



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

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Gigi Li, Board Chair

Susan Stetzer, District Manager

September 2012 Full Board Minutes

Meeting of Community Board #3 held on Thursday, September 27, 2012 at 6:00pm at PS 20, 166 Essex Street.

Public Session:

Ayo Herrington: Speaking from East Side Community High School – school has been evacuated and children have been dispersed around the city. Children have been moved out of the community to Norman Thomas High School. Parents are looking for solution – want to find a space for students and have sit-down with school construction and wants CB3 to insist that parents be involved in plans.

Theresa Hagan: Asking that regulation of Peach Tree Garden be posted and uniformly applied.

Philip van Aver: Representing LESPI – there will be presentation on the 2nd Ave East Village Historic District

Jane Li: Representing NYC Districting Commission (redrawing city council boundaries). There are slight shifts due to population changes (split between Margaret Chin's district and Rosie Mendez's district). She spoke to solicit opinions on October 4 or online.

Liza Sabater: Parent of East Side Community High School. Asking that children would not be separated and that school needs to stay together. Department of Education has a responsibility to keep school together. Suggested looking into empty parochial schools in the community for 658 students.

Wally Aceido: Speaking about East Side Community High School, asking that kids be bussed to the schools while East Side is closed; commented that kids should not be sent to schools that require metal detectors to be safe.

Edwin Rios: Parent of East Side Community High School. Commented that East Side is a cohesive school (with collaboration between middle school and high school) and noted that because the school was split the two schools would not be cohesive. Asked that CB3 try to help find space.

Caroline Martinez: Parent of middle schooler at East Side Community High School and President of Parent's Association. Asking for potential school site in the community. Did not feel that Norman Thomas High School was the best place for kids.

Eileen Asencio: Parent of 8th grade student at East Side Community High School – asking that kids be kept together in a safe environment.

Eileen Hernandez: Parent of child with an Individualized Education Plan at East Side Community High School – commented that children with special needs will need to be looked out for. Commented that the principal was stretched thin.

Public Officials:

Mayor Michael Bloomberg, Pauline Yu: None

Public Advocate Bill de Blasio, Phil Jones: None

Comptroller John Liu, Alice Cancel: None

Borough President Scott Stringer, David Czyzyk: Released report on NYCHA communities as a result of LES NYCHA facilities. Some results of the report included: 65% felt that they did not feel secure from trespassers, 45% had locks that worked, 55% did not feel they had adequate police presence (see report for details). Borough President is holding event against domestic violence (see flier for details).

Congressmember Jerrold Nadler, Katie Smith: None

Congressmember Nydia Velazquez, Iris Quinones: None

Congressmember Carolyn Maloney, Victor Montesinos: None

Assembly Speaker Sheldon Silver, Zach Bommer: Congratulated CB3 on continued passage of SPURA through the process (today through City Council committee). Delancey Street improvements were opened today (chairs, tables, umbrellas). New Learning Lab center at Chinese-American Planning Council through Time Warner grant. Speaker Silver wrote a letter opposing Essex Street bus stop and DOT has rescinded its approval of stop.

Assemblymember Deborah J. Glick, Sarah Malloy-Good: Condo/Co-op tax abatement expired in June but this abatement may be reinstated and retroactive to July 1. If condo/co-op is assessed at less than \$600,000, abatements will go up.

Assemblymember Brian Kavanagh, Marcela Medina (Assemblymember was present): Legislation proposed to increase font for ballots. Relocation of East Side Community High School. Recap of NYCHA report (see above) – Assemblymember Kavanagh called the results disturbing (citing lack of locks on doors and dysfunctional intercoms).

State Senator Daniel L. Squadron, Mauricio Pazmino: Sunday, Sept. 30 at 12PM Parks Dep't will lead tour of redevelopment of Pier 42 Park. Senator Squadron supports DOT's decision not to accept Essex St. bus stop.

State Senator Thomas K. Duane, John Bartos: Senator's show will be airing October 8 where he will host round tables with block associations.

Councilmember Margaret Chin, Patricia Olan (Councilmember was present): Announced that City Council Committee on Land Use unanimously approved SPURA ULURP, cited CB3's effort to work with elected officials. The Council will send the SPURA plan back to Planning because of the addition of 100 units (50 affordable housing / 50 market rate). City set aside 15,000 sq ft for a school. Essex St. Market will have similar spaces for retailers and rent if a new market is constructed. Big box store plans will be deemed non-responsive. Noted that the next step will be forming a task force to review RFP and review proposals. Local hiring initiative will be enforced by task force and through EDC's Hire NYC initiative. There will be a commitment to give preference to former site tenants. Also announced Autumn Moon Festival Sunday, Sept. 30.

Councilmember Rosie Mendez, Michele Burger (Councilmember was present): Districting hearings will be the next several weeks –Expressed concern about changes to her district. Addressing East Side Community High School, recounted east wall of school buckling. Children evacuated and separated. Girls Prep Middle School co-located with Girls Prep Elementary School. East Side Community High School relocated to Norman Thomas School, which is located in the same location as an office and has metal detectors and is a low-performing school. The other option is Washington Irving School which is also a low-performing school with metal detectors and is also unacceptable. East Side Middle School was moved to P.S. 19. The construction will take 3-4 weeks. Promised to have SCA (School Construction Authority) to a meeting with parents.

Members Present at First Vote:

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

Minutes:

Minutes of July 2012 were approved, as is.

36 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Board Chairperson's Report:

Chairperson Gigi Li: Starting next month, CB3 will being meetings at 6:30.

District Manager's Report:

District Manager Susan Stetzer:

There will be a Pier 42 meeting on October 4 at Hamilton Fish Recreation Center. Parks Department will explain the process for planning for the Pier and then break into groups for visioning process.

There was an important SLA hearing today in which applicant for full liquor license appeared before SLA after stipulating to CB3 that they would never apply for full liquor. On the application for reconsideration, SLA rejected the application because the SLA position is that when the SLA adopts the stipulations, they become a binding contract. This is very important for all community boards.

The office has received numerous complaints from Gouverneur Gardens regarding outdoor concert at Basketball City last weekend. Bruce Radler from Basketball City stated they would not hold outdoor concerts in future. He would like to connect with the president of the coop board, but I have not been able to obtain this information.

Committee Reports:

Executive Committee

- Support for World Trade Center Pediatric Study Proposal "Early Identification of WTC Conditions in Adolescents"

VOTE: WHEREAS: The James Zadroga 9/11 Health and Compensation Act (the "Zadroga Act") creates the World Trade Center Health Program within the National Institute of Occupational Safety and Health (NIOSH), to provide specialized treatment to responders and survivors, including children who resided or attended school or daycare downtown, for their WTC-related health conditions; and

WHEREAS: Community Board #1 (CB1) has passed resolutions calling for the creation of the WTC Pediatric Program as part of the WTC Environmental Health Center, which is the clinical center of excellence serving survivors in the WTC Health Program, to provide WTC-related care to children on January 24, 2012; and also calling on Congress to pass the Zadroga Act in several resolutions, for example in March 2009, October 26, 2010 and November 20, 2007; and

WHEREAS: The Zadroga Act directs NIOSH to provide funding for research into the physical and mental health impacts of the WTC disaster on all exposed populations; and

WHEREAS: Children have been the least-studied exposed population; and

WHEREAS: In February of 2012, at the request of Dr. John Howard, the WTC Health Program Administrator, the WTC Health Program's Scientific and Technical Advisory Committee issued recommendations on WTC research priorities stating: "We know very little about the health effects of the WTC disaster on the more than 30,000 children living or attending school or daycare in the area. Given children's increased susceptibility to harm, especially in critical periods of development, it is imperative that NIOSH move quickly to support in-depth studies of respiratory impacts, developmental effects and endocrine disruption for this rapidly dispersing cohort;" and

WHEREAS: Since the passage of the Zadroga Act, NIOSH has solicited two separate rounds of proposals for its WTC research funding; and

WHEREAS: The WTC Pediatric Program's research team, which has the most knowledge of WTC pediatric health impacts and the strongest clinical expertise, has submitted strong proposals with broad community support in response to both solicitations; and

WHEREAS: The WTC Health Program's Survivors Steering Committee, which includes representatives of CB1, has made repeated requests to NIOSH that the panel reviewing research proposals include pediatric expertise; yet, in its most recent review, NIOSH convened a panel lacking such expertise, raising serious questions about the fairness of the process; and

WHEREAS: NIOSH has failed to fund both proposals by the WTC Pediatric Program research team, including most recently "Early Identification of World Trade Center Conditions in Adolescents," a study that would not only add to knowledge about post-9/11 respiratory, cardiovascular metabolic and mental health, but would provide doctors with new tools for early detection of WTC health problems in adolescents; and

WHEREAS: Despite urging by its own scientific advisory body, by downtown parents and by the Survivors Steering Committee, NIOSH has chosen not to fund any research into the WTC physical health impacts of those exposed as children, now

THEREFORE BE IT RESOLVED THAT: CB #3 strongly urges NIOSH to fund "Early Identification of World Trade Center Conditions in Adolescents," immediately, as an important first step toward addressing key knowledge gaps about the ways in which 9/11 has harmed the physical health of downtown's children, and aiding doctors in detecting and treating pediatric WTC health conditions, as provided for under the Zadroga Act, and

BE IT FURTHER RESOLVED THAT: CB#3 calls upon NIOSH to make the mental and physical health of those who experienced 9/11 as children a research priority by funding research to arrive at a full understanding of WTC pediatric mental and physical health impacts and to inform an excellent standard of WTC care.

Personnel Task Force (from August 02, 2012 Meeting)

1. Continued work on Employee Handbook
no votes necessary
2. District Manager raise

VOTE: Whereas, Susan Stetzer has not received a discretionary raise since starting in the position of District Manager in 2004, except for the agreed to increase following the final payout of her predecessor;

Whereas, Ms. Stetzer receives the third lowest compensation of District Manager salaries and is in the 25th percentile in Manhattan and 16th percentile citywide;

Whereas, Ms. Stetzer is on call 24 hours, seven days a week;

Whereas, an increase of \$1,500 is not representative of her work and would only bring her to the fourth highest paid District Manager in Manhattan;

Whereas, the exemplary delivery of the tasks and standards required of a Community Board 3 District Manager are well documented;

Whereas, the committee believes that a discretionary raise of greater than \$1,500 is warranted based on her high level of performance, it is fiscally prudent to revisit an additional increase next year;

Whereas, the budget had been fully funded for the first time in several years and all "Other Than Personnel Services" had been budgeted for as well;

Whereas, the Office of Management and Budget ("OMB") has supported base lining Community Boards to be fully funded going forward, therefore giving the Community Board 3 Budget stability in future years;

Whereas, the Mayor has announced that there would not be any Managerial raises this year;

Therefore be it resolved, the Board approves an annual raise of an amount up to \$1,500 for Ms. Susan Stetzer once the OMB confirms the full budget funding for fiscal year 2014.

(Personnel Task Force)

26 YES 0 NO 1 ABS 0 PNV MOTION PASSED

SLA & DCA Licensing Committee

(from August Meeting)

Renewal with Complaint History

1. Affaire (Chow Main Corp), 240 E 4th St (aka 50 Ave B) (op)

VOTE: WHEREAS, Chow Main Corp, doing business as Affaire, at the premise located at 240 East 4th Street a/k/a 50 Avenue B, is seeking a renewal of its full on-premise liquor license for its restaurant lounge; and

WHEREAS, this applicant was originally approved by Community Board #3 in February of 2003 with the understanding that it would be a Chinese restaurant, doing business as China 1, and with closing hours of 12:00 A.M. weekdays and 2:00 A.M. Fridays and Saturdays; and

WHEREAS, Community Board #3 then asked the SLA to investigate this location for revocation in October of 2006 as this applicant had begun operating a club lounge in its basement, extended its closing hours to 4:00 A.M. all nights and had received policed summonses and resident noise complaints as a result of this change in operation; and

WHEREAS, this applicant then closed its business and reopened as a restaurant lounge with extended hours of operation, doing business as Affaire; and

WHEREAS, residents continue to complain about noise from patrons and music emanating from this business on both Avenue B and East 4th Street and weekend nights, crowds of unruly patrons, velvet ropes and a portico blocking the sidewalk; and

WHEREAS, this applicant has failed a noise test conducted by the police within a week preceding this hearing; and

WHEREAS, area residents and the East 4th Street A to B Block Association met with the applicant in an effort to address their ongoing complaints and constructed a stipulations to address said complaints; and

WHEREAS, this applicant failed to appear before Community Board #3 or sign the agreement it had constructed with residents; now

THEREFORE, BE IT RESOLVED THAT Community Board #3 now moves to deny the renewal of the full on-premise liquor license for Chow Main Corp., doing business as Affaire, for the premise located at 240 East 4th Street a/k/a 50 Avenue B, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it assign an employee who will be outside during its hours of operation to monitor patron behavior and noise and keep sidewalks clear of people, 2) it will designate an employee who will limit the volume and bass of its music using a limiter, and 3) it will have its garbage picked up by a professional carter and clean the sidewalks within forty-five (45) minutes of closing or no later than 4:30 A.M., whichever is earlier.

2. The Delancey (ADR Restaurant Inc), 168 Delancey St (op)

VOTE: WHEREAS, ADR Restaurant Inc., doing business as The Delancey, at the premise located at 168 Delancey Street, is seeking a renewal of its full on-premise liquor license for its two-story bar with rooftop bar; and

WHEREAS, this applicant was originally denied by Community Board #3 in November of 2003 because its method of operation included a rooftop bar which is surrounded by three residential apartment buildings; and

WHEREAS, Community Board #3 then denied the renewal of its full on-premise liquor license in July and September of 2004 because of persistent complaints from residents of the surrounding buildings about noise emanating from its rooftop bar; and

WHEREAS, there are again complaints from residents of the surrounding buildings of noise from loud music and patrons emanating from its rooftop bar most evenings, between 1:00 A.M. and 3:00 A.M., and

WHEREAS, the applicant concedes that has positioned speakers in its rooftop bar by attaching them to the upper frame, consisting of hollow metal tubing, that supports the cloth tent that encloses its rooftop and that the speakers are connected to and controlled by the DJ booth within its building; now

THEREFORE, BE IT RESOLVED THAT Community Board #3 now moves to deny the renewal of the full on-premise liquor license for ADR Restaurant Inc., doing business as The Delancey, for the premise located at 168 Delancey Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will remove all of the speakers attached to the upper frame, consisting of hollow metal tubing, that supports the cloth tent that encloses its rooftop and which are connected to and controlled by the DJ booth within its building; and 2) it will not permit music of any kind to be played on the rooftop.

3. UCB East (Upright Citizens Brigade East Village LLC), 155 E 3rd St (wb)

VOTE: To deny the renewal of the full on-premise liquor license for Upright Citizens Brigade East Village LLC, doing business as UCB East, for the premise located at 155 East 3rd Street a/k/a 42 Avenue A, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized additional stipulation that 1) it will designate an employee whose specific responsibility is to keep Avenue A clear of

patrons and noise and to insure that people entering through Avenue A are ticketholders, 2) it will remove from its website, façade or the street any advertisements regarding its bars which are independent of shows.

Sidewalk Café Application

4. Mary Anns's (Vargomez Corp), 300 E 5th St
withdrawn

5. Bareburger (Bare City Two LLC), 85 2nd Ave

VOTE: To approve the application for a sidewalk café permit for four (4) tables and fourteen (14) seats for Bare City Two LLC, doing business as Bareburger, 85 Second Avenue, because the applicant has signed a change agreement which will become part of its DCA license that its hours of operation will be 11:00 A.M. to 11:00 P.M. Sundays through Wednesdays, 11:00 A.M. to 12:00 A.M. Thursdays and 10:00 A.M. to 12:00 A.M. Fridays and Saturdays.

Applications within Resolution Areas

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

VOTE: To deny the application for a full on-premise liquor license for a corporation to be determined, with principal Brian Dunn, for the premise located at 172 Avenue B, because the applicant did not appear before Community Board #3 for review of its application or provide any application materials for review.

7. Tromba (Viapre Inc), 121 Ludlow St (wb)

VOTE: To deny the application for a restaurant wine license for Viapre Inc, with a proposed business name of Tromba, for the premise located at 121 Ludlow Street, between Rivington and Delancey Streets, because 1) the applicant is seeking to operate a twenty-four (24) hour business, with an unspecified certificate of occupancy and twenty-four (24) tables and forty-eight (48) seats, 2) this area is presently overwhelmed by nighttime licensed establishments of all types, as well as incredible weekend vehicular and pedestrian traffic congestion attendant to the number of these businesses, 3) there are ten (10) liquor licenses with one (1) block of this location, and 4) although the applicant represented that it has experience operating a restaurant at 11 Bleecker Street, it is seeking to operate a twenty-four (24) hour restaurant for the first time in an area which is heavily trafficked at nighttime and has well-documented issues relating to late night noise and congestion, it did minimal community outreach to residents as evidenced by the four (4) resident signatures it provided in its support, and it failed to provide the required documentary support of its experience or history at its existing business.

8. Urge (Prince 28 LLC), 14 Ave B (op)

VOTE: WHEREAS, Prince 28 LLC, is seeking a to remove its full on-premise liquor license for its business Urge Lounge, which is currently located at 33 Second Avenue to 14 Avenue B, between Houston and East 2nd Streets; and

WHEREAS, the method of operation of this proposed business as a club lounge, with a full on-premise liquor license, with a fifteen (15) foot bar with twelve (12) seats, banquette seating, hours of operation of 4:00 P.M. to 4:00 A.M. all days and DJs and recorded music, indicate that it will operate consistent with a late night bar and its current method of operation at 33 Second Avenue; and

WHEREAS, there are at least twelve (12) full on-premise liquor licenses within five hundred (500) feet of this location, as well as ten (10) licensed premises within this one block; and

WHEREAS, Avenue B between 4th Street and Houston Street had been characterized as the worst area in the 9th Precinct in terms of degraded quality of life as a result of its numerous licensed establishments, overwhelming pedestrian and vehicular traffic, late night horn honking and noise from patrons moving between businesses and emanating from businesses; and

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

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

WHEREAS, 14 Avenue B was previously operated as a club doing business as Butterfly Butterfly, which had a history of citations for unlicensed security, unlicensed cabaret, unlicensed sidewalk café, after hours consumption, disorderly conduct, exceeding its capacity and noise prior to closing and which has been closed since 2007; and

WHEREAS, the present applicant failed to respond to outreach by the East 4th Street A to B Block Association in its effort to proactively address noise and congestion issues that might arise from the proposed method of operation; and

WHEREAS, while the applicant submitted one (1) page of petition signatures in support of its application, **none** were from the location itself, from 8, 10 or 12 Avenue B or 193 or 195 East 2nd Street, all of which are large residential buildings abutting this site, or from the immediate area surrounding this location; and

WHEREAS, a representative of the East 4th Street A-B Block Association and seven (7) residents in immediate proximity to this location appeared before Community Board #3 to state that they are opposed to the approval of this liquor license with this method of operation for this location because of the persistent existing noise and congestion issues from the already existing licensed businesses in the area; and

WHEREAS, the current business, located at 33 Second Avenue, has had large crowds in front of it which are more easily accommodated on Second Avenue than on the narrower Avenue B; and

WHEREAS, there is no stated public benefit in adding this business which would operate principally as a bar or tavern to this neighborhood where there are so many licensed premises and so many enforcement issues as a consequence; now

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the application to remove the full on-premise liquor license for Prince 28 LLC, presently located at 33 Second Avenue and doing business as Urge Lounge, to 14 Avenue B between Houston and East 2nd Streets.

9. Mission Chinese (MCFNY LLC), 154 Orchard St (op)

VOTE: To deny the application for an upgrade to a full on-premise liquor license for MCFNY LLC, doing business as Mission Chinese, for the premise located at 154 Orchard Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a full-service Chinese restaurant, serving food to within one (1) hour of closing, 2) its hours of operation will be 11:00 A.M. to 2:00 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 have an enclosed and soundproofed backyard. Community Board #3 is approving this upgrade application although this is a location in an area with numerous licensed premises because 1) this applicant has provided substantial evidence of community support for its business, 2) it has a good history operating as a restaurant at this location, and 3) it is making efforts to support local nonprofit businesses through its business.

10. Croissanteria (Croissanteria Inc), 68 Ave A (wb)

VOTE: To deny the application for beer wine license for Croissanteria Inc., with a proposed business name of Croissanteria, for the premise located at 68 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 café restaurant and bakery, serving food during all hours of operation, 2) its hours of operation will be 7:00 A.M. to 10:00 P.M. Mondays through Thursdays, 7:00 A.M. to 11:00 P.M. Fridays, 8:00 A.M. 11:00 P.M. Saturdays and 8:00 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, 4) it will maintain a closed fixed façade with no open doors or windows, and 5) it will not apply for an upgrade in class of its liquor license.

11. Caffe Buon Gusto (Ave B Buon Gusto Corp), 76 Ave B (wb)
withdrawn

12. Croxley Ave B (Croxley Ave B Inc), 28 Ave B (op/expanding space)

VOTE: As this applicant has entered into a Memorandum of Understanding with the East Fourth Street A to B Block Association (attached hereto), Community Board #3 moves to deny the application for an alteration of a full on-premise liquor license for Croxley Ave B Inc., doing business as Croxley's Ale House and Eatery, 28 Avenue B, to wit extending its full on-premise liquor license to the adjacent storefront located at 30 Avenue B, unless the applicant agrees before the SLA to make as additional conditions of its license the following signed notarized stipulation that 1) it will direct patrons who are outside to stand in front of the empty lot adjacent to its business and will reconfigure its rope to insure that patrons waiting outside will be positioned against the façade rather than in the middle of the sidewalk, 2) it will employ at least one (1) security guard every day and employ two (2) security guards on weekends, 3) it will use its extended area, located at 30 Avenue B, as a dining room only, with food served during all hours of operation, 4) it will have no standup bar in the area located at 30 Avenue B, and 5) it will maintain a closed fixed façade with no open doors or windows, and 6) 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 would be charged.

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

VOTE: As this is a sale of assets of a preexisting business, Community Board #3 moves to deny the application for a beer wine license for Seiei LLC, for the premise located at 130 St. Marks Place, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a full-service Japanese restaurant, serving food during all hours of operation, 2) its hours of

operation will be 12:00 P.M. to 12:00 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, 4) it will maintain a closed fixed façade with no open doors or windows, 5) it will not apply for an upgrade in class of its liquor license, 6) it will install soundproofing, and 7) it will not commercially use any outdoor area.

Alterations

14. NY Tofu House (6 St Marks Restaurant LLC), 6 St Marks Pl (wb/convert storage to dining room)
no vote necessary

15. Goat Town (511 E 5th St LLC), 511 E 5th St (op/extend front window hours)
withdrawn

16. 133 Essex Restaurant LLC, 133 Essex St (op/add bar)
withdrawn

17. Lakeside Lounge (La Ritt Inc), 162-164 Ave B (op/add bar)

VOTE: To deny the application for an alteration of a full on-premise liquor license for La Ritt Inc., doing business Blackburn, for the premise located at 162-164 Avenue B, to wit adding a twenty (20) foot curved bar to the southern storefront that makes up this business, shortening the existing bar on the north end to twenty-six (26) feet and moving the bathrooms, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will maintain its existing sole entrance as its only patron entrance and exit, and 2) it will maintain a closed fixed façade with no open doors or windows.

18. The Bowery Diner (241 Bowery Corp), 241 Bowery (op/extend hours)
withdrawn

19. Grey Lady (Barnorth Group LLC), 77-79 Delancey St (op/extend hours/expand next door)

VOTE: To deny the application for an alteration of a full on-premise liquor license for Barnorth Group LLC, doing business Grey Lady, for the premise located at 77-79 Delancey Street, to wit extending its license into the adjacent storefront located at 77 Delancey Street which will continue to be used for takeout and will now have additional dining, adding a service bar and extending its hours of operation, 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 seafood restaurant, serving food during all hours of operation, 2) it will have hours of operation of to 12:00 P.M. to 2:00 A.M. Sundays through Wednesdays and 12:00 P.M. to 4:00 A.M. Thursdays through Saturdays, 3) it will close any facade doors or windows at 10:00 P.M., 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) will install soundproofing if needed, and 6) it will maintain security Thursdays through Saturday nights.

20. Mangiami Restaurant (Mangiami Inc), 9 Stanton St (op/extend hours)

VOTE: To deny the application for an alteration of a full on-premise liquor license for Mangiami Inc., doing business as Mangiami Restaurant, for the premise located at 9 Stanton Street, to wit extending its closing hours to 3:30 A.M. Tuesdays through Saturdays, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a full-service Italian restaurant, serving its full menu to within one (1) hour of closing, 2) it will have hours of operation of 5:00 P.M. to 12:00 A.M. Sundays and Mondays and 5:00 P.M. to 3:30 A.M. Tuesdays 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, and 4) it will maintain a closed fixed façade with no open doors or windows.

New Liquor License Applications

21. Hi Collar (Sobaya Restaurant Inc), 214 E 10th St (wb)
withdrawn

22. Café Himalaya (Norsang Café Inc), 78 E 1st St (wb)

VOTE: To deny the application for a beer wine license to Norsang Café Inc., doing business as Café Himalaya, for the premise located at 78 East 1st 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 Tibetan and Nepalese restaurant, serving food during all hours of operation, 2) its hours of operation will be 12:00 P.M. to 11:00 P.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.

23. Two Bits Retro Arcade (Doustan Development Corp), 153 Essex St (wb)

VOTE: To deny the application for a beer wine license to Doustan Development Corp., with a proposed business name of Two Bits Retro Arcade, for the premise located at 153 Essex Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a vintage video arcade, serving food during all hours of operation, 2) its hours of operation will be 4:00 P.M. to 2:00 A.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, 5) it will employ at least one (1) security guard daily, from 7:00 P.M. to closing, and 6) it will install additional soundproofing, if needed.

24. Shanasheel Corp, 124 E 4th St (wb)

VOTE: To deny the beer wine license for Shanasheel Corp., for the premise located at 124 East 4th Street, because, notwithstanding that it has operated the same business at 128 East 4th Street for five (5) years, 1) the proposed location is a grandfathered noncompliant commercial use on a side street which is zoned residential, specifically R8-B, 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 location has never been licensed and has never housed an eating and drinking establishment consistent with its grandfathered noncompliant use, and 3) this is an application for a hookah lounge and Mediterranean restaurant whose proposed hours of operation of 5:00 P.M. to 2:00 A.M. Mondays through Thursdays, 4:00 P.M. to 3:00 A.M. Fridays and Saturdays and 5:00 P.M. to 1:00 A.M. Sunday, and intention to end food service at 10:30 P.M. every night, are not consistent with its intended location in the middle of a residentially zoned block.

25. Seven Delancey Oyster Bar, 1 Delancey St (op)

VOTE: To deny the application for a full on-premise liquor license to DCB Delancey Corp., with a proposed business name of Seven Delancey Oyster Bar, for the premise located at 1 Delancey Street a/k/a 173 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 classic seafood restaurant, with a kitchen open and 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 close any facade doors or windows at 10:00 P.M., 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 on Fridays and Saturdays, from 8:00 P.M. to closing, and additional security if needed, 6) it will provide its contact information in a language accessible to tenants of the building, and 7) it will utilize its security staff to minimize patron noise and congestion and traffic in front of its business on both Delancey Street and Bowery.

26. Ramen and Gyoza House Zen 6 (Zen 6 LLC), 328 E 6th St (wb)

VOTE: To deny the application for a beer wine license to Zen 6 LLC, with a proposed business name of Ramen and Gyoza House Zen 6, for the premise located at 328 East 6th Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a full-service Japanese ramen restaurant, serving food during all hours of operation, 2) its hours of operation will be 12:00 P.M. to 11:00 P.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.

27. Essex Café Group LLC, 21 Essex St (op)

VOTE: To deny the application for a full on-premise liquor license to Essex Café Group LLC, for the premise located at 21 Essex Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a tavern café with art exhibition space, serving food during all hours of operation, 2) its hours of operation will be 11:00 A.M. to 2:00 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.

28. St Jerome's, 155 Rivington St (op)

VOTE: To deny the application for a full on-premise liquor license to Cabiners Inc., for the premise located at 155 Rivington Street, as well as an alteration of said license, to wit, extending the license to the commercial space located in the rear of the ground floor of 155 Rivington Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a tavern, serving food to within three (3) hours of closing, 2) its hours of operation will be 5:00 P.M. to 4:00 A.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 may have DJs occasionally, but will not have live music, promoted events or events at which a cover fee will be charged, 5) it will employ at least one (1) security guard on Friday and Saturday nights, and 6) it will install additional soundproofing, if needed.

29. To be Determined, 224 E 10th St (wb)

withdrawn

30. Mario San Inc, 36 Ludlow St (wb)

withdrawn

31. To be Determined, 139 E 12th St (wb)

VOTE: To deny the application for a beer wine license to a corporation to be determined, with principals Paul Typaldos and Andreas Typaldos, for the premise located at 139 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 restaurant cafe, serving food during all hours of operation, 2) its hours of operation will be 7:00 A.M. to 11:00 P.M. Sundays through Wednesdays and 7:00 A.M. to 1:00 A.M. Thursdays through Saturdays, 3) it will close any facade doors or windows at 10:00 P.M., 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.

32. Calexico, 153 Rivington St (op)
VOTE: To deny the application for a full on-premise liquor license to Buffa A LLC, with a proposed business name of Calexico, for the premise located at 153 Rivington Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a full-service Mexican restaurant, serving food during all hours of operation, 2) its hours of operation will be 10:00 A.M. to 2:00 A.M. Sundays, 11:00 A.M. to 2:00 A.M. Mondays through Wednesdays, 11:00 A.M. to 4:00 A.M. Thursdays and Fridays and 10:00 A.M. to 4:00 A.M. Saturdays, 3) it will close any facade doors or windows at 10:00 P.M., 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 close its outdoor area within its building line, consisting of four (4) tables and eight (8) seats, by 10:00 P.M. every night.
33. To be Determined, 115 Allen St (op)
 withdrawn
34. Alder Restaurant LLC, 157 2nd Ave (op)
VOTE: To deny the application for a full on-premise liquor license to Alder Restaurant LLC, for the premise located at 157 Second Avenue, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a full-service American restaurant, serving food during all hours of operation, 2) its hours of operation will be 6:00 P.M. to 1:00 A.M. Mondays through Wednesdays, 6:00 P.M. to 2:00 A.M. Thursdays and Fridays, 11:30 A.M. to 2:00 A.M. Saturdays and 11:30 A.M. to 12:00 A.M. Sundays, 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.
35. Leftfield (CDT Ludlow Inc), 87 Ludlow St (op)
VOTE: To approve the application for an alteration of a full on-premise liquor license for CDT Ludlow Inc., doing business as Leftfield, 87 Ludlow Street, to wit adding an additional eighteen (18) foot bar with eight (8) seats in the basement which will have a certificate of occupancy of fifty-nine (59) people.
36. Feast (Two Guize LLC), 102 3rd Ave (op)
 withdrawn
37. Souvlaki Gr LES (Uber Caffe LLC), 116 Stanton St (op)
 withdrawn
38. The Sterling Room, 189 E 3rd St (op)
 withdrawn
39. To be Determined, 179 E 3rd St (wb)
VOTE: To deny the beer wine license for a corporation to be determined, with principal Boris Lidukhover, for the premise located at 179 East 3rd Street, because 1) this location is a grandfathered noncompliant commercial use on a side street which is zoned residential, specifically R8-B, 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 location has never been licensed and has never housed an eating and drinking establishment consistent with its grandfathered noncompliant use, and 3) this is an application for a Japanese restaurant with one (1) table and four (4) seats whose proposed hours of operation of 5:00 P.M. to 1:00 A.M. Sundays and 5:00 P.M. to 2:00 A.M. Thursdays through Saturdays are not consistent with its intended location in the middle of a residentially zoned block.
40. To be Determined, 79 St Marks Pl (op)
VOTE: To deny the application for a full on-premise liquor license to a corporation to be determined, with principals Aida S. Levinson and Richard Romano, for the premise located at 79 St. Marks Place, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that) it will operate as a full-service American Grill restaurant and bar, serving food during all hours of operation and with a kitchen open all hours of operation, 2) its hours of operation will be 4:00 P.M. to 4:00 A.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 employ at least one (1) security guard Thursdays through Saturdays, from 8:00 P.M. to closing.
41. The Boil, 139 Chrystie St (op)
VOTE: To deny the application for a full on-premise liquor license to Saigon Shack Corp., with a proposed business name of The Boil, for the premise located at 139 Chrystie 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 seafood restaurant, serving food during all hours of operation, 2) its hours of operation will be 4:00 P.M. to 2:00 A.M. all days, 3) it will close any facade doors or 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.
42. Nevada Smiths (92 Nuns Walk Inc), 100 3rd Ave (op)
 withdrawn
43. Sobe Sky Properties Inc, 201 Allen St (b)

VOTE: To deny the application for a beer license to Sobe Sky Properties Inc., for the premise located at 201 Allen Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a Colombian South American hotdog quick serve, serving food during all hours of operation and with a kitchen open during all hours of operation, 2) its hours of operation will be 12:00 P.M. to 2:00 A.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, 5) it will not have a standup bar, and 6) it will prevent its patrons from obstructing the sidewalk.

Corporate Change (not heard at committee)

- 44. Flea Market (Alouette Corp), 131 Ave A (op)
no vote necessary
- 45. Spice Cove (CNR Enterprises NY Inc), 326 E 6th St (wb)
no vote necessary

SLA & DCA Licensing Committee

(from September Meeting)

Renewal with Complaint History

- 1. Nublu, 62 Ave C (wb)

VOTE: WHEREAS, Nublu LLC, doing business as Nublu, at the premise located at 62 Avenue C, is seeking a renewal of its beer wine license for its music venue; and

WHEREAS, this applicant was approved for a full on-premise liquor license by Community Board 3 in April of 2003 with the understanding that it would be a restaurant with acoustic live music and DJs, with closing hours of 2:00 A.M. every day; and

WHEREAS, the full on-premises liquor license for this location was revoked because of its proximity to a house of worship and Community Board 3 did not object to the change to a beer wine license; and

WHEREAS, Community Board 3 has received written complaints from area residents in January, February and June of 2012, of loud music and bass emanating from this business every night from 10:00 P.M. to 4:00 A.M. and noisy patrons in its rear courtyard; and

WHEREAS, five (5) area residents appeared to complain about noise from patrons and music emanating from the front of this business on Avenue C and the rear of this business onto East 4th Street all nights, between 10:00 P.M. and 4:00 A.M. and crowds of loud patrons in front of this location between shows which the applicant states occur at 9:00 P.M., 11:00 P.M. and 1:00 A.M. nightly; and

WHEREAS, there have been one hundred thirty (130) recorded 311 calls for commercial noise complaints on or about and between August 26, 2010 and August 2, 2012, between the hours of 11:30 P.M. and 4:00 A.M.; and

WHEREAS, at least one (1) resident stated that she had met repeatedly with the applicant during the previous nine (9) years in an effort to address ongoing complaints of noise that she hears through the open rear door and through the closed windows on the rear façade but the noise persists; and

THEREFORE, BE IT RESOLVED THAT Community Board 3 now moves to deny the renewal of the beer wine license for Nublu LLC, doing business as Nublu, for the premise located at 62 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 cease any live music at 12:00 A.M. and close at 2:00 A.M. Sundays through Tuesdays and it will cease any live music at 2:00 A.M. and close at 4:00 A.M. Wednesdays through Saturdays, 2) it will keep its rear door closed at all times and not allow patrons to access its backyard; 3) it will not commercially use its backyard, 4) it will provide its contact information to area residents and be accessible in the event of noise complaints and will respond to them within a reasonable time, 4) it will install additional soundproofing and install sound baffling curtains across its rear windows, 5) it will post signs on its façade asking patrons to quiet and respectful of neighbors, and 6) it will hire at least one (1) additional security or door person every night to control patron crowds and noise on the sidewalk, especially between scheduled performances. The applicant has refused to sign the stipulations or to acknowledge responsibility for quality of life impacts on the nearby community, and Community Board 3 requests that the SLA, if renewing the license, add these stipulations to the license to resolve the community complaints.

- 2. L'azzo Pizza, 107 1st Ave (wb)
withdrawn

Applications within Resolution Areas

3. Vella Market Inc, 56-58 Ave B (wb)
withdrawn
4. 106 on the LES LLC, 106 Rivington St (op)
no vote necessary
5. Gallery Bar (MMS Group LLC), 120 Orchard St (op)
VOTE: As this is a sale of assets of a preexisting business, Community Board #3 moves to deny the application for a full on-premise liquor license for RDD Group LLC, for the premise located at 120 Orchard Street and currently doing business as Gallery Bar, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will employ at least one (1) security guard Sundays through Wednesdays and two (2) security guards Thursdays through Saturdays to control patron crowds and noise on the street in front of its establishment, 2) its hours of operation will be 12:00 P.M. to 2:00 A.M. Sundays through Wednesdays and 12:00 P.M. to 4:00 A.M. Thursdays through Saturdays, 3) it will maintain a closed fixed façade with no open doors or windows, 4) it will maintain a sound baffling curtain across its façade windows, and 5) it will reposition its speakers and limit its bass to minimize noise and vibrations felt by neighboring residents.
6. Subject (PMMR LLC), 188 Suffolk St (op)
VOTE: As this is a sale of assets of a preexisting business, Community Board #3 moves to deny the application for a full on-premise liquor license for PMMR LLC, with a proposed business name of Subject, for the premise located at 188 Suffolk 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, 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 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, scheduled performances or events at which a cover fee will be charged, and 5) it will install additional soundproofing, if needed.
7. Caffe Buon Gusto (Ave B Caffe Buon Gusto Inc), 545 E 5th St (aka 76 Ave B) (wb)
VOTE: As this applicant has entered into a Memorandum of Understanding with the East Fourth Street A to B Block Association (attached hereto), Community Board #3 moves to deny the application for a beer wine license for Ave B Caffe Buon Gusto Inc., doing business as Caffe Buon Gusto, 545 East 5th Street a/k/a 76 Avenue B, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a full-service Italian restaurant, with a kitchen open and 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 by 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, scheduled performances or events at which a cover fee would be charged, 5) it will install soundproofing, 6) it will designate an employee to monitor the sidewalk outside of its business to control patron crowds and noise. Community Board #3 is approving this beer wine application although this is a location in an area with numerous licensed premises because this applicant has entered into an agreement with the area block association regarding its method of operation.

Alterations

8. Nom Wah Tea Parlor (Nom Wah Dim Sum Parlor Inc), 13 Doyers St (alt/wb/change of hours)
VOTE: To deny the application for an alteration of a beer wine license for Nom Wah Dim Sum Parlor Inc., doing business as Nom Wah Tea Parlor, for the premise located at 13 Doyers Street, to wit extending its Friday and Saturday closing time to 11:00 P.M., 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 dim sum restaurant, with a kitchen open and serving food during all hours of operation, 2) its hours of operation will be 10:30 A.M. to 9:00 P.M. Sundays through Thursdays and 10:30 A.M. to 11:00 P.M. Fridays and Saturdays, 3) it will play ambient background music only, consisting of recorded music, and will not have DJs, live music, promoted events, scheduled performances 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.
9. The Bowery Diner (241 Bowery Corp), 241 Bowery (alt/op/extend hours)
VOTE: To deny the application for an alteration of a full on-premise liquor license for 241 Bowery Corp., doing business The Bowery Diner, for the premise located at 241 Bowery, to wit extending its hours of operation to twenty-four (24) hours a day every day and its service of alcohol to 4:00 A.M. daily, 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, to wit a diner, with a kitchen open and serving food during all hours of operation and with alcohol service ending at 4:00 A.M. daily, 2) it will be open twenty-four (24) hours a day every day, 3) it will play ambient background music only, consisting of recorded music, and will not have DJs, live music, promoted events, scheduled performances or events at which a cover fee will be charged, 4) it will designate at least one (1) employee whose responsibilities will include monitoring and minimizing patron crowds and noise on the sidewalk, and 5) it will close any facade doors or windows at 10:00 P.M. every night.

New Liquor License Applications

10. Lobster Joint (LJ East Houston LLC), 201 E Houston St (op)
VOTE: to deny the application for a full on-premise liquor license for LJ East Houston LLC, with a proposed business name of Lobster Joint, for the premise located at 201 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 a full-service seafood restaurant, with a kitchen open and serving food during all hours of operation, 2) its hours of operation will be 11:00 A.M. to 2:00 A.M. Sundays through Thursdays and 11:00 A.M. to 4:00 A.M. Fridays and Saturdays, 3) it will play ambient background music only, consisting of recorded music, and will not have DJs, live music, promoted events, scheduled performances 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.

11. To be Determined, 266 Broome St (op)
withdrawn

12. To be Determined (Silkstone), 22 Orchard St (wb)
withdrawn

13. Jujomukti Tea Lounge (Jujomukti Inc), 211 E 4th St (wb)

VOTE: To deny the application for a beer wine license for JujoMukti Inc., doing business as JujoMukti Tea Lounge, 211 East 4th Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a tea lounge with an expanded menu, serving food during all hours of operation, 2) its hours of operation will be from 7:00 A.M. to 10:00 P.M. Sundays through Thursdays and 7:00 A.M. to 12:00 A.M. Fridays and Saturdays, 3) it will play ambient background music only, consisting of recorded music and unamplified acoustic music, and not have DJs, promoted events, scheduled performances or any event at which a cover fee will be charged, 4) it will close any doors and windows at 10:00 P.M every night, and 5) it will not seek an upgrade in class of its license. Community Board #3 is approving this application although this is a location in an area with numerous licensed premises and on a residentially zoned street because, based upon that testimony of patrons who appeared in its support, this is an existing business which functions as a cultural center that provides business and healthy lifestyle development to its patrons, as well as poetry and acoustic performances, and the provision of beer and wine is intended to support the continuation of these programs.

14. Hummus Place (Edo Food LLC), 109 St Marks Pl (op)

VOTE: To deny the application to upgrade to a full on-premise liquor license for Edo Food LLC, doing business as Hummus Place, for the premise located at 109 St. Marks Place, between 1st Avenue and Avenue A, because 1) this location operates as a hummus restaurant, whose menu is limited to hummus and other spreads, appetizers, soups and salads, 2) there are twenty (20) liquor licenses on this one (1) block of St. Marks Place, eight (8) of which are full on-premise liquor licenses and the applicant concedes that there are thirty-one (31) liquor licenses within one (1) square block of this location, twenty-five (25) of which are full on-premise liquor licenses, 3) there has been demonstrated consistent opposition to the addition of any other liquor licenses on this block of St. Mark's Place because of the number of existing licensed establishments and their attendant noise and vehicular and pedestrian traffic congestion issues, 4) this location is located on a R8-B residentially zoned street, and 5) the applicant has failed to demonstrate the public benefit derived from the approval of an upgrade of its liquor license at this premise, in that he has stated that he wants to add one (1) type of liquor to his menu to complement his menu.

15. Mario San Inc, 36 Ludlow St (wb)

VOTE: To deny the application for a beer wine license to Mario San Inc., for the premise located at 36 Ludlow Street Store B, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a full-service Italian restaurant, with a kitchen open and serving food during all hours of operation, 2) its hours of operation will be 12:00 P.M. to 12:00 A.M. Sundays through Thursdays and 12:00 P.M. to 1:00 A.M. Fridays and Saturdays, 3) it will play ambient recorded background music and will not have DJs, live music, promoted events, scheduled performances 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, and 5) it will only commercially use its backyard once it is completely enclosed and will have no open doors or windows or open roof or skylight in said structure.

16. Congee Village Inc, 100 Allen St (op)
withdrawn

17. To be Determined, 224 E 10th St (wb)

VOTE 1 (THIS MOTION DID NOT PASS): To deny the tavern wine license for a corporation to be determined, with principal Jehangir Mehta, for the premise located at 224 East 10th Street, because, notwithstanding that it has operated a restaurant at the adjacent storefront located at 224 East 10th Street for five (5) years, 1) the proposed location is a grandfathered noncompliant commercial use on a side street which is zoned residential, specifically R8-B, 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 location has never been licensed and has never housed an eating and drinking establishment consistent with its grandfathered noncompliant use, and 3) this is an extension of an existing restaurant to provide it a bar waiting area for its patrons.

VOTE 2 (THIS MOTION PASSED): To deny the application for a tavern wine license to a corporation to be determined, with principal Jehangir Mehta, for the premise located at 224 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 bar annex to its adjacent restaurant, serving small plates during all hours of operation, 2) its hours of operation will be 5:30 P.M. to 12:00 A.M. all days, 3) it will play ambient recorded background music and will not have DJs, live music, promoted events, scheduled performances or events at which a cover fee will be charged, 4) it will maintain a closed fixed façade with no open doors or windows, 5) it will not commercially use any outdoor areas, 6) it will not seek an upgrade in class of its license, and 6) it will extend awnings over its façade during its hours of operation. Community Board #3 is approving this application although this is a location on a residentially zoned street, because 1) this location is an iconic destination in the neighborhood which attracts patrons because of its service of food, 2) it has no standup bar, 3) the applicant has operated the neighboring restaurant and another restaurant in Tribeca for several years, and 4) the applicant participates in a nonprofit wellness in schools program.

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

19. Feast (Two Guize LLC), 102 3rd Ave (op)

VOTE: To deny the application for a beer wine license to Two Guize LLC, with a proposed business name of Feast, for the premise located at 102 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 Continental restaurant with bakery, with a kitchen open and serving food during all hours of operation, 2) its hours of operation will be 7:00 A.M. to 1:00 A.M. Mondays through Saturdays and 7:00 A.M. to 4:00 P.M. Sundays, 3) it will play ambient recorded background music and will not have DJs, live music, promoted events, scheduled performances 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, and 5) it may return to Community Board #3 for consideration of an upgrade in class of its license after six (6) months of operation.

20. Nevada Smith (92 Nunswalk Inc), 100 3rd Ave (op)

VOTE: WHEREAS, 92 Nuns Walk Inc., with a proposed business name of Nevada Smith's, is seeking a full on-premise liquor license for a multi-story restaurant bar venue to be located at 100 Third Avenue; and

WHEREAS, this is an application for a restaurant bar with a full kitchen and DJs, a first floor with a certificate of occupancy of seventy-five (75) people, a twenty-seven (27) foot bar with fourteen (14) stools, ten (10) televisions and seven (7) tables with twenty-seven (27) seats, a mezzanine level with a certificate of occupancy of forty (40) people, no bar, four (4) televisions and four (4) tables with nineteen (19) seats, a second floor with a certificate of occupancy of seventy-five (75) people for one (1) room and forty-five (45) people for a second room, a twenty-four (24) foot bar with thirteen (13) stools and fifteen (15) tables with fifty (50) seats and a basement wine bar with a certificate of occupancy of forty (40) people, a twelve (12) foot bar with eight (8) stools and four (4) tables with eighteen (18) seats; and

WHEREAS, this applicant previously operated the same business on a smaller scale at 74 Third Avenue for approximately eighteen (18) years before closing approximately one (1) year ago because of increased rent; and

WHEREAS, as there are very compelling issues for area residents of existing noise and congestion from nightlife businesses within the immediate vicinity of this location, the applicant has agreed to limit its operating hours all days and its certificate of occupancy to two hundred twenty-five (225) people; and

THEREFORE, BE IT RESOLVED THAT Community Board #3 now moves to deny the application for a full on-premise liquor license for 92 Nuns Walk Inc., with a proposed business name of Nevada Smith's, 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 a full-service restaurant and bar, with a kitchen open and serving food during all hours of operation and on all floors, 2) its hours of operation will be 10:00 A.M. to 2:00 A.M. Sundays through Wednesdays and 10:00 A.M. to 3:00 A.M. Fridays and Saturdays, 3) it will employ at least two (2) security guards Sundays through Wednesdays and 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 play both background and entertainment level recorded music, and may have DJs on weekends only, but will not have live music, promoted events, scheduled performances or events at which a cover fee will be charged, 5) it will have a closed fixed façade and will keep its front door closed, 6) it will have no more than two hundred twenty-five (225) people in the location at any given time although it has a greater legal maximum occupancy, 7) it will construct and utilize an atrium as a holding area to minimize patrons waiting outside, 8) it will coordinate with surrounding nightlife venues to share the cost of private security to patrol the sidewalks in front of their venues to control noise and crowds on the street, 9) it will notify the 9th Precinct of any large or special events, 10) it will meet with representatives of the residential community monthly for at least six (6) months and as needed thereafter, 11) it will attend its local precinct council meetings monthly for at least twelve (12)

months, 12) it will insure that its sidewalk is clear of any refuse within one half (½) hour of closing every night, and 13) it will not participate in "pub crawls."

21. Souvlaki Gr LES (Uber Caffe LLC), 116 Stanton St (op)
withdrawn

22. To be Determined, 127 4th Ave (op)

VOTE: As this is a sale of assets in which the present principal will remain a partner, Community Board #3 moves to deny the application for a full on-premise liquor license for a corporation to be determined, doing business as Forum, for the premise located at 127 Fourth 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 a full-service American restaurant and bar, with a kitchen open and serving food to within one (1) hour of closing, 2) its hours of operation will be 12:00 P.M. to 2:00 A.M. Sundays through Thursdays and 12:00 P.M. to 4:00 A.M. Fridays and Saturdays, 3) it will employ at least five (5) security guards on weekends and, if necessary, one (1) security guard weekdays, 4) it will play ambient recorded background music, and may have DJs, but will not have live music, promoted events, scheduled performances or events at which a cover fee will be charged, and 5) it will close any façade doors and windows at 10:00 P.M. every night.

Corporate Change (not heard at committee)

23. The Cock (Red Rooster 29 LLC), 29 2nd Ave (op)
no vote necessary

Old Business (full board)

24. Bugs (Beam B LLC), 504 E 12th St (wb)

VOTE: Provided this location is confirmed to be zoned residential with a commercial overlay, Community Board #3 moves to deny the application for a beer wine license for Beam B LLC, with a proposed business name of Bugs, for the premise located at 504 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 Japanese restaurant, serving food during all hours of operation, 2) its hours of operation will be 2:00 P.M. to 9:00 P.M. Mondays through Thursdays, 2:00 P.M. to 11:00 P.M. Fridays and Saturdays and closed 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, 5) it will not apply to upgrade its license, 6) it will not have "happy hours," 7) it will not apply for a sidewalk café permit, and 8) it will post signs on its façade asking its patrons to be quiet and respectful of neighbors .

Con Edison Task Force

1. Follow up on Previously Approved Proposals
no vote necessary

2. Proposal Guidelines and Funding Cycle Dates for Fall/Winter 2012 Applications

VOTE:

Guidelines to submit proposals for Community Board 3 Consolidated Edison Settlement Funds (REVISED SEPTEMBER 2012)

NEXT SUBMISSION DEADLINE, FOR FALL/WINTER 2012/2013 FUNDING CYCLE:

- **FOR MANDATORY LETTER OF INQUIRY (IF APPLICABLE): OCTOBER 12, 2012**
- **FOR FULL PROPOSALS: NOVEMBER 15, 2012**
- **DEADLINES ARE 4 PM TO PERMIT PROMPT DISTRIBUTION OF MATERIALS TO TASK FORCE MEMBERS.**

TASK FORCE MEETING TO REVIEW LETTERS OF INQUIRY: OCTOBER 25TH, 6:30 PM SHARP

Guidelines: Proposals will be considered within the scope of the Consolidated Edison Settlement Fund if: "Implementation of projects such as local air quality improvement, health improvement, or amenities programs in the vicinity of the East River Complex." Proposals are reviewed by a committee of volunteers and all deadlines for submissions must be adhered to without exception. Please read these guidelines carefully and comply fully with them.

What we are looking for. Proposals that:

- Benefit residents of the area around the plant and prioritize air quality improvement effort closest to the plant.
- Prioritize benefits to air quality, health and safety, consistent with the nature of the Article X involvement of the community.
- For the Fall/Winter 2012/2013 funding cycle, CB3 is seeking proposals that primarily seek to ameliorate air quality, health and/or quality of life problems in the vicinity of the Con Ed plant. **Proposals that are primarily educational, research or outreach in nature are not being sought.**
- Projects led by or that engage with local organizations with a strong connection to the CB3/CB6 areas, and projects that provide for local resident involvement and employment.
- Achieve measurable goals related to improvement in the environment.

- Proposals must be for projects that are fully scoped and for which the proposer has already received written external bids or estimates for any significant work or services being procured outside the organization. Relationships with any partners outside the proposer's organization must be established prior to the proposal being made. Funds cannot be reallocated once a project is approved.
- Funding Amounts: Initial funding amounts will be in the range of \$50,000-\$150,000 (though exceptions can be made for strong proposals that demonstrate a greater need). Proposals in excess of \$175,000 MUST first be submitted as a letter of inquiry before a proposal may be submitted (see "Letters of Inquiry" below).

Projects outside Manhattan CB3 and CB6 will NOT be considered.

Proposal content -- limit to 10 pages:

- Written description including goals, activities, leadership, how proposed project fits in organizational mission.
- Timeline.
- Deliverables including measurement of impacts if applicable.
- Detailed project budget. All elements of your proposal must be scoped and budgeted. Proposers are encouraged to identify their own sources of contingency funding if needed for their project. Requests for contingency funds for a project will receive close scrutiny and proposals must identify how such funds will be applied if not ultimately used for the project. Phased projects must have separate budgets for each phase and will be subject to additional review prior to release of funds for each stage after the first.
- Identify other funding that has been or is being sought for this project. Describe how your project will be sustainable after receiving funding from the Settlement Fund. Documentation of additional funding may be required by the Task Force.
- Description of organization including form of incorporation, history, annual budget, and audited financial statements. Audited financial statements will not be counted towards the 10 page limit.
- Tax ID numbers will be required of successful applicants.

Evaluation criteria:

- How well does proposal meet threshold criteria (above)?
- Is proposal complete, clear, realistic, well thought-out and ready to implement as soon as funded?
- Is proposal consistent with the organization's mission and resources?
- How does proposed project mesh with other initiatives in the community?
- Does proposed project leverage other resources?
- **Late proposals will not be considered.**

Process/timeline

- 2 cycles per year (Spring/Summer, Fall/Winter); proposals will not be considered outside of these two cycles.
- At first meeting following submissions, Task Force members will have reviewed proposals and proposers are required to attend for questions and discussion. If the Task Force determines that there are substantial shortcomings after its initial review, it may decide that the proposal will not be considered that funding cycle.
- If after initial review the proposal is deemed strong enough for continued consideration, the proposer may be asked for additional information to be submitted within 10 days. Failure to submit the requested information by the date required will cause the proposal to be dropped from consideration.
- At following meeting, the Task Force will vote on whether or not to recommend to the full Community Board 3. Proposers must attend this meeting as well. The Task Force may not be able to consider a proposal for funding if the applicant is not present to answer questions.
- After an affirmative vote by full Board, the project is submitted to NYC Law Department, NYS Department of Public Service and Con Edison, all of which need to agree that this is an appropriate use of Settlement Funds. This stage may take many months and there is no assurance that these parties will consent to the project.
- All proposals are public and will be posted on the Community Board 3 website.

Letters of Inquiry

While proposals will not be accepted outside of the two annual cycles, interested parties may at any time submit a brief (2-3 page) letter of inquiry to ascertain on a preliminary, non-binding basis whether their project fits the general goals of the Settlement Fund. Feedback from the Task Force will be entirely informal and will in no way create a presumption that an eventual proposal would be recommended for funding. As noted above, any planned proposal in excess of \$175,000 MUST first be submitted as a Letter of Inquiry.

Submissions

- Submissions should be made by email to the Community Board 3 office, which will distribute them to the Task Force members. The email address to submit to is:
conedsettlementfund@cb3manhattan.org
3. Recommended Funding for Fuel-Switching, Winter 2012-2013

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

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

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

WHEREAS in order to have a process for reviewing alternative community benefit projects, CB3 has adopted and updated written guidelines and these guidelines have been posted on the CB3 web site and publicized at multiple CB3 meetings, and

WHEREAS CB3 has found numerous alternative community benefit projects that have met the requirements of the stipulations and the CB3 guidelines, specifically that 15 such projects managed by eight different entities based in CB3 or CB6 have been approved by the Task Force and by the full CB3, and the Task Force expects to continue to receive viable project applications,

THEREFORE CB3 establishes the amount of Settlement Funds available for fuel-switching for the winter 2012-2013 period to be zero.

Land Use, Zoning, Public & Private Housing Committee

1. Chinatown Working Group—update on RFP
no vote necessary
2. BSA No 299-82-BZ 2-26 Stanton St, a/k/a 207-217 Chrystie St, Substitution of portion of original site plan approved in 1982 for potential hotel on site (see website for plans and information - <http://www.nyc.gov/html/mancb3/downloads/215chrystie/215chrystie.pdf>)

VOTE: WHEREAS, 2-26 Stanton St, a/k/a 207-217 Chrystie Street is located in the former Cooper Square Urban Renewal Area and zoned for C6-1; and

WHEREAS, the owner proposes to develop a 25-story, as-of-right, mixed-use building with a hotel on floors 1-18 and market-rate residential apartments on floors 19-25; and

WHEREAS, the project complies with applicable use and bulk regulations of the Zoning Resolution, including height, setback, and open space. No change to the variance granted by the 1982 Approval is required or requested. No variance of the Zoning Resolution is required; and

WHEREAS, residents living at 10 Stanton Street – an existing 9-story, project-based Section-8 residential development – are concerned with the proposed project adjacent to their homes; and

WHEREAS, after extensive meetings with the residents at 10 Stanton Street and its legal representation, the Urban Justice Center; the owner has agreed to upgrade building amenities, including, but not limited to – provide new open space on existing roof-top; provide new landscaping; keep existing amount of parking spaces at relocated parking area; and has also made a commitment to maintain the development in the Section-8 housing program with the Department of Housing and Urban Development (HUD) for 20 years; now

THEREFORE, BE IT RESOLVED that CB 3 approves BSA No 299-82-BZ: Special Order Calendar (SOC) application for 2-26 Stanton St, a/k/a 207-217 Chrystie Street in substituting site plan from 1982 Approval with new proposed site plan; and

BE IT FURTHER RESOLVED that CB 3 approves this application because the owner has communicated and negotiated in good faith with the concerned residents at 10 Stand and has committed to preserving affordable housing.

No report

Lisa: Question regarding new development and extent of limits of upgrades (amendment added)

Economic Development Committee

1. Discussion regarding zoning proposal for nightlife
no vote necessary
2. AAFE presentation: how the Federal health reform (Affordable Care Act) will affect small businesses
no vote necessary
3. Report on City Planning meeting re special district
no vote necessary
4. Discussion of additional surveying of businesses within the District
no vote necessary
5. Old Business: Small Business Leasing Guide
no vote necessary

Transportation & Public Safety and Environment Committee

1. Greyhound/Peter Pan bus stop application: 3 Essex St (park side) 40ft - 14 trips/day each direction: NYC to Philadelphia 7 AM, 8, 9, 10, 11, 12 PM, 1, 2, 3, 4, 5, 5:30, 6:15 and 7:15 PM & Philadelphia to NYC arrivals 9 AM, 10, 11, 12 PM, 1, 2, 3, 4, 5, 6, 7, 7:30, 8:15 and 9:15 PM

VOTE: Whereas, Greyhound/Yo! Bus has applied for a designated bus stop permit at 3 Essex St, parkside, where they will have curbside loading/unloading operations for their bus route between NYC and Philadelphia with 16 arrivals and departures daily; and

Whereas, There was substantial community opposition to the suggested designated bus stop that DOT sent to CB3. Locations that are in residential zoned areas are always going to be problematic, but this particular location is adjacent to a playground and there are several nearby schools; now

Therefore be it resolved, that CB3 asks DOT not to approve this location, to delay this permit application, and to return to CB3 with alternate locations, preferably with waiting room and restroom facilities for customers; and

Therefore be it further resolved, that CB3 asks DOT to incorporate the following stipulations into any permit that is issued for Greyhound/Yo! Bus:

- There shall be a staff member on site to guide loading/unloading, with direct contact to dispatch to be able to inform passengers about delays, etc.
- There shall be an assigned boarding order system, which might reduce crowds congregating before boarding.
- Trash bags shall be used to collect litter and shall be placed in the baggage bin and leave with the bus.

2. Lucky River Transportation Co, bus stop application for 55 Chrystie St (currently truck loading) NYC to Boston, 17-21 pickups/drop offs daily - 1/hr

VOTE: Whereas, Lucky River Transportation Co has applied for a designated bus stop permit at 55 Chrystie St, where they will have curbside loading/unloading operations for their bus route between NYC and Boston with 17-21 arrivals and departures daily. Lucky River has agreed to the following stipulations and will confirm the agreement by letter:

- They shall perform crowd control to manage passengers and try to keep waiting passengers in the storefront as much as possible, and continue to provide a restroom facility.
- They shall sell tickets only for the number of seats on each bus, and shall use a numbering system to assign boarding order, which will help manage crowds.
- Only scheduled buses shall arrive/depart.
- Buses shall not idle and shall keep loading/unloading to a maximum of 10 minutes.
- All new buses purchased for the fleet shall use only ultra-low sulfur fuel (which reduces emissions) and be equipped with Exhaust Gas Recirculation (EGR) emission control technology (which reduces the production of NOx).

Therefore, be it resolved, that CB3 asks DOT to incorporate these agreements stipulating the method of operation into the permit for Lucky River Transportation Co to operate at the designated curbside bus stop at 55 Chrystie St.

3. Request to support Assembly member Silver's call for a LES gun buyback

VOTE: Whereas, there have been shooting incidents on the Lower East Side; and

Whereas, Residents of the Lower East Side have raised alarms about gun violence in the Lower East Side community; and

Whereas, Gun Buy Backs have proven to be a very effective way to remove guns from the streets; and

Whereas, Assembly Member Sheldon Silver sent a letter on March 7, 2012 to Manhattan District Attorney Cyrus Vance and Police Commissioner Raymond Kelly requesting a Gun Buy Back Program on the Lower East Side; now

Therefore, be it resolved that Manhattan Community Board 3 supports Assembly Member Sheldon Silver's request for a Gun Buy Back Program on the Lower East Side

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

1. Community complaints re summer use for Nike "Rivington Court" (night sports arena) at 145 Stanton

VOTE: Whereas the 3 principals of the schools located in the school building at 145 Stanton made an agreement with Nike to use the school yard during the summer of 2012 as a nighttime basketball arena, and

Whereas the principals did not consider the impact of creating a nighttime basketball arena in a residential area less than 50 feet away from residences, and

Whereas the principals and DOE did not give residents and the community board an opportunity to provide input as to the impacts the proposed agreements would have on the community, and

Whereas the nighttime sports arena included amplified sound until 10 pm, and then noise for clean up and dispersing crowds for at least another half hour, and

Whereas the nighttime sports arenas also had bright lights which impacted residents in their homes, generators for the lights that were very noisy until 10 pm and beyond, DJs, and loud music that was amplified less than 50 feet from residents homes, and

Whereas Nike offered free workshops and possibly other amenities for the community youth, but this information was not relayed to the community, community board, or elected officials or local media, and

Whereas the principals did not arrange a contact to deal with community complaints and to resolve problems, and

Therefore community board 3 resolves that the Department of Education should work with the community to reform their extended use permit process with objectives to identify those permits that might impact the community and should have community input through the community board. The community can identify possible problems that DOE and the applicant can take into consideration if the proposed location is not appropriate. Community input will inform DOE to be able to make the best determination of requests for extended use permits for school facilities, including schoolyards, by taking into account community impacts.

Lisa Kaplan: Expressed concern that resolution does not state desire of CB3 and asked for CB3 to ask that DOE make proposals to CB3 for extended use permit.

David Crane: This puts the ball back in the court (pun possibly intended) of DOE to make more community involvement. Didn't want to ask for review of all extended use permits because we don't have the capacity to handle review of all permits.

Wording of resolution amended to reflect Lisa's comment.

2. Center for Hearing and Communication/Dr Hanin: hearing health – advocacy, education and incidence
no vote necessary

3. LGBT Community Center/NYC Coalition for a Smoke-Free City presentation: aggressive role of tobacco marketing targeted for youth to become regular smokers
no votes necessary

4. Request to re-assess busing protocol with regard to students with disabilities

VOTE: Manhattan Borough Board Resolution Supporting School Busing Improvements for Special Education Students

Whereas, parents and members of the community in New York City have raised serious concerns regarding the oversight of transportation for students with disabilities to and from their schools; and

Whereas, the bus routes taking students with disabilities to school are often longer than 120 minutes in each direction, and weave circuitously through as many as three boroughs, making stops at multiple schools and/or residences; and

Whereas, these transportation times often exceed individual student mandates per their Individualized Education Programs; and

Whereas, these lengthy travel times can lead to students missing valuable instruction time due to the late arrival or early departure of their buses; and

Whereas, the large number of individual busing companies makes it difficult for the Office of Pupil Transportation to address and remedy the multitude of service issues and enforce standards; and

Whereas, bus drivers and the accompanying staff responsible for the supervision of students with disabilities, including the boarding and de-boarding process, require regular training on the issues specific to special needs students; and

Whereas, the Chancellor's Regulation on Pupil Transportation has not been revised since September 5, 2000;

Therefore, be it resolved that the Manhattan Borough Board strongly urges DOE to re-assess its busing protocol with regard to students with disabilities and to specifically explore the following measures:

- 1) Review and revise the Chancellor's Regulation on Pupil Transportation to include:
 - a. An appropriate accountability structure;
 - b. Mechanisms to review busing operations, revise protocol and routes as needed, and capture parent feedback;
 - c. Ensure that all bus staff receive annual training on working with students with disabilities.
- 2) Revise the RFP issued for bus companies to include:
 - a. A requirement that all buses that transport special need students be equipped with cameras, GPS and climate control systems;
 - b. A requirement that all bus company employees participate in annual training.

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

1. Approve Landmarks Subcommittee resolution on Certificate of Appropriateness Docket# 135558 for Jarmulowsky Bank Building, 54-58 Canal/5-9 Orchard Street.

VOTE: To approve CB3 Landmarks Subcommittee resolution on Certificate of Appropriateness Docket# 135558 for Jarmulowsky Bank Building, 54-58 Canal/5-9 Orchard Street.

2. Public use / skate boarding hours for Open Road Joint Operated Playground (406 E 12 St)

VOTE: Whereas, the East Side Community High School Joint Operated Playground (406 East 12th Street) has multiple uses by the nearby public school afterschool and Beacon program, neighborhood residents, and skateboarders;

Whereas, in the past several months, residents in adjacent buildings, as well as officials from the school building and programs have complained of vandalism, drug use, noise, break-ins, destruction of property from skateboarders in the park;

Whereas, the youth programs have difficulty operating their services in the playground when skateboarders are in danger of colliding with young children;

Whereas, CB3 has supported this year certain hours of operation dictating when skateboarding is allowed, and when it is not allowed for other to have safe usage of the park;

Whereas, NYC Parks Department has requested the Community Board 3 recommend hours of operation for signage to be put up at the park for the Fall to Spring period;

Therefore, be it resolved, that CB3 recommends that during the Fall to Spring period when school is in session, skateboarding usage is ONLY allowed from 6-8pm on Wednesdays, 6-8pm on Fridays, from noon to 4pm on Saturday, and closed at dusk on all other days;

And further be it resolved, that Parks Dept look into installing a temporary protective dividing barrier to prevent collisions with non-skateboarding park users during skateboarding hours;

Further be it resolved, that CB3 recommends the NYC Parks Dept install flash cameras as implemented in other parks, to help prevent against trespassing and vandalism.

3. Children's Magical Garden (Norfolk/Stanton) update on community events and plans
no vote necessary

4. Architecture for Humanity proposed art installation at Coleman Oval Park

VOTE: To support the proposed design by Architecture for Humanity of ribbons or nylon rope for the temporary art installation, with the stipulation that great care be given to make sure it does not cause permanent damage to trees, nor pose a risk of accident or mishap to pedestrians.

Landmarks Subcommittee

- Certificate of Appropriateness Docket # 135558: 54 Canal Street (aka 9 Orchard Street) raise the parapet, install new mechanical equipment, convert existing mechanical room to occupiable space on roof; install new storefront infill, new masonry balustrade in existing bay ground floor; install new balconies at rear

VOTE: WHEREAS, the Certificate of Appropriateness #13-5558 for the Jarmulowsky Bank under consideration represents a portion of the work to be done with the remainder- facade restoration and window replacement- will be reviewed at the LPC staff level; and

WHEREAS, the Jarmulowsky Bank is an architecturally and historically significant building designed by the firm of Rouse and Goldstone in 1912; and

WHEREAS, the Jarmulowsky Bank is one of tallest and most distinctive buildings on the Lower East Side; and

WHEREAS, the building is located in a C6-2G zoned for commercial use, has remained empty for more than 5 years, and is now proposed to be adaptively reused, as of right, as a hotel.

WHEREAS, the intention is to restore the double height of the ground floor by removing a later mezzanine that divided the ground floor into two levels in order to reflect the earlier design of the bank's interior so that it can be read from the outside as it was originally constructed.

WHEREAS, it is proposed to replace all inappropriate existing doors with new historically appropriate wood and glass doors and provide new balustrades at ground level; and

WHEREAS, it is proposed to replace the missing historic clock over the main entrance; and

WHEREAS, it is proposed to remove of the existing cast iron bulkhead basement entrance and replace it with a balustrade to match the historical design and add a vent for the basement boiler behind the new balustrade at the east façade; and

WHEREAS, it is proposed to remove the existing fire escape at the southwest corner of south façade and replace it with balconies that reflect the ironwork of the removed fire escape; and

WHEREAS, it is proposed that the existing windows on the elevator shaft at the south elevation will be removed and in-filled with brick masonry to meet the existing fire code; and

WHEREAS, it is proposed to remove existing roof bulkheads and mechanical equipment and replace them with new bulkheads and equipment and some occupiable space on the existing roof. So,

THEREFORE BE IT RESOLVED, that the resolution for the C of A # 13-5558 regarding the Jarmulowsky Bank be approved by Community Board 3.

We, the Landmarks Subcommittee urge that the tempietto on the roof be rebuilt to restore the building to its original appearance and integrity.

Arts & Cultural Affairs Task Force **task force did not meet**

Old Business

None

New Business

Resolution proposed by Joyce Ravitz:

Whereas, On Monday, September 24, 2012, the east wall of the East Side Community High School and the children were evacuated; and

Whereas, parents have not been kept informed on progress of the potential relocation of students and reconstruction process; and

Therefore, Be It Resolved, that Community Board 3 will write to School Construction Authority requesting they have regular meetings for input and planning with the parents of East Side Community High School construction committee until adequate alternatives have been identified
[to be revised]

Moved to go into executive session

Personnel Task Force (executive session):

Dominic Berg: Personnel committee is developing an employee handbook, using CB10 and Manhattan Borough President's employee handbook. Considering Susan receives the third-lowest compensation of district manager in Manhattan and considering she has not been given a discretionary raise since she started. OMB has pushed for community boards to have a base-line budget, but has announced a Program to Eliminate the Gap. Because of this, we have to conditionally resolve for raise to Susan once OMB approves full funding (amendment made to Personnel Task Force #2).

(September 2012 Vote Sheet excluding Personnel Task Force 2)

36 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding Aug SLA 28, Sept SLA 8 & 20, Parks 2, Con Ed 2)

35 YES 0 NO 0 ABS 1 PNV MOTION PASSED (Aug SLA 28, Sept SLA 20)

35 YES 1 NO 0 ABS 0 PNV MOTION PASSED (Parks 2)

35 YES 0 NO 0 ABS 1 PNV MOTION PASSED (Con Ed 2)

35 YES 0 NO 0 ABS 1 PNV MOTION PASSED (Sept SLA 8)

(Personnel 2 & New Business)

35 YES 0 NO 1 ABS 0 PNV MOTION PASSED

35 YES 0 NO 1 ABS 0 PNV MOTION PASSED (Personnel 2)

Members Present at Last Vote:

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

Meeting Adjourned