



# THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

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Gigi Li, Board Chair

Susan Stetzer, District Manager

March 2015 Full Board Minutes

Meeting of Community Board 3 held on Tuesday, April 24, 2015 at 6:30pm at PS 20, 166 Essex Street.

Public Session:

Martha Tornay: Spoke asking for support for the East Village Dance Project.

Randi Halpern: Spoke asking for support for East Village Dance Project and for Martha Tornay.

Luz Velasquez: Spoke about getting help in dealing with foreclosure issues in a building on 73-75 Ave C. (Ave. C and 5th St). Many residents have received foreclosure notices and the tenants are trying to find solutions. He asked for help from the Housing Preservation Department and other city officials.

Oliver Fernandez: Speaking on behalf of residents of 73-75 Ave C. asking for the community help advocate for them.

Regina Keenan: Speaking on behalf of the New York State Department of Health, recommending that women and children should not be eating fish caught in the Hudson and East River. She also spoke about the dangers of eating crab caught locally.

Vaylateena Jones: Speaking on behalf of the Lower East Side Power Partnership, she spoke about holding an OSHA training that is required for construction jobs. She also stated that the construction jobs available at the former Pathmark site should be union jobs, and she asked the Community Board hear

Peter Bednerski: Speaking as pastor of St Stanislaw Church on 7th St about Landmarks item 2 and sounds of the site's nearby generators.

Krystyna Piorkowska: Speaking as parishioner of St. Stanislaw Church on 7th St and address the noise caused by temporary generators that are so loud they are hindering the ability to hold mass at the church. The generators are operating because of the work at 421 East 6th St. where there is purported to be a sculpture garden. She asked for the construction company working at this address to appear before the Community Board. Members of the parish have sent repeated emails to 311 regarding the problem, and the emails have been sent to the Community Board office.

There was discussion regarding the permitting process and who owned the property.

Kathleen Crosby: Speaking on behalf of Grow NYC's Recycling Department, she announced a Stop N' Swap event where residents can bring items to swapping.

Mae Lee: Speaking on behalf of the Chinese Progressive Association, spoke about a town hall meeting sponsored by LES Ready, a disaster preparedness organization on March 25.

Mary Cooley: Speaking on behalf of the Department of Consumer Affairs as Director of City Legislative Affairs, she gave a brief summary of the DCA's help with Earned Income Tax Credits and where residents can go in the district to get free help.

Alexander Morris: He presented a street co-naming of 7th St. and Ave C. for Lawrence Butch Morris.

Teresa Pedroza: She spoke in support of the street co-naming of 7th St. and Ave C. for Lawrence Butch Morris.

Composting Workshop: A representative from the NYC Composting Project spoke about how Project is working with local parks and community gardens to collect and use compost. He spoke about all the locations that have compost collection in the neighborhood.

Public Officials:

Mayor Bill de Blasio, Alize Beal: Not Present

Public Advocate Letitia James, Adam Chen: The Public Advocate is focusing on helping residents save money for retirement. The Public Advocate is calling to have the grand jury testimony in the Eric Garner case made public.

Comptroller Scott Stringer, Crystal Feng: The Comptroller marched in our district's Lunar New Year parade.

Borough President Gale Brewer, Patricia Ceccarelli: The Borough President has \$750,000 grants for composting programs. There is a new website with all topographical and street maps of New York City. The Borough President is focused on preserving small business by exploring mandatory lease renewal negotiation periods, retail coops and easier access to credit.

Congressmember Carolyn Maloney, Victor Montesinos: The Congressmember introduced legislation that gives workers more freedom to make flexible work arrangements.

Congressmember Nydia Velazquez, Iris Quinones: The Congressmember has released a report on the cuts to New York City service in the Republican budget. The Congressmember has asked Mayor DiBlasio to make the Lunar New Year a school holiday and reopen Park Row to street traffic.

Assemblymember Sheldon Silver, Zach Bommer: The Assemblymember is advocating for Lunar New Year to be a school holiday. The Assemblymember congratulated residents of 10 Stanton St for their new gym space which they acquired by negotiating with their landlord in exchange for the landlord constructing a hotel on space that neighbors their building.

Assemblymember Deborah J. Glick, Charlie Anderson: Anderson introduced himself as the new representative. There was a construction death at the Greenwich Lane development and there is a stop-work order on the construction to look into how to make construction sites safer for pedestrians.

Assemblymember Brian Kavanagh, Carlos Ortiz: The Assemblymember attended an anti-violence rally. The internship program applications are available shortly for ages 18 and up.

State Senator Daniel L. Squadron, Mauricio Pazmino: The State Senator is advocating for resiliency funding for the district south of Montgomery Street. The State Senator will be holding a community convention in the district on April 12 from 2:00-5:00 at the LES Preparatory High School.

State Senator Brad M. Hoylman, Maya Kurien: The State Senator will be holding an Earth Day Open House. There was discussion on legislation to make assault of auxiliary police officers a crime.

Councilmember Margaret Chin, Persephone Tan: The Councilmember has put forth legislation to make properties more accessible for aging residents. The Councilmember now has a new website. The Councilmember is encouraging people to obtain their municipal ID.

Councilmember Rosie Mendez, Sheila Rodriguez: The Councilmember is advocating for contextual rezoning in the face of the Mayor's one-size-fits-all approach and encouraged residents to write to the mayor. The Department of Sanitation has started to install high-end garbage containers on Ave A.

Members Present at First Vote:

David Adams	[P]	Ayo Harrington	[P]	Alexandra Militano	[P]
Dominic Berg	[P]	Herman F. Hewitt	[P]	Chiun Ng	[P]
Karen Blatt	[P]	Anne K. Johnson	[P]	Ariel Palitz	[P]
Lisa Burriss	[P]	Linda Jones	[P]	Teresa Pedroza	[P]
Justin Carroll	[P]	Vaylateena Jones	[P]	Carolyn Ratcliffe	[P]
Karlin Chan	[A]	Meghan Joye	[P]	Carlina Rivera	[P]
Jimmy Cheng	[A]	Lisa Kaplan	[P]	James Rogers	[P]
MyPhuong Chung	[P]	Carol Kostik	[P]	Richard F. Ropiak	[P]
David Crane	[P]	Ben Landy	[A]	Christopher Santana	[P]
Enrique Cruz	[P]	Mae Lee	[P]	Susan Scheer	[P]
Cathy Dang	[P]	John Leo	[P]	Nancy Sparrow-Bartow	[A]
Leila Eliot	[P]	Alysha Lewis-Coleman	[P]	Josephine Velez	[P]
Morris Fajtelewicz	[P]	Gigi Li	[P]	Rodney Washington	[A]
Flora Ferng	[A]	William LoSasso	[P]	Kathleen Webster	[P]
Gloria Goldenberg	[P]	Chad Marlow	[A]	Thomas Yu	[P]
Jan Hanvik	[P]	Penina Mezei	[A]	Zulma Zayas	[P]

Minutes:

Minutes of January 2015 were approved, as is.

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

Board Chairperson's Report:

Chairperson Gigi Li:

Julie, Assistant District Manager, has resigned. The District Manager's office will post the job listing in the next few days. The Community Board will have a minimum of 11 new members. The Chair solicited mentors for new members. The Chair asked for any members seeking to transfer to other committees to notify her. On the Health and Human Services, Ayo Harrington is now Vice-Chair and Bryan Ellicott is Secretary. On the Parks Committee, Kay Webster is the Vice Chair. On the SLA Committee, Chris Santana is now Vice-Chair. The Nominating Committee is David Crane as Chair, Mae Lee, Alex Militano, Leila Eliot and Zulma Zayes. Ayo Harrington will serve as interim Chair of the Health and Human Services Committee until the Chair appoints a new committee chair. The Chair will be out of the country from April 18 to May 5.

Dominic Berg will be the new chair of the Bylaws Committee upon Gloria leaving the Community Board this month.

James Bartow, the husband of Nancy Sparrow-Bartow, passed away. Details on memorial and remembrances are forthcoming.

Bylaws discussion: All comments made will go to the Bylaws Committee meeting on April 8.

Enrique Cruz: Asked for the revision to address the relationship between the Community Board and the District Manager's position. The relationship should reflect what the City Charter determines. The City Charter states the District Manager works at the pleasure of the board, and while this does not mean the District Manager works for each member, there are ways to codify a process for managing the District Manager's office. There should be a periodic review process of the District Manager's work, there should be a process for hiring a District Manager and there should be a system for board members to put forward concerns regarding the District Manager.

Ann Johnson: She questioned why there were no track changes showing the revisions from the current bylaws and the new bylaws.

This concern was addressed because there were so many structural revisions that it was determined it would be a waste of time to provide track changes.

There was concern that the bylaws committee should not be scheduled on the same night as other committees.

District Manager's Report:

No report for March

Committee Reports:

**Executive Committee**

1. Approval of previous month's minutes

**VOTE:** To approve the February 2015 committee minutes as written.

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

**Health, Seniors, & Human Services Committee**

1. Approval of previous month's minutes  
no vote necessary
2. Third St Men's Shelter - resident request for support for enhanced programming

**VOTE: Title: Community Board 3 Resolution to Support the Request for Enhanced Programming at the Third Street Men's Shelter**

WHEREAS, the Third street Men's Shelter at 8 E 3rd Street houses 200 homeless men and Kenton Hall around the corner at 333 Bowery houses 108 men , both contracted by the Department of Homeless Services to Project Renewal, and

WHEREAS, Community Board 3 has worked closely with Project Renewal and the Department of Homeless Services to ensure the safety and well-being of the residents and the best services for them to obtain permanent housing, and

WHEREAS, CB 3 supports the residents of these two shelters in their endeavors to improve their situations and obtain affordable housing, and Project Renewal's mission to help New Yorkers rebuild their lives, and

WHEREAS, residents of the East Third Street Men's Shelter spoke at CB3 meetings about the need for programming that responded to their needs, including funding for additional staff for Social Services and facilitating Life Skills Support Groups, financial management and career recovery.

WHEREAS, cuts in funding have not allowed Project Renewal to offer all programming and services that have been offered in the past that would benefit the residents, and

THEREFORE BE IT RESOLVED, that CB 3 supports the residents' request for enhanced programming that responds to and serves the residents of the Third Street Men's Shelter.

3. [Presentation: NYU Community Health Needs Assessment and Community Service Plan/status of implementation strategy](#) (click for info)  
no vote necessary
4. OEM: Follow up to February presentation on Emergency Planning for Seniors and People with Disabilities, Access and Functional Needs  
no vote necessary
5. Report from Bellevue CAB Representative  
no vote necessary
6. Report from World Trade Center Health Program's Survivors Steering Committee  
no vote necessary

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

**Youth, Education, & Human Rights Committee**

1. Approval of previous month's minutes  
no vote necessary
2. Presentation on Municipal ID  
no vote necessary

**Economic Development Committee**

1. Approval of previous month's minutes  
**VOTE:** To approve the February 2015 committee minutes as written.
2. Proposed CB 3 Small Business Forum: Review of potential format and list of potential topics  
no vote necessary
3. Potential Special District discussion: Discussion of potential uses to be regulated  
no vote necessary
4. Presentation by NYC Small Business Services on efforts to review and update small business regulations  
no vote necessary
5. Presentation by Small Business Congress of NYC on their proposed Small Business Jobs Survival Act  
no vote necessary

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

**Con Ed Task Force**

no meeting scheduled

**Transportation & Public Safety and Environment Committee**

1. Approval of previous month's minutes  
**VOTE:** To approve the February 2015 committee minutes as written.
2. DOT Presentation on Spring Street Bicycle Lane: Spring Street from Washington St to Bowery; Bowery from Spring St to Rivington St; Stanton Street from Bowery to Chrystie  
**VOTE: Title: Community Board 3 Resolution in Support of Spring Street bike lane**

Community Board 3 Resolution in Support of the Spring Street Bicycle Lane

WHEREAS, the New York City Department of Transportation (DOT) is proposing to install a Class 2, bicycle lane on Spring Street, which would traverse Community Board 2 (CB 2) and includes only a small portion of Community Board 3 at the intersection of the Bowery; and

WHEREAS, this on-street bike lane would provide a safe, dedicated East - West route for bicyclists, creating connectivity to the bicycle lane network and bridges in CD 3 by continuing the lane onto the Bowery from Spring to Stanton Street, and then on Stanton Street from Bowery to Chrystie Street; and

WHEREAS, this bike lane will also allow the DOT to make modifications to the parking and turning lanes at various intersections along Spring Street in CB 2 which will help decrease congestion and will provide a safe transition for cyclists traversing the Bowery; and

WHEREAS, the DOT's 2015 Manhattan Borough Pedestrian Safety Action Plan showed that this area of Spring Street through SoHo and into the Lower East Side has had numerous collisions, and the area also accounts for one of the densest concentrations of pedestrians killed or seriously injured in Manhattan; and

WHEREAS, these improvements lead to safer streets by helping to calm traffic, heighten visibility of non-vehicular street users, and enhance the safety, comfort and mobility of cyclists in the street with visual emphasis from marked lanes and intersections; so

THEREFORE BE IT RESOLVED, that Community Board 3 supports this new bicycle lane and requests that DOT work with local stakeholders to review the usage of the bike lane before DOT develops a final redesign of the right and left-hand turn lanes onto the Bowery.

3. DDC continued presentation: Safe Routes to Schools

no vote necessary

4. Update on Con Edison's System Enhancement Work around E Broadway, Pike Street, Grand Street & FDR

no vote necessary

5. LES BID request for support for street seat installation at Essex Street Market

**VOTE: Title: Community Board 3 Resolution of Support for LES BID's Street Seat Application**

WHEREAS, the Lower East Side Business Improvement District has applied to the New York City Department of Transportation (DOT) for preliminary approval of a Street Seat application on the east side of Essex Street between Rivington and Delancey Streets directly adjacent to the northern most entrances of the Essex Street Market; and

WHEREAS, the proposed location of this installation would have a minimal impact on metered parking and result in a temporary loss of 2 spaces during the installation period, commencing no later than April 1st and concluding no later than November 1st; and

WHEREAS, significant parking alternatives at similar rates are available in the adjacent Essex/Ludlow parking garage operated by NYC DOT; and

WHEREAS, Community Board 3 is in need of additional open space and public amenities; and

WHEREAS, Essex Street Market vendors have voiced concerns about the availability of exterior public seating and an overall lack of facility visibility as concerns which have caused a decline in sales and economic activity; and

WHEREAS, the proposed installation would provide for a more pleasing, active and welcoming streetscape highlighting Market entrances, increasing the potential to capture foot traffic and creating additional public open space within the Lower East Side; so

Therefore Be It Resolved, Community Board 3 endorses and supports the installation of a Street Seat that is no longer than 70 feet in length or 7 feet in width to be installed as indicated at the Transportation Committee meeting.

6. Restaurant request for support for street seat installation at 173-177 Henry Street aka 16-20 Jefferson Street

**VOTE: Title: Community Board 3 Resolution of Support for Ho Jonot LLC.'s Street Seats Application**

WHEREAS, the applicant Office Ho Jonot, LLC, has proposed installing a Street Seat in the parking lane in front of 16-20 Jefferson Street (aka 173-177 Henry Street), where it will open and operate a full-service French restaurant in May 2015); and

WHEREAS, the Street Seat would provide free public seating in an area that is currently occupied by a No Standing zone and one parking spot; and

WHEREAS, the New York City Department of Transportation (DOT) Street Seat program seeks to provide seasonal public open spaces at locations where sidewalk seating is not available; and

WHEREAS, the applicant has designed the Street Seat to serve as an extension of the sidewalk, beautifying public space with designed elements, furniture, and greenery, and will be fully removed all furniture during the colder season; and

WHEREAS, the proposed location is situated between two busy streets (East Broadway and Madison), and near two highly-trafficked community institutions (Educational Alliance and Gouverneur Health) and would offer a calm spot for local residents, employees, and patrons; and

WHEREAS, Street Seat installations elsewhere in the city have benefited surrounding businesses; and

WHEREAS, the applicant assumes all responsibility for the fabrication and maintenance of the Street Seat, which was designed with flexible, movable elements to be secured nightly, and they will adhere to all DOT requirements for design and management of the Street Seat; so

Therefore Be It Resolved, that Community Board 3 supports the installation of a Street Seat at 16-20 Jefferson Street, to be created and maintained by Office Ho Jonot LLC, which will operate a restaurant adjacent to the location starting in May 2015).

7. Bike corral for Barrio Chino, located at 253 Broome Street

**VOTE: Title: Community Board 3 Resolution in Support of the Installation of a Bike Corral at 253 Broome Street**

WHEREAS, the New York City Department of Transportation (DOT) has proposed installing on-street bicycle parking in the parking lane at 253 Broome Street, in front of the restaurant Barrio Chino; and

WHEREAS, this bike corral would provide 12 bike parking spaces where they replace the space currently used for one parked car; and

WHEREAS, demand for bike parking is evident at this location because bikes are frequently chained to trees and street furniture cluttering the sidewalks and reducing their effective width; and

WHEREAS, the local business maintenance partner, Barrio Chino, would be responsible for maintaining plantings, shoveling snow and keeping the space clean; so

Therefore Be It Resolved, that Community Board 3 supports the installation of this bike corral for on-street bike parking at 253 Broome Street.

**Bus Stop Permit Applications**

8. [Asian Express Travel Inc, opposite 132 Madison St, north side of street between Pike St & Mechanics Alley](#)  
(click for info)

**VOTE: Title: Community Board 3 Resolution to Approve a Curbside Bus Stop for Asian Express Travel, opposite 132 Madison Street**

WHEREAS, Asian Express Travel, Inc. has applied for a designated bus stop for curb-side loading/unloading operations located opposite 132 Madison Street, on the north side of the street between Pike Street and Mechanics Alley, under the Manhattan Bridge. The buses will operate under the Asian Express Travel brand name, providing service between New York and Harrisburg and Pittsburgh, PA; and Youngstown and Cleveland, OH with up to 3 arrivals/departures daily between the hours of 2:30-7:00 am and 5:00-6:30 pm; and

WHEREAS, the applicant has entered into an agreement with CB3 to adhere to the following stipulations:

- Tickets will be sold only online, or at a designated ticket agency not on the street.
- Tickets will be sold only for specific boarding times and will not be oversold.
- Tickets will be sold in assigned boarding order system so that customers will not need to arrive early to jockey for positions.
- Sidewalk lines will be single file, and only for the next assigned bus.
- There will be a staff person on duty for every arrival and departure to guide loading / unloading, to have direct contact to dispatch to inform passengers of delays, and to engage in crowd and noise control.
- Trash bags will be used to collect litter and will be kept in storefront, or will leave with the bus.
- Staff will routinely clean up the sidewalk by bus stop.
- Buses will keep to schedules, which will be published online or printed, as much as possible.
- The number of buses at this stop will not exceed the stated number of buses per hour/per day.
- All buses purchased in the future will be equipped with diesel particulate filters and use ultra-low sulfur fuels, and will also be equipped with exhaust gas recirculation emission control technology.
- A storefront will be provided for the use of customers, so they may wait to board their bus and use the restroom facilities.

THEREFORE, BE IT RESOLVED, that Community Board 3 recommends that DOT issue a permit for Asian Express Travel, Inc. to operate their bus service at a designated curbside bus stop located opposite 132 Madison Street, on the north side of the street between Pike Street and Mechanics Alley, provided that the preceding list of stipulations agreed between the applicant and CB 3 will be attached to the DOT permit.

**38 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding Transportation items 5, 6, 8)**

37 YES 1 NO 0 ABS 0 PNV MOTION PASSED (Transportation items 5, 6, 8)

**SLA & DCA Licensing Committee**

1. Approval of previous month's minutes

**VOTE:** To approve minutes of February of 2015.

**Renewal with Complaint**

2. Ashiya Sushi (New Ashiya Japanese Cuisine NY Inc), 167 1st Ave btwn E 10th & E 11th Sts (wb)

**VOTE: TITLE: Community Board #3 Recommendation To Deny Unless Stipulations Agreed To-Stipulations Attached**

WHEREAS, New Ashiya Japanese Cuisine NY Inc., doing business as Ashiya Sushi, is seeking the renewal of its wine beer license, for the premise located at 167 First Avenue, between East 10th Street and East 11th Street, New York, New York; and

WHEREAS, this applicant was originally approved for a wine beer license by Community Board #3 in December of 2006, understanding that it would maintain the method of operation of the existing business as a Japanese restaurant and close no later than 1:00 A.M. all days; and

WHEREAS, Community Board #3 has now received resident complaints for the past six (6) months that there are rowdy, drunk patrons outside the business on weekend nights, security outside who fail to control patron crowds and noise on the sidewalk, garbage from the business and urine and vomit from its patrons outside of adjacent buildings every morning and the service of drink specials, including Sake Bombs, by the business which encourage young people to overdrink; and

WHEREAS, a resident of 169 First Avenue, the small house adjacent to this locations, stated that there is incessant weekend noise from 8:00 P.M. until after 4:00 A.M., patrons becoming drunk on Sake Bombs and half price drinks, patrons howling and shrieking on the sidewalk and harassing her at her building entrance, patrons leaving the establishment with open bottles of vodka and vomiting and urinating on her building entrance and, further, stated that she has spoken with the applicant sixty-six (66) times in the past two (2) years and has worked with the community board over the past six (6) months but the problems with the business have not abated; and

WHEREAS, the service of Sake Bombs and other drink specials to target young people seeking to get drunk, as evidenced by social media and internet accounts, and the need for security to control patrons indicate that this business is not operating consistent with its method of operation; and

WHEREAS, the applicant has conceded that its business is the source of the enumerated complaints, that it has extended its hours and offered drink specials, such as Sake Bombs, half price drinks, "all you can drink beer and sake" and other drinks specials, to attract patrons and that it has been unable to control its patrons in front of its business but stated that it would now close its business before 12:00 A.M. all days; now

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the application to renew the wine beer license for New Ashiya Japanese Cuisine NY Inc., doing business as Ashiya Sushi, for the premise located at 167 First Avenue, between East 10th Street and East 11th Street, unless the applicant agrees before the SLA to make as additional conditions of its license the following signed notarized stipulation that

- 1) it will operate as a full-service Japanese 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 not commercially operate any outdoor areas,
- 4) it will close any front or rear façade entrance doors at 10:00 P.M. every night and will otherwise have a closed fixed faced with no open doors or windows,
- 5) it will play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 6) it will employ at least one (1) security guard, Wednesdays through Saturdays from 9:00 P.M. to closing, to address patron noise and crowds on the sidewalk,
- 7) it will designate a staff person to clean the sidewalk in front of the business and adjacent buildings at the end of each evening,
- 8) it will not have any promoted drink specials, such as Sake Bombs, to attract patrons seeking to get drunk,
- 9) it will not apply for any alteration in its method of operation without first appearing before Community Board #3,
- 10) it will not have "happy hours,"

- 11) it will not host pub crawls or party buses,
- 12) it will insure that there are no wait lines outside and designate an employee to oversee patrons and noise on the sidewalk as needed,
- 13) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 14) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

**Applications within Saturated Areas**

3. Sejo (119 Orchard Property Inc), 119 Orchard St (hotel op) withdrawn

4. Shalom Tov 154 Inc, 154 Orchard St btwn Stanton & Rivington Sts (op)

**VOTE: TITLE: Community Board #3 Recommendation To Deny Unless Stipulations Agreed To-Stipulations Attached**

WHEREAS, Shalom Tov 154 Inc. was initially seeking a full on-premise liquor license to operate a North African Mediterranean tapas restaurant in the premise located at 154 Orchard Street, between Stanton Street and Rivington Street; and

WHEREAS, Community Board #3 was concerned about granting a full on-premise liquor license to this applicant given that 1) this application is for a full on-premise liquor license for a tapas restaurant with a limited menu and hours of operation of 11:00 A.M. to 2:00 A.M. Sundays through Thursdays and 11:00 A.M. to 4:00 Fridays and Saturdays, in a location which has previously operated as a full-service restaurant closing at 2:00 A.M. all days, 2) this location is in close proximity to numerous businesses with full on-premise liquor licenses, 3) despite the self-certified plans submitted to Community Board #3 by the applicant for the construction of the enclosure in the backyard, the applicant has not furnished an amended certificate of occupancy to demonstrate the legality of the commercial use of the backyard, and 4) there were sixteen (16) letters submitted from area residents in opposition to the granting of a full-liquor license for this location and the LES Dwellers also submitted a statement in opposition to this application because of the number of other licensed businesses, its proposed method of operation and late night hours and the outstanding question about the legality of the backyard use; and

WHEREAS, the applicant has now agreed that it will first apply for a wine beer license for its business which will close no later than 2:00 A.M. all days, consistent with the previous restaurant located at this premise, has submitted a more comprehensive menu, including entrees, and given that it has experience operating three (3) licensed business; and

WHEREAS, understanding that Community Board #3 will ask the New York City Department of Buildings to investigate the occupancy for commercial use and structure in the backyard; now

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the application for a wine beer license for Shalom Tov 154 Inc., for the premise located at 154 Orchard Street, between Stanton Street and Rivington Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service North African Mediterranean 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 close any front or rear façade entrance doors at 10:00 P.M. every night and will otherwise have a closed fixed faced with no open doors or windows,
- 4) if it is legal for the backyard to be used commercially, it will close the retractable roof in the backyard no later than 9:00 P.M. each night,
- 5) it will play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 6) it will not apply for any alteration in its method of operation without first appearing before Community Board #3,
- 7) it may have "happy hours" to 7:00 P.M. each night,
- 8) it will not host pub crawls or party buses,
- 9) it will insure that there are no wait lines outside and designate an employee to oversee patrons and noise on the sidewalk,
- 10) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 11) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

5. Sushi Wa (Whynot Orchard LLC), 175 Orchard St btwn E Houston & Stanton Sts (upgrade/op) (also change method of operation to Japanese restaurant, extend hours, and extend license to back yard)



**VOTE: TITLE: Community Board #3 Recommendation To Deny A Change In Class, Extension Of Hours and Extension of License To A Backyard And To Deny A Change In Method Of Operation To A Japanese Restaurant Unless Stipulations Agreed To-Stipulations Attached**

WHEREAS, Whynot Orchard LLC, doing business as Whynot Coffee Wine & Art Gallery, is seeking an alteration of its wine beer license, to its existing coffee wine bar, located at 175 Orchard Street, between East Houston Street and Stanton Street, to wit changing its method of operation to a Japanese restaurant, extending its closing hours to 2:00 AM. Fridays and Saturdays and extending its liquor license to allow for the service of alcohol in a backyard; and

WHEREAS, Whynot Orchard LLC is also seeking a change in class of its wine beer license to a full on-premise liquor license; and

WHEREAS, this applicant was denied a full on-premise liquor license by Community Board #3 in October of 2013 and denied a wine beer license in November of 2013, in part because it was proposing to operate a coffee wine bar with two (2) bars in an area already overwhelmed by licensed businesses; and

WHEREAS, this applicant was then approved for a wine beer license by the SLA for a coffee wine bar and art gallery with one (1) stand up bar, provided that 1) it closed at 1:00 A.M. all nights, 2) had an art gallery which comprised fifty percent (50%) of the business, 3) had no promoted events, scheduled performances or events with cover fees, 4) provided a contact number for residents to immediately to respond to complaints, 5) closed its façade doors and windows by 9:00 P.M. if music was playing and 10:00 P.M. if music was not playing, and 6) had live music consisting of classical piano and violin; and

WHEREAS, Community Board #3 then denied an application for an alteration to its wine beer license, to wit adding a standup bar and live jazz music, in August of 2014, because the applicant had failed to comply with its existing stipulations in that 1) it had been observed by area residents to have its two-story glass façade completely open until closing most nights, 2) it had regularly scheduled performances, consisting of live acoustic and amplified music of all types, as well as live dance performances, 3) it had charged cover fees and suggested tips which one resident who attended the community board hearing stated he was told was a required cover fee he was expected to pay to hear the program on the night he was at the business, 4) it had received complaints from a resident of its building of consistent loud noise and bass from music emanating from the business and a failure to respond to any of her complaints, 5) it had failed to provide any contact information to residents to respond to complaints, and 6) it had conceded that it had only had one gallery showing between November of 2013 and August of 2014; and

WHEREAS, during its August 2014 hearing, area residents had also stated that they had observed patrons of this business drinking beer and wine while seated outside on the outdoor benches belonging to this business, which was an illegal extension of its existing liquor license; and

WHEREAS, this applicant has operated its business with a wine beer license since only February 6, 2014; and

WHEREAS, while the applicant submitted petition signatures in support of its application, there have been additional complaints from residents on September 17, 2014, October 3, 2014 and November 14, 2014, of dancing, loud amplified live music, promoted events and events with cover fees, and ten (10) 311 calls from December 23, 2014 through October 25, 2014, from 8:00 A.M. to 1:40 A.M.; and

WHEREAS, sixteen (16) residents from the immediate area and the LES Dwellers, an area tenants association, submitted statements in opposition to the change in class of this liquor license, extension of closing hours and extension of the license to the backyard for this applicant who has operated a loud nighttime music venue contrary to its agreement with the SLA and to the detriment of neighboring residents; and

WHEREAS, the applicant conceded that there are at least forty-one (41) full on-premise liquor licenses within five hundred (500) feet of this location, with six (6) full on-premise liquor licenses and four (4) wine beer licenses on the same block as this business; and

WHEREAS, while the applicant has submitted a statement that its public benefit for the additional full on-premise liquor license in this area is the installation of a kitchen, the addition to the neighborhood of an affordable Japanese restaurant the change in music type to recorded music, the elimination of its art gallery and the employment of workers, it has omitted any reference to its continued

complaints of loud live music or allegations that is has violated its stipulations with the SLA and Community Board #3 does not believe that there is a public benefit to granting a change in class to an applicant with a poor operating history in an area already overwhelmed with late night businesses with full on-premise liquor licenses; ; and

WHEREAS, while Community Board #3 is willing to support the change in method of operation of this business to a full-service Japanese restaurant, playing ambient recorded background music only and with no art gallery or live music component to its method of operation, given the poor operating history of the applicant at this location and its continued failure to comply with the stipulations imposed by the SLA, Community Board #3 is only willing to offer this support if the license class of wine beer and closing hours of 1:00 A.M. all days is maintained and without any expansion of this liquor license to a backyard; and

WHEREAS, while the applicant has stated in its written statement that it has all of the permits necessary for the alteration of its business, it has stated to Community Board #3 that it currently has no lease for the proposed backyard which is part of the adjacent premise, located at 177 Orchard Street, and it does not know if it can obtain a certificate of occupancy to commercially operate the backyard or a permit to construct an enclosure of mixed wood and glass with retractable roof that it is proposing to build in the backyard; now

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the application for a change in class of the wine beer license for Whynot Orchard LLC, doing business as Whynot Coffee Wine & Art Gallery, located at 175 Orchard Street, between East Houston Street and Stanton Street, to a full on-premise liquor license; and

THEREFORE, BE IT FURTHER RESOLVED that Community Board #3 moves to deny the application to alter the wine beer license for Whynot Orchard LLC, doing business as Whynot Coffee Wine & Art Gallery, located at 175 Orchard Street, between East Houston Street and Stanton Street, to wit extending its closing time to 2:00 A.M. Fridays and Saturdays and extending its liquor license to allow for service to the backyard located at 177 Orchard Street; and

THEREFORE BE IT FURTHER RESOLVED that Community Board #3 moves to deny the application to alter the wine beer license for Whynot Orchard LLC, with a proposed business name of Sushi Wa, located at 175 Orchard Street, between East Houston Street and Stanton Street, because the applicant has not agreed to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service Japanese 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 1:00 A.M. all days,
- 3) it will not commercially operate any outdoor areas,
- 4) it will close any front or rear façade doors and windows at 10:00 P.M. every night or when amplified music is playing,
- 5) it will play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 6) it will not apply for any alteration in its method of operation without first appearing before Community Board #3,
- 7) it will not have "happy hours,"
- 8) it will not host pub crawls or party buses,
- 9) it will insure that there are no wait lines outside and designate an employee to oversee patrons and noise on the sidewalk,
- 10) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 11) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

**Sidewalk Cafe Application**

6. The DL (93 Ludlow St Inc), 95 Delancey St @ Ludlow St (unenclosed)

**VOTE:** TITLE: Community Board #3 Recommendation To Deny Unless Stipulations Agreed To-Change Order Attached

To approve the application for a sidewalk café permit for four (4) tables and eight (8) seats for 93 Ludlow St Inc., doing business as The DL, at the premise located at 95 Delancey Street, a/k/a 93 Ludlow Street, at the corner of Delancey Street and Ludlow Street, because the applicant has signed a change agreement which will become part of its DCA license that

- 1) its café will consist of four (4) tables and eight (8) seats to be located on Delancey Street, and
- 2) its hours of operation will be 5:30 P.M. to 9:00 P.M. Mondays through Fridays and 12:00 P.M. to 9:00 P.M. Saturdays and Sundays.

7. ULURP #N150063ECM. Moonstruck on 2nd, 88 2nd Ave @ E 5th St (modification of existing enclosed swc to unenclosed)

**VOTE: TITLE: Community Board #3 Recommendation To Deny Unless Stipulations Agreed To-Change Order Attached**

To approve ULURP Application No. N150063ECM for a sidewalk café permit for eight (8) tables and sixteen (16) seats for 88 2nd Ave Food Corp., doing business as Moonstruck On 2nd, at the premise located at 88 Second Avenue, at the corner of East 5th Street and Second Avenue, because the applicant has signed a change agreement which will become part of its DCA license that

- 1) its café will consist of eight (8) tables and sixteen (16) seats, to be located on Second Avenue, and
- 2) its hours of operation will be 8:00 A.M. to 10:00 P.M. Sundays through Thursdays and 8:00 A.M. to 11:00 P.M. Fridays and Saturdays.

**Alterations**

8. The Boil (Saigon Shack Corp), 139-141 Chrystie St (wb/alt/extend license to 141 storefront) withdrawn

**New Liquor License Applications**

9. Beronberon (Mononoke Inc), 164 1st Ave @ E 10th St (upgrade/op)  
no vote necessary
10. Sensei (Gallery Sensei LLC), 278 Grand St btwn Eldridge & Forsyth Sts (op)  
no vote necessary
11. Two-Bit's Retro Arcade (Doustan Development Corp), 153 Essex St (upgrade/op)  
withdrawn
12. To be Determined, 17 Essex St btwn Hester & Canal Sts (op)

**VOTE: TITLE: Community Board #3 Recommendation To Deny**

WHEREAS, a corporation to be determined, with principal Francesco Scotto Di Santolo, is seeking a full on-premise liquor license to operate a restaurant, in the premise located at 17 Essex Street, between Hester Street and Canal Street; and

WHEREAS, this is a new application in a location for a full on-premise liquor license for a Mexican restaurant with hours of operation of 12:00 P.M. to 4:00 A.M. all days, seating for sixteen (16) people and four (4) televisions; and

WHEREAS, this is a location which has never housed a licensed business; and

WHEREAS, notwithstanding that the applicant has stated that it has thirty years' experience operating restaurants, operates two (2) pizza parlors without any liquor licenses within the city and has a pizza parlor with a license in South Carolina, it furnished no documentation to support its license or work history and has never had a licensed premise within New York City; and

WHEREAS, the applicant furnished inadequate documented support for its application, in that it provided only twenty-one (21) signatures from area residents in support of its application and does not have the support of the Seward Park and Canal East Block Association, a local tenants organization in this area, because of its proposed method of operation and late night hours; and

WHEREAS, the Seward Park and Canal East Block Association submitted one hundred twenty-four (124) signatures from residents in opposition to this application, eighty-six (86) of which were from this block of Essex Street, seventeen (17) of which were from 17 Essex Street, seventy-six (76) of which were from other blocks of Essex Street and fifteen (15) of which were from Ludlow Street; and

WHEREAS, eleven (11) residents appeared in opposition to this liquor license and sixteen (16) letters and emails were submitted from area residents in opposition to this liquor license, most of which complained that patrons and noise from the existing taverns at 21 Essex Street had made this block unlivable and difficult to travel at night; and

WHEREAS, there are twelve (12) full on-premise liquor licenses within five hundred (500) feet of this location per the applicant, two (2) of which are taverns with 4:00 A.M. closing hours located at 21 Essex Street; and

WHEREAS, there was no stated public benefit to the granting of this full on premise liquor license for a Mexican restaurant with hours of operation of 12:00 P.M. to 4:00 A.M. all days; now

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the application for a full on-premise liquor license for a corporation to be determined, with principal Francesco Scotto Di Santolo, for the premise located at 17 Essex Street, between Hester Street and Canal Street.

13. Hermes B NY LLC, 95 Allen St btwn Broome & Delancey Sts (op)

**VOTE: TITLE: Community Board #3 Recommendation To Deny Unless Stipulations Agreed To-Stipulations Attached**

Understanding that this location has an existing restaurant with a full on-premise liquor license, Community Board #3 moves to deny the application for a full on-premise liquor license for Hermes B NY LLC, with a proposed business name of Empanada Mama, for the premise located at 95 Allen Street, between Broome Street and Delancey Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service Colombian South American restaurant, with a kitchen open and serving food during all hours of operation,
- 2) it will operate twenty-four (24) hours daily but will serve alcohol only during the hours of 10:00 A.M. to 2:00 A.M. all days,
- 3) it will not commercially operate any outdoor areas,
- 4) it will close any front or rear façade doors and windows at 10:00 P.M. every night or during any amplified performances,
- 5) it will play ambient background music only, consisting of recorded music from an iPad streaming music through speakers, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 6) it will not apply for any alteration in its method of operation without first appearing before Community Board #3,
- 7) it may have "happy hours" to 9:00 P.M. each night,
- 8) it will not host pub crawls or party buses,
- 9) it will insure that there are no wait lines outside and designate an employee to oversee patrons and noise on the sidewalk,
- 10) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 11) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

14. The Clemente (Clemente Soto Velez Cultural & Educational Center Inc), 107 Suffolk St btwn Rivington & Delancey Sts (wb)

no vote necessary

15. Koufuku LLC, 444 E 13th St (wb)

withdrawn

**Corporate Change with Complaint**

16. bObBar, 235 Eldridge St btwn E Houston & Stanton Sts (op)

**VOTE: TITLE: Community Board #3 Recommendation Of No Objection Because Stipulations Agreed To-Stipulations Attached**

Community Board #3 does not object to the corporate change of the full on-premise liquor license for a corporation to be determined, with principal George J. Doneson, doing business as bOb Bar, for the premise located at 235 Eldridge Street, between East Houston Street and Stanton Street, provided that the applicant agrees before the SLA to make as conditions of its license the following additional signed notarized stipulation that

- 1) it will operate as a tavern gallery lounge,
- 2) it will play recorded music and may have DJs, but will not have live music, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 3) it will not commercially operate any outdoor areas,
- 4) it will close any front or rear façade entrance doors at 10:00 P.M. every night or during any amplified performances, including DJs, and will otherwise have a closed fixed faced with no open doors or windows,
- 5) it will employ two (2) to three (3) security guards, with at least one (1) to two (2) security guards outside Fridays and Saturdays, from 10:00 P.M. to 4:00 A.M., to manage patron noise and crowds on the sidewalk, and other days as needed,
- 6) it will install additional soundproofing or sound remediation consistent with the recommendation of a sound engineer and sound testing of affected neighboring apartments,
- 7) it will not apply for an alteration of its method of operation without first appearing before Community Board #3,
- 8) it will not host pub crawls or party buses,
- 9) it will insure that there are no wait lines outside and designate at least one (1) employee to oversee patron crowds and noise on the sidewalk,
- 10) it will conspicuously post this stipulation form beside its liquor license inside of its business, and

- 11) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

**Items not heard at Committee**

17. Canton Lounge Inc, 70 Mott St (wb)  
no vote necessary
18. Senya (Senya Japanese Restaurant Inc), 109 1st Ave (wb)  
no vote necessary

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

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

1. Approval of previous month's minute  
**VOTE:** To approve the February 2015 Parks & Recreation Committee minutes as written
2. Parks presentation of public art exhibits at Tompkins Square Park  
**VOTE 1: Title: Community Board 3 Resolution of Support for "Mysteries of My Past, Present and Future" public art installation at Tompkins Square Park**

WHEREAS, approval was sought for a temporary public art installation at Tompkins Square Park entitled "Mysteries of My Past, Present and Future," which will celebrate the 40th anniversary of NYC Percent for Art's first installation, will echo the "Temperance Fountain" at Tompkins Square Park, will be made of steel and wood, will stand 10 feet high, 7 feet wide, and 7 feet deep, and will run from June 2015 to November 2015; so

Therefore Be It Resolved, that Community Board 3 approves the temporary installation of this piece of public art.

- VOTE 2: Title: Community Board 3 Resolution of Support for "The Typewriter Project: The Subconscious of the City" public art installation at Tompkins Square Park**

WHEREAS, approval was sought for a temporary public art installation at Tompkins Square Park entitled "The Typewriter Project: The Subconscious of the City," which will feature a wooden booth with a typewriter inside of it that allows members of the public to make written entries that are stored on a paper scroll and USB stick, and will allow members of the public to join in a Citywide linguistic exchange through written entries that are collected, stored, and posted online for viewing and comment; and

WHEREAS, the proposed installation will be made out of wood and steel, will stand approximately 6.5 feet high by 3.5 feet high by 3.5 feet deep, and will run from June 14, 2015 to July 19, 2015; so

Therefore Be It Resolved, that Community Board 3 approves the temporary installation of this piece of public art.

3. Debriefing by Forestry Division regarding status and procedures to remove trees damaged by Sandy, community input for damaged trees  
no vote necessary
4. EDC update Waterfront esplanade including Pier 35  
no vote necessary
5. Park Manager update on work in District.  
no vote necessary
6. Report from Arts Subcommittee  
no vote necessary

**Block Party**

7. CEMC Community Outreach, 6/13-6/14, Monroe St (Catherine & Market Sts)  
**VOTE:** CB 3 approves the block party for the Chinese Evangel Mission Church (CEMC) to be held on June 14, 2015, located on Monroe Street between Catherine and Market Streets.
8. 4th Annual Family Reunion, 7/18, Forsyth St (E Houston & Stanton Sts)  
**VOTE:** CB 3 approves the block party for LES Forsyth Family Reunion Corp July 18, 2015, to be held on August 15, 2015, located on Forsyth Street between East Houston and Stanton Streets.
9. Hope Ignited 2015, 8/15, E 4th St (Aves B & C)  
**VOTE:** CB 3 approves the block party for Hope Ignited to be held on August 15, 2015, located on 4th Street between Avenues B and C.

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

**Landmarks Committee**

There was discussion of whether to pull Landmarks #2 in order to discuss in committee.

1. Approval of previous month's minutes  
**VOTE:** To approve the minutes of the February 11 meeting.
2. [Certificate of Appropriateness for 421 E 6th Street](#) (click for info)

**VOTE: Title: The following resolution moved to the Landmarks Committee for reconsideration.**

**Community Board 3 Resolution in support of a Certificate of Appropriate for 421 East 6th Street**

WHEREAS, 421 East 6th Street (aka 421-423 East 6th Street and 108 East 7th Street) is a Neo-Classical commercial building within the East Village/Lower East Side Historic District, built in 1920, architect William W. Whitehill, original owner New York Edison Co.; and

WHEREAS, on the south side of the building (East 6th Street), the masonry façade is to be repointed, the spandrel panels and steel substructure are to be restored and repainted, and new insulated windows with profiles to match the existing windows will be installed; and

WHEREAS, on the main façade (south side), full height steel and glass doors will replace non-original corrugated metal siding, the new doors to resemble the original doors found in the 1920 building; and

WHEREAS, on the north side of the building (East 7th Street), the rear 1926 annex, the 1963 building, and the 1963 gate will be demolished to make way for a garden, and a black cast-iron fence and gate resembling existing fences found in within the historic district will be installed, and

WHEREAS, new windows will be installed in the north and west facades, and the main entrance, ADA compliant, will be placed on the west side; and

WHEREAS, An elevator bulkhead necessary to provide access to the roof (visible from East 6th Street and from other vantage points), will stand 3'8" above the parapet and will be painted light gray to minimize its visual impact; so

THEREFORE BE IT RESOLVED, Community Board 3 approves the Certificate of Appropriateness application for the renovation of 421 East Sixth Street.

**38 YES 0 NO 0 ABS 0 PNV MOTION PASSED (Landmarks item 1)**

**31 YES 5 NO 2 ABS 0 PNV MOTION PASSED (refer Landmarks item 2 back to committee)**

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

1. Approval of previous month's minutes  
**VOTE:** To approve the February 2015 minutes of the Land Use & Housing Committee as written
2. Development team: Update on Essex Crossing  
no vote necessary
3. [Essex Crossing/SPURA Minor Modifications: Changes to the building envelopes of Sites 1 and 5, non-ULURP Certification # M 120228B ZSM](#) (click for info)

**VOTE: Title: Community Board 3 Resolution to approve ULURP No. C M120228 BZSM: Modification to Seward Park Mixed-Use Development Special Permit to modify design controls for 236 Broome Street (LSGD Site 1) and 394-406 Grand Street (LSGD Site 5), CEQR # 11DM012M**

To approve the non-ULURP Certification # M 120228B ZSM (Minor modifications to the building envelopes of Sites 1 and 5 at the SPURA/Essex Crossing Development), an application submitted by the NYC Department of Housing Preservation & Development pursuant to Sections 197-c and 201 of the New York City Charter for modification of the special permit pursuant to Zoning Resolution Section 74-743 - Special provisions for bulk modifications - Large Scale General Development (ULURP No. C 120228 ZSM, approved by the CPC on August 22, 2012 under Calendar # 9) to modify the design controls for Site 1 (Block 409 Lot 56) in a C6-1 District by modifying Dwg. No. 102 (Ground Floor Plan - Zoning Lot 1) to allow for a tapered recess in the street wall to a depth not greater than six feet along a portion of Ludlow Street and for Site 5 (Block 346 Lot p/o 40) in a R8/C2-5 District by modifying Dwg. No. 503 (Building Envelope Diagrams - Zoning Lot 5) to reduce the minimum base height from 60 feet to 29 feet along a portion of Clinton Street and along the Publicly Accessible Open Space, Community District 3, CB3 approves the application.

4. Essex Street Vendors Association: update

**VOTE: Title: Community Board 3 Resolution Supporting Change in Management Structure of Essex Street Market**

Whereas, The Essex Street Market is a historically significant and important part of the Lower East Side's community fabric; and

Whereas, a unique and heterogeneous collection of small business owners working together in an environment unlike any other within the five boroughs seeks to improve conditions, policies and programs so that they can thrive and grow; and

Whereas, it is essential that the Market both now and in the future continue to provide access to quality, fresh foods at a variety of price points and serve all members of the Lower East Side's diverse community; and

Whereas, an association comprised of all market vendors, the Essex Street Market Vendor Association, was formed in 2012 to represent the collective interests of the vendor community; and

Whereas, the association has engaged a variety of stakeholders over the past 3 years and has continually advocated for the needs of the vendor community; and

Whereas, operational challenges, lack of planning and coordination, consistent delays in approvals, an inability to complete and implement creative solutions to pressing needs and an overly bureaucratic and slow moving management structure has created an environment not conducive to vendor success or viability; and

Whereas, the association has sought to overcome these challenges through the formation of a working group that includes members of an operations and planning committee unanimously elected by the association in February of 2014 as well as representatives of NYC EDC's asset management, development and government affairs divisions in addition to representatives of Community Board 3, local elected officials and the Lower East Side Business Improvement District; and

Whereas, although modest progress has been made in recent months, more must immediately be done to bolster the ability of vendors to succeed and prevent further closures from occurring prior to a new facility coming online in 2018; and

Whereas, public markets throughout North America, and in particular throughout our region (Boston and Philadelphia) have implemented not for profit management structures that are proven to allow for increased responsiveness to vendor and customer needs, are able to generate creative approaches to management and operational challenges and are generally better suited to fundraise, form robust partnerships and integrate operations with the surrounding residential community and local economy; and

Whereas, NYC EDC has engaged a leader in public market operations, Market Ventures, Inc. (MVI), to consult on planning, operations and management of the new market facility; and

Whereas, the vendor association was presented with preliminary findings of potential management models for the new market facility at their July 2014 meeting that offered options for structural changes that were in line with best practices and successful models implemented at other similarly situated facilities; and

Whereas, the continued success of the Market and the vendors that call it home is an essential component of the overall development plan for Essex Crossing; so

Therefore Be It Resolved, that Community Board 3 fully endorses and supports a new, locally based, responsive and nimble management structure for the Essex Street Market once a new facility becomes operational; and

Further Be It Resolved, that this management structure be based upon best practices and follow potential models presented by MVI where ownership of the new market facility would remain with the City of New York; and

Further Be It Resolved, NYC EDC should continue active involvement in market operations acting as a sponsor where they would provide general oversight, have fiduciary and legal responsibility for the facility, define goals and set policies, approve leases, hire, oversee and evaluate management and generally ensure operations are conducted in a business-like and financially prudent manner; and

Further Be It Resolved, a solicitation be issued for a new day-to-day manager immediately prior to the new market facility becoming operational; and

Further Be It Resolved, clear and stated preference should be given to a locally based, not for profit organization with appropriate mission fit and technical capacity; and

Further Be It Resolved that prior to the solicitation being issued any and all efforts be taken to bolster and support the vendor community on a temporary basis ensuring a successful transition to a new facility in the years ahead.

5. Committee discussion on Chinatown Working Group Subdistrict D  
no vote necessary
6. Committee discussion on plan to pursue tenant harassment problem in CB 3  
no vote necessary
7. Report from Public Housing & Section 8 Housing Subcommittee  
no vote necessary

**38 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding Land Use items 3, 4)**

**37 YES 0 NO 0 ABS 1 PNV MOTION PASSED (Land Use items 3, 4)**

**Ethics, By-laws & Procedures Task Force**

1. Approval of previous month's minutes  
no vote necessary
2. Discussion of Bylaw revision  
no vote necessary

**Members Present at Last Vote:**

David Adams	[P]	Ayo Harrington	[P]	Alexandra Militano	[P]
Dominic Berg	[P]	Herman F. Hewitt	[A]	Chiun Ng	[P]
Karen Blatt	[A]	Anne K. Johnson	[P]	Ariel Palitz	[P]
Lisa Burriss	[P]	Linda Jones	[P]	Teresa Pedroza	[P]
Justin Carroll	[P]	Vaylateena Jones	[P]	Carolyn Ratcliffe	[P]
Karlin Chan	[A]	Meghan Joye	[P]	Carlina Rivera	[P]
Jimmy Cheng	[A]	Lisa Kaplan	[P]	James Rogers	[P]
MyPhuong Chung	[P]	Carol Kostik	[P]	Richard F. Ropiak	[P]
David Crane	[P]	Ben Landy	[A]	Christopher Santana	[P]
Enrique Cruz	[P]	Mae Lee	[P]	Susan Scheer	[P]
Cathy Dang	[P]	John Leo	[P]	Nancy Sparrow-Bartow	[A]
Leila Eliot	[P]	Alysha Lewis-Coleman	[P]	Josephine Velez	[P]
Morris Fajtelewicz	[P]	Gigi Li	[P]	Rodney Washington	[A]
Flora Ferng	[A]	William LoSasso	[P]	Kathleen Webster	[P]
Gloria Goldenberg	[P]	Chad Marlow	[A]	Thomas Yu	[P]
Jan Hanvik	[P]	Penina Mezei	[A]	Zulma Zayas	[P]

Meeting Adjourned