



# THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

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Gigi Li, Board Chair

Susan Stetzer, District Manager

## November 2012 Full Board Minutes

Meeting of Community Board #3 held on Tuesday, November 27, 2012 at 6:30pm at PS 20, 166 Essex Street.

### Public Session:

Tanjila Rahman: From NYS Dep't of Labor (Immigrant policy) – coordinates with community organizations to inform immigrants of labor rights. Has provided fact sheets.

Ricardo Rivera: For Cheeky Sandwiches (SLA applicant) – wanted to extend hours and scope of license. Requesting longer hours (4:00AM) than were in stipulations approved by SLA committee.

Siukwan Chan: Spoke about concerns of Greyhound stop at Pike St as local small business owner. Concerned that passengers won't have facilities.

Morris Fajtelewicz: Speaking as representative of Auxiliary Police, spoke about concerns that generators and other equipment in possession of Auxiliary Police were not effectively used after Hurricane Sandy.

Christopher Kui: Spoke for Asian Americans for Equality and expressed concern that Greyhound did not reach out to the group or to locals. Asked Community Board to request that vote be delayed.

Vaylateena Jones: Concerns about Basketball City noise, smoke machines and parking

Susan Stetzer: This is now on the parks committee agenda.

Jones: Asking for an urgent care site on SPURA.

John Leo: Speaking as Con Ed spokesman. Outage in Manhattan was caused by flooding of East 13th Substation. Hurricane Sandy occurred on the 27th and 28th of October and the substation was repaired by Friday, November 3. The grid is operational and places that do not have power are lacking power because of issues with their electrical wiring. The steam was turned off because of other outages and took longer to come back on because they have to check customers pipes.

Meghan Joye: Asked whether this would raise rates.

Leo: Believed there would eventually be cost to consumers but wasn't sure when.

Jones: What is being done to prepare better.

Leo: There are some contaminants (i.e., oil) in flooded areas that made it difficult to clean up. Many crews from around the country worked.

### Public Officials:

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: It is time for re-applying to Community Board. Re-application due date is 12/23. Applications for new members is due January 14. Borough President's office helped distribute food and blankets and worked with small businesses and led tour of South Street Seaport area. Chinatown street fair on Saturday.

Congressmember Jerrold Nadler, Katie Smith: Not present

Congressmember Nydia Velazquez, Carlos Estavez: Thanked everyone for working after Sandy to provide assistance. Congresswoman Velazquez has set up workshops for people to have access to assistance post-Sandy. She is working to improve NYC infrastructure to prevent damage from something like Sandy from occurring in the future.

Congressmember Carolyn Maloney, Victor Montesinos: Not present

Assembly Speaker Sheldon Silver, Zach Bommer: Asked that those affected by Hurricane Sandy to contact Speaker Silver's office (including application for a loan). Speaker Silver created a mobile office. Gun buyback was successful.

Assemblymember Deborah J. Glick, Sarah Malloy-Good: Looking for how to help like extension on sales-tax payments and how to encourage people to shop in these areas. Assemblymember wrote to SUNY Buffalo regarding report written by their institute that there were no harmful impacts to hydrofracking.

Assemblymember Brian Kavanagh, Marcela Medina: Assemblymember Kavanagh worked very hard to help neighbors along with other elected officials. His office is now following up with constituents regarding food stamp fulfillment, replacing boilers in smaller buildings, small business loans, etc...

State Senator Daniel L. Squadron, Mauricio Pazmino: December 9, office will hold a post-Sandy resource fair (co-sponsored by CB3). State Senator Squadron worked to provide transportation for volunteers, food and blankets

State Senator Thomas K. Duane, John Bartos: Working with other offices to get assistance for those affected by Sandy.

Councilmember Margaret Chin, Patricia Olan: The city will initiate enforcement proceedings against landlords of residential buildings where there is still no hot water.

Councilmember Rosie Mendez: There will be 5,000 new jobs for people impacted by Hurricane Sandy. There are still buildings without heat and hot water. We need to have a better plan so we don't duplicate our efforts and because this won't be an uncommon occurrence. Asked if anyone knows someone without heat, they need to contact her office. There is a lot of post-Sandy analysis that needs to go on and how we can better communicate.

Members Present at First 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	[P]	Lisa Kaplan	[P]	Joyce Ravitz	[A]
MyPhuong Chung	[P]	Carol Kostik	[P]	Carlina Rivera	[A]
David Conn	[P]	Ben Landy	[P]	Jamie Rogers	[P]
David Crane	[P]	John Leo	[P]	Richard F. Ropiak	[P]
Natasha Dillon	[A]	Ricky Leung	[P]	Susan Scheer	[P]
Harvey Epstein	[P]	Sam Leung	[A]	Nancy Sparrow-Bartow	[P]
Morris Fajtelewicz	[P]	Gigi Li	[A]	Gary Tai	[P]
Flora Ferng	[P]	William LoSasso	[P]	Wilson Tang	[P]
Rabbi Y. S. Ginzberg	[P]	Bernard Marti	[A]	Elinor Tatum	[P]
Gloria Goldenberg	[A]	David McWater	[A]	Rodney Washington	[A]
Jan Hanvik	[P]	Charlotte Miles	[A]	Jack Waters	[A]
Herman F. Hewitt	[P]	Alexandra Militano	[P]	Justin Yu	[P]
Anne K. Johnson	[P]	Chiun Ng	[A]	Thomas Yu	[A]

Minutes:

Minutes of September 2012 were approved, as is.

**30 YES 0 NO 4 ABS 0 PNV MOTION PASSED**

Board Chairperson's Report:

Chairperson Gigi Li (Herman Hewitt – chairing for Gigi Li)  
Holiday party December 18 at Donnybrook after the board meeting.

District Manager's Report:

District Manager Susan Stetzer  
Community Board 3 will co-sponsor a holiday toy drive with NYU, CB 2 and the 9<sup>th</sup> precinct. The office will be a drop off location until Dec. 14. We need toys for children 4-13.  
We have received information that sanitation trucks for CB1 could be parked at Pier 36. We are trying to verify or get denial. We are asking Councilmember Margaret Chin to help us investigate this.  
La Vie on 1st St. license was revoked after 8 years of work.  
Appreciation for ConEd's work during Sandy (citing 11AM daily conference calls). They are a model for communication and going forward. There was lack of all other information and CAU should be responsible for giving community boards information.  
Feedback from business disaster relief forums is that the information is very helpful—but would also be good to have applications and help filling out applications at same venues.

Committee Reports:

**Executive Committee**

no vote necessary

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

- LES harm reduction request for support to amend syringe exchange waiver for outreach on LES to include new areas-to E 20th Street / to 5th Ave / Bowery to west, and FDR to east and south

**VOTE:** Whereas, the Lower East Side Harm Reduction Center is currently authorized to offer syringe exchange outreach through a State Department of Health Syringe Exchange Program waiver; and

Whereas, the current boundaries and hours for the waiver are 14th Street to the North, Canal Street to the South, Second Avenue/Chrystie Street to the West, and the FDR Drive to the East on Monday and Friday from 5 to 8 pm, on Wednesday from 11 am to 1 pm, on Thursday from 7 to 10 pm in the winter and 10 pm to midnight in the summer and on Saturday from 11 am to 2 pm; and

Whereas, the 10002 and 10009 zip codes have traditionally been the LES Harm Reduction Center's primary areas to recruit injection drug users, and

Whereas, the social networks of its participants have expanded into the commercial corridors of St. Mark's Place, 14th Street, and the areas outlying Union Square, which are part of the 10003 zip code; and

Whereas, LES Harm Reduction Center seeks to extend its southern border to fully encompass the 10002 zip code in order to strengthen its relationships with local businesses on the Lower East Side that benefit from sharps disposal services; and

Whereas this expanded service area will correspond to the United Hospital Fund Union-Square Lower East Side geographical unit, allowing for better comparison of existing health data; and

Whereas, LESHRC has been a member of the Lower East Side community for more than twenty (20) years and has its roots here as one of the premier harm reduction agencies; and

Whereas, LESHRC provides a comprehensive array of harm reduction services which have directly contributed to lowering the incidence of transmission of HIV and Hepatitis; and

Whereas, LESHRC connects difficult to reach constituencies to services they otherwise would not access including health care, mental health services, case management, employment skills training, focused on improving the quality of life for those most marginalized; and

Whereas, throughout its history, LESHRC has had a relationship with Community Board #3:

Therefore, be it resolved that Manhattan Community Board 3 strongly supports the Lower East Side Harm Reduction Center's application to the New York State Department of Health to amend its Syringe Exchange Program waiver for outreach on the Lower East Side and East Village at the days and hours listed above to include new areas within the boundaries of East 20th Street to the north, Fifth Avenue and Bowery to the west, and the FDR Drive to the east and south on Monday and Friday from 5-8 pm, on Wednesday and Saturday from 11 am to 2 pm and on Thursday from 8 to 11 pm.

**SLA & DCA Licensing Committee**

**Renewal with Complaint History**

1. The Hotel On Rivington (The Downtown LLC), 107 Rivington St (op)

**VOTE:** WHEREAS, The Downtown LLC, doing business as The Hotel On Rivington, at the premise located at 107 Rivington Street, is seeking a renewal of its full on-premise hotel liquor license; and

WHEREAS, this applicant was approved for a full on-premise hotel liquor license by Community Board #3 in November of 2003 with the understanding that it would adhere to stipulations constructed by the applicant and appended hereto; and

WHEREAS, Community Board #3 has received complaints from area residents in October of 2012, of noise from people and loud music emanating from the front and rear of this business at night, a façade open after 10:00 P.M. from which noise emanates, and noisy patrons obstructing the sidewalk and bike lane in front of this business from 11:00 P.M. to 5:00 A.M.; and

THEREFORE, BE IT RESOLVED THAT Community Board #3 moves to deny the renewal of the full on-premise hotel liquor license for The Downtown LLC, doing business as The Hotel On Rivington, for the

premise located at 107 Rivington Street, unless the applicant agrees before the SLA to make as conditions of its license all of its original self-constructed stipulations, appended hereto, as well as the following signed notarized stipulation that 1) it will install additional soundproofing, if necessary, and conduct a soundproofing assessment, 2) it will close any façade doors and windows at 10:00 P.M. every night, 3) 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 designate its security to control patron crowds and noise on the sidewalk, oversee vehicles dropping off and picking up patrons and make efforts to prevent vehicles and people from blocking the bicycle lane in front of its business and vehicles from idling in front of the business, and 6) it will host regular meetings with residents to address community concerns and complaints, consistent with its original agreement.

2. Westville, 173 Ave A (sidewalk café)

**MOTION #1 THIS MOTION DID NOT PASS (made by Harvey Epstein and seconded by Chiun Ng)**

**VOTE:** To deny the renewal of a sidewalk café permit for eight (8) tables and eighteen (18) seats for Westville Restaurant Inc., doing business as Westville East, 173 Avenue A, because 1) despite being informed of complaints of patrons crowding the sidewalk at the time it originally applied for its sidewalk café in May of 2010, this applicant has been unable to manage patron crowds on the sidewalk which residents still complain exist, 2) the applicant has received seven (7) violations in 2010 and 2012 for its café having no barriers, having no service aisle and for having a café that exceeds its legal size, 3) residents have complained that the wait staff and delivery staff of this location inappropriately use the sidewalk by serving patrons in the café from the sidewalk and by waiting on the sidewalk between deliveries, thereby increasing the congestion already made by its patrons, and 6) residents have complained that all of these conditions are poorly managed by the applicant and create unsafe condition because neighborhood residents, school children from East 11th Street and other pedestrians are forced to walk into the street to pass this establishment .

**MOTION #2 THIS MOTION PASSED (made by Lisa Kaplan)**

**VOTE:** To approve the renewal of a sidewalk café permit for six (6) tables and sixteen (16) seats for Westville LLC, doing business as Westville East, 173 Avenue A, because the applicant has signed a change agreement which will become part of its DCA license that 1) its café will consist of six (6) tables and sixteen (16) seats, 2) no patrons will be permitted to wait on Avenue A and patrons will be directed to wait on East 11th Street, west of the café, or across the street from the business on East 11th Street, 3) wait staff will be directed to serve patrons from within the café perimeter, 4) wait staff and delivery staff will not obstruct the public sidewalk, and 5) the applicant will post contact information for area residents and be accessible in the event of complaints and will respond to them within a reasonable time.

However, following the Full Board vote in November, the applicant has stated that they will not agree to the stipulations. Therefore, this becomes a recommendation to deny because the applicant will not sign the sidewalk café change agreement.

3. L'asso EV, 107 1st Ave (wb)

no vote necessary

**Applications within Resolution Areas**

4. Nublu, 151 Ave C (op)

**VOTE:** WHEREAS, Nublu LLC, with a proposed business name of Nublu, is seeking a full on-premise liquor license to operate a restaurant and music performance space at the premise located at 151 Avenue C, between East 9th and East 10th Streets; and

WHEREAS, Community Board #3 approved this applicant for a full on-premise liquor license at 62 Avenue C, doing business as Nublu, 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 its full on-premise liquor license was then revoked because of its proximity to a house of worship and this applicant was approved for a beer wine license in December of 2011; and

WHEREAS, this applicant has been a local resident and operated its music venue at 62 Avenue C as an integral part of this neighborhood for eleven (11) years; and

WHEREAS, this applicant is now seeking to open its business in another location on Avenue C which can be custom designed to alleviate sound issues existing at its present location which have resulted in noise complaints; and

WHEREAS, this applicant has substantial community support for its application, in that it has tendered more than two hundred (200) resident signatures in its support; now

THEREFORE, BE IT RESOLVED THAT Community Board #3 moves to deny the application for a full on-premise liquor license for Nublu LLC, with a proposed business name of Nublu, for the premise located at 151 Avenue C, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a restaurant and music performance

space, with a kitchen open and serving food to within one (1) hour of closing, 2) its hours of operation will be 9:00 A.M. to 2:00 A.M. Sundays through Tuesdays and 9:00 A.M. to 4:00 A.M. Wednesdays through Saturdays, 3) it will close any façade doors and windows at 8:00 P.M. every night, 4) it will construct a vestibule with double doors to minimize noise travelling to the street, 5) it will construct its performance space as described, including the installation of "a box within a box" to insulate music from travelling outside of the building and implement other sound mitigation measures, 6) it will employ at least one (1) security guard outside Sundays through Tuesdays and two (2) security guards outside Wednesdays through Saturdays, and 7) it will post contact information for area residents and be accessible in the event of complaints and will respond to them within a reasonable time.

5. To be Determined, 172 Ave B (op)  
withdrawn

6. 154 Ludlow Bar LLC, 154 Ludlow St (op)  
withdrawn

#### **Alterations**

7. Tiny Fork (Project 6 LLC), 167 Orchard St (op/alt/add bar in basement)  
withdrawn

8. Double Down Saloon (Double Down NYC LLC), 14 Ave A (op/alt/remove kitchen)  
withdrawn

9. Fays Restaurant & Bar (Fays Restaurant & Bar Inc), 141 Chrystie St (op/alt/add service bar)

**VOTE:** To deny the application for an alteration of a full on-premise liquor license for Fays Restaurant & Bar Inc., doing business as Fays Restaurant & Bar, 141 Chrystie Street, to wit changing its second floor service bar along its left wall to a standup bar, removing two (2) second floor walls to remove its karaoke and increase seating for dining on the second floor and adding a grill surrounded by seating on the first floor, unless the applicant agrees before the SLA to make as additional conditions of its license the following signed notarized stipulation that 1) it will employ at least two (2) security guards all nights, 2) it will designate a door person to control patron crowds and noise on the sidewalk and minimize lines, and 3) it will not commercially use the rooftop and also restrict employees from using the rooftop.

10. Cheeky Sandwiches (Hippoe Holdings LLC), 35 Orchard St (wb/alt/adding basement seating) AND  
EXTENSION OF HOURS

**VOTE:** To deny the application for an alteration of beer wine license for Hippoe Holdings LLC, doing business as Cheeky Sandwiches, 35 Orchard Street, to wit extending its beer wine license to its basement and extending its closing hours to 2:00 A.M. every day, 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 sandwich shop with food delivery service and with sit-down service in the basement and serving food during all hours of operation, 2) its hours of operation will be 7:00 A.M. to 2:00 A.M. all days, 3) it will play ambient background music only, consisting of recorded music, and not have DJs, live music, promoted events, scheduled performances or any events at which a cover fee will be charged, and 4) it will close any facade doors and windows at 10:00 P.M. every night.

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

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

**VOTE:** To deny the application for a beer wine license for La Meridiana I Ltd., doing business as Numero 28, for the premise located at 176 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 Italian pizza 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 11:00 P.M. Sundays through Thursdays and 11:00 A.M. to 12:00 A.M. Fridays and Saturdays, 3) it will close any façade doors and windows at 10:00 P.M. every night, 4) it will play ambient background music only, consisting of recorded music, and not have DJs, live music, promoted events, scheduled performances or any events at which a cover fee will be charged, and 5) the license will be extended to the sidewalk café, which will operate with the same hours as the inside restaurant.

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

**VOTE:** To deny the application for a full on-premise liquor license for a corporation to be determined, with principals Franco Vlasek and Matthew Abramcyk, for the premise located at 269 East Houston Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a tavern lounge, 2) it will employ at least one (1) security guard to be located at its front door and additional security, if necessary, for special events, 3) it will keep its front door closed to minimize noise emanating to street, 4) it will play background and entertainment music, consisting of recorded music, and not have DJs, live music, promoted events, scheduled performances or any events at which a cover fee will be charged.

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

**VOTE:** To deny the application for a full on-premise liquor license for Entrez Bar & Grill Inc., doing business as Entrez, for the premise located at 162 Second Avenue, because 1) the applicant concedes there are five (5) full on-premise liquor licenses within five hundred (500) feet of this location, however, Community Board 3 counts at least sixteen (16) full on-premise liquor licenses within five hundred (500) feet, 2) the applicant has already been serving beer, wine and liquor for sale without a license as evidenced by the attached

- photographs which show (a) A-frame signs in front of the business, offering beer, wine and alcohol for sale and advertising happy hour and shots, (b) at least one patron drinking a bottle of beer with a clearly identifiable label inside of the business, and (c) alcohol bottles prominently displayed in one of the front windows of the business, 3) the applicant failed to offer any adequate explanation for the sale of alcohol at its business and claimed that it was unaware of its sale and that people were conspiring against the business, and 4) there is substantial opposition to the addition of this full on-premise liquor license as evidenced by the petition from one hundred six (106) residents of the neighboring buildings, 166 Second Avenue and 170 Second Avenue.
14. BR Chicken Manhattan I LLC, 21 2nd Ave (wb)  
**VOTE:** To deny the application for a beer wine license for BR Chicken Manhattan I LLC, for the premise located at 21 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 restaurant, specifically a chicken and burger restaurant, with a kitchen open and serving food during all hours of operation, 2) its hours of operation will be 7:00 A.M. to 4:00 A.M. all days, 3) it will play ambient recorded background music and will not have DJs, live music, promoted events, scheduled performances or any events at which a cover fee will be charged, 4) it will have a closed fixed façade with no open doors or windows, 5) it will have no stand up bar and it will serve alcohol at tables only, and 6) it will not seek a change of class of its license to a full on-premise liquor license.
15. L'asso EV, 107 1st Ave (op)  
no vote necessary
16. New York Sushi Ko Inc, 91 Clinton St (wb)  
withdrawn
17. Ngam Restaurant (99 Thai Playground LLC), 99 3rd Ave (op) UPGRADE AND EXTENSION OF HOURS  
**VOTE:** To deny the application to upgrade to a full on-premise liquor license for 99 Thai Playground LLC, doing business as Ngam Restaurant, for the premise located at 99 Third Avenue, and for an alteration of said liquor license, to wit extending its closing hour to 2:00 A.M. Thursdays 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 Thai 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 Wednesdays and 11:00 A.M. to 2:00 A.M. Thursdays through Saturdays, 3) it will play ambient background music only, consisting of recorded music, and will not have DJs, live music, promoted events, scheduled performances or any events at which a cover fee will be charged, 4) it will have a closed fixed façade with no open doors or windows, 5) it will position its speakers away from its ceiling and façade and set the volume of its speakers, and 6) it will designate an employee to keep its sidewalk clear of patron crowds and noise.
18. To be Determined, 266 Broome St (op)  
withdrawn
19. Black Tree (131 Orchard Street Restaurant LLC), 131 Orchard St (op)  
**VOTE:** To deny the application for a full on-premise liquor license for 131 Orchard Street LLC, with a proposed business name of Black Tree, for the premise located at 131 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 restaurant, with table service and a kitchen open and serving food during all hours of operation, 2) its hours of operation will be 11:00 A.M. to 12:00 A.M. Sundays through Thursdays and 11:00 A.M. to 2:00 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 any 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. Buenos Aires (BA Victory Corp), 513 E 6th St (op) UPGRADE WITHIN A RESOLUTION AREA  
**VOTE:** To deny the application to upgrade to a full on-premise liquor license for BA Victory Corp., doing business as Buenos Aires, for the premise located at 513 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 Argentine steak 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. all days, 3) it will play ambient background music only, consisting of recorded music, and will not have DJs, live music, promoted events, scheduled performances or any events at which a cover fee will be charged, and 4) it will have a closed fixed façade with no open doors or windows. Community Board #3 is approving this application to upgrade to a full on-premise liquor license although this is a location on a residential side street and in an area with numerous licensed premises because this applicant is a neighborhood resident who has operated this business for seven (7) years, the last three (3) of which have been with complaint, and the business is a small restaurant with no standup bar.
21. Golden Sand Seafood Restaurant Inc, 39-41 E B'way 2nd Fl (wb)  
**VOTE:** To deny the application for a restaurant wine license for Golden Sand Seafood Restaurant Inc., 39-41 East Broadway, second floor, 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, with a kitchen open and serving food during all hours of operation, 2) its hours of operation will be from 9:00 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 any events at which a cover fee will be charged, and 4) it will have a closed fixed façade with no open doors or windows.

22. 90 Third Avenue TC Restaurant LLC, 90 3rd Ave (op)  
no vote necessary

23. Brannon's, 119 Essex St (op)  
no vote necessary

24. Yi Hao Chinese Restaurant (One East Broadway Restaurant Inc), 1 E B'way (op)  
no vote necessary

25. Spicy Village Inc, 68B Forsyth St (b)  
withdrawn

26. Jeepney (Beep Beep NYC LLC), 201 1st Ave (op)

**VOTE:** To deny the application for a full on-premise liquor license for Beep Beep NY LLC, doing business as Jeepney, for the premise located at 201 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 Filipino 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. Sundays through Thursdays and 11:00 A.M. to 12:00 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 any events at which a cover fee will be charged, 4) it will have a closed fixed façade with no open doors or windows, and 5) if legally permitted to commercially use its backyard, it will close the backyard at 9:00 P.M. every night.

27. To be Determined, 24 1st Ave aka 99-101 E 2nd St (op)

**VOTE:** To deny the application for a full on-premise liquor license for a corporation to be determined, with principals Jean Marc Houmard, Jon Neidich and Hui Chi Le, for the premise located at 24 First Avenue a/k/a 99-101 East 2nd Street, because the applicant did not appear before Community Board #3 for review of its application or provide any application materials for review.

**WITHDRAWN**

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

1. Concerns regarding East River Park: design of embayments causes trash collections and maintenance concerns  
no vote necessary

#### **Block Party**

2. Three Kings Day, 107 Suffolk Street (between Delancey & Rivington), 1/6/13

**VOTE:** CB#3 approves the Three Kings Day block party, 107 Suffolk Street (between Delancey & Rivington), 1/6/13.

NOTE: Pier 42 meeting to be rescheduled for January

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

1. Proposal for "Paths the Pier 42", a program of temporary art and design installations to create interim uses at the East River Waterfront

**VOTE:** Whereas, many Lower East Side artists, arts businesses, and arts-related businesses were negatively affected by Hurricane Sandy, both in tangible ways (such as damaged artwork) and intangible (such as lost projected box office income); and

Whereas, many individual artists and small arts organizations are not accustomed to considering themselves "small businesses"; and

Whereas, all community and arts organizations participating in the discussion concurred that the arts community should be at the table where rebuilding and the financing of rebuilding is done; and

Whereas, the collaborators on a major arts initiative for the LES, Paths to Pier 42, including Lower Manhattan Cultural Council, Two Bridges, and Hester Street Collaborative collectively expressed their need to have extensive research on affected members of the LES arts community; and

Whereas, the numerous advisories about storm damage relief make almost no known references to the particularities of the needs of artists or arts organizations; so

Therefore, be it resolved, that Community Board 3, through the Arts & Cultural Affairs Task Force, petition FEMA, SBA, and other disaster response agencies to include individual arts and small arts organizations in their analysis of storm damage in the district and recommendations for funding of arts-related recovery efforts.

2. LES Arts Jobs Training Program  
no vote necessary

**Con Edison Task Force**

Meeting postponed until next month.

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

- 1. NYCHA Land Disposition: process and possibilities  
no vote necessary
- 2. Two Bridges presentation: Update on Pathmark closure  
no vote necessary
- 3. EDC/Task Force: Update re: SPURA RFP status  
no vote necessary

Note that RFP taskforce on SPURA has been meeting. RFP will be ready in January.

**Chinatown Working Group**

Discussion on SPURA RFP and Pathmark closure.

**Economic Development Committee**

- 1. Support for Borough Board resolution to support rights of all workers and to have developers /property owners before community boards to publish their plans, and agree to other related measures to ensure safety and fairness  
**VOTE:** To table the proposed resolution because the committee could not understand the purpose of the resolution.
- 2. Update and further discussion on retail diversity options  
no vote necessary

**Transportation & Public Safety and Environment Committee**

- 1. Starbucks Coffee (Starbucks Corp), 1st Ave and E 3rd Street – new revocable consent to install, maintain and use 4 benches on the sidewalks of the northwest corner of 1st Ave and E 3rd Street  
**VOTE:** CB3-Manhattan approves of the revocable consent application by Starbucks Coffee at First Ave and E 3rd St for installation, maintenance and use of four benches on the sidewalks of the northwest corner of First Ave and E 3rd St.
- 2. Continued discussion of guidelines for bus application for new permit process for designated locations for curbside loading/unloading  
no vote necessary
- 3. Request for Support for Local Spokes Neighborhood Action Plan  
**VOTE:** Whereas, Local Spokes is a community-based coalition that has created a Neighborhood Action Plan that includes recommendations concerning bicycling in the LES and Chinatown based on a tri-lingual survey of 1200 responses and a visioning process with 8 sessions throughout the CB3 district that engaged 180 residents; and

Whereas, the Local Spokes Neighborhood Action Plan includes the following recommendations:

- The City's new bike share program should locate additional bike share stations at East River Waterfront access points, translate bike share outreach materials and station signage in neighborhood specific languages, and extend the discount program for NYCHA residents to all low income residents.
- Increase the number of city racks in CB3 from the estimated 1,025 racks by at least 20%, and implement 3-5 Street Racks locations within the LES and Chinatown.
- Replicate the Delancey St. Working Group to study bike and pedestrian safety on other major corridors – The Bowery and Houston St.
- Include biking support facilities in East River projects: NYCEDC's Rutgers Slip Pavilion and/or NYC Parks Pier 42 project.
- Enforcement should equitably target dangerous behavior by drivers and cyclists, and include thorough investigation of accidents.
- Deploy police officers on bicycles for enforcement around biking behavior.
- Create a local job training program around bike mechanics and workplace skills (Recycle-A-Bicycle and Henry Street Settlement) that attracts local residents; now

Therefore, be it resolved that CB3 supports implementation of the actions and recommendations of the Neighborhood Action Plan presented by the Local Spokes coalition.

- 4. Proposed Greyhound stop on Pike Street between E. Broadway and Division Street. The stop would be on the small median (not the sidewalk directly adjacent to the former gas station). The closest street address is 2 Pike Street.



**VOTE:** Whereas, Greyhound/Peter Pan has applied for a designated bus stop permit on the west side of Pike Street between Division Street and East Broadway. The stop would be on the small median (not the sidewalk directly adjacent to the former gas station). The closest street address is 3 Pike Street; and

Whereas, Greyhound/Peter Pan presented these details about their proposed operation of the Yo! Bus line at this location:

- The bus stop will be located within 100 feet of the Yo! Bus ticket office at 98 East Broadway.
- Yo! Bus plans to run up to 14 daily round trips to Philadelphia per day between the hours of 6am and 10pm.
- The proposal location is currently metered parking.
- The sidewalk is approximately 22 feet wide.
- The stop would be approved for only one bus at a time; and

Whereas, CB3 wants a 9-month trial period for this new permit, with a DOT report back to CB3 after 6 months with an opportunity for CB3 input into any extension of the permit; now

Therefore be it resolved, that CB3 asks DOT to incorporate the following agreements stipulating the method of operations into a 9-month permit for Greyhound/Peter Pan to operate Yo! Bus at a designated curbside bus stop on the west side of Pike Street between Division Street and East Broadway:

- 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, to reduce crowds congregating before boarding. Tickets will be sold only for the number of seats on each bus.
- Trash bags shall be used to collect litter and shall be placed in the baggage bin and leave with the bus.
- Greyhound will work with the LES Employment Network and make best faith efforts to hire locally and will report results to CB3.
- The tickets will be purchased at Yo! Bus ticket office at 98 East Broadway or online.
- There will be 14 daily round trips to Philadelphia between the hours of 6am and 10pm.
- The stop is approved for only one bus at a time.
- Buses will not idle and will restrict loading/unloading to a maximum of 10 minutes.

David Crane: Federal law prohibits denying curbside stop for a bus company (although we want it).

Susan Stetzer: One of the stipulations was that tickets cannot be purchase curbside (only online or over the phone).

David Crane: We cannot require that Yo! Bus ticket office provide bathrooms for Greyhound ticketholders. The only reason DOT can deny this permit is if there's a public safety or traffic issue.

Ann Johnson: Asked to pull the recommendation to vote on it separately.

Susan Stetzer: With stipulations and location on the median, we have addressed concerns as best as we can address them.

David Crane: They will likely get the street permit

Ricky Leung: Where will buses will be stored before they pick up passengers?

David Crane: Busses will be stored at Pier 42, which is not a long-term solution. DOT has indicated they want bus companies to apply and list 2-3 potential locations. They are not building a bus terminal but instead create a regulatory scheme of permits (approved after a technical review)

### **Old Business**

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

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

- **FOR MANDATORY LETTER OF INQUIRY (IF APPLICABLE): OCTOBER 12, 2012**
- **FOR FULL PROPOSALS: JANUARY 7, 2013**
- **DEADLINES ARE 4 PM TO PERMIT PROMPT DISTRIBUTION OF MATERIALS TO TASK FORCE MEMBERS.**

**TASK FORCE MEETING TO REVIEW LETTERS OF INQUIRY: DECEMBER 13TH 6:30 PM SHARP**

**TASK FORCE MEETING TO REVIEW APPLICATIONS: JANUARY 24, 2013 6:30 PM SHARP**

**(November 2012 Vote Sheet)**

**34 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding Transportation Item 4, SLA Item 2, and Human Services)**

**30 YES 3 NO 1 ABS 0 PNV MOTION PASSED (Transportation Item 4)**

**32 YES 2 NO 0 ABS 0 PNV MOTION PASSED (SLA Item 2)**

**33 YES 0 NO 1 ABS 0 PNV MOTION PASSED (Human Services)**

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

Meeting Adjourned