222 E 13th St by Cooper Square Committee and the Ali Forney Center to provide transitional housing for homeless LGBT youth

**VOTE:** WHEREAS, Community Board 3 strongly supports the missions of the Cooper Square Committee and the Ali Forney Center in providing transitional housing for homeless LGBT youth; so

THEREFORE, BE IT RESOLVED we request that HPD transfer the property out of asset sales and to the joint venture HDFC of the Cooper Square Committee and the Ali Forney Center so that they can apply for funding to rehabilitate the building and provide rehabilitated housing for 12-18 LGBT homeless youth.

3. Update on HealthCare Chaplaincy's "Wholeness of Life Center" development on South St, north of Rutgers Slip

no vote necessary

4. HPD discussion TIL status of 400 Grand Street

no vote necessary

#### **Human Services, Health, Disability, & Seniors / Youth & Education Committee**

No report.

1. FY '2013 Capital & Expense Priorities

**VOTE:** To approve capital and expense budget priorities for FY 2013.

2. Draft survey of community facilities

no vote necessary

3. Review of committee goals

no vote necessary

#### **Con Edison Task Force**

Carol Kostic reported the deadline for next cycle is November 10. 5 groups have submitted letters of inquiry and will probably apply.

1. Project Updates (if any)

no vote necessary

2. Review Letters of Inquiry (if any)

no vote necessary

#### **Transportation & Public Safety and Environment Committee**

David Crane asked for discussion of these items but there was none.

1. FY '2013 Capital & Expense Priorities

**VOTE:** To approve capital and expense budget priorities for FY 2013.

2. Street co-naming for Miriam Friedlander, E 6th St between First & Second Aves

**VOTE:** WHEREAS, Miriam Friedlander, the spirited former NYC Councilwoman and longtime resident of the block of East 6th St between First and Second Aves, died in 2009 at the age of 95 after a long life of accomplished service to this community. Miriam was first elected to the City Council in 1973 when she was one of only four female representatives. She served in the Council until 1991 and was for most of that time the Chair of the Women's Issues Committee; and

WHEREAS, Miriam Friedlander was an outspoken advocate for this community and for progressive causes both inside and outside of New York City government. She introduced groundbreaking legislation that provided shelter, counseling and other City assistance for battered spouses. She was equally vocal in her advocacy for tenants, the poor, the homeless and others in our community who lacked a voice in government, and she worked tirelessly to ensure that their needs were met. She was an early champion of lesbian and gay rights and a proponent of nuclear disarmament; and

WHEREAS, a group of Miriam Friedlander's neighbors organized to support co-naming the street where she lived in her honor, They presented petitions and letters from 325 residents and many of the businesses and institutions on the block, as well as the local City Councilwoman, State Senator and State Assemblymember; now

THEREFORE BE IT RESOLVED, THAT CB3-Manhattan supports the co-naming of East 6th Street between First and Second Avenues in honor of Miriam Friedlander.

3. DDC Presentation: Grand Street Project (ID: MED606), Trunk Water Main Project, City water tunnel 3  
no vote necessary
4. Request for speed bump at 223 East 7th Street - a block with 3 churches and a school  
**VOTE:** CB3 requests that DOT take another look at whether traffic calming measures would be warranted on the block of E 7th St between Ave B and C. St. Brigid School is a PreK-8 school on the corner of E 7th and Ave B and 3 churches on the block. CB3 is concerned about safety because of reports of speeding on the block.
5. Recycling presentation  
no vote necessary
6. Manhattan Borough Board resolution regarding newsrack enforcement  
**VOTE:** Send the following letter to Civitas, CC to Borough President's office

Dear Civitas,

After careful consideration, CB3 has decided not to support the resolution regarding sidewalk newsrack enforcement at this time. This is not a priority in our district. There has never been a complaint registered with the CB3 office and there are scarce City resources available for this type of enforcement.

CB3 would prefer to work with the Dept. of Transportation to make progress on issues that are a priority to our community, such as:

- A system to manage the Chinatown Bus industry's need for designated locations for bus storage (parking/layover) and curbside operations (loading/unloading).
- Pedestrian and cyclist safety on Delancey St and the surrounding area, which is subject to speeding traffic and congestion related to the Williamsburg Bridge.
- Curb cut installations. There is a backlog of installations that are complex and costly. Many locations in our district, such as bus stops, are not wheelchair accessible.

Sincerely,

7. Forsyth Street—parking regulations, future sidewalk and plaza project plans  
no vote necessary
8. Request for Temporary Loading Zone on Ludlow Street south of Houston Street during Houston Street reconstruction project  
**VOTE:** CB3 supports the temporary installation of a loading zone on the east side of Ludlow St just to the south of Houston St in effect from 2pm to 2am, for a length of about 25 feet. This would serve the needs of local businesses disrupted by the East Houston St. reconstruction.

#### **SLA & DCA Licensing Committee**

Alexandra Militano: We have all the stipulations except # 3, Yankee Pizza. Joyce Ravitz asked for an answer to the 4 people who spoke about the dessert and pizza place, Salita's, Bob White Lunch, and another, about the Committee going against our own rules and regulations. AM: Re # 3: Yankee Pizza. # 6, #7, #8, and # 9. 3 & 6 were approved because of the reasons given in the motion. This one is not approved. # 6: There are only 9 dessert places that serve beer/wine. AM: The collective experience of the owner and bakers is that it will be a very good bakery. We're still trying to translate a policy statement into practical action. We're trending towards beer and wine licenses of we're restricting their hours, although this one is limited to 2 AM, which might go against the policy. This block has 17 licenses. # 8 and # 9: There were no explanations of either decision in the minutes. #7 was approved WITHOUT stipulations, because there were EXISTING stipulations. The applicant agreed to abide by them. David Crane has a motion to read re this, but the applicant is not at this meeting. Nippon Sushi exists, but Bob White is not yet open, in answer to a question about whether they are "real restaurants" or not. Approximately 60 signatures in favor and 90 against were submitted. AM: We don't look



at transfers, but at sales of assets. Richard Ropiak asked about # 19: It's an existing location, the same business, just that a business partner is taking it over. David Conn: There are no questions about locations with solid business plans and that are proven to be restaurants. The SLA has pushed back against establishments on Delancey Street. The dessert place is in between a dumpling place and a creperie, both of which have wine and beer licenses, so the dessert place is fighting for its life, and agrees to restaurant hours. For these reasons, cases need to be approved on a case-by-case basis, which doesn't mean inconsistency of application of principles. Joyce Ravitz: Pulling # 3 and # 6. # 6 might not be obeying the law, by infusing alcohol into their desserts. Susan Stetzer: We send a mixed message if we write to landlords, asking them to approve leases for non-alcohol-serving businesses, while approving liquor applications. She suggests we look not at this address and this address, but an overall vision. David Crane: Pulling # 7 because he has an amendment. # 9 has existed since 2010 under this ownership, with no license. # 3: Not yet open; under construction. Sam Leung: Wants to pull all new applications in the Resolution Area. # 3 did not turn in their stipulations so its denied, so # 3 is not pulled. # 6 – 9 pulled. Gig Li called for a vote on all the rest at 8:10 PM.

1. FY' 2013 Capital & Expense Priorities

**VOTE:** To approve as priorities for the 2013 fiscal year.

#### Applications within Resolution Areas

2. U2 Café (JDY Café Inc), 6 St Marks Pl (wb)  
withdrawn

3. Yankee Pizza Restaurant Inc., 181 Ave C a/k/a 647 E 11th St (wb)

**VOTE:** To deny the application for a beer wine license for Yankee Pizza Restaurant Inc., for the premise located at 181 Avenue C a/k/a 647 East 11th Street, because the applicant did not sign a stipulation stating that 1) it will operate as a full-service pizza restaurant, serving food to within one (1) hour of closing, 2) its hours of operation will be from 11:00 A.M. to 12:00 A.M. all days, 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 façade doors and windows at 10:00 P.M. every night. Community Board 3 is approving this beer wine application although this is a location in an area with numerous licensed premises because 1) this applicant has a thirteen (13) year history of operating businesses in this neighborhood and currently has one (1) retail beer license, and 2) there was no opposition to this application and the applicant provided fourteen (14) signatures in support of its application from nearby residents.

4. SRI Padmavati Corp, 115 Ave C (op)  
withdrawn

5. Fonda Avenue B LLC, 40 Ave B (op)

**VOTE:** Understanding that Fonda Avenue B LLC has entered into a memorandum of understating with the East 4th Street A to B Block Association (attached hereto), to deny the application for a full on-premise liquor license for Fonda Avenue B LLC, for the premise located at 40 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 Mexican restaurant, serving food to within one (1) hour of closing and seating no less than seventy-two (72) people, 2) its hours of operation will be from 7:00 A.M. to 12:00 A.M. Mondays through Fridays and 11:00 A.M. to 12:00 A.M. Saturdays and Sundays, 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 close any façade doors and windows at 10:00 P.M. every night, and 5) it will designate an employee to monitor sidewalk congestion and noise in front of the business.

6. Jane's Sweet Buns (DeRossi Chelsea LLC), 102 St Marks Place (wb)

**Discussion began at 8:20 PM. David Crane: Most don't state why there is compelling public benefit, though they should. It shouldn't be stated that because there is a license already, it will be continued. Sam Leung: The SLA will probably pass it but as a CB, we need to say we want to preserve diversity in the community. Susan Stetzer: The East Village Blog researched beer-wine licenses. She was quoted extensively. She agrees with their research. When we didn't approve a license, 40% didn't go ahead. At one time, the SLA approved everything, even if CB3 turned them down. David Conn: There's a higher standard, not a blanket denial, in the Resolution Areas. He's on SLA AND Economic Development Committees, as they're joined. Ariel Palitz supports David Conn, agreeing with the ability to assess each on a case-by-case basis. A sushi place failed because you couldn't get a sake with your sushi, therefore, they couldn't compete. She agrees with Susan too, that we need to have a big picture. Richard Ropiak: CB3 has gone up and down with what it's done with liquor licenses, but has always opted for retail diversity. You can't have it both ways – supporting business, and categorically turning down liquor licenses. Susan Stetzer: For years, there WERE blanket denials in Resolution Areas, because the SLA couldn't support CB3's votes. The SLA gets sued, therefore need factual backing for their decisions. She cited a bagel shop which opened BECAUSE CB3 consistently denied a license there. The policy on the website is clear. Alex Militano: Maybe there should be a more formal motion – difficult to achieve because there are so many applications – with "whereas-es" defining public good. David Crane: 6, 8, and 9 should be left as they are, as they came out of committee. He would like to see a clearer declaration of public good. # 7 is another case because it has a history of problems at that location. Joyce Ravitz: We're asking what we do to be in keeping with what we say we do. David Conn: The larger problems e.g. rents going up won't be solved by denying these 3 licenses. You also**

**don't solve the problem of defining "public benefit" across the board. Alex Militano: The Board voted it into the policy statement. Maybe we need to keep it in front of us as we review each application. Carol Kostic: The bars/restaurants ARE small businesses and small business people.**

**VOTE:** To deny the application for a beer wine license for DeRossi Chelsea LLC, doing business as Jane's Sweet Buns, for the premise located at 102 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 bakery and pastry shop, serving food during all hours of operation, 2) it will stop serving beer and wine at 12:00 A.M. Sundays through Thursdays and 2:00 A.M. Fridays and Saturdays, 3) it will play ambient background music only, consisting of recorded music. Community Board 3 is approving this beer wine application although this is a location in an area with numerous licensed premises because 1) this applicant and its employees have a significant collective experience in baking, 2) the approval of a beer wine license would give the applicant parity with adjacent licensed establishments, and 3) at less than four hundred (400) square feet in size, this location could not be detrimental to the community.

7. Salita (La Latina Restaurant LLC), 60 Clinton St (op)

**David Crane moved to approve 6, 8, & 9, and 7 as amended: "to deny the application for a full on-premise liquor license for La Latina Restaurant LLC, with a proposed business name Salita, for the premise location at 60 Clinto Street, unless the applicant agrees to make as conditions of its license the following signed notarized stipulation that 1) it will use its back yard for seated dining only and seat patrons no later than 10:00 PM; 2) that it will completely close its back yard at 11:00 PM, and 3) it will close any façade doors and windows, including doors leading to the back yard, by 10:00 PM every night." AM: This is what they said, therefore it can be voted on without them being present. Vote called 8:55 PM. For the record, it passed, though exact numbers are not yet tallied.**

**VOTE:** To deny the application for a full on-premise liquor license for La Latina Restaurant LLC, with a proposed business name Salita, for the premise located at 60 Clinton Street, unless the application agrees to make as conditions of its license the following signed notarized stipulations that 1) it will use its backyard for seated dining only and seat patrons no later than 10:00 P.M., 2) it will completely close its backyard at 11:00 P.M., and 3) it will close any façade doors and windows, including doors leading to the backyard, by 10:00 P.M. every night.

8. Bobwhite Lunch and Supper Counter, 94 Ave C (wb)

**VOTE:** To deny the application for a beer wine license for Bobwhite Counter LLC, with a proposed business name of Bobwhite Lunch and Supper Counter, for the premise located at 94 Avenue C, 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 Southern restaurant, serving food to within one (1) hour of closing, 2) its hours of operation will be from 11:00 A.M. to 12:00 A.M. all days, 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 designate an employee to monitor sidewalk congestion and noise in front of the business.

9. Nippon Sushi Inc., 121 Ludlow St (wb)

**VOTE:** To deny the application for a beer wine license for Nippon Sushi Inc., doing business as Nippon Sushi, for the premise located at 121 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 Japanese restaurant, serving food to within one (1) hour of closing, 2) its hours of operation will be from 11:00 A.M. to 10:30 P.M. Mondays through Fridays, 1:00 P.M. to 12:30 A.M. Saturdays and 3:00 P.M. to 8:00 P.M. Sundays, 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.

10. Mehanata (Bulgarian Bar Inc.), 113 Ludlow St (op)

**VOTE:** Given the history of Bulgarian Bar Inc., doing business as Mehanata, for the premise located at 113 Ludlow Street, before this community board, as well as its pending SLA violations from eight (8) different dates between December of 2010 and July of 2011, which have hearing dates in late October and November of 2011, Community Board 3 believes that it is inappropriate to approve the pending application of this licensee to construct a new corporation with the existing principals.

#### **Alterations/Upgrades**

11. The Draft (N&K Animal Productions LLC), 157 Ludlow St (alt/op)

withdrawn

12. Preserve 24 (Aegis Holding Houston LLC), 175-177 E Houston St (alt/op)

withdrawn

#### **New Liquor License Applications**

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

withdrawn

14. HSC Clam I LLC, 189 E Houston St (wb)

withdrawn

15. Rai Rai Ken (Tokyo Mama Inc.), 218 E 10th St (wb)

**VOTE:** To deny the application to remove the eating place beer license for Sobaya Restaurant Inc., with a business name of Rai Rai Ken, from the premise located at 214 East 10th Street to the premise located at 218 East 10th Street, as well as upgrading said license to a beer wine license, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a full-service Japanese noodle restaurant, serving food to within one (1) hour of closing, 2) its hours of operation will be from 12:00 P.M. to 12:00 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.

16. Kotobuki (Kotobuki Manhattan Inc.), 54-56 Third Ave (wb)

**VOTE:** Understanding that Kotobuki Manhattan Inc. has entered into a memorandum of understating with the East Village Residents Association (attached hereto), to deny the application for a beer wine license for Kotobuki Manhattan Inc., with a proposed business name of Kotobuki, for the premise located at 54-56 Third Avenue, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a full-service Japanese restaurant, serving food to within one (1) hour of closing, 2) its hours of operation will be from 12:00 P.M. to 11:00 P.M. Sundays through Thursdays and 12:00 P.M. to 12:00 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, 4) it will close any façade doors and windows at 10:00 P.M. every night, and 5) it will install additional soundproofing, if necessary.

17. Shoolbred's, 197 2nd Ave (op)  
withdrawn

18. 93 Ludlow St Inc., 95 Delancey St a/k/a 93 Ludlow St (op)  
withdrawn

19. Lolita, 266 Broome St (op)

**VOTE:** To deny the application for a full on-premise liquor license for Thirsty LES LLC, doing business as Lolita Bar, for the premise located at 266 Broome 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 tavern restaurant, serving small plates to within one (1) hour of closing, 2) its hours of operation will be from 5:00 P.M. to 4:00 A.M. all days, 3) it will play recorded music and have DJs Fridays and Saturdays, and 4) it will have no open facade doors or windows and will maintain a fixed façade.

20. Golden Cadillac, 446-448 E 13th St (op)  
withdrawn

21. Livety LLC, 199 Bowery (op) (BLVD)  
withdrawn

22. To Be Determined, 351 E 12th St (op)

**VOTE:** To deny the application for a full on-premise liquor license for Ducks Eatery LLC, for the premise located at 351 East 12th Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a full-service French Vietnamese Creole restaurant, serving food to within one (1) hour of closing, 2) its hours of operation will be from 11:30 A.M. to 1:00 A.M. Mondays through Wednesdays, 11:30 A.M. to 3:30 A.M. Thursdays and Fridays, 10:30 A.M. to 3:30 A.M. Saturdays, and 10:30 A.M. to 2:00 A.M. Sundays, 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 have no open facade doors or windows and will maintain a fixed façade.

23. Yunnan Kitchen LLC, 79 Clinton St (wb)

**VOTE:** To deny the application for a beer wine license for Yunnan Kitchen LLC, for the premise located at 79 Clinton Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a full-service Chinese restaurant, serving food to within one (1) hour of closing, 2) its hours of operation will be from 11:30 A.M. to 12:00 A.M. Sundays through Thursdays and 11:30 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 façade doors and windows at 10:00 P.M. every night.

### **SLA Policy Task Force**

AM: There was no quorum so there was no vote.

1. Creation of standardized stipulations for licensed businesses above Houston  
no vote necessary
2. Evaluation of maps showing location of licensed businesses and 311 complaints  
no vote necessary
3. Review of revised application  
no vote necessary

Ricky Leung called the vote except SLA # 6 – 9 at 8:15 PM. 34 voted Yes.  
Ricky Leung called the vote on SLA # 6 – 9 at 8:55 PM.

**(October Full Board Agenda)**

**(Excluding Transportation Item 2, Land Use Item 2, SLA Committee Items 6, 7, 8, 9)**

**35 YES 0 NO 0 ABS 0 PNV MOTION PASSED**

**34 YES 0 NO 0 ABS 1 PNV (Transportation Item 2) MOTION PASSED**

**33 YES 0 NO 0 ABS 2 PNV (Land Use Item 2) MOTION PASSED**

**23 YES 11 NO 1 ABS 0 PNV (SLA Committee Item 6) MOTION PASSED**

**30 YES 5 NO 0 ABS 0 PNV (SLA Committee Item 7) MOTION PASSED**

**24 YES 10 NO 1 ABS 0 PNV (SLA Committee Item 8) MOTION PASSED**

**25 YES 9 NO 1 ABS 0 PNV (SLA Committee Item 9) MOTION PASSED**

Members Present at Last Vote:

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

Meeting Adjourned 9:02 PM.