



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

59 East 4th Street - New York, NY 10003

Phone: (212) 533-5300 - Fax: (212) 533-3659

www.cb3manhattan.org - info@cb3manhattan.org

Gigi Li, Board Chair

Susan Stetzer, District Manager

October 2012 Full Board Minutes

Meeting of Community Board #3 held on Tuesday, October 23, 2012 at 6:30pm at PS 20, 166 Essex Street.

Public Session:

Peter Gee: Asian Americans for Equality – Just published report on hazards of smoking

Dennis Mason: "Love Your Block" grant

Gene Ovitt: Albert's Garden – Saturday

Harriet Cohen: Seward Park Area Redevelopment Commission – questioning the formation of the SPURA taskforce; requesting more diversity on the taskforce. No community group focused on housing and no one of Puerto Rican descent.

Jan Hanvick: Director of Clemente Soto Velez Center – announcing completion of multi-cultural arts center

Carl Goldfarb: Has problem with local bars' noise

Claire Costello: Speaking in favor of interim garden in a nearby vacant lot – good for the local school children and local environmental education

Susan Howard: Supporting garden on 180 Stanton street and Attorney street – would like to submit plans for development and looking for CB3 support

Rebecca Perrin: Would like to seem more development of green space to give more children light and air

Jared Williams: Supporting garden to promote creativity and sustainability

Elissa Sampson: In support of "Siempre Verde" interim garden because it would make a "good neighbor"

Colleen McGurk: Teacher at PS 142; does not want another bar

Donald Bernstein: Attorney for 106 Rivington – establishment will be a full-service restaurant (not a bar/lounge) and management has years of experience.

Damien Polk: Support of 106 Rivington – local of the LES and thinks it will give back to the community

Aron Yagoda: Local resident in support of 106 Rivington – owners (who own a deli) have cleaned up the area

Tim Laughlin: LES BID – Reminding everyone about Pickle Day. LES BID agrees with SLA committee that there needs to be more community conversation about the bar but that the community members

Sholom Eisner: Has employed family members and supports application because he trusts the owners from his experience.

Enrique Cruz: Bar owner – has agreed to close earlier and looking to establish a restaurant (not a bar). This restaurant adds to the diversity (only 3% of the restaurants in the neighborhood are categorized as "Latino". Soups and salads will be lower priced.

Diem Boyd: Supporting 106 Rivington to be full-service restaurant closing at midnight but there is over-saturation.

Weston Bingham: There is capacity for 1090 people on a 200ft. block.

Larry Nunez: The neighborhood is 24% Latino (this is below average for Manhattan and NYC). There are many Latino restaurants, including one next door that closes at midnight and has no liquor license (and has been open for several years).

TY: We support the restaurant but not 2:00PM not situation has gotten out of hand (public vomiting and petty crime).

Tyler Kim: Local LES resident supports restaurant but not 2:00AM closing

Sara Romanoski: Emphasized board's resolution zone policy and gave anecdotes about hardship of living on the block of Rivington between Ludlow and Essex.

Elvin Nunez: Representing block association of Rivington – met with the applicants and they were in agreement with many of the stipulations.

Public Officials:

Representatives of DA, Speaker Silver and NYPD: Gun buyback program has been scheduled – it will be at Rutgers Houses on Sunday from 10:00-4:00. Officers can escort people to gun buyback program to ensure officer's safety.

Mayor Michael Bloomberg, Pauline Yu: Not present

Public Advocate Bill de Blasio, Phil Jones: Not present

Comptroller John Liu, Alice Cancel: Not present

Borough President Scott Stringer, David Czyzyk: Announcing first time green market in Harlem but would like to expand to LES and East Village. Borough President conducted survey of domestic violence agencies and found a new category of domestic violence called economic abuse (i.e., paychecks and credit rating destroyed). 2 Bridges Pathmark will close in December and Borough President is writing a letter in opposition.

Congressmember Jerrold Nadler, Katie Smith: Not present

Congressmember Nydia Velazquez, Iris Quinones: Not present

Congressmember Carolyn Maloney, Victor Montesinos: Not present

Assembly Speaker Sheldon Silver, Zach Bommer: Not present

Assemblymember Deborah J. Glick, Sarah Malloy-Good: Not present

Assemblymember Brian Kavanagh, Marcela Medina: Clinic at Wald houses

State Senator Daniel L. Squadron, Mauricio Pazmino: Press conference urging for Albany to address gun violence. Will organize Waterfront Community Day (Sunday, November 3, 12:00-4:00) and has worked hard to fund Pier 42 Park. Gender Non-Discrimination Act

State Senator Thomas K. Duane, John Bartos: Not present

Councilmember Margaret Chin, Patricia Olan: SUPRA plan was unanimously approved by City Council. New regulations for commercial bicyclists to be safer.

Councilmember Rosie Mendez, Michele Burger: "Right-sizing" of people in NYCHA housing (ex: empty nesters moving from multi-bedroom apartments to one-bedroom apartments – will be implemented humanely. "Cornell Edwards" Way and "Sarah Curry" Way.

Members Present at First Vote:

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

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

Minutes:

Minutes of July 2012 were approved, as is.

28 YES 0 NO 6 ABS 0 PNV MOTION PASSED

Board Chairperson's Report:

Chairperson Gigi Li: East Side Community High School will not be open until at least the end of February. CB3 office sent out an email for office being a drop-off site for donations (school has been split up while construction takes place). Councilwoman Menendez's office and the DOE has worked to get teachers more supplies and resouces. SPURA task force was formed – 5 community board members and 2 stakeholder representatives. Group is made up of the following community board members: Gigi Li, Dominic, Karen Blatt, Lisa Kaplan, Linda Jones and David McWaters, Bob Zuckerman, Michael Zisser Elected official reps from Councilmember Chin, Councilmember Menendez and Borough President Stringer. We have added another member as a former site tenant (Tito Delgado agreed).

Some disagreement with selection process by Susan Scheer, Harvey Epstein and Joyce Ravitz.

Timeline: RFP to be released January 2013 with 3 months for developers to respond.

The taskforce is not a CB3 meeting and will not be public meeting and therefore meetings will not be posted.

District Manager's Report:

District Manager Susan Stetzer: Astor-Lafayette water main work will be finished soon and street will be finished in April. Rat inspections have improved but city-owned properties have not been good. Outdoor kickball complaints (PS142) – DOE is going to work on this issue and Stetzer will follow up.

Committee Reports:

Executive Committee

- FY '2014 Capital & Expense Priorities
VOTE: To approve FY'2014 Capital & Expense Priorities as presented. (see separate attachment)

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

1. FY '2014 Capital & Expense Priorities
VOTE: To approved the Parks and Library Capital & Expense Budget in the following ordering of priority. (see attached)
2. Interim garden for 181 Stanton
VOTE: CB#3 supports the use of 181 Stanton Street and 137 Attorney Street for an interim garden until NYC HPD comes up with a plan for the site.
3. Presentation regarding the replacement of the boiler and reconstruction of the distribution system in the parkhouse at Seward Park
VOTE: CB#3 approves the replacement of the boiler and reconstruction of the distribution system in the NYC Parks building at Seward Park based on the specifications presented by Parks engineers.
4. Hester Street Collaborative and Asian Americans for Equality proposal for an adaptive re-use feasibility study of underutilized park houses in CB 3
no vote necessary
5. Proposal for "Paths the Pier 42", a program of temporary art and design installations to create interim uses at the East River Waterfront ([click for more info](#))
VOTE: CB#3 supports the public review process "Paths to Pier 42" for implementing a program of temporary art and design installations along the East River Waterfront for interim use, with CB#3 representation on the art selection jury committee.
6. Report from Landmarks committee
VOTE: CB 3 approves the Landmarks Subcommittee's changes to the Manhattan Community Boards' letter to the Landmarks Preservation Commission. The changes state that the letter should include an explanation of the community boards' need for adequate time for public review comments. This means a minimum of 45, but preferably 60 days, notice to community boards. The monthly community board schedules and posting requirements for public notification requires this minimum notification. The present time frame of 3 weeks turnaround from notice to submitting comments is completely inadequate to properly notify public and have a public meeting for public input.
7. Report from Landmarks committee

VOTE: CB#3 approves the Landmarks Subcommittee recommendation to deny the Certificate of Appropriateness to applicant for former PS 64 community center.

Landmarks Subcommittee's Resolution dated 10/11/2012 on Certificate of Appropriateness for 605 E. 9th St. Docket # 13-4949

Regarding Landmarks Commission Certificate of Appropriateness application 13-4979 for window replacement as part of a façade restoration project at the former PS64/605 East 9th Street.

WHEREAS, the former PS64/605 East 9th Street was the heart and soul of the Lower East Side community; and

WHEREAS, the building owner acquired the building for a very low price; and

WHEREAS, the building can now be sold at a considerable profit; and

WHEREAS, the tactile integrity of the proposed material does not match the original; so

WHEREAS, the building is in need of immediate repair to protect it from further deterioration from the elements due to the damage inflicted by the present owner's stripping of the terracotta detail from the 10th St. side of the building, these repairs need be effected immediately; so

THEREFORE BE IT RESOLVED, Community Board 3 rejects the proposal to substitute less expensive aluminum windows for the original wooden windows.

Carolyn Ratcliffe: Landmarks Commission voted to approve a historic district the LES (largest historic district in our neighborhood). Also summarized vote on Certificate of Appropriateness of window replacement.

Jack Waters: The committee reviewed whether to replace the wooden windows with aluminum windows.

Lisa Kaplan: Amendment proposed to recommend to replace windows immediately with appropriate materials and that the building be made waterproof immediately.

SLA & DCA Licensing Committee

Renewal with Complaint History

1. One & One Bar (Nexus Lounge), 76 E 1st St aka 12 1st Ave (op)
no vote necessary

Applications within Resolution Areas

2. One More Thai Corp, 6 Clinton St (wb)

VOTE: Understanding that this is a sale of assets of a preexisting Thai restaurant, Community Board #3 moves to deny the application for a beer wine license for One More Thai Corp., for the premise located at 6 Clinton Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a full-service Thai 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 11:00 P.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, and 4) it will have a closed fixed façade with no open doors or windows.

3. Apartment 13 (115 Avenue C LLC), 115 Ave C (op)
withdrawn
4. Tiny Fork (Project 6 LLC), 167 Orchard St (op/alt/add bar in basement)
withdrawn
5. 106 on the LES LLC, 106 Rivington St (op)

VOTE 1, THIS MOTION DID NOT PASS: As 106 On The LES LLC has agreed to adopt the proposed stipulations (attached hereto) tendered as a part of its application to Community Board #3 as conditions of its license, Community Board #3 now moves to deny the application for a full on-premise liquor license for 106 On The LES LLC, for the premise located at 106 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 a full-service Latin American restaurant, with a kitchen open and serving food to within one (1) hour of closing and on all floors, 2) its hours of operation will be 2:00 P.M. to 12:00 A.M. Mondays through Wednesdays, 2:00 P.M. to 2:00 A.M. Thursdays and Fridays, 10:00 A.M. to 2:00 A.M. Saturdays and 10:00 A.M. to 12:00 A.M. Sundays (understanding this to mean that all patrons will be cleared from the establishment at the specified hour), 3) it will not commercially use the back yard, 4) it will not construct any ropes or barricades on the sidewalk, 5) it will play ambient background music only, consisting of recorded music, and not have DJs, live music, promoted events or outside promoters, scheduled performances or any event at which a cover fee will be charged, 6) it will close any façade doors and windows at 10:00 P.M. every night and will not open them before 12:00 P.M. every day, 7) it will not apply for a cabaret license, 8) it will employ a sound engineer to

implement appropriate sound mitigating measures, 9) it will have no more than two (2) televisions, one (1) to be located on each floor of its business, which will be used only to televise the World Cup, the Super Bowl (excluding playoff games), NBA finals (excluding playoff games) and the summer and winter Olympics, 10) it will meet with representatives of the community upon request and will meet with anyone who files a complaint about the business, and 11) it will post signs on the façade of its business asking patrons to be quiet and respectful of neighbors.

VOTE 2, THIS MOTION DID NOT PASS AT COMMITTEE, BUT PASSED AT FULL BOARD: As 106 OnThe LES LLC has not agreed to adopt the proposed stipulations voted on by Community Board 3, Community Board 3 now moves to deny the application. Community Board 3 will support an application with the following stipulations.

To deny unless the applicant agrees to apply for a beer wine license for 106 On The LES LLC, for the premise located at 106 Rivington Street, and 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 Latin American restaurant, with a kitchen open and serving food to within one (1) hour of closing and on all floors, 2) its hours of operation will be 2:00 P.M. to 12:00 A.M. Mondays through Fridays and 10:00 A.M. to 12:00 A.M. Saturdays and Sundays (understanding this to mean that all patrons will be cleared from the establishment at the specified hour), 3) it will only use the backyard commercially if it completely enclosed as an extension of its present interior area, 4) it will not construct any ropes or barricades on the sidewalk, 5) it will play ambient background music only, consisting of recorded music, and not have DJs, live music, promoted events or outside promoters, scheduled performances or any event at which a cover fee will be charged, 6) it will close any façade doors and windows at 10:00 P.M. every night and will not open them before 12:00 P.M. every day, except that there will be no open doors, skylights or windows on any structure it may build in the backyard to utilize that area as part of its business, 7) it will not apply for a cabaret license, 8) it will employ a sound engineer to implement appropriate sound mitigating measures, 9) it will have no more than two (2) televisions, one (1) to be located on each floor of its business, which will be used only to televise the World Cup, the Super Bowl (excluding playoff games), NBA finals (excluding playoff games) and the summer and winter Olympics, 10) it will meet with representatives of the community upon request and will meet with anyone who files a complaint about the business, and 11) it will post signs on the façade of its business asking patrons to be quiet and respectful of neighbors.

VOTE 3, THIS MOTION DID NOT PASS: As 106 On The LES LLC has agreed to adopt the proposed stipulations (attached hereto) tendered as a part of its application to Community Board #3 as conditions of its license, Community Board #3 now moves to deny the application for a beer wine license for 106 On The LES LLC, for the premise located at 106 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 a full-service Latin American restaurant, with a kitchen open and serving food to within one (1) hour of closing and on all floors, 2) its hours of operation will be 2:00 P.M. to 2:00 A.M. Mondays through Fridays and 10:00 A.M. to 2:00 A.M. Saturdays and Sundays (understanding this to mean that all patrons will be cleared from the establishment at the specified hour), 3) it will not commercially use its backyard, 4) it will not construct any ropes or barricades on the sidewalk, 5) it will play ambient background music only, consisting of recorded music, and not have DJs, live music, promoted events or outside promoters, scheduled performances or any event at which a cover fee will be charged, 6) it will close any façade doors and windows at 10:00 P.M. every night, 7) it will not apply for a cabaret license, 8) it will employ a sound engineer to implement appropriate sound mitigating measures, 9) it will have no more than two (2) televisions, one (1) to be located on each floor of its business, which will be used only to televise the World Cup, the Super Bowl (excluding playoff games), NBA finals (excluding playoff games) and the summer and winter Olympics, 10) it will not apply for an upgrade of its license for at least six (6) months after it begins operating its business, 11) it will meet with representatives of the community upon request and will meet with anyone who files a complaint about the business, and 12) it will post signs on the façade of its business asking patrons to be quiet and respectful of neighbors.

VOTE 4, THIS MOTION DID NOT PASS: As 106 On The LES LLC has agreed to adopt the proposed stipulations (attached hereto) tendered as a part of its application to Community Board #3 as conditions of its license, Community Board #3 now moves to deny the application for a full on-premise liquor license for 106 On The LES LLC, for the premise located at 106 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 a full-service Latin American restaurant, with a kitchen open and serving food to within one (1) hour of closing and on all floors, 2) its hours of operation will be 2:00 P.M. to 12:00 A.M. Mondays through Fridays and 10:00 A.M. to 12:00 A.M. Saturdays and Sundays (understanding this to mean that all patrons will be cleared from the establishment at the specified hour), 3) it will only use the backyard commercially if it completely enclosed as an extension of its present interior area, 4) it will not construct any ropes or barricades on the sidewalk, 5) it will play ambient background music only, consisting of recorded music, and not have DJs, live music, promoted events or outside promoters, scheduled performances or any event at which a cover fee will be charged, 6) it will close any façade doors and windows at 10:00 P.M. every night and will not open them

before 12:00 P.M. every day, except that there will be no open doors, skylights or windows on any structure it may build in the backyard to utilize that area as part of its business, 7) it will not apply for a cabaret license, 8) it will employ a sound engineer to implement appropriate sound mitigating measures, 9) it will have no more than two (2) televisions, one (1) to be located on each floor of its business, which will be used only to televise the World Cup, the Super Bowl (excluding playoff games), NBA finals (excluding playoff games) and the summer and winter Olympics, 10) it will not apply for an alteration to extend its hours of operation for at least one and a half (1½) years after it begins operating its business, 11) it will meet with representatives of the community upon request and will meet with anyone who files a complaint about the business, and 12) it will post signs on the façade of its business asking patrons to be quiet and respectful of neighbors.

VOTE 5, THIS MOTION PASSED AT COMMITTEE: As 106 On The LES LLC has agreed to adopt the proposed stipulations (attached hereto) tendered as a part of its application to Community Board #3 as conditions of its license, Community Board #3 now moves to deny the application for a full on-premise liquor license for 106 On The LES LLC, for the premise located at 106 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 a full-service Latin American restaurant, with a kitchen open and serving food to within one (1) hour of closing and on all floors, 2) its hours of operation will be 2:00 P.M. to 12:00 A.M. Mondays through Wednesdays, 2:00 P.M. to 2:00 A.M. Thursdays and Fridays, 10:00 A.M. to 2:00 A.M. Saturdays and 10:00 A.M. to 12:00 A.M. Sundays (understanding this to mean that all patrons will be cleared from the establishment at the specified hour), 3) it will only use the backyard commercially if it completely enclosed as an extension of its present interior area, 4) it will not construct any ropes or barricades on the sidewalk, 5) it will play ambient background music only, consisting of recorded music, and not have DJs, live music, promoted events or outside promoters, scheduled performances or any event at which a cover fee will be charged, 6) it will close any façade doors and windows at 10:00 P.M. every night and will not open them before 12:00 P.M. every day, except that there will be no open doors, skylights or windows on any structure it may build in the backyard to utilize that area as part of its business, 7) it will not apply for a cabaret license, 8) it will employ a sound engineer to implement appropriate sound mitigating measures, 9) it will have no more than two (2) televisions, one (1) to be located on each floor of its business, which will be used only to televise the World Cup, the Super Bowl (excluding playoff games), NBA finals (excluding playoff games) and the summer and winter Olympics, 10) it will not apply for an alteration to extend its hours of operation for at least one and a half (1½) years after it begins operating its business, 11) it will meet with representatives of the community upon request and will meet with anyone who files a complaint about the business, and 12) it will post signs on the façade of its business asking patrons to be quiet and respectful of neighbors. Community Board #3 is approving this full on-premise liquor license although this is a location in an area with numerous licensed premises because this applicant is a lifelong neighborhood resident with a strong commitment to this neighborhood who has operated other businesses in this neighborhood and is an avid supporter of local groups, including youth groups and local small businesses.

6. Yardbird LLC, 162 Ave B (wb)

VOTE: To deny the application for a beer wine license for Yardbird LLC, for the premise located at 162 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 café wine bar, serving food during all hours of operation, 2) its hours of operation will be 11:00 A.M. to 12:00 A.M. all days, 3) it will 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 facade doors and windows at 10:00 P.M. every night, and 5) it will not apply for an alteration to extend its operating hours for at least six (6) months after its business begins operating.

7. Nublu, 151 Ave C (op)
withdrawn

Alterations

8. Jane's Sweet Buns (Derossi Chelsea LLC), 102 St Marks Pl (wb/alt/lengthen bar)

VOTE: WHEREAS, Derossi Chelsea LLC, is seeking an alteration, to wit lengthening its bar, for its beer wine license, for its business Jane's Sweet Buns, which is currently located at 102 St. Mark's Place between First Avenue and Avenue A; and

WHEREAS, its community board application also seeks approval for an alteration to 1) change its hours of operation to 5:00 P.M. to 2:00 A.M. all days, 2) change its menu from baked goods to "bar snack food and sandwiches," 3) change its method of operation from a bakery and pastry shop to a tavern beer bar, and 4) change its business name from Jane's Sweet Buns to Proletariat; and

WHEREAS, this applicant was originally approved by Community Board #3 in October of 2011, understanding that it would have a specific method of operation, that being a bakery and pastry shop operated by bakers, and with stipulations which were to become conditions of its license that 1) it would operate as a pastry shop, serving food during all hours of operation, 2) its hours of operation would be from 12:00 P.M. to 12:00 A.M. Sundays through Thursdays and 12:00 P.M. to 2:00 A.M. Fridays and Saturdays, 3) it would play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover

fee will be charged, and 4) it would close any façade doors and windows at 10:00 P.M. every night; and

WHEREAS, the applicant has now conceded that it has already eliminated the bakery operation of its business, lengthened its bar from eight (8) to thirty-two (32) feet, changed its menu to provide bar snack food and sandwiches, changed its hours to 5:00 P.M. to 2:00 A.M. daily, changed its method of operation to a tavern beer bar with a least seventy (70) advertised beers and changed its business name to Proletariat; and

WHEREAS, the applicant is now before this community board because it had received a deficiency letter from the SLA on September 5, 2012, asking that it seek approval from Community Board #3 for any change of hours in its change of method of operation application; and

WHEREAS, Community Board #3 had no prior notice of this change of method of operation for this business but had only received a letter informing the community board that the applicant was making a cosmetic change to its business in that it was increasing its bar length, and has since only been notified of any alteration at the direction of the SLA; and

WHEREAS, the applicant concedes that there are at least nineteen (19) full on-premise liquor licenses and nineteen (19) beer wine license within one (1) block of this location; and

WHEREAS, this Community Board believes that the applicant engaged in a deliberate ruse in seeking approval in October of 2011 for a beer wine license for a bakery and pastry shop on a street with so many licensed businesses in an effort to obtain said license and change the method of operation of its business; now

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the application for an alteration of the beer wine license of DeRossi Chelsea LLC, located at 102 St. Mark's Place, to wit changing its hours to 5:00 P.M. to 2:00 A.M. all days, changing its menu from baked goods to bar snack food and sandwiches, changing its method of operation from a bakery and pastry shop to a tavern beer bar, lengthening its bar to thirty-two (32) feet and changing its business name from Jane's Sweet Buns to Proletariat.

9. Parkside Lounge (Sterling Parkside Corp), 317 E Houston St (op/alt/additional bar)

VOTE: To approve the application for an alteration of the full on-premise liquor license for Sterling Parkside Corp., doing business as Parkside Lounge, 317 East Houston Street, to wit adding a ten (10) foot standup bar with six (6) stools and two (2) tables with two (2) seats each to the rear room of said business.

New Liquor License Applications

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

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

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

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

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

WHEREAS, this applicant has entered into a memorandum of understanding (attached hereto) with the Stanton Bowery Block Association regarding its method of operation for this location; now

THEREFORE, BE IT RESOLVED THAT, Community Board now moves to deny the application for a full on-premise liquor and brew pub license for Paulaner Brauhaus Restaurant LLC, for the premise located at 265-267 Bowery, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate a full-service German restaurant and brew pub, with a kitchen open and serving a full menu to within one (1) hour of closing and a reduced menu for the last hour of operation, and will also manufacture beer on site for onsite consumption only, 2) its hours of operation will be 7:00 A.M. to 12:00 A.M. Sundays through Wednesdays and 7:00 A.M. to 1:00 A.M. Thursdays through Saturdays (with the understanding that this means that all patrons will be cleared from the establishment at the specified hour), 3) it will install soundproofing, 4) it will employ at least two (2) security guards weekdays and three (3) security guards weekends, from 5:00 P.M. to closing, will provide security during the day for any special events, will place one (1) security guard at the door at all times and will direct security guards to deter

crowds and noise on the sidewalk and encourage vehicles dropping off and picking up patrons from idling, 5) it will play ambient background music only, consisting of recorded music, and not have DJs, live music, promoted events or outside promoters, scheduled performances or any event at which a cover fee will be charged, 6) it will close any façade doors and windows at 10:00 P.M. every night, 7) it will post signs on the façade of its business asking patrons to be quiet and respectful of neighbors, 8) it will extend an awning over the façade of its business to mitigate noise heard by residents and direct smoking patrons away from the front of the business, 9) it will adjust the ventilation system if there are any complaints from residents about noise or odors, 10) it will not apply for a sidewalk café permit for at least two (2) years after it begins operating its business, 11) it will not have any hard liquor promotions, 12) it will have no more than two (2) televisions, one (1) to be located on each floor of the business, 13) it will have no more than seventy-five (75) people at any private parties and will host most private events in the basement level of the business, 14) it will maintain any garbage in a temperature controlled room within the interior of the business until such time as it is picked up by carters, and 15) if there are complaints about noise emanating from the business, it will employ a sound engineer to implement appropriate sound mitigating measures.

11. Entrez (Entrez Bar & Grill Inc), 162 2nd Ave (op)

no vote necessary

12. Sunshine Lounge (Cinema Beverages Holding Company LLC), 143 E Houston St (op)

withdrawn

13. Souvlaki Gr LES (Uber Caffe LLC), 116 Stanton St (change of class from existing wb to op)

VOTE: To deny the application to upgrade to a full on-premise liquor license for Uber Caffe LLC, doing business as Souvlaki GR LES, for the premise located at 116 Stanton 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 Greek restaurant, with a kitchen open and serving food to within one (1) hour of closing, 2) its hours of operation will be 11:00 A.M. to 12:00 A.M. Sundays through Thursdays, 11:00 A.M. to 1:00 A.M. Fridays and Saturdays and 11:00 A.M. to 11:00 P.M. Sundays, 3) it will play ambient background music only, consisting of recorded music, and will not have DJs, live music, promoted events, scheduled performances or events at which a cover fee would be charged, and 4) it will close any facade doors and windows at 10:00 P.M. every night.

14. Shanghai Asian Manor Inc, 21 Mott St (wb)

VOTE: To deny the application for a beer wine license for Shanghai Asian Manor Inc., for the premise located at 21 Mott 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 Shanghainese 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 10:00 P.M. Mondays through Saturdays and 11:00 A.M. to 9:00 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, and 4) it will have a closed fixed façade with no open doors or windows.

15. CMH BBQ Holdings LLC, 103 2nd Ave (b)

VOTE: To deny the application for a beer license for CMH BBQ Holdings LLC, for the premise located at 103 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 barbeque 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. Mondays through Saturdays and 11:00 A.M. to 11:00 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, and 4) it will close any façade doors and windows at 10:00 P.M. every night.

16. Glaze 4th Ave LLC, 139 4th Ave (b)

VOTE: To deny the application for a beer license for Glaze 4th Ave LLC, with a proposed business name of Glaze Teriyaki Grill, for the premise located at 139 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 as a full-service teriyaki 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 11:00 P.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, and 4) it will have a closed fixed façade with no open doors or windows.

17. To be Determined, 269 E Houston St (op)

withdrawn

18. To be Determined, 110 1st Ave (wb)

VOTE: To deny the application for a beer wine license for Bonada LLC, for the premise located at 110 First Avenue, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a full-service sushi restaurant, with a kitchen open and serving food during all hours of operation, 2) its hours of operation will be 5:00 P.M. to 1:00 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, and 4) it will have a closed fixed façade with no open doors or windows.

19. Noodle Bar (One Noodle Bar Inc), 141 1st Ave (wb)

VOTE: To deny the application for a beer wine license for One Noodle Bar Inc., doing business as Noodle Bar, for the premise located at 141 First Avenue, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a full-service noodle 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. 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, and 4) it will have a closed fixed façade with no open doors or windows.

20. La Meridiana I Ltd, 176 2nd Ave (wb)
withdrawn

21. Cowboy Pizza LLC, 201 Clinton St (wb)

VOTE: To deny the application for a beer wine license for Cowboy Pizza LLC, doing business as Cowboy Pizza, for the premise located at 201 Clinton Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a full-service pizzeria 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 11:00 P.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, and 4) it will close any façade doors and windows at 10:00 P.M. every night.

22. Seven Spices (Village Grill 82 Inc), 82 2nd Ave (wb)

VOTE: To deny the application for a beer wine license for Village Grill 82 Inc., 82 Second Avenue, because the applicant did not appear before Community Board #3 for review of its application or provide any application materials for review.

23. To be Determined, 123 Allen St (op)
withdrawn

24. Organic Grill, 123 1st Ave (wb)

VOTE: To deny the application for a beer wine license for The Organic Grill Inc., doing business as The Organic Grill, for the premise located at 123 First Avenue, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a full-service vegan and vegetarian 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 10:00 P.M. Mondays through Thursdays, 12:00 P.M. to 11:00 P.M. Fridays and 10:00 A.M. to 11:00 P.M. Saturdays and 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, and 4) it will have a closed fixed façade with no open doors or windows.

David Crane: Pulled Item 5 – argued for amendment to change vote that passed to beer and wine license because of saturation of block with liquor permits.

Herman Hewitt: Believes it's going to be a restaurant and they applicants will not cause additional problems.

Carlina Rivera: Amendment would not be what was passed by the SLA committee

Dominic Berg: Concerned that the restaurant is huge and if the business fails there will be a liquor license

Meghan Joye: Amendment was not friendly and it's not good to strip the business of its tools to succeed

Bernard Marti: Applicants have been successful in the neighborhood. Applicants provide a public benefit and are going to bring good quality Latin food to the neighborhood and the size of the establishment requires a liquor license – he doesn't believe this will tip the balance to make the neighborhood worse.

Anne Johnson: Amendment undermines the sub-committee's process

Susan Scheer: Wants to stay consistent with resolution area policies

David Conn: The decision was tough and we have never given a full liquor license to a restaurant this large that has yet to open.

Carlina Rivera: They have support from neighboring Latino restaurant

Alex Militano: They have scaled back live music and DJ component. The sticking point here are the hours and increase in crime and problems. She stated we have approved full liquor license for first-time applications of restaurants.

Ariel Palitz: Giving them a beer and wine makes it uncompetitive and they will not be able to succeed

Harvey Epstein: Call the question – second

Vote: 5 did not pass

Motion to approve 2 – Second

Anne Johnson: This is a long-time community member who wants to open up a restaurant

William LoSasso: Meaning of an abstention is covered in community board training

Dominic Barg: Vote was fair and call to question ceases debate

Land Use, Zoning, Public & Private Housing Committee

1. FY '2014 Capital & Expense Priorities

VOTE: To approve capital and expense budget priorities for FY 2014.

2. EDC update regarding SPURA RFP
no vote necessary

3. Committee discussion regarding the need for affordable housing and vacant and warehoused apartments

in our district
no vote necessary

Transportation & Public Safety and Environment Committee

no minutes submitted

David Crane: No votes taken – announcement about bus stop public hearing near Penn Station.

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

1. FY '2014 Capital & Expense Priorities

VOTE: To approve capital and expense budget priorities for FY 2014.

2. Urban Planning Fellow work plan-ITEM REMOVED FROM AGENDA

no vote necessary

3. LES Harm Reduction presentation

no vote necessary

4. Request for support for Resolution Regarding Youth Exposure to Tobacco Marketing in Stores

VOTE: Resolution Regarding Youth Exposure to Tobacco Marketing in Stores

Whereas tobacco is the number one cause of preventable death and disease in the US-killing more people than alcohol, illegal substances, car accidents, murders, suicides, and AIDS combined; and

Whereas 18,000 NYC public high school students currently smoke cigarettes, one-third of whom will die prematurely as a direct result of smoking; and

Whereas 90 percent of adult smokers start smoking before the age of 18; and

Whereas research shows in-store marketing is more powerful than peer pressure; and

Whereas tobacco companies spend \$1 million every day in NYC to market their deadly products, and youth are twice as likely to recall tobacco marketing than adults; and

Whereas 75 percent of the city's 9,700 licensed tobacco retailers are within a few blocks of a school; and

Whereas almost every licensed tobacco retailer displays tobacco product advertising, with an average of 18 ads per store; and

Whereas tobacco companies place most of their advertising where young people shop--in convenience stores, where 75 percent of teenagers shop at least once a week; and

Whereas between 2005 and 2009, pharmacy cigarette sales in the United States increased 22.7 percent, while total cigarette sales decreased 17.43 percent. In 2005, pharmacy cigarette sales represented 3.05 percent of total cigarette sales. If current trends continue, pharmacy sales will increase to 14.59 percent of total sales by 2020.

Therefore, be it resolved that Community Board 3 in Manhattan supports measures to reduce tobacco marketing and product availability, including:

- Decreasing the visibility of tobacco marketing in stores; and
- Prohibiting the sale of tobacco products in pharmacies; and
- Limiting the sale of tobacco products around schools

5. Institute for Children, Poverty, and Homelessness: presentation of report A New Path

(<http://www.icphusa.org/index.asp?page=16&report=89>) which proposes making changes to family shelters that we think would offer improvements to both the shelters and surrounding communities

no vote necessary

Old Business:

SUPRA Task Force: Motion to change language – for the purpose of adding third stakeholder (a former site tenant).

Proposed Change:

Task force. The Seward Park Mixed Use Development Project Task Force, "the task force," will be led by and include **five** the above mentioned CB3 members, as well as one representative from each of the members of the City Council Districts represented in CB3 and one from the Manhattan Borough President, as well as representatives of two **three** local stakeholder groups as appointed by the CB3 Chair. The majority of members of the task force will be composed of CB3 members.

Motion carries.

(October 2012 Vote Sheet, Excluding SLA Item 5 & Old Business)

33 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding SLA Item 21)

31 YES 0 NO 0 ABS 2 PNV MOTION PASSED (SLA Item 21)

(SLA Item 5)

16 YES 15 NO 2 ABS 0 PNV MOTION DID NOT PASS (VOTE #5)

17 YES 13 NO 1 ABS 0 PNV MOTION PASSED (VOTE #2)

(Old Business)

30 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Members Present at Last Vote:

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

Meeting Adjourned