



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

59 East 4th Street - New York, NY 10003

Phone (212) 533-5300

www.cb3manhattan.org - info@cb3manhattan.org

Jamie Rogers, Board Chair

Susan Stetzer, District Manager

December 2016 Full Board Minutes

Meeting of Community Board 3 held on Tuesday, December 20th, 2016 at 6:30pm at PS 20, 166 Essex Street.

Public Session:

Susan Lealike: Member of GOLES, speaking against HPD HDFC Regulatory Agreement changes. Asking for a stop to the process so HDFC's can explore new regulatory agreements.

Lisa Romachi: Member of 534 E 11st HDFC, speaking against the passage of HPD HDFC Regulatory agreements. Asking community board to vote against HDFC regulatory agreements.

Harry Bubbins: Speaking on behalf of, The Greenwich Village Society for Historic Preservation. Has concerns about PS 64 NYCDOB Building.

Olga Gatt: Speaking on behalf of Butterfly Child Care Center on E 4th street, sharing information about the center and asking community to share information about enrollment.

Aziza Dehikan: Speaking on behalf of NYC Garden Coalition. Providing updates on the NYCCG's garden rising project.

Eva Heinman: Speaking on behalf of 534 E 11st Street HDFC. She is a long time resident of an HDFC and is speaking against the HPD HDFC Regulatory Agreements.

Franchesca Benity: Speaking on behalf of Chinatown/ Lower East Side Artists Against Displacement. Advocating for the approval and implementation of Chinatown Rezoning.

Madeline Jackson: Coalition to protect Chinatown Lower east side. This community needs protection from luxury construction.

Ayol Harrington: Speaking on behalf of LES HDFC's, speaking in support of resolution to not support new regulatory agreements. Measures still need to be put into place to ensure affordable housing is preserved. LESHDFC@gmail.com - email for information on HDFC regulatory meetings and info.

Estella: Speaking on behalf of 534 E 11st Street, longtime resident of the building, speaking against the HPD HDFC Regulatory agreements.

Courtney Surmanek: Speaking on behalf of the Lowline. Providing info to community about Lowline lab, public workshop at two bridges to hear feedback from residents about LowLine.

Carrie Grassi: Speaking on behalf of the NYC Mayors Office of Recovery and Resiliency. East Side Coastal Resiliency Project. Led by Mayors Office, project meant to protect the east side from Montgomery Street to E 25th from storm surges and plan for future climate change. Funded by fed government through HUD. Series of elevated berms and floodwalls to protect against sea level rise. Visit www.nyc.gov/escr for more information and plans. Construction is anticipated to start in 2019. Lower Manhattan Costal Project, specifically targets the Two Bridges neighborhood.

Public Officials:

Mayor Bill de Blasio, Tommy Lin: Not Present

Public Advocate Letitia James, Adam Chen: Speaking to end segregation in education. The Public Advocate has called for a Chief Diversity Office that would advocate for ending education segregation.

Comptroller Scott Stringer: The Comptrollers office is looking at the use of vacant parcels of land in NYC. How we use land is important. We must turn land over to community-based organization to build affordable housing. If all parcels of land were used to develop affordable housing. Comptroller's office will be looking at different ways to create the "new generation" of affordable housing. 60,000 people are currently sleeping in homeless shelters. We must take action on homelessness.

Borough President Gale Brewer, Drew Lombardi: Two bridges community engagement meeting on 3 buildings was last week. Next meetings will discuss Enviromental Impact statement. 2 community engagement meetings

regarding the L train shutdown will come in the New Year. Community Board applications are online. Last day to submit application is end of February.

Congressmember Carolyn Maloney, Victor Montesinos: Not Present

Congressmember Nydia Velazquez, Iris Quinones: The Congress member is fighting hard to advocate for our community. She wrote a letter to the Mayor expressing taxpayers should not pay for security for Trump Tower.

Assemblymember Alice Cancel, Monica Guardiola: Not present

Assemblymember Deborah J. Glick, Charlie Anderson: Sign up with NY Health Exchange for health coverage by December 31st to be eligible for coverage on January 1st.

Assemblymember Brian Kavanagh, Jill Schoenfeld: Not Present

State Senator Daniel L. Squadron: \$40,000 is being allocated for Grand Street Settlement Community Center for new cameras and security systems.

State Senator Brad M. Hoylman, Tera Klein, New legislation that State Senator has introduced that requires Presidents and Vice Presidents candidates to release tax returns.

Councilmember Margaret Chin, Vincent Fang: In partnership with Gale Brewer, the Congress member pushed through legislations to ensure transparency of deed restricts. It creates a public database of deed restriction and lays out process to lift deed restricts. Bill was passed by City Council. Two way protected bike lanes on Christie Street will be presented by DOT tomorrow.

Councilmember Rosie Mendez, Sheila Rodriguez: Council Member moved into the Credit Union on E. 3rd Street. A portion of rent paid to the Credit Union is being paid to the building. Women's Caucus put together package dealing with a variety of issues, they are looking to CO- Name 32nd street after women's magazine. Hate crimes have increased in NYC in the past few weeks. The Council Member will collaborate with other agencies to discuss the height of Tompkins Square Park fences. The Council Member discussed the HPD HDFC regulatory agreement changes, HPD needs the input of stakeholders on HDFC agreements.

Members Present at First Vote:

David Adams	[P]	Debra Glass	[P]	Chiun Ng	[P]
Yaron Altman	[P]	Herman F. Hewitt	[P]	Nancy Ortiz	[P]
Dominic Berg	[P]	Trever Holland	[A]	Carolyn Ratcliffe	[P]
Karen Blatt	[P]	Anne K. Johnson	[A]	Joyce Ravitz	[P]
Lisa Burriss	[P]	Linda Jones	[P]	Damaris Reyes	[A]
Alan van Capelle	[A]	Vaylateena Jones	[P]	James Rogers	[P]
Melvin Cartegena	[P]	Meghan Joye	[P]	Richard F. Ropiak	[P]
Karlin Chan	[P]	Lisa Kaplan	[P]	Robin Schatell	[P]
MyPhuong Chung	[A]	Carol Kostik	[P]	Susan Scheer	[P]
David Crane	[P]	Mae Lee	[P]	Laryssa Shainberg	[P]
Enrique Cruz	[P]	Veronica Leventhal	[A]	Wilson Soo	[A]
Christian De Leon	[P]	Alysha Lewis-Coleman	[P]	Nancy Sparrow-Bartow	[P]
Eric Diaz	[A]	Gigi Li	[P]	Josephine Velez	[P]
Wilda Escarfuller	[A]	Jeremy Markman	[A]	Rodney Washington	[P]
Shirley Fennessey	[P]	Chad Marlow	[P]	Kathleen Webster	[P]
David Ford	[P]	Alexandra Militano	[P]		

Minutes:

Minutes of October 2016 were approved, as is.

36 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Board Chairperson's Report:

Chairperson Jamie Rogers

Announced that Chuing Ng is moving to Hong Kong and is resigning as a board member. The Chairperson discussed conflicts of interest with board members. Members must state that they have a conflict of interest and can discuss but must vote as "present not voting". The Chairperson yielded the floor to the Parliamentarian and asked him to discuss the difference between an "abstain" vote and a "Present not voting" vote.

District Manager's Report:

District Manager Susan Stetzer,

The District Manager reminded Board members and public to sign up for Community Board Emails. The Community Board is working with other agencies and precincts to provide assistance and services to homeless, especially in Tompkins Square Park. If you see homeless people call 311 and ask for homeless outreach. If weather goes below 32 degrees, it's called a "code blue" and agencies can forcibly remove homeless people and take them to the hospital. Graffiti found in Seward Park was thought to be hate crime but after research it was found to be a graffiti tag and not hate crime.

Committee Reports:

Executive Committee

- Board Member Attendance

VOTE: To remove Melvin Cartagena from the Board due to overwhelming absences.

36 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Transportation & Public Safety and Environment Committee

1. Approval of previous month's minutes
approved by committee
2. NYC DEP Stormwater Management plans
no vote necessary
3. DDC: Update on Forsyth Plaza reconstruction
no vote necessary
4. DOT: Dragon Express, new commuter van application

VOTE: TITLE: Support for Application by Dragon Express for new commuter van service

WHEREAS, Dragon Express has applied for a new TLC license to operate a commuter van service with 22 vans in lower Manhattan; and

WHEREAS, CB 3 Manhattan understands the value of commuter vans to the community and demand for commuter van service is evident; and

WHEREAS, the commuter van operators will be assigned stops from which to conduct passenger drop-off and pick-up; and

WHEREAS, The community also has concerns about impacts such as noise, idling, litter and sidewalk congestions; however, Dragon Express management has agreed that they understand these issues and will comply with the rules of operation listed below; and

WHEREAS, although a significant safety problem is created if van drivers operate above the 20 passenger capacity that would be allowed by the TLC license, it is nonetheless a common practice for van operators to violate safety regulations and provide additional, unfixed seating for extra passengers; and

WHEREAS, Dragon Express van operators will be contracted by Dragon Express to operate under the Dragon Express license, and therefore Dragon Express has a duty to ensure its drivers adhere to the law and protect passenger safety. Dragon Express has agreed to have a dispatcher present at assigned van stops who can observe attempts to use unfixed seating, to make all reasonable efforts to discourage and prevent drivers from engaging in this unsafe practice, and to institute incremental measures, up to and including the suspension of drivers, who repeatedly violate the vehicle seating limits; so

THEREFORE BE IT RESOLVED, that CB 3 Manhattan requests that Dragon Express comply with the following operating rules, as agreed before the CB 3 Manhattan Transportation Committee at the December 2016 meeting:

- Clean litter at the assigned van stop.
- No idling of diesel engines.
- Orderly queuing of customers.
- Make reasonable efforts to enforce vehicle seating limits for all vans operating on their route.

THEREFORE BE IT FURTHER RESOLVED, that CB 3 Manhattan requests that DOT/TLC allow 22 vans for the TLC license applied for by Dragon Express.

Bus Stop Permit Applications

5. SOE Tour Inc - In front of 24 Bowery St, west side of the street between Bayard St and Pell St

VOTE: TITLE: CB 3 Resolution to Approve a Curbside Bus Stop for SOE Tour Inc in Front of 24 Bowery Street on the West Side of the Street between Bayard and Pell Streets

WHEREAS, SOE Tour Inc. has applied for a designated bus stop for curb-side loading/unloading operations located at 24 Bowery St, on the west side of Bowery St between Bayard and Pell St.

WHEREAS, the buses will operate under the SOE Tour Inc. brand name, providing service between New York and Connecticut with up to 6 arrivals/6 departures daily between the hours of 3:45 am and 10:15 pm; and

WHEREAS, the bus stop is an existing 86 ft bus stop for MTA bus M103, which runs between East Harlem and City Hall; and

WHEREAS, CB 3 recognizes there may be some concerns about the early morning arrivals and the impacts on nearby residents; and

WHEREAS, SOE Tour Inc. has agreed to make a good faith effort to locate restroom facilities that will be available to arriving and departing passengers; and

WHEREAS, SOE Tour Inc. has entered into an agreement with CB 3 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 left 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 day.
- No bus may remain at the designated stop for more than 15 minutes.
- 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.

THEREFORE BE IT RESOLVED, that CB 3 Manhattan recommends that DOT issue a permit for SOE Tour Inc. to operate their bus service at a designated curbside bus stop at 24 Bowery St, provided that the preceding list of stipulations agreed between the applicant and CB 3 will be attached to the DOT permit.

6. Vote to adjourn
approved by committee

36 YES 0 NO 0 ABS 0 PNV MOTION PASSED

SLA & DCA Licensing Committee

1. Approval of previous month's minutes
approved by committee

Applications within Saturated Areas

2. Taqueria Diana (TD Clinton LLC), 69 Clinton St btwn Stanton & Rivington Sts (op)

VOTE: TITLE: Community Board 3 Recommendation To Deny

WHEREAS, TD Clinton LLC is applying for a full on-premises liquor license to operate a restaurant, with a proposed business name of Taqueria Diana, in the premises located at 69 Clinton Street, between Stanton Street and Rivington Street, New York; and

WHEREAS, this applicant is proposing to operate a casual Mexican restaurant with two (2) tables and four (4) seats, a lunch counter with twelve (12) stools,, hours operation of 11:00 A.M. to 1:00 A.M. Mondays through Thursdays and 11:00 A.M. to 3:00 A.M. Fridays and Saturdays, a limited food and drink menu, an open facade and recorded background music; and

WHEREAS, there has never been a business with a liquor license at this location; and

WHEREAS, Clinton Street is a narrow mixed residential and commercially zoned street that is overwhelmed with vehicular traffic congestion during all hours; and

WHEREAS, the applicant has conceded that there are sixteen (16) full on-premises liquor licenses within five hundred (500) feet of this location, as well as three (3) pending full on-premises liquor licenses, and that there are twenty-two (22) liquor licenses within one (1) block of this location; and

WHEREAS, its stated public benefit is its reputation for operating similar Mexican restaurant without complaints and with moderate pricing; and

WHEREAS, the applicant has only eight (8) months of experience operating a business with a full on-premises liquor license, in that it has operated a similar business with a full on-premises liquor license at 524 Ninth Avenue since March of 2016, and, while it has operated two similar businesses at 129 Second Avenue and 606 Sixth Avenue, those have operated without any liquor licenses; and

WHEREAS, while the applicant has operated similar businesses, furnished fifty-five (55) petition signatures and nine (9) letters from residents within two (2) blocks of this location in support of its application and offered to reduce its closing times, it has little experience operating a business with a liquor license and no experience operating a business on a narrow mixed residential and commercially zoned street such as Clinton Street, in that all of its current businesses are located on large commercial avenues, it is proposing to operate a business with a limited food and drink menu and its stated public benefit as a casual Mexican restaurant with moderate prices is insufficient in an area with so many licensed businesses given that there are numerous restaurants in the area that offer Mexican cuisine at comparable prices; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for a full on-premises liquor license for TD Clinton LLC, with a proposed business name of Taqueria Diana, for the premises located at 69 Clinton Street, between Stanton Street and Rivington Street.

Sidewalk Café Applications

4. Café Cortadito (Cafe Cortadito LLC), 210 E 3rd St btwn Aves B & C

VOTE: TITLE: Community Board 3 Recommendation To Deny

WHEREAS, Café Cortadito LLC, doing business as Café Cortadito, is seeking to reapply for a sidewalk café permit, for the premise located at 210 East 3rd Street, between Avenue B and Avenue C, New York, New York; and

WHEREAS, this applicant was first heard for a wine beer license by Community Board 3 in March of 2008, and was denied unless it agreed to make as conditions of its license stipulations that it would 1) operate as a full-service Cuban restaurant, serving food to within one (1) hour of closing, 2) close no later than 12:00 A.M. all days, 3) close any façade doors and windows at 10:00 P.M. every night, and 4) play recorded background music; and

WHEREAS, this applicant then applied to Community Board 3 for a sidewalk café permit, consisting of three (3) tables and six (6) seats, in March of 2011, and was approved provided it sign a change order that its café would consist of three (3) tables and six (6) seats in front of its business and that would its café close at 10:00 P.M. every night; and

WHEREAS, testimony was submitted during its sidewalk café permit renewal hearing, as well as its wine beer license renewal hearing, before Community Board 3 in October of 2015, from New York City Council Member Rosie Mendez that, in the preceding two (2) years, she had observed the applicant exceeding the permitted tables and chairs at its sidewalk café, extending the footprint of the sidewalk café to encroach on its neighboring property, a community sculpture garden, and illegally serving wine and beer at the additional unpermitted tables; and

WHEREAS, consistent with the observations of the Council Member, the New York City Council issued a violation against this applicant on May 27, 2013, for impermissibly extending its café beyond its allowable footprint and adding unpermitted tables and chairs to its café; and

WHEREAS, Susan Stetzer, the district manager of Community Board 3 also testified that she had observed the applicant exceeding the permitted tables and chairs at its sidewalk café, extending the

footprint of the sidewalk café to encroach on its neighboring property, a community sculpture garden, and illegally serving wine and beer at the additional unpermitted tables; and

WHEREAS, as further evidence that the applicant had extended its outdoor use to encroach on its neighboring property, added unpermitted tables and chairs, and was illegally serving alcohol at its additional unpermitted outdoor tables, the publically accessible Google Maps photograph for this business address reflected that patrons were drinking at tables exceeding the physical footprint of the business and the permitted café; and

WHEREAS, as a consequence of these actions by the applicant, Community Board 3 had moved to call before the New York City Council to review for revocation the sidewalk café permit for this applicant; and

WHEREAS, the applicant then appeared before the New York City Council for the renewal of its sidewalk café permit in October of 2015 and elected to withdraw its permit renewal application, agreeing with Council Member Rosie Mendez that it would not reapply for its permit until the spring of 2017; and

WHEREAS, at the December 2016 community board hearing of its new sidewalk café permit application, there was testimony from a community board member and nearby resident that, despite the absence of the sidewalk café in the past year and a half, the applicant has been unable to control its patron crowds on the sidewalk in front of its business on weekend days, between 12:00 P.M. and 4:00 P.M. (see photographs attached hereto), consistent with its well-publicized weekend brunches; and

WHEREAS, the applicant conceded that it has had difficulty managing its patron crowds for its weekend brunch service; and

WHEREAS, Community Board 3 was willing to approve a café consistent with the original café of three (3) tables and six (6) seats, with the hours of operation of 12:00 P.M. to 10:00 P.M. all days as proposed by the applicant; and

WHEREAS, given the history of violations in operating its previous sidewalk café and its continued inability to control its patron crowds in front of its business, Community Board 3 cannot approve a sidewalk café permit greater than three (3) tables and six (6) seats; and

WHEREAS, the applicant would not sign a change order agreeing to a sidewalk café of three (3) tables and six (6) seats, placed against the façade of its business, with hours of operation of 12:00 P.M. to 10:00 P.M. all days; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for a sidewalk café permit for Café Cortadito LLC, doing business as Café Cortadito, for the premise located at 210 East 3rd Street, between Avenue B and Avenue C, because the applicant will not sign a change agreement which will become part of its DCA license that

- 1) its café will consist of three (3) tables and six (6) seats placed against the façade of the business, and
- 2) its hours of operation will be 12:00 P.M. to 10:00 P.M. all days.

New License Applications

5. To Be Determined, 163 Allen St btwn Stanton & Rivington Sts (op)

VOTE: TITLE: Community Board 3 Recommendation To Deny Unless Stipulations Agreed To—Stipulations Attached

Understanding that this is a sale of assets of a business which operated with a full on-premises liquor license, Community Board 3 moves to deny the application for a full on-premises liquor license for a corporation to be determined, with principal Esther Choi, for the premises located at 163 Allen 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 Korean 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. Sundays through Wednesdays and 12:00 P.M. to 2:00 A.M. Thursdays through Saturdays,
- 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 when amplified sound is playing and will otherwise have a closed fixed facade with no open doors or windows,

- 5) it will play ambient background music only, consisting of recorded music, and will 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 8:00 P.M. each night,
- 8) it will not host pub crawls or party buses,
- 9) it will not have unlimited drink specials with food,
- 10) it will insure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 11) it will conspicuously post this stipulation form beside its liquor license inside of its, and
- 12) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints

Community Board 3 is approving this application for a full on-premises liquor license although this is a location in an area with numerous full on-premises liquor licenses within five hundred (500) feet of this location because 1) this location previously housed a business which operated with a full on-premises liquor license since 2003, 2) the proposed application is for a Korean restaurant of which there are none in the immediate area, 3) the applicant provided substantial support for its application, in that it furnished forty-two (42) petition signatures, 4) the applicant has three years' experience operating a licensed business located at 75 Ninth Avenue and its managerial team also has years of experience working within and managing licensed businesses, and 5) this location is located on a large mixed residential and commercially zoned avenue.

6. Black Cat LES (Color Puree LLE), 172 Rivington St btwn Clinton & Attorney Sts (wb)

VOTE: TITLE: Community Board 3 Recommendation To Deny Unless Stipulations Agreed To—Stipulations Attached

Community Board 3 moves to deny the application for a wine beer license for Color Puree LLC, for the premises located at 172 Rivington Street, between Clinton Street and Attorney 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 coffee shop, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 7:00 A.M. to 12:00 A.M. all days,
- 3) it will not commercially operate any outdoor areas,
- 4) it will close any front façade doors and windows at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances,
- 5) it will play ambient background music only, consisting of recorded music and acoustic live music, provided that the acoustic music will consist of one (1) to two (2) instruments and will be played no later than 10:00 P.M. each night, and it will not have 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 seek a change in class of its liquor license to a full on-premises liquor license without first obtaining the approval of Community Board 3,
- 8) it may have "happy hours" to 7:30 P.M. each night,
- 9) it will not host pub crawls or party buses,
- 10) it will not have unlimited drink specials with food,
- 11) it will insure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 12) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 13) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

Corporate Change with Complaints

8. Mehanata Bulgarian Bar (BG Bar Inc), 113 Ludlow St btwn Rivington & Delancey Sts (op/corp change)
no vote necessary

Items not heard at Committee

9. Gaia Italian Café (Gaia Group Ltd), 251 E Houston St (wb)
no vote necessary
10. Famous Calabria Pizza LLC, 27 St James Pl (wb)
no vote necessary
11. L'espece O Café (Hester Collective LLC), 61 Hester St (wb)
no vote necessary
12. Glaze Teryaki Grill (Glaze 4th Ave LLC), 139 4th Ave (wb)
no vote necessary
- Vote to adjourn

approved by committee

36 YES 0 NO 0 ABS 0 PNV MOTION PASSED

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

1. Approval of previous month's minutes
approved by committee
2. DEP-waterfront-Discussion regarding water main in the esplanade between Catherine St and Pike Slip and impacts on surface upgrades 15 feet on either side
no vote necessary
3. Cooper Union temporary installation on 7th Street plaza during retrospective exhibition of work by architect John Hejduk

VOTE: TITLE: To Support the Cooper Union Art Installation in Peter Cooper Plaza

WHEREAS, The Cooper Union for the Advancement of Science and Art is planning an exhibition of the work of noted architect and founding dean of its school of architecture, John Hejduk, which will be free and open to the general public; and

WHEREAS, The Cooper Union has acquired rights to install Hejduk's work *Jan Palach Memorial*, in Cooper Square Plaza adjoining the Foundation Building at 7th Street, where the exhibition will be held; and

WHEREAS, the pieces that comprise this installation have only been exhibited in New York City one other time, at the Whitney Museum of American Art, in conjunction with the 2002 exhibition *Sanctuaries: The Last Works of John Hejduk*; and

WHEREAS, The Cooper Union seeks to engage the community as viewers of the installation and the accompanying exhibition; and

WHEREAS, The Cooper Union and the NYC Department of Transportation have collaborated on the plan for the installation through DOT's Artervention program, which promotes public access to art; so

THEREFORE BE IT RESOLVED, that CB 3 supports the installation of *Jan Palach Memorial* in Peter Cooper Plaza as an example of The Cooper Union's efforts to benefit the local community through free public exhibitions of art and architecture.

4. Issues regarding parks permits: closing time for events and sound permits

VOTE: TITLE: To support restrictions on amplified sound permits in public parks near residential areas

WHEREAS, most parks in Community Board 3 are in residential areas and very close to residential buildings; and

WHEREAS, there are events in parks that occur in the evening and request amplified sound permits; and

WHEREAS, per the special restrictions related to NYC amplified sound permits: *The police commissioner shall not issue any permit for the use of a sound device or apparatus: In any location between the hours of 8 p.m. or sunset, whichever is later, and 9 a.m. on weekdays and between the hours of 8 p.m. or sunset, whichever is later, and 10 a.m. on weekends and public holidays, in any location within fifty feet of any building that is lawfully occupied for residential use. The distance of fifty feet shall be measured in a straight line from the point on the exterior wall of such building nearest to any point in the location for which the permit is sought.*; and

WHEREAS, Community Board 3 believes in the strict enforcement of the 8:00 pm restriction in residential areas so that families may not be deprived of their right to safe, comfortable, convenient and peaceful enjoyment of their homes; and

WHEREAS, NYPD issues amplified sound permits that state the number of decibels allowed at a specified distance but there appears to be no monitoring of the allowable noise level at the appropriate distance; and

WHEREAS, major events occur that do not have Parks Department staff, police monitoring, or even staff from the sponsoring applicant to ensure that there is consideration of residential and business neighbors and other park users; so

THEREFORE BE IT RESOLVED, that CB 3 supports and urges that amplified sound permits in residential areas be issued for not later than 8:00 pm; and

THEREFORE BE IT FURTHER RESOLVED, that CB 3 supports a requirement that all major events be staffed by either Parks Department or NYPD (by personnel of police or parks who have been instructed in the rules) to ensure compliance with requirements that ensure and allow for peaceful enjoyment of homes and public spaces; and

THEREFORE BE IT FURTHER RESOLVED, that CB 3 supports parks permits for movies that are later than 8pm.

5. Report from Park Manager
no vote necessary
6. Report from Arts Subcommittee
no vote necessary
7. Vote to adjourn
approved by committee

36 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Landmarks

- Friends of the Abe Lebewohl Yiddish Walk of Fame presentation on preservation and education efforts
no vote necessary

Land Use, Zoning, Public & Private Housing Committee

1. Approval of previous month's minutes
approved by committee
2. Planning Fellow work plan presentation: development impacts in Two Bridges Neighborhood
no vote necessary
3. Development Team: Updates on Essex Crossing Phase 2 timeline and plan modifications
no vote necessary
4. Request for support: Landlord Accountability bill

VOTE: TITLE: Support for Landlord Accountability Act of 2016

WHEREAS, H.R. 5401, also known as the Landlord Accountability Act of 2016, was introduced in the House of Representatives in June 2016; and

WHEREAS, this bill amends the Fair Housing Act to make it unlawful to discriminate in connection with the rental of a dwelling because the current or prospective tenant holds a housing voucher for rental assistance under section 8 of the United States Housing Act of 1937; and

WHEREAS, as a result of rising property values, there have been serious allegations that landlords are intentionally allowing their federally subsidized units to deteriorate in an effort to drive voucher-users out and convert units to higher, market-rate apartments; and

WHEREAS, although families and individuals assisted under the program are free to choose any available housing in their community, that has not prevented landlords from discriminating against low-income tenants; and

WHEREAS, many of the individuals and families assisted by the Section 8 Program would be at risk of homelessness without the program; and

WHEREAS, given the strong connection between the classes currently protected under the Fair Housing Act, including race, gender, those with disabilities, familial status, and economic status, establishing a ban on income discrimination would further the goals of the Fair Housing Act and better protect these families and individuals; and

WHEREAS, while this bill's intention seems to be in keeping with CB 3 goals to preserve affordable housing, concerns were raised regarding unintended consequences because of the large fines that may arise including potentially discouraging participation in the program; so

THEREFORE BE IT RESOLVED, CB 3 supports the Landlord Accountability Act of 2016 to prohibit discrimination based on use of section 8 vouchers in order to revive the Section 8 rental assistance program, affirmatively further fair housing policies, and address our national housing affordability crisis; and

THEREFORE BE IT FURTHER RESOLVED, while CB 3 supports this act we look forward to further investigation regarding potential disincentives.

5. Chinatown Rezoning update

VOTE: TITLE: Intention of CB 3 to participate in a neighborhood planning process for the Chinatown area

WHEREAS, CB 3 received a letter from the Department of City Planning June 7 stating their desire to discuss the CB 3 recommendations for the Chinatown area; and

WHEREAS, On September 29, 2016, the Department of City Planning, Council Member Chin, and Borough President Brewer presented on a potential process for developing a Chinatown Neighborhood Plan including but not limited to a rezoning; and

WHEREAS, the Department of City Planning has previously indicated a willingness to discuss definition of the Chinatown area boundaries; so

THEREFORE BE IT RESOLVED, CB 3 welcomes the opportunity to engage in a planning process for the Chinatown area that accomplishes the goals CB 3 has previously supported regarding this area and surrounding neighborhoods.

6. CB position regarding proposed regulatory agreement for HDFC's

VOTE: TITLE: CB 3 position with regard to the Department of Housing Preservation and Development's proposed regulations of Housing Development Fund Corporations (HDFCs)

WHEREAS, HDFCs are an affordable housing resource throughout the City, but especially in CB 3 which has a particularly large percentage of the total; and

WHEREAS, the laws and regulations that govern HDFC resale are not consistent, are confusing, and have never been consistently enforced; and

WHEREAS, current HDFC oversight is very lax and compliance is sporadic; and

WHEREAS, some buildings could benefit from professional management and monitoring to ensure viability, while other buildings have been operating without financial or other problems for decades; and

WHEREAS, abruptly ending the DAMP tax abatement program that buildings have relied on for decades and which was expected to continue until 2029, is an aggressive measure; and

WHEREAS, in CB 3 some units have been sold at very high prices, which is counter to the original intent of the law; and

WHEREAS, HPD developed the proposed regulations without reaching out to Council Member Mendez, in whose district many HDFCs are located; and

WHEREAS, HPD held no discussion with individual HDFC's that will be affected by the proposed changes; so

THEREFORE BE IT RESOLVED, CB 3 supports measures that would insure the perpetual affordability of these buildings; however we cannot support the proposed HDFC regulatory agreement because it does not sufficiently address the above concerns and is not the product of adequate community engagement.

7. Vote to adjourn

approved by committee

36 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding Land Use item 6)

33 YES 0 NO 0 ABS 3 PNV MOTION PASSED (Land Use item 6)

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

1. Approval of previous month's minutes

approved by committee

2. Request for support for new health equality initiative as it relates to Smoke-Free Housing in NYC
no vote necessary

3. Request for support for state legislation: Rivington Act –which would require stronger community

notification and greater for local nursing homes and a clear community process when nursing homes are threatened

VOTE: To table until January 2017 meeting

4. Request for support for Volunteers of America: application to continue operating permanent/supportive housing residence and programs on E 12th St

VOTE: TITLE: Support for Volunteers of America proposal to continue operations at the East 12th Street SRO

WHEREAS, Volunteers of America (VOA) operates a 92 unit Single Room Occupancy (SRO) at 331 East 12th Street in a building shared with Educational Alliance/Project ORE; and

WHEREAS, the SRO provides permanent and supportive housing to single adults over the age of 55; and

WHEREAS, the East 12th Street SRO also provides hot breakfast, lunch, and dinner five days a week and offers a wide variety of programs, classes, and activities for seniors; and

WHEREAS, VOA has submitted a proposal to the New York City Department of Homeless Services for the continued operation of supportive housing services at East 12th Street SRO; and

WHEREAS, the East 12th Street SRO is vital to the community; so

THEREFORE BE IT RESOLVED, CB 3 supports the proposal by Volunteers of America to continue operations at the East 12th Street SRO located at 331 East 12th Street.

5. NYC Dept of Health & Mental Hygiene: presentation on Action Health
no vote necessary
6. Committee roles –committee leads and vice-chair position
no vote necessary
7. Vote to adjourn
approved by committee

36 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Economic Development Committee

1. Approval of previous month's minutes
approved by committee
2. LES Partnership Community Needs Assessment process—progress and follow up
no vote necessary
3. NYC Business Solutions presentation re: free technical assistance to entrepreneurs at all stages
no vote necessary
4. Cooper Square Committee: Explanation of Commercial Tenant Anti-Harassment Law and CSC local business organizing
no vote necessary
5. Vote to adjourn
approved by committee

36 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Vote to adjourn

36 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Members Present at Last Vote:

David Adams	[P]	Christian De Leon	[P]	Meghan Joye	[P]
Yaron Altman	[P]	Eric Diaz	[A]	Lisa Kaplan	[P]
Dominic Berg	[P]	Wilda Escarfuller	[A]	Carol Kostik	[P]
Karen Blatt	[P]	Shirley Fennessey	[P]	Mae Lee	[P]
Lisa Burriss	[P]	David Ford	[P]	Veronica Leventhal	[A]
Alan van Capelle	[A]	Debra Glass	[P]	Alysha Lewis-Coleman	[P]
Melvin Cartegena	[P]	Herman F. Hewitt	[P]	Gigi Li	[P]
Karlin Chan	[P]	Trever Holland	[A]	Jeremy Markman	[A]
MyPhuong Chung	[A]	Anne K. Johnson	[A]	Chad Marlow	[P]
David Crane	[P]	Linda Jones	[P]	Alexandra Militano	[P]
Enrique Cruz	[P]	Vaylateena Jones	[P]	Chiun Ng	[P]

Nancy Ortiz	[P]	Richard F. Ropiak	[P]	Nancy Sparrow-Bartow	[P]
Carolyn Ratcliffe	[P]	Robin Schatell	[P]	Josephine Velez	[P]
Joyce Ravitz	[P]	Susan Scheer	[P]	Rodney Washington	[P]
Damaris Reyes	[A]	Laryssa Shainberg	[P]	Kathleen Webster	[P]
James Rogers	[P]	Wilson Soo	[A]		

Meeting Adjourned