

THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD NO. 3

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Dominic P. Berg, Board Chair

Susan Stetzer, District Manager

June 2012 Full Board Minutes

Meeting of Community Board #3 held on Tuesday, June 26, 2012 at 6:00pm at BRC Senior Services Center, 30 Delancey Street.

Meeting called to order 6:10 PM.

Public Session:

1. CARRIE WILSON lives across the street from the proposed bar on E Broadway. It's a quiet neighborhood so these noise levels will be a violation. There current bar has no windows so there is no correlation. The Seward Park President said he can hear street level conversations from the 10th floor. She submitted a notarized statement about the falsification of the filling out of petitions where they left the proposed hours blank, to be filled out later.
2. ALAN ROSS spoke about 221 E Broadway. He's an attorney who wrote the letter included in the informational packet sent to the SLA Committee. The SLA is prohibited by the 200 foot law from issuing a liquor license. Young Israel stood for years near the bar and will be rebuilt there. The developers are taking advantage of the interregnum between the 2 synagogues. He read from a prepared statement. The legal prohibition will stop any progress on this license.
3. NINFA SEGARRA, Chair of Loisaida and member of a Christian church. They are not against a bar. They use the Café Pastizo nearby, which serves alcohol but is family-oriented. Even when drugs were rampant, this community was quiet because it was so residential. This will change with a 7-day bar open late. As a former Deputy Mayor, she knows a late-night bar won't make a community safer. That happens with cooperation with the NYPD.
4. SIVAN HARLAP hopes to open the bar on E Broadway. In 9 years, they've never had a noise complaint. They got a surveyor this week to measure distances between them and churches and they are all over 200' away. The surveys are available. A sound engineer also did a survey. A 5-page sound report is available. They have over 450 signatures available. Everyone was told the hours of operation. Joyce Ravitz had a question, that the petition didn't have the hours on it. Sivan answered that she fell behind a little bit because there were so many people lining up to sign in favor. She used the form from the CB3 website. Joyce asked for Carrie Wilson to be recalled. She said she went to see it and saw that the times were blank, even though she was the only person there. BILL STROM asked for a clarification of the surveying measurement standards used. LINDA JONES asked for more information on the acoustic survey. She read from it. Noise levels are not expected to increase over ambient street noise. At 10 PM, when windows close, sound will be even less. She described the worst-case scenario they set up to be conservative. She was asked why she chose one of the more controversial neighborhoods to open in. She answered because the neighborhood needs a bar/gathering place. She is also buying an apartment in the area. She won't open a bar that will upset her neighbors. SAM LEUNG said that 4 AM closing is late. Sivan answered because a new business needs every advantage to be successful. The corner is dark and could use the extra light. It's not a loud music club, but a neighborhood place. LINDA JONES asked what community benefit the place might bring. Sivan answered that they're building green and will offer that resource to other businesses. It will be a good place to have birthdays, anniversaries, and other gatherings. They will look into kosher certification. KAREN asked why the windows needed to be open into the night. The answer was that it's nice to sit in an atmosphere with windows open. It's only 800 sq ft. With a bar and a kitchen and bathrooms, it will be very small with very little noise. VAL JONES asked about its proximity to a school. She wonders about young people passing a bar. The answer was that from the outside it won't be seen as a seedy negative place. She swears there will be control over crowds hanging around outside. There has never been a complaint about her Avenue B place. LISA KAPLAN asked for the difference between urban environments around the Avenue B place and this one. 9 years ago, Avenue B was deserted and dark more or less like this area. There's a school on the corner. They do fundraisers for the school. Tenants living above don't complain.
5. BENJAMIN CHAN has known Sivan and her business partner for 9 years. It was a sign of positive change in the community. He was apprehensive about this bar opening. He thinks it will be a great open place. If there's noise, you can file a noise complaint.
6. LISA FISCHKOFF is in favor of 221, in part because she met the soundproofing expert. She lives in 221 and is not concerned about the noise.
7. ERIC DIAZ is a youth leader in his church very close to 221. When the young people socializing and being safe in the church go out to a street unlike the streets full of drunk people. He thinks opening a bar will create a target for criminal activity. Many parents nearby suffer from alcoholism and this will be another temptation.

8. SARA KEISER lives yards away from 221 on Henry Street. She hopes the site will become a fine restaurant like Café Patisco. She argues with the claim that measurements are or are not taken radially. Many people get up very early. She and others don't want to have to call 311.
9. MARC RIVERA is a lifelong resident of the Lower East Side. He lives directly across the street and is the pastor of the church on East Broadway. To quiet street conversations, people on upper floors let the speakers on the street know. He's not anti-bar, but this one is too close to the school, bars, and synagogue. LINDA JONES asked if Young Israel wasn't a vacant lot. He answered that papers have been filed for the development of it. He was asked if there was a copy of a letter from Young Israel in the package presented. VAL JONES asked if there was a copy of the sound survey. The answer is that there was a certified copy of the survey, not just measurements. HARVEY EPSTEIN asked about danger or instability on the street. The answer was that he's afraid East Broadway will become Rivington Street. He's associated with the 7th Precinct and talked about the people who come a distance to the LES as a drinking destination. He's afraid of second hand smoke, and of young people being exposed to the strange behaviors of drunks. DOMINIC BERG mentioned that Rivington and East Broadway can't be compared because the concentration of retail establishments is so different.
10. JULIE ULMET spoke in favor of 221. She's a shareholder in Seward Park. The board doesn't speak for ALL shareholders. She believes it will be a positive gathering place in the neighborhood. She's a community member and a lawyer and spoke about the opposition organized by the Primitive Christian Church. The 200 foot law is the law, and protects churches.
11. ANDREW STATES testified he keeps his windows open most of the year and has never been bothered by noise from their bar on Avenue B.
12. DOMINIC asked people to stand who support 221. 7 people stood. He asked those who opposed it to stand. Many more stood for this. Sivan read statistics from the support sheet. 469 signatures of support, 285 within 2 blocks, 155 from Seward Park residents,
13. TIM DAVIS is her to work out stipulations with the Paulaner Brauhaus. There are 8 licensed facilities within 500 feet. Their petition didn't refer to anyone above or next to the building. There is no security or traffic plan for an extremely congested section of the Bowery. The stip should be amended to include what the applicant agreed to but which didn't make it into the resolution.
14. CARL HAACKA lives next door to the proposed brew pub. He confirmed that stips were made which didn't make it into the resolution. The stips re security such as non-idling of limousines outside the bar should be fine-tuned. He expects due diligence on the Bowery in general. HARVEY EPSTEIN asked if the bar-owner had agreed to the stips. Haacka answered "yes" but that details are missing from the final resolution. Alex Militano answered that the owners didn't want to postpone the vote again. The bar owner, part of the block association, is not here, and there is no signed MOU about the complete stips. HAACKA: The Committee wouldn't cede more time to resolve this. ARIEL PALITZ: It wasn't rushed because the applicant had appeared twice before the block association and had done everything the SLA Committee had asked for. CAROL KOSTIC said they came twice. They had done research with the NYPD and BID, but not residents. There was no block association at the time. They were told to do broader outreach. They came back, saying they had done broader community outreach. All the stips that are in the reso are the normal SLA Committee stips. Dominic: Discussion will continue in session.
15. JESS WICE for the Auxiliary Police Citywide Traffic Task Force spoke about the help they provide for parades, street issues, etc. They are all volunteer but wear uniforms minus guns. They are available to help.
16. ERIN MCCARRON is the smoke-free coordinator for the LGBT Center as part of the Coalition for a Smokefree City. She brought up the issue of aggressive tobacco marketing targeting youth. Tobacco is still the leading cause of preventable death. Convenience stores run ads because so many other marketing venues are limited. In-store marketing is being targeted. She hopes to count on CB3's support through Health & Human Services.
17. BILL CURRY talked about Item # 36 at the intersection of 13th Street & 3rd Avenue. He was opposed to an application to the SLA Committee for an application at this location. He is opposed to the expansion of Nevada Smith bar across the street from an NYU dormitory.
18. THERESA PEDROZA spoke about a busy intersection where her granddaughter was killed by a minivan. She would like the street co-named after her.

Public Officials:

Mayor Michael Bloomberg, Pauline Yu: Absent

Governor Cuomo, Erik Bottcher: Having worked with all CBs, there is no better Board Chair. He thanked him and congratulated him.

Public Advocate Bill de Blasio, Phil Jones: Absent

Comptroller John Lui, Sandra Ung: Absent

Borough President Scott Stringer, David Czyzyk: He thanked Dominic for his even-handedness and leadership. He congratulated Gigi Li. The BP marked to reform the stop and frisk policy. CB3 signed onto this, as did all Manhattan CBs. The 3rd Blueway community workshop will be held this Thursday at Hamilton Fish Library. He will be hosting an E Village Town Hall 7/17 at Tompkins Square Library. All City agency reps will be there.

Congressmember Jerrold Nadler, Katie Smith: Absent

Congressmember Nydia Velazquez, Iris Quinones: Absent

Congressmember Carolyn Maloney, Victor Montesinos: Absent

Assembly Speaker Sheldon Silver: The Speaker paid a tribute to Dominic Berg for distinguishing himself as Chair of CB3. He's been a tireless advocate for affordable housing, jobs, and other issues of social justice. He brought integrity to the job. CB3 has served as a model of responsiveness for a grass-roots organization. He presented a proclamation from the NYS Assembly. (Dominic responded that it has been an honor to work with Speaker, whether on the waterfront, Seward Park, etc.)

Assemblymember Deborah J. Glick, Sarah Malloy-Good: She mentioned appreciation for Dominic on his transition "from Chair to having a life." She submitted testimony to the rent guidelines board against increase. There were only modest increases. She submitted to Landmarks Preservation in support of LES landmarking. She encourages people to attend the Friday hearing re NYU. Details are in the newsletter.

Assemblymember Brian Kavanagh, Marcela Median: He thanks Dominic for his many years helping to improve the community. Session ended this month on time. He supported affordable housing and rent guidelines. He held a book fair. Their next event is July 8 free mammograms 9 – 4 on 14th between 1st and Avenue A.

State Senator Daniel L. Squadron, Rosemarie Diaz: She gave a proclamation to Dominic. The number of L trains was increased, 11 more on Saturday, 7 on Sunday. They passed a comprehensive bill to fight domestic violence. He is looking into lobbying legislation. Today is her last CB meeting. She introduced her successor. Dominic thanked her and said she really understands the community.

State Senator Thomas K. Duane: He mentioned Lisa Kaplan as a coalition-builder for affordable housing. He's not running for re-election. He will be in till 12/31. He thanked Dominic for his extraordinary work as Chair, protecting small businesses, accountability for night life establishments, the historic district preservation, and Mazel Tov to him and Andrew. The Republicans built on his Dignity for All Students Act, which included transgendered people and inclusion of body type language. He mentioned an internship program, details of which are in the newsletter. He's proud of passage of the Tier IV drug act, limiting co-payments. He spoke about the urgent need for campaign finance reform. He mentioned Bloomberg dumping 100s of 1000s of dollars into the Independence Party. He recommends reading his report.

Councilmember Margaret Chin, Matt Viggiano: He congratulated and thanked Dominic. He encouraged people to talk about all the issues that are important to the community. Budget meetings this month were difficult. Funding for after school programs at various public schools was saved. Restoring programs for children was a top priority. She opposed rent increases and supported increased gun control. He encouraged people to speak at the City Council's Friday hearing about NYU. He encourages people to read the newsletter.

Councilmember Rosie Mendez, Michele Burger: She is out getting the vote for Nydia Velasquez. She attended the silent march against stop and frisk. She supported creation of the Office of Special Prosecutor to fight malfeasance by state and city employees including NYPD. There is more in the newsletter.

Roll call and approval of minutes was called at 8:10 PM.

Members Present at First Vote:

David Adams	[P]	Rabbi Y. S. Ginzberg	[P]	Ben Landy	[P]
Dominic P. Berg	[P]	Gloria Goldenberg	[P]	John Leo	[P]
Karen Blatt	[P]	Jan Hanvik	[P]	Ricky Leung	[A]
Jimmy Cheng	[P]	Herman F. Hewitt	[P]	Sam Leung	[P]
MyPhuong Chung	[P]	Anne K. Johnson	[P]	Gigi Li	[P]
David Conn	[A]	Linda Jones	[P]	William LoSasso	[P]
David Crane	[P]	Vaylateena Jones	[P]	Bernard Marti	[P]
Natasha Dillon	[A]	Meghan Joye	[P]	David McWater	[P]
Harvey Epstein	[P]	Joel Kaplan	[A]	Charlotte Miles	[A]
Morris Fajtelewicz	[P]	Lisa Kaplan	[P]	Alexandra Militano	[P]
Flora Ferng	[A]	Carol Kostik	[P]	Chiun Ng	[A]

Ariel Palitz	[P]	Richard F. Ropiak	[P]	Elinor Tatum	[P]
Thomas Parker	[P]	Susan Scheer	[P]	Rodney Washington	[P]
Carolyn Ratcliffe	[P]	Nancy Sparrow-Bartow	[P]	Jack Waters	[P]
Joyce Ravitz	[P]	William Strom	[P]	Justin Yu	[P]
Carlina Rivera	[P]	Gary Tai	[P]	Thomas Yu	[A]
Jamie Rogers	[P]	Wilson Tang	[P]		

Minutes:

Minutes of April 2012 were approved, as is.

Board Chairperson's Report:

Chairperson Dominic P. Berg

Our Urban Fellow will give a report on the loss of retail diversity. Ballots will be distributed. Mary Di Stefano, an Urban Planning student at Hunter College, presented her report. There is an increase in chain stores and high end restaurants. Her report is available. One recommendation is to adopt a special purpose zoning district. San Francisco is using this. Store sizes can be limited. Chain banks and pharmacies are the objects of limitation. Hours of operation are an issue. Economic Development recommended making access and outreach better to existing small businesses. Richard Ropiak: The committee will follow up on it. He thanked her. The last 3 pages are "next steps." There are 20 special districts in Manhattan, but typically for theater usage. Susan Stetzer thanked her for helping review District Needs. The report will be on the website.

GIGI LI took the microphone to thank Dominic and for being a mentor to her. She will rely on him in the future. She read the plaque. JAN HANVIK thanked him for his uncommon support for arts and culture in the district. DAVID McWATER congratulated him on his dignity and his fairness and the energy he gave to all the issues. Whatever he believes, he believes honestly. Marriage equality and education are important, but he didn't put them ahead of the issues important to CB3. He embodies "public service" in the truest sense. He doesn't know how he accomplished his marriage, promotions, SPURA, etc. HERMAN HEWITT thanked him for his contribution to the community. He makes us all feel like we belong and that we as people are not separated. DOMINIC said his family is relieved but he appreciates how great this body is. It was a lot more than he anticipated. The waterfront and bus issues accomplished a lot, but SPURA took most of his energy. It's been well worth it. He thanked Susan for picking up the slack and her dedication to the community.

OFFICIAL CHAIR REPORT: July 11 SPURA meeting. Councilmember Chin did something great for us, convincing the Department of Education to allow us to meet in the schools without having to pay. Under OLD BUSINESS, we did the math wrong for the ULURP for SPURA. We have to change it to say "at least 9, up to 11."

Nominating Committee: Richard Ropiak read the list. There is a for Assistant Secretary. RR asked for nominations from the floor. David McWater asked for a job description. David Crane mentioned the stress of the job is getting accuracy immediately. Harvey Epstein nominated Jamie Rogers, who accepted the nomination. Tom Parker spoke in favor of his nomination. This is his 6th year on CB3. He worked with the Arts Task Force with "arts on the pier" and with passing the Chinatown BID. He signed up 102 youth for Basketball City. Mostly he is neutral and absorbs and listens and votes with his gut. He's willing to change an opinion when he here's a good argument. He speaks up for Chinatown. He's bilingual. Rickey Leung spoke. He is full of hope and love because today in DC he participated in a rally at the MLK Memorial for affordable housing. If people have reservations about him, he considers himself mature, and respectful of people in general. He wants to serve the Executive Committee, the elected officials, CB3, and the community. Gigi Li emailed the board about challenges facing the community. She thanks everyone for giving her this opportunity. ***Richard Ropiak read the election results at 9:05 PM.***

District Manager's Report:

District Manager Susan Stetzer

I would also like to thank Council member Chin for convincing DOE to allow CB 3 to use schools fo board meetings without charge. This was very difficult and is very appreciated.

Please always remember that the agendas distributed to board members at the full board are draft agendas for corrections by board members. They should not be used as final posted agenda and are for board members only.

Committee Reports:

Nominating Committee

Gigi Li	Chair	42
Herman Hewitt	First Vice-Chair	41
Ricky Leung	Second Vice-Chairperson	31
Carlina Rivera	Secretary	37
Jamie Rogers	Assistant Secretary	35
Bill LoSasso	Treasurer	42

Executive Committee

no vote necessary
No report.

Personnel Task Force

- Continued work on Employee Handbook
no vote necessary

DB: It met last night and is reviewing a handbook provided by the Borough President, adapting it to CB3 needs. It addresses conflicts, etc.

Con Edison Task Force (Thursday, May 31, 2012)

Carol Kostic reported an application from Ryna-Nena Clinic for an asthma clinic. The meeting for a vote will be taken this week.

- Initial proposal review
no vote necessary

Land Use, Zoning, Public & Private Housing Committee

David McWater reported. The BSA didn't show. They will show next month.

1. FY'2014 District Needs Statement & Budget Consultation Agenda
no vote necessary
2. BSA Application No. 299-82-BZ for minor modification of a previously approved BSA variance for the former Site 1B of the former Cooper Square Urban Renewal Plan. Modification is to amend the site plan to allow development of an approximately 195,500 SF, 25-story, as-of-right mixed use building on a vacant mid-block portion of the site, located at 215 Chrystie Street between Stanton Street and Houston Street (Block 427, Lots 2 (part) and 200)
withdrawn
3. Vacant property count in CB 3: presentation by Picture the Homeless
no vote necessary
4. Dept of City Planning presentation on the Manhattan Core Parking Project regarding off-street parking regulations in the Manhattan Core - This is a preliminary outreach presentation and information session on the project
no vote necessary
5. Delancey Underground update and resolution of support

VOTE: **WHEREAS**, the historic former Williamsburg Trolley Terminal, a 1.5 acre former streetcar depot located beneath Delancey Street between Essex and Clinton Streets (hereafter "Delancey Underground site") and adjacent to the JMZ subway line, has been unused and untouched for over six decades; and

WHEREAS, Dan Barasch and James Ramsey, Co-Founders of the Delancey Underground project (hereafter "the project"), first presented the idea of a "Lowline" public green space in this location to the Community Board 3 Land Use, Zoning, Public & Private Housing Committee (hereafter "Community Board 3 Land Use Committee") at its meeting in September, 2011; and

WHEREAS, the vision for the project is a public amenity that would provide much needed additional "green space" at the heart of the Lower East Side; would provide a safe community gathering space for a newly revitalized Delancey Street corridor; would utilize innovative solar technology to create a beautiful, park-like experience for visitors; and would be conceived and executed in partnership with a broad and diverse group of community partners and stakeholders, for and by the Lower East Side community; and

WHEREAS, the project has successfully received official 501c3 status as a registered non-profit organization, enabling tax-deductible philanthropic contributions from individuals, agencies, and corporations; and

WHEREAS, the project has received an official endorsement from Council Member Margaret Chin, and has consulted closely with the offices of Senator Daniel Squadron, Speaker Sheldon Silver, Mayor Michael Bloomberg, Speaker Christine Quinn, and senior officials within the NYC Economic Development Corporation, the NYC Department of City Planning, and the NYC Department of Transportation, the NYC Department of Parks and Recreation, as well as elected officials at the State and federal levels, with a goal of increasing official political support; and

WHEREAS, the project has received official letters of support from the Boards of Directors of Seward Park Co-op and Hillman Housing Corporation, and additional outreach is planned to Seward

Park Extension, Vladeck Houses, and Baruch Houses in the coming weeks, with a goal of broad support from a diversity of residents across the Lower East Side; and

WHEREAS, the project has received an official endorsement from the Lower East Side Business Improvement District, as well as a significant number of local and historic businesses including Russ & Daughters, the Tenement Museum, Pushcart Coffee, the Mark Miller gallery, and many others, with a goal of increasing support among the local business community; and

WHEREAS, the project has begun private fundraising to support a Preliminary Planning Study and Community Tech Demo Exhibition, having launched a successful online fundraising campaign via the crowdfunding website Kickstarter completed in April 2012, and is hosting a series of fundraising events and soliciting corporate philanthropic support throughout the summer of 2012; and

WHEREAS, the project has begun a Preliminary Planning Study, led by leading strategic advisory firm HR&A, to determine the likely costs and benefits of converting the Delancey Underground site into a public "green space," along with potential funding mechanisms for the project overall, and plans to release these findings to this Committee and to key stakeholders within the next few months; and

WHEREAS, the project has rented Essex Market Building D, on the southeastern corner of Delancey and Essex Streets, for the month of September 2012 to host a Community Tech Demo Exhibition, in an effort to showcase the solar daylighting technology, build a small-scale version of a "Lowline" public green space, and invite community engagement and feedback on the project; and

WHEREAS, the Delancey Underground project is the only organization focused on building a community-focused public green space in this location with comprehensive input and feedback from the local Lower East Side community; and

WHEREAS, official Community Board endorsement of the project will demonstrate local support and will be pivotal in securing additional endorsements from key political officials and supporters, increasing the likelihood of the project's continued momentum; so

THEREFORE BE IT RESOLVED, that Community Board 3 officially supports the Delancey Underground project and its initiative to build a community-centered "Lowline" public space, and looks forward to working closely with the Underground Development Foundation in ensuring that this new amenity is developed in partnership with and for the benefit of the Lower East Side community.

6. Support for Cooper Square Committee to apply for NYS Main Street funds and NYS Urban Initiatives funds for community revitalization efforts in CB3

VOTE: **WHEREAS**, the Cooper Square Committee is a non-profit neighborhood preservation company that receives funding from the NYS Office of Homes and Community Renewal; and

WHEREAS, the Cooper Square Committee is eligible to apply for a number of NYS housing and community development programs, including the NYS Main Street Program and the Urban Initiatives Program; and

WHEREAS, Main Street and Urban Initiatives funding must be highly targeted to a mixed use block where the majority of residents are low income, and where there are commercial tenants; and

WHEREAS, the Cooper Square Committee has received two rounds of Main Street funding since 2004, totaling \$250,000 and is one of only a handful of organizations in New York State to successfully disburse all of these funds to improve the facades of the cultural and mixed use buildings and streetscape improvements in the East 4th Street Cultural District; and

WHEREAS, the State has issued a Consolidated Funding Application for these programs, with a July 16th deadline, and requires all applicants to receive authorization from their local Community Board, and such Resolution must be included with the proposal; so

THEREFORE BE IT RESOLVED, Community Board 3 supports and authorizes the Cooper Square Committee to apply for capital funding from the Main Street Program (maximum of \$250,000) and the Urban Initiatives Program (maximum of \$200,000) to be used to make streetscape improvements, and façade and interior improvements to buildings on East 3rd Street, between the Bowery and 2nd Avenue.

Economic Development Committee

Meghan Joye reported that they met with an attorney from the General Counsel's office, to review the Small Business Guide to Lease Negotiations. Per Matt Viggiano, small revisions have been made so it's more advice-driven, and less legalistic.

1. FY'2014 District Needs Statement & Budget Consultation Agenda
no vote necessary
2. LES BID presenting future plans for LES Development Corp and the benefits of business incubators
no vote necessary
3. NYC Economic Development Corp presenting on business incubators
no vote necessary
4. LES BID follow up report on DayLife street festival on Orchard Street
no vote necessary
5. NYCHA's Office of Resident Economic Empowerment and Sustainability (REES) presentation on Zone Model Initiative, a place-based effort aimed at connecting public housing residents to local economic opportunity programs and services
no vote necessary
6. Report of the Subcommittee on Retail Diversity
no vote necessary

Transportation & Public Safety and Environment Committee

David Crane reported that it's difficult to prove that diesel idling is a problem. We need people to log complaints so we can prove it's a problem. Idling more than 15 minutes is a fine-able offense. Please report to 311 and to the CB3 website.

Morris Fajtelewicz discussed Item # 3. He recommends that people not vote for it in part because of the "no left turn from Allen Street" rule. Re the co-naming of Delancey, it's a big tragedy, but we put together guidelines which this means we go against them. David Crane reported that the guidelines are clear and we turn it over to the community. If 75% of the residents support it, we pass it. Harvey Epstein spoke in favor of the importance of bike lanes. Anne Johnson spoke against the way the passage of bike lane laws was handled. Dominic believes they presented to the CBs.

1. FY'2014 District Needs Statement & Budget Consultation Agenda
no vote necessary
2. Dept. of Design and Construction: Grand Street Water Trunk Main Project
no vote necessary
3. DOT presentation on Street Rack for Blue Stockings Book Store at 172 Allen St

VOTE: WHEREAS, DOT has proposed installing on-street bicycle parking in the parking lane in front of 172 Allen Street between Rivington and Stanton Street. This would provide eight bike parking spaces where there is currently space for one parked car. There is a great need for more bike parking in the area, with bikes cluttering the narrow sidewalk, often attached to a tree, to other street furniture and to construction scaffolding; and

WHEREAS, DOT has proposed updating the curbside regulations between the new bike racks and the corner of Stanton Street, creating a "No Standing Anytime" zone of 47 feet, space for two parked cars. This change would function as a right turn lane off of congested Allen Street, as well as provide room for pickups and drop-offs; and

Whereas, a "No Parking" regulation would allow for disability access through SVP permit parking, which has the other benefits of "No Standing";

WHEREAS, Bluestockings Book Store would be the maintenance partner, responsible for maintaining plantings, shoveling snow, etc.; now

THEREFORE, be it resolved, that CB3-Manhattan supports the installation of a street racks bicycle parking with planters in front of Bluestockings Book Store at 172 Allen St, and installation of "No Parking" signage between the bike racks and the corner of Stanton St.

4. 2012 DOT Summer Streets – August 4th, 11th and 18th from 7:00am – 1:00pm
no vote necessary
5. Co-naming for Dashane Santana, struck and killed on Delancey and Clinton Streets
VOTE: WHEREAS, the community wants to co-name the north side of the intersection of Clinton and Delancey Streets in honor of Dashane Santana, a 12 year old girl who was struck and killed by a minivan there on January 13, 1012. Although Dashane was born in Staten Island, she lived in this community all of her short life at 749 FDR Drive. She attended Dewitt Pre-School, then P.S. 15 Elementary School where she was active in dance and music. Upon graduation from P.S. 15, Dashane went to Castle Middle School, where she continued to be active in the arts. Her artistic talents led her to gain a role as an extra in the 2011 feature film Broken City, which starred Russell Crowe, Catherine Zeta Jones and Mark Wahlberg. Her dream of attending Julliard died with her; and

WHEREAS, CB3 feels Dashane should be so honored because her death crystallized the longstanding danger at this intersection. This is an area that is home to several elementary schools, and the pre-teen students who must cross the intersection to get home need assistance in order to cross safely. This terrible accident focused attention on taking action to improve safety for children and adults caused by the conditions that were at this intersection: 10 lanes of speeding traffic vehicles that moved in both directions and make odd turns; bicycles speeding off the Williamsburg Bridge; traffic lights that did not allow enough time for even adults to make it across without running before anxious drivers began racing through the intersection; now

THEREFORE, BE IT RESOLVED, CB3-Manhattan supports co-naming the north side of the intersection of Clinton and Delancey Streets in honor of Dashane Santana, to serve as a remembrance for Dashane and as a reminder to all that the lives of the children of our neighborhood are precious, and that getting people through that intersection safely is more important than expediting the muddle of traffic that moves through there.

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

No report.

1. FY'2014 District Needs Statement & Budget Consultation Agenda
no vote necessary
2. Presentation by The Space at Tompkins, a non-profit harm reduction organization, that works with the transient homeless community around the East Village
no vote necessary
3. Support for S7015 and A9861, which would grant New York City the power make kindergarten mandatory for all 5 year olds

VOTE: WHEREAS, Kindergarten is a valuable and necessary preparation for all children as they transition to attending school daily; and

WHEREAS, Early childhood education has a lasting impact on children's academic and social outcomes. Research has shown that children who receive early educational interventions are more likely to graduate from high school, find a job, and stay out of jail. Early childhood education also makes economic sense: the return on investment for early education programs is 12%. (Legal Momentum's Family Initiative and the MIT Workplace Center. (2005) *Early childhood education for all: A wise investment.*)

WHEREAS, Compulsory education in New York City currently begins at age six, or first grade; and

WHEREAS, Currently, Kindergarten is not mandatory for New York City children and is offered only as an option; and

WHEREAS, According to DOE, thousands of 5-year-olds did NOT attend Kindergarten last year in New York City; and

WHEREAS, The vast majority of these children-many of whom come from disadvantaged and low-income families-are the most in need of early education and enter first grade with no prior school experience, thereby starting their school years at an unnecessary further disadvantage; now

THEREFORE BE IT RESOLVED, Community Board 3 supports state bills S.7015 and A.9861 to empower New York City to make kindergarten mandatory for five year olds.

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

No report.

1. FY'2014 District Needs Statement & Budget Consultation Agenda
no vote necessary
2. Coleman park skate board design
no vote necessary
3. Delancey Underground presentation
withdrawn
4. Proposal for temporary public art project by artist Mary Mattingly entitled FLOCKHOUSE, scheduled for Coleman Playground from July 1-July 15
no vote necessary

Block Party Application

5. Community Healthcare Network Healthy Block Party, 08/07, Stanton St (Essex-Norfolk Sts)

VOTE: CB#3 approves the Community Healthcare Network Healthy Block Party, 08/07, Stanton St (Essex-Norfolk Sts).

SLA & DCA Licensing Committee

Meeting is 6/27/12. There are 2 standing agenda items, described by Alex Militano.

SS reported that we received all the stipulations. There is one additional, an add-on. It will be # 38, Zaragoza Mexican Deli, 215 Avenue A, beer license. A motion to deny.

At board member requests, # 24, 35, and 36 were withdrawn.

1. FY'2014 District Needs Statement & Budget Consultation Agenda
no vote necessary

Renewal with Complaint History

2. Royale (Jeflo & Co Ltd), 157 Ave C (op)

VOTE: To deny the renewal of the full on-premise liquor license for Jeflo & Co. Ltd., doing business as Royale, for the premise located at 157 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 restaurant, serving food during all hours of operation, 2) it will close its backyard at 10:00 P.M. all nights and remove the television from the backyard no later than 9:00 P.M. Sundays through Thursdays and 10:00 P.M. Fridays and Saturdays, and 3) it will extend an awning over its backyard while it is open to patrons.

Sidewalk Café Application

3. Starbucks Coffee (Starbucks Corp), 145 2nd Ave

VOTE: To approve the application for a sidewalk café permit for eight (8) tables and fifteen (15) seats, for Starbucks Corp., doing business as Starbucks Coffee, 145 Second Avenue, because the applicant has signed a change agreement which will become part of its DCA license that 1) the café will consist of eight (8) tables with fifteen (15) seats, 2) its hours of operation will be from 8:00 A.M. to 10:00 P.M. all days, 3) it will maintain a closed fixed façade with no open doors or windows, and 4) it will extend its awning over the café while it is operating.

4. Spice (KY & YL Inc), 104 2nd Ave

VOTE: To approve the application for a sidewalk café permit for ten (10) tables and twenty (20) seats, for KY & YL Inc., doing business as Spice, 104 Second Avenue, 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 (20) seats, to be located on Second Avenue, with no seating located on East 6th Street, and 2) it will close no later than 10:30 P.M. weekdays and 11:30 P.M. weekends.

5. The Bowery Diner (241 Bowery Corp), 241 Bowery

VOTE: To approve the application for a sidewalk café permit for four (4) tables and nine (9) seats, for 241 Bowery Corp., doing business as Bowery Diner, 241 Bowery, because the applicant has signed a change agreement which will become part of its DCA license that 1) the café will consist of four (4) tables with nine (9) seats, all tables to be flush against the façade of the business, and 2) it will close no later than 12:00 A.M. all days.

Applications within Resolution Areas

6. Café Angelina (Mina Lena Inc), 37 Ave A (bw)

VOTE: To deny the application for a beer wine license for Mina Lena Inc., with a proposed business name of Café Angelina, for the premise located at 37 Avenue A, 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 Mediterranean restaurant, serving food during all hours of operation, 2) its hours of operation will be 11:00 A.M. to 12:00 A.M. all days, 3) it will maintain a closed fixed façade with no open doors or windows, and 4) it will play ambient background music only, consisting of recorded music, and will not have DJs, live music, promoted events or events at which a cover fee will be charged. 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 operated its business Café Angelina at 36 Avenue A for nine (9) years without complaint, 2) the applicant is seeking to move its business to a more favorable location directly across the street from where he now operates, and 3) the applicant furnished ninety-one (91) signatures from residents with a two block radius in favor of this application.

7. To be Determined, 34 Ave A (wb)
withdrawn

8. Flea Market, 131 Ave A (op)
withdrawn

9. Japadog, 30 St Marks Pl (wb)

VOTE: To deny the application for a beer wine license for Japadog Inc., doing business as Japadog, for the premise located at 30 St. Marks Place because 1) this is an application for a fast food business, serving hotdogs and French fries during the hours of 11:00 A.M. to 1:00 A.M. Sundays through Wednesdays and 11:00 A.M. to 3:00 Thursdays through Saturdays, 2) this applicant has no experience operating a business in the United States, no experience operating a business which serves beer or wine and has limited experience operating a business at a fixed location as its business experience principally consists of operating Japadog hotdog trucks in Canada and one (1) Japadog restaurant also located in Canada and open for two (2) years, 3) despite this

lack of experience operating a licensed premise in New York City, or licensed premises generally, this applicant has chosen to locate its business on St. Mark's Place between Second and Third Avenues, which is a residentially zoned street which currently has eleven (11) full active on-premise liquor licenses and ten (10) active beer wine licenses, and 4) this street also has numerous small fast food businesses and granting a liquor license to this applicant would set a precedent for granting beer wine licenses to other similar businesses on this street which is already overwhelmed by its great number of licensed businesses.

10. Restaurant Han Joo (12 St Marks Place LLC), 12 St Marks Pl (wb)

VOTE: To deny the application for a beer wine license for 12 St. Mark's Place LLC, with a proposed business name of Restaurant Han Joo, for the premise located at 12 St. Mark's Place, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a full-service Korean restaurant, serving food during all hours of operation, 2) its hours of operation will be 11:00 A.M. to 11:00 P.M. all days, 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 will not have DJs, live music, promoted events or events at which a cover fee will be charged, 5) it will install a new ventilation system to minimize noise and fumes, and 6) its license will not extend to its front yard which is as-of-right. 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 twenty-four (24) years of experience operating and managing similar businesses, 2) the applicant agreed to reduce its hours and install a new ventilation system after speaking with the St. Mark's Block Association, and 3) this location has housed a Korean restaurant with a full on-premise liquor license since 2005 and this applicant is seeking to operate the same type of business with a lesser license.

11. The Cardinal (The Cardinal Restaurant 1 Inc), 234 E 4th St (op)

VOTE: As this applicant has entered in a Memorandum of Understanding with the East 4th Street A-B Block Association (attached hereto), has operated without complaint for the past year and has furnished numerous signatures from residents of the area, Community Board #3 moves to deny the application for an upgrade to a full on-premise liquor license for The Cardinal Restaurant 1 Inc, doing business as The Cardinal, for the premise located at 234 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 full-service Southern American restaurant, serving food during all hours of operation, 2) its hours of operation will be 6:00 P.M. to 12:00 A.M. Mondays through Fridays and 10:00 A.M. to 1:00 Saturdays and Sundays, 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 will not have DJs, live music, promoted events or events at which a cover fee will be charged, 5) it will not apply for an upgrade of its license, 6) it will designate an employee who will monitor crowds and noise from patrons on the sidewalk, and 7) it will maintain an area inside to house waiting patrons.

12. To be Determined, 170 Ave A (op)

withdrawn

13. To be Determined, 172 Ave B (op)

withdrawn

14. Babel, 129 Ave C (op)

VOTE: To deny the application for an alteration of a full on-premise liquor license for Bab Café LLC, doing business as Babel Lounge, 129 Avenue C, to wit expanding its business presently located at 131 Avenue C to 129 Avenue C, and adding an additional bar, 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 Mediterranean restaurant and hookah lounge, serving food during all hours of operation, 2) its hours of operation will be 6:00 P.M. to 1:00 A.M. Sundays, Tuesdays and Wednesdays and 6:00 P.M. to 4:00 A.M. Thursdays through Saturdays, 3) it will employ at least one (1) security guard weekdays and up to three (3) security guards on weekends, and will locate one (1) security guard at the door at all times and employ an identification scanner, 4) it will play recorded music and may have DJs three (3) times per week but will not have live music, promoted events, scheduled performances or any event at which a cover fee will be charged, 4) it will close any façade doors and windows by 10:00 P.M. every night and when DJs are playing. Community Board #3 is approving this alteration application although this is a location in an area with numerous licensed premises because this applicant has operated its existing business located at 131 Avenue C for the past eight (8) years without complaint.

15. Les Deux Freres Bistro, 121 Ludlow St (op)

withdrawn

16. Seiei LLC, 130 St Marks Pl (wb)

withdrawn

Alterations

17. St Jeromes (Rivington Wine & Cheese Inc), 155 Rivington St (op/add space)

withdrawn

New Liquor License Applications

18. Hong Kong Station (Lamma Island Inc), 45 Division St (wb)

VOTE: Notwithstanding that the SLA has granted this applicant a beer wine license without comment from Community Board #3, Community Board #3 moves to deny the application for a beer wine license to Lamma

Island Inc., doing business as Hong Kong Station, for the premise located at 45 Division Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a full-service Chinese restaurant, serving food during all hours of operation, 2) its hours of operation will be 9:00 A.M. to 9:00 P.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 will not have DJs, live music, promoted events or events at which a cover fee will be charged.

19. The Cock (Red Rooster LLC), 29 2nd Ave (op)

VOTE: To deny the application for a full on-premise liquor license Red Rooster LLC, doing business as The Cock, for the premise located at 29 Second Avenue, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a bar tavern, 2) it will employ two (2) security guards to be located at the door at all times, and otherwise employ additional security as required by law, and 3) it will post signs on its façade asking its patrons to be quiet and respectful of neighbors.

20. To be Determined, 155 Rivington St (op)
withdrawn

21. To be Determined, 145 E 13th St aka 106 3rd Ave (op)

VOTE: To deny the application for a full on-premise liquor license 90 Third Ave NYC Inc., for the premise located at 145 East 13th Street a/k/a 106 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 American comfort food restaurant, serving food to within one (1) hour of closing and using both the first and second floors as dining rooms, 2) its hours of operation will be 11:00 A.M. to 4:00 A.M. all days, 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 will not have DJs, live music, promoted events or events at which a cover fee will be charged, 5) it will employ at least two (2) security guards four (4) days per week, 5) it will install soundproofing, particularly on the walls shared with its residential neighbors, and 6) it will apply for any sidewalk café use separately.

22. Essex Café Group LLC, 21 Essex St (op)
no vote necessary

23. SC Delancey LLC, 148-150 Delancey St (hotel op)
withdrawn

24. Sivandrew Inc, 221 E B'way (op)

HH proposed a vote on Vote # 2. VJ seconded. Discussion ensued. Meghan Joye urged us not to vote on "what could be." They don't violate the 200' or 500' rule. They operated a bar for 9 years without a problem. Linda Jones offered a friendly amendment. AM explained the distance is measured "door to door." The applicants measured themselves. The complainants hired a certified surveyor. The SLA can be asked to investigate. IF less than 200', the license won't be issued. DB spoke in favor of consistency of application of policy. Linda Jones says this is a Use Group 6 location. DB says this is key to him. Per a letter from an architect, bar use is allowed. Vote on this issue called at 10:05 PM. 19Y-17N w/3 abstentions. The motion didn't carry. The owner agreed to close the windows at 9, and expand the menu. SL asked for cutting hours S-Th to 2 AM.

VOTE #1: To deny the application for a full on-premise liquor license for Sivandrew Inc., for the premise located at 221 East Broadway, 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 bar restaurant, serving its full menu, including cooked food, during all hours of operation, 2) its hours of operation will be 3:00 P.M. to 4:00 A.M. all days, 3) it will close any façade doors and windows at 9:00 P.M. every night, 4) it will play ambient background music only, consisting of recorded music, and will not have DJs, live music, promoted events or events at which a cover fee will be charged, 5) it will employ at least one (1) security guard Thursdays through Saturdays and additional security if needed, and 6) it will install soundproofing. Community Board 3 is asking that the SLA investigate whether the proximity of the Primitive Christian Church, located at 207-209 East Broadway, with entryways within two hundred (200) feet of this location (as evidenced by the attached architectural drawings submitted by a resident) render this application a nullity under the law.

VOTE #2: (THIS MOTION DID NOT PASS) To deny the application for a full on-premise liquor license for Sivandrew Inc., for the premise located at 221 East Broadway, because 1) this location is a grandfathered noncompliant commercial use on a side street which is residentially zoned R72 and such use was permitted to serve local retail needs only and, as such, Community Board #3 believes that the City should not permit eating and drinking establishments on side streets where they are not permitted under existing zoning or to extend noncompliant use to eating and drinking establishments, 2) this storefront is located in an immediate neighborhood with thousands of apartments occupied by families, multiple schools and multiple houses of worship and the use proposed, to wit a bar with extensive hours, limited menu which will be further limited to cold and finger food after 1:00 A.M., is inconsistent with this constituency, 3) despite the nine (9) year experience of the applicant operating a bar and a demonstration of support through petition signatures of hundreds of residents and prospective patrons and eighteen (18) people who appeared, approximately fifty

- (50 people appeared in opposition to this application as residents and as members of a nearby house of worship, and 3)
25. Bugs (Beam B LLC), 504 E 12th St (wb)
withdrawn
26. Ninth Street Espresso (Higher Grounds Café Inc), 343 E 10th St (wb)
VOTE: To deny the application for a tavern wine license for Higher Ground Cafe Inc., with a proposed business name of Ninth Street Espresso, for the premise located at 343 East 10th Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a coffee shop, serving food during all hours of operation, 2) its hours of operation will be 7:00 A.M. to 11:00 P.M. all days, 3) it will maintain a closed fixed façade with no open doors or windows, 4) it will play ambient background music only, consisting of recorded music, and will not have DJs, live music, promoted events or events at which a cover fee will be charged, and 5) it will not commercially use any outdoor areas. Community Board #3 is approving this tavern wine application because 1) this applicant has operated the same business with the same name in this community for eleven (11) years, five (5) of which have at the adjacent storefront at 131 East 10th Street, 2) this application is for a business which has limited hours and scope and which will occupy a location which previously housed a restaurant with a full on-premise liquor license.
27. Thai Terminal Inc, 349 E 12th St (wb)
VOTE: To deny the application for a beer wine license for Thai Terminal Inc., for the premise located at 349 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 Thai restaurant, serving food during all hours of operation, 2) its hours of operation will be 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 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 will not have DJs, live music, promoted events or events at which a cover fee will be charged.
28. Upstate Kraft & Oyster Bar (Marry the Ketchup) 95 1st Ave (op)
VOTE: To deny the application for an upgrade to a full on-premise liquor license for Marry The Ketchup Inc, doing business as Upstate Kraft & Oyster Bar, for the premise located at 95 First 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 American restaurant and oyster bar, serving food during all hours of operation, 2) its hours of operation will be 5:00 P.M. to 12:00 A.M. Mondays through Wednesdays and 1:00 P.M. to 2:00 A.M. Thursdays through Saturdays, 3) it will close any façade doors and windows at 10:00 P.M. every night, and 4) it will play ambient background music only, consisting of recorded music, and will not have DJs, live music, promoted events or events at which a cover fee will be charged, 5) it will not apply for an upgrade of its license, 6) it will designate an employee who will monitor crowds and noise from patrons on the sidewalk, and 7) it will maintain an inside area to house waiting patrons.
29. Exchange Alley (Sons of Brooklyn LLC), 424 E 9th St (wb)
VOTE: As this applicant has entered in a Memorandum of Understanding with the 9th Street A-1 Block Association (attached hereto), Community Board #3 moves to deny the application for a beer wine license to Sons of Brooklyn LLC, with a proposed business name of Exchange Alley, for the premise located at 424 East 9th 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 New American restaurant, serving food during all hours of operation, 2) its hours of operation will be 11:00 A.M. to 12:00 A.M. Sundays through Thursdays and 11:00 A.M. to 1:00 Fridays and Saturdays, 3) it will maintain a closed fixed façade with no open doors or windows, 4) it will play ambient background music only, consisting of recorded music, and will not have DJs, live music, promoted events or events at which a cover fee will be charged, 5) it will not apply for an upgrade of its license, and 6) it will not commercially use any outdoor areas with the exception of a bench in front of the establishment.
30. Livety LLC, 225 E Houston St (op)
VOTE: To deny the application for a full on-premise liquor license Livety LLC, for the premise located at 225 East Houston 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 bar lunge, serving food to within one (1) hour of closing, 2) its hours of operation will be 10:00 P.M. to 4:00 A.M. Wednesdays through Saturdays and will not operate other days, 3) it will have a closed fixed façade with no open doors or windows, 4) it will have in-house DJs and promoters, 5) it will provide notification of special or large events to the 7th Precinct, and 5) it will have as many as fourteen (14) security guards present at all times, and additional security if needed, to regulate sidewalk and vehicular traffic and maintain indoor security and security at the door.
31. Feihu Food Inc, 249 Broome St (wb)
VOTE: To deny the application for a beer wine license for Feihu Food Inc., for the premise located at 249 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 full-service Asian fusion restaurant, serving food during all hours of operation, 2) its hours of operation will be 11:30 A.M. to 1:00 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 will not have DJs, live music, promoted events or events at which a cover fee will be charged.

32. J Wu Inc, 252 Broome St (wb)

VOTE: To deny the application for a beer wine license for J Wu Inc., doing business as Jin Sushi, for the premise located at 252 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 full-service Japanese restaurant, serving food during all hours of operation, 2) its hours of operation will be 11:30 A.M. to 12:00 A.M. all days, 3) it will close any façade doors and windows at 9:00 P.M. every night, 4) it will play ambient background music only, consisting of recorded music, and will not have DJs, live music, promoted events or events at which a cover fee will be charged, and 5) it will not apply for an upgrade of its license.

33. Christian Vautier Le Concept, 254 Broome St (wb)

VOTE: To deny the application for a beer wine license for Artisan Chocolates LLC, doing business as Christian Vautier Le Concept, for the premise located at 254 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 retail chocolate shop and cafe, serving food during all hours of operation, 2) its hours of operation will be 11:00 A.M. to 11:00 P.M. Mondays through Thursdays, 11:00 A.M. to 1:00 A.M. Fridays and Saturdays and 11:00 A.M. to 10:00 P.M. Sundays, 3) it will play ambient background music only, consisting of recorded music, and will not have DJs, live music, promoted events or events at which a cover fee will be charged, and 4) it will maintain a closed fixed façade with no open doors or windows.

34. Shervin's World Inc, 131 E 7th St (wb)

VOTE: To deny the application for a beer wine license for Shervin's World Inc., for the premise located at 131 East 7th 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 cafe, serving food during all hours of operation, 2) its hours of operation will be 9:00 A.M. to 1:00 A.M. all days, 3) it will play ambient background music only, consisting of recorded music, and will not have DJs, live music, promoted events or events 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.

35. Paulaner Brauhaus Restaurant LLC, 265-267 Bowery (op)

Val Jones pulled this, wondering whether they came back with resident signatures. AM explained the resulting signatures. This vote carried.

VOTE: WHEREAS, Paulaner Brauhaus Restaurant LLC is applying for an on-premise liquor and brew pub license for 265-267 Bowery, between Houston and Stanton Streets; and

WHEREAS, this applicant is seeking to serve beer, wine and liquor at a German restaurant which will also manufacture and serve beer; and

WHEREAS, this applicant is an experienced operator with an exclusive license to manufacture and sell an internationally sold beer on site; and

WHEREAS, 265-276 Bowery is a commercially zoned location; now.

THEREFORE, BE IT RESOLVED THAT Community Board now moves to deny the application for a full on-premise liquor and brew pub license for Paulaner Brauhaus Restaurant LLC, for the premise located at 265-267 Bowery, 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 German restaurant and brew pub, serving food during all hours of operation, 2) its hours of operation will be 7:00 A.M. to 12:00 A.M. Sundays through Wednesdays and 7:00 A.M. to 1:00 A.M. Thursdays through Saturdays, 3) it will play ambient background music only, consisting of recorded music, and will not have DJs, live music, promoted events or events at which a cover fee will be charged, 4) it will close any façade doors and windows at 10:00 P.M. every night, 5) it will install soundproofing **consistent with plans presented**, 6) it will post signs on its façade asking patrons to be quiet and respectful of neighbors, 7) it will install and extend an awning over its façade and any area designated as a smoking area for patrons, 8) it will employ at least two (2) security guards weekdays and three (3) security guards on weekends with one (1) security guard to be placed at the door at all times **and security guards will deter crowds and noise on the sidewalk and encourage vehicles stopping to drop off and pick up patrons from idling**, 9) it will adjust its ventilation system if there are any complaints about noise or odors, and 10) it will not apply for a sidewalk café for at least two (2) years.

36. Nevada Smiths (92 Nuns Walk Inc), 100 3rd Ave (op)

Joyce Ravitz pulled this because they didn't go to the community, and it will be 3 floors of bars, which is not mentioned. AM read terms of the CofO & capacity per floor. This vote did not carry. It was referred back to Committee for reconsideration.

VOTE: To deny the application for a full on-premise liquor license for 92 Nuns Walk LLC, with a proposed business name of Nevada Smiths, for the premise located at 100 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 restaurant and bar, serving food during all hours of operation, 2) its hours of operation will be 10:00 A.M. to 4:00 A.M. all days, 3) it will have at least two (2) to three (3) security guards Sundays through Wednesdays and at least four (4) security guards Thursdays through Saturdays and will place one (1) security guard at the door at all times and have additional security for large or major events, 4) it will have a closed fixed façade and will keep its front door closed, 5) it will play recorded background and entertainment level music, and may have DJs on weekends, but will not have live music, promoted events, scheduled performances or any event at which a cover fee will be charged, 6) it will construct and utilize an atrium as a holding area to minimize patrons waiting outside, and 7) it will not participate in "pub crawls."

37. Empanadas Bar (Baires Inc), 438 E 9th St (wb)

VOTE: As this applicant has entered in a Memorandum of Understanding with the 9th Street A-1 Block Association (attached hereto), Community Board #3 moves to deny the application for a beer wine license to Baires Inc., with a proposed business name of Empanadas Bar, for the premise located at 438 East 9th 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 Empanadas restaurant, serving food during all hours of operation, 2) its hours of operation will be 11:00 A.M. to 11:30 P.M. Mondays through Thursdays, 11:00 A.M. to 1:00 Fridays and Saturdays and 11:00 A.M. to 10:30 P.M. Sundays, 3) it will maintain a closed fixed façade with no open doors or windows, 4) it will play ambient background music only, consisting of recorded music, and will not have DJs, live music, promoted events or events at which a cover fee will be charged, and 5) it will not apply for an upgrade of its license.

38. Zaragoza Mexican Deli (Zaragoza Mexican Deli & Grocery Inc), 215 Ave A (b)

VOTE: To deny the application for a beer license for Zaragoza Mexican Deli & Grocery Inc., doing business as Zaragoza Mexican Deli, for the premise located at 215 Avenue A, because the applicant has furnished a signed notarized stipulation to agree before the SLA to make as conditions of its license that 1) it will operate as a bodega with fast food Mexican service, serving food during all hours of operation, 2) its hours of operation will be 10:00 A.M. to 12:00 A.M. Mondays through Thursdays, 10:00 A.M. to 4:00 A.M. Fridays and Saturdays and 11:00 A.M. to 12:00 A.M. Sundays, and 3) it will play ambient background music only, consisting of recorded music, and not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee will be charged. Community Board #3 is approving this beer application although this is a location in an area with numerous licensed premises because 1) this location has operated as a deli for the past ten (10) years, has had sit down service for the past five (5) years and has had a beer license through July of 2011, 2) although it allowed its license to expire in July of 2011 and received a violation for selling beer without a license in August of 2011, said violation is the only known violation which this applicant has had.

SLA Policy Task Force (Tuesday, May 29, 2012)

1. Continued review of high density areas
no vote necessary
2. Continued discussion of standardized stipulations for beer wine licenses in resolution areas
no vote necessary

Retail Diversity Subcommittee

- Discussion on next steps in creating a plan to address retail diversity within the District
no vote necessary

Landmarks Subcommittee

- Review of Revised Draft of Proposed procedures and guidelines for CB3 Landmarks Subcommittee with input from District manager and CB3 Chair

VOTE: To accept the proposed Policies & Procedures and Guidelines for the CB3 Landmarks Subcommittee.

Community Board 3 Landmarks Subcommittee Policies and Procedures

Landmarks Preservation Commission

The Landmarks Preservation Commission ("LPC") is the New York City agency that is responsible for identifying and designating the City's landmarks and the buildings in the City's historic districts. The Commission also regulates changes to designated buildings.

The Landmarks Law was enacted in response to New Yorkers' growing concern that important physical elements of the City's history were being lost despite the fact that these buildings could be reused. Events like the demolition of the architecturally distinguished Pennsylvania Station in 1963 increased public awareness of the need to protect the city's architectural, historical, and cultural heritage.

The LPC is composed of 11 Commissioners, and by law must include a minimum of three architects, a historian, a city planner or landscape architect, a realtor and at least one resident of each of the five boroughs. The

Commissioners are appointed by the Mayor, who also designates the Chair and Vice Chair. Only the LPC Chair receives a salary.

Landmarks Law

The Landmarks Law is described in the City Charter, Administrative Code, and Rules of the City of New York (<http://72.0.151.116/nyc/>).

- The Landmarks Law is contained in Chapter 74 of the New York City Charter.
- It is described in Title 25, Chapter 3 of the Administrative Code.
- Its rules are set out in Title 63.

Responsibilities of the LPC

- Designation of interior, exterior, and scenic Landmarks and Historic Districts
- Hearing Hardship Appeals from Landmark owners
- Regulating changes to Landmark properties (issuance of Certificates of Appropriateness, Permits for Minor Work, and Certificates of No Effect). A Certificate of Appropriateness application requires a public hearing.
- Issuance and enforcement of notices of violation for alterations to a landmark property without a permit.

There are three types of permits issued by LPC:

- Permit for Minor Work, issued when no Department of Buildings ("DOB") permit is required.
- Certificate of No Effect ("CNE"), issued when interior work requires a DOB permit
- Certificate of Appropriateness ("CofA"), issued for external work

Certificate of Appropriateness

There are guidelines for some types of work. Projects meeting the guidelines are approved by LPC staff, reducing elapsed time by six to eight weeks. If the project does not meet guidelines (or there are no guidelines for the particular type of work), the applicant will have a hearing before the LPC and Community Board approval will be required.

Responsibilities of the Community Board 3 ("CB3") Landmarks Subcommittee

- *Landmarks designation.* Review and, if appropriate, support efforts to designate individual landmarks and historic districts within the CB3 area. Support may consist of passing a resolution to be forwarded to the Parks, Recreation, Cultural Affairs, Landmarks, & Waterfront Committee ("Parks Committee") and the full Board and then to LPC. It is recommended that a Subcommittee member testify by reading the resolution at LPC.
- *Certificate of Appropriateness Applications.* The main role of the Community Board with respect to Landmarks is to review CofA applications prior to the LPC public meeting and to make a recommendation to the Parks Committee and the full board for their approval and transmission to LPC. (See Appendix E for a flowchart overview of the process.)

Certificate of Appropriateness Procedures

- When Landmarks staff determines that a permit application will require a hearing before the LPC, the applicant is referred to the Community Board. The applicant will be given contact information for CB3. When the applicant makes contact, the Community Board will send the *Application Presentation Checklist* to the applicant and place the application on the Landmarks Subcommittee agenda.
- The Subcommittee will hold a hearing and pass a resolution approving or denying the application. Each resolution needs to be approved by the Parks Committee and the full board and forwarded to the LPC. It is recommended that a member of the Subcommittee appear at the relevant hearing at LPC to read the resolution into the record.
- The chair of the Subcommittee will review the hearing notices sent out by LPC. *If an applicant has failed to contact the DM and therefore has not appeared before the Subcommittee, the Subcommittee will pass a resolution denying the application.*

- At the Subcommittee hearing, the applicant (along with the architect and lawyer, if relevant) will present to the Subcommittee the same application and materials that will be presented at the LPC hearing. It is important that the applicant provide samples of actual materials to be used.
- The Subcommittee will obtain a copy of the original designation report on the property. That along with the plan and materials presented will form the basis for decisions about appropriateness. The Subcommittee will approve or reject the application based on the same criteria used by LPC and may look at broader issues such as quality of life. However, the LPC will not consider these broader issues in its decision.

Issues

- Jenny Fernandez of LPC suggested that the Landmarks Subcommittee meeting be scheduled shortly before the full board meeting so that there is no undue delay of an application there needs to be a vote in Parks Committee after the Landmarks Subcommittee review. Both the Landmarks Subcommittee meeting and the Parks Committee meetings should occur before the Executive Committee meeting, since that is when resolutions are placed on the full board agenda. *How can this be managed without unduly delaying the applicant?*
- We should provide Guidance for Applicants on our website. See Appendix A.
- A proposed checklist for applicants is included as Appendix B.
- A pro forma resolution denying an application is in Appendix C.

Appendix A. Guidance for Applicants

[To be published on the CB3 website]

Community Board 3 reviews all new applications to the Landmarks Preservation Commission in the district. Applications are considered first by Community Board 3's Landmarks Subcommittee and then the Parks, Recreation, Cultural Affairs, Landmarks, & Waterfront Committee before being considered by the full board.

Applicants should note that Community Board 3 is a distinct entity from the Landmarks Preservation Commission, and one must make a separate presentation to the Community Board.

Please be sure to bring all requested materials listed in our Application Presentation Checklist when making a presentation. *The Landmarks Subcommittee will not review any application if materials are not included in the presentation.*

To schedule a presentation before the Landmarks Subcommittee, please contact CB3 via email at info@cb3manhattan.org. If you have no access to email, you may hand deliver your application to the CB3 office, 59 East 4th Street, New York, NY 10003.

Please visit the CB3 website (<http://www.nyc.gov/html/mancb3/html/home/home.shtml>) to determine by what date an application must be submitted in order to be added to the agenda. This date is typically in the middle of the month preceding the Subcommittee meeting.

Appendix B. Application Presentation Checklist

All applications must include the following materials for consideration by the Landmarks Subcommittee of Manhattan Community Board 3:

- Historic photos
- Plans and elevations of proposed changes; effect on the building materials or structure
- "Before" photos and "after" renderings or images
- View of the streetscape with the building in context
- Sightlines for addition of visible structures shown from multiple points
- Mockups of rooftop additions
- Samples of all significant materials to be used in windows, doors, facades, signs, exterior lighting fixtures, and roof materials including

- Texture
- Color
- Reflection
- Transparency/opacity
- Hardware
- Sign fonts and compliance with LPC guidelines

The applicant must post a publicly visible notice of the hearing outside the building at least 14 days before the hearing and submit to the Subcommittee a dated photo of the notice. A Notice form is provided as Appendix D.

The Subcommittee will not review any application if the above are not presented.

If the application is for a new building it must also include:

- Current and future use of site
- Other land use or regulatory approvals required

Appendix C. Pro forma denial resolution when an applicant fails to appear

CERTIFICATE OF APPROPRIATENESS
 BOROUGH OF MANHATTAN
 xx-xxxx – Block xxx, lot xx
 xxx Some Street – East Village/Lower East Side Historic District
 [description of contemplated work]
 Community District 3e

WHEREAS the Landmarks Preservation Commission's publication "The Certificate of Appropriateness Public Hearing: Information for Applicants" states that "Applicants are strongly encouraged to contact the Community Board to arrange for review of the proposal before the public hearing"; and

WHEREAS the applicant failed to appear before the CB3 Landmarks Subcommittee, nor did the applicant contact us for a layover,

THEREFORE BE IT RESOLVED CB3 recommends denial of the application in the absence of this important step in the review process.

Appendix D

**ATTENTION RESIDENTS & NEIGHBORS
 CERTIFICATE OF APPROPRIATENESS APPLICATION
 LANDMARKS PRESERVATION COMMISSION**

(Property Owner Name)

(Landmark Address)

THIS APPLICANT IS SEEKING A PERMIT TO:

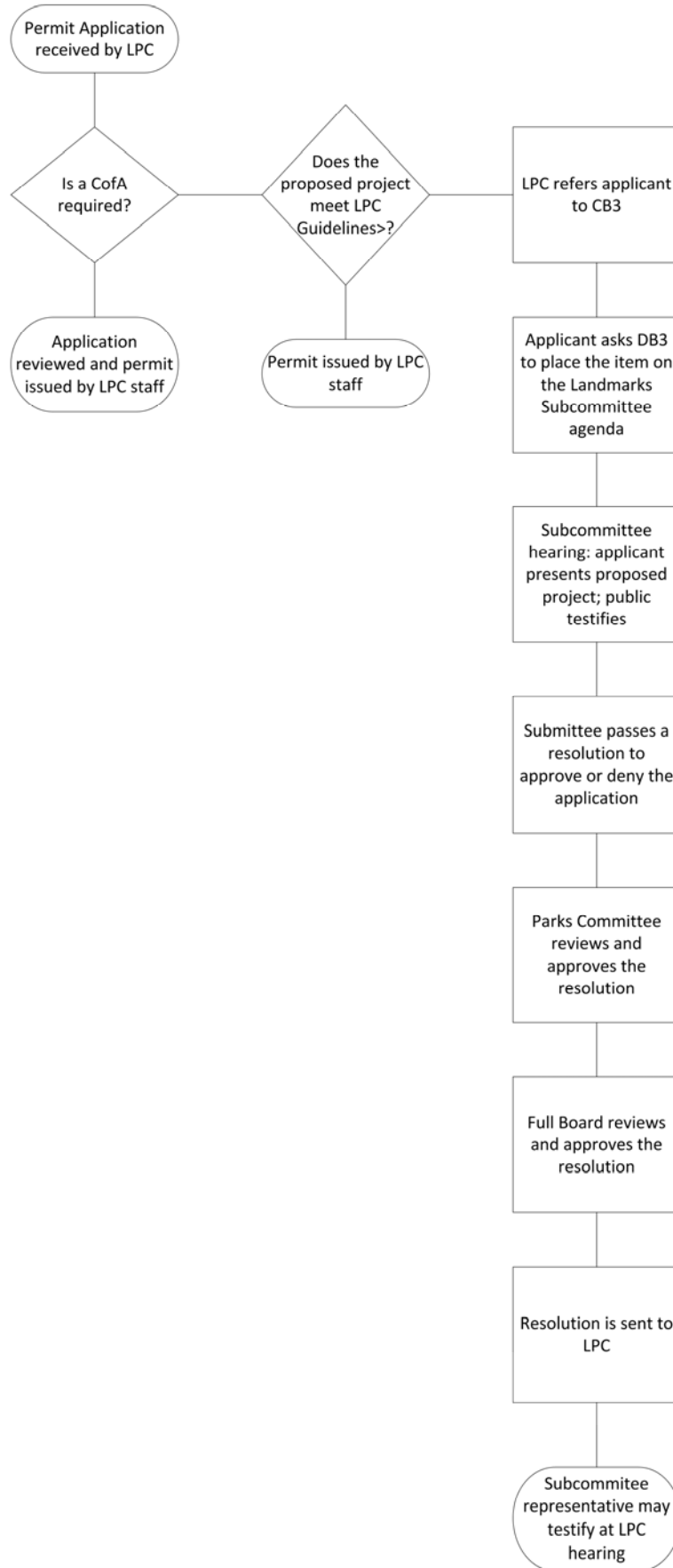
(Brief description of proposed work)

THERE WILL BE AN OPPORTUNITY FOR PUBLIC COMMENT ON

(Date/Time/Location)

**AT COMMUNITY BOARD #3's
LANDMARKS SUBCOMMITTEE MEETING**

Appendix E: Community Board 3 Landmarks Subcommittee Certificate of Appropriateness Process



Vote on everything except 3 pulled SLA items taken at 9:25 PM.

(June 2012 Vote Sheet excluding SLA Items 24, 35, 36)

44 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding SLA 3 & 19, Land Use 6, Transportation 3 & 5)

42 YES 2 NO 0 ABS 0 PNV MOTION PASSED (SLA 3)

43 YES 1 NO 0 ABS 0 PNV MOTION PASSED (SLA 19)
 43 YES 1 NO 0 ABS 0 PNV MOTION PASSED (Land Use 6)
 43 YES 1 NO 0 ABS 0 PNV MOTION PASSED (Transportation 5)
 43 YES 1 NO 0 ABS 0 PNV MOTION PASSED (Transportation 5)

(SLA Committee 24, VOTE 2)
 19 YES 17 NO 3 ABS 0 PNV MOTION DID NOT PASS

(SLA Committee 24, VOTE 1)
 26 YES 11 NO 1 ABS 0 PNV MOTION PASSED

(SLA Committee 35)
 32 YES 5 NO 0 ABS 0 PNV MOTION PASSED

(SLA Committee 36)
 13 YES 22 NO 1 ABS 0 PNV MOTION DID NOT PASS

Members Present at Last Vote:

David Adams	[A]	Vaylateena Jones	[P]	Thomas Parker	[P]
Dominic P. Berg	[P]	Meghan Joye	[P]	Carolyn Ratcliffe	[P]
Karen Blatt	[A]	Joel Kaplan	[A]	Joyce Ravitz	[P]
Jimmy Cheng	[A]	Lisa Kaplan	[P]	Carlina Rivera	[P]
MyPhuong Chung	[P]	Carol Kostik	[P]	Jamie Rogers	[P]
David Conn	[A]	Ben Landy	[P]	Richard F. Ropiak	[P]
David Crane	[P]	John Leo	[P]	Susan Scheer	[P]
Natasha Dillon	[A]	Ricky Leung	[P]	Nancy Sparrow-Bartow	[P]
Harvey Epstein	[P]	Sam Leung	[P]	William Strom	[P]
Morris Fajtelewicz	[P]	Gigi Li	[P]	Gary Tai	[P]
Flora Ferng	[A]	William LoSasso	[P]	Wilson Tang	[P]
Rabbi Y. S. Ginzberg	[A]	Bernard Marti	[P]	Elinor Tatum	[A]
Gloria Goldenberg	[P]	David McWater	[P]	Rodney Washington	[P]
Jan Hanvik	[P]	Charlotte Miles	[A]	Jack Waters	[P]
Herman F. Hewitt	[P]	Alexandra Militano	[P]	Justin Yu	[A]
Anne K. Johnson	[P]	Chiun Ng	[A]	Thomas Yu	[A]
Linda Jones	[P]	Ariel Palitz	[P]		

Meeting Adjourned 10:50PM.