



THE CITY OF NEW YORK
 MANHATTAN COMMUNITY BOARD NO. 3

59 East 4th Street - New York, N.Y. 10003
 Phone: (212) 533-5300 - Fax: (212) 533-3659
 www.cb3manhattan.org - info@cb3manhattan.org

David McWater, Board Chair

Susan Stetzer, District Manager

May 2005 Minutes

Meeting of Community Board #3 held on May 31st, 2005 at 6:45 at PS. 20, 199 Essex Street.

MEMBERS PRESENT AT FIRST VOTE:

- | | | |
|--------------------------|--------------------------|-------------------------------|
| David Adams [P] | Herman Hewitt [P] | Joyce Ravitz [P] |
| Michael Auerbach [P] | Keisha Hogans [P] | Lois Regan [E] |
| Rev. Joan Brightharp [E] | Carolyn Jeffers [P] | Verina Reich [P] |
| Roberto Caballero [A] | Barbara Jeter [A] | Richard Ropiak [P] |
| Mayra Cappas [A] | Anne Johnson [P] | Estelle Rubin [P] |
| Rick Carman [P] | Joel Kaplan [P] | Eunice Samuels [A] |
| David Crane [P] | Lisa Kaplan [P] | Deborah Simon [E] |
| Elizabeth Cruse [P] | Jennifer Lim [P] | Pia Simpson [P] |
| Andrea Diaz [P] | Bernice McCallum [P] | Arlene Soberman [E] |
| David Diaz [A] | David McWater [P] | Nancy Rose Sparrow-Bartow [P] |
| George Diaz [A] | Alexandra Militano [E] | Harold Stelter [P] |
| Harvey Epstein [P] | Lillian Moy [P] | Steven Tin [P] |
| Morris Fajtelewicz [P] | Jason Nagel [P] | David Weinberger [A] |
| Anthony Feliciano [P] | Roberto Ortiz-Arroyo [P] | Harry Wieder [P] |
| Rabbi Y.S. Ginzberg [P] | Dominic Pisciotta | Samuel Wilkenfeld [P] |
| Carlos Juan Gonzalez [P] | Barden Prisant [P] | |

PUBLIC SESSION:

1. Michael Farrin, CODA; Ted Reich, East Side Committee of Correspondence; Catherine King, Save St. Brigid's Church Committee; Roland Legiardi-Laura, EVCO/EVPO/Save St. Brigid's Church Committee; Francisca DeJesus, Sea of Galilee Church; Verina Reich, CB#3 board member; Rosie Mendez, Democratic District Leader all expressed concern about the First Amendment freedom of speech issue inherent in a newly enforced Parks Department permit regulation, whereby setting up a table for any purpose, including petitioning for a particular candidate or leafleting on behalf of a particular issue required a fee payment and the need to fill out an application for that permit 21 days in advance if more than 20 people are expected to stop by and inquire or response to the particular activity.
2. Laura Cottrich; Catherine King, Lower East Side Resident; Lillian M. Rivera, Lower East Side resident; Jeanette, City Wide Task Force; Susan Howard, resident; Nelson Valentine, Andrew Glover Youth Program; Edgar Muniz all spoke against the eviction at 507-509 at 11th Street of the Garcia family because the father had a record of using drugs, even though the collectively the children, who were, reportedly, either in college or were engaged in solid and well-paying employment felt that they could maintain the upkeep of the apartment and pay the rent in full in timely fashion.
3. Melissa Menolez, TIL, spoke in support of selling 248 East 3rd Street, the building where she lives, to the tenants.
4. Bob Ortiz, CB#3 member, criticized the ease of the board in co-naming streets and used as an example Rev. Pedro Pietri Place, when it is asserted that he was not actually a Reverend.
5. Keisha Hogans, . Mariner's Temple Baptist Church, thanked the board for co-naming Henry Street on the corner of Oliver Street as Mariner's Temple Street, but has also urged the board to support its bid to co-name the Oliver Street side The Blessed Way, in light of the fact that there are several other churches from various ethnic groups that are also on that block.
6. Elizabeth Glass, 544-546 East 11th Street Owners Corporation complained about the backyard noise and smoke at Boxcar Lounge at 168 Avenue B.
7. Michael Haberman, Save the Manhattan VA Hospital Coalition, spoke in support of us taking a stance against it shutting down and forcing veterans to go to a lower quality facility in Brooklyn.
8. Eva Dorsey, Jane's Exchange, spoke about the exchange as being an important part of the East Village community for 12 years, yet has lost its lease and cannot afford the rents being asked for in comparable spaces in the neighborhood, and is asking the board to assist in helping them solve their problem in finding a place.
9. Theresa Rodriguez spoke in support of the sale of 36 Attorney Street under the TIL program.
10. Gene Thompson of the Crosby Block Association and Jim Spivack expressed concern about the building of 195 Bowery, which they feel the Board did not notice, and the addition of five stories to the project.
11. Lois Sturm, Charles Komanoff and Jeff Perlman, spoke for the Neighborhood Energy Network, thanked the board for its support of project to make a pilot block more energy efficient and noted that large donations ..
12. Nancy Ortiz, Vladeck Houses, requested board support for closing Madiosn Street for a family day on August 17th.
13. David Lillie expressed concern about the impending destruction of the ¼ mile track at East River Park.
14. Natasha Lapiver Giresi spoke in opposition to the liquor store at Whole Foods and noted that it would likely be much larger than it was originally stated.

PUBLIC OFFICIALS:

1. No representative attended from the offices of Congressperson Nydia Velazquez, State Senator Thomas K. Duane, State Assemblymember Steven Sanders, NYC City Comptroller William Thompson.
2. Assemblymember Deborah Glick, Gregory Brender, rep. . He noted, unfavorably, on the Rent Guidelines Board's preliminary vote on rent increases, which the Assemblyperson felt was too high and said that a public hearing would be held on June 16th before a final vote on June 21st
3. Assemblymember Sheldon Silver, Jessica Ashenberg-Loeser, rep. She reported that the Assemblymember convened emergency meetings between the NYS Department of Education and the NYS Comptroller's office regarding the restoration of funding gap for Pre-K program as a result of the Governor's placing the program as a new one, instead of an old one, which would then require a review by the Comptroller's office and the elimination of some seats until the review would be completed. She also reported on the Assemblymember's support of a bill requiring a person to be notified when there is a security breach of his or her personal identification information records maintained by a business or government computer system. She reported on the Lower Manhattan Development Corporation (LMDC) agreeing to allocate \$150 million for the improvement of the East Side Waterfront and she mentioned an omnibus legislative plan regarding protecting New York State residents against sexual crimes.
4. State Senator Martin Connor, Alice Cancel, rep. She also reported on LMDC's dispersal of the remaining Community Development Block Grants, which would include \$150 million to creating mix use public spaces and cultural and recreational uses for the East River Waterfront Project; \$7 million to the Chinatown Local Development Corporation for a comprehensive multi-year sanitation program; a \$50 million set-aside for the preservation and rehabilitation of nearly 3000 units in Lower Manhattan, as well as the creation of over 200 units of affordable housing; and a \$32 million Chinatown Circulation Study which would include relocating the Police Plaza checkpoint, as well as connecting the Bowery with St. James Place as a means to ease traffic problems regarding the Park Row closure. She also warned the Board of a team of organized criminals installing equipment resembling the average ATM machines that converted bank ATMs into loci for stealing bank customers ATM card numbers as well as their PIN.
5. Congressperson Carolyn Maloney, Victor Montesinos, rep. He reported that she expressed concern over a new report by the US Veterans Administration to consolidate veteran health services in Manhattan and Brooklyn that would in effect do away with the VA Hospital in Manhattan.. The Congress person urged that a more adequate federal response to the health care needs of the sick and injured stemming from the 9/11 terrorist attack was required. Also, on Mother's Day of this year, the Congressperson hosted a nurse-in on Capitol Hill as a kickoff to the reintroduction of the Breastfeeding Promotion Bill, which would give more rights to breast feeding mothers. The Congressperson introduced legislation to require the US Department of Homeland Security to put an adequate emergency communication system in place for the NYC Fire Department and has also introduced legislation that would remove the \$5 million cap on Community Disaster Loan for the New York City area with regard to the 9/11 attack.
6. US Congressperson Jerrold Nadler, Michael Kay, rep. He reported that the Congressperson voted to bring more Homeland Security Funds to New York, and that he introduced legislation, the Housing Preservation Matching Grant, that would provide two federal dollars for every dollar invested in affordable housing – including preservation, operation cost, capital expenditures and acquisition – in order to protect Section 8 housing conversion to private-market rentals. Finally, he reported that a coalition of elected representatives, residents, unions and environmental health advocates urged the federal Environmental Protection Agency (EPA) to strengthen its proposed testing plan for the World Trade Center toxic dust.
7. Manhattan Borough President C. Virginia Fields, Bradford Sussman, rep. noted that on June 10th there would be a Lesbian Gay Transgender Pride Event at the LGBT Community Center
8. NYC Councilmember Margarita Lopez, Eric Lugo, rep. He reported that, at a press conference, the Councilmember advocated to have qualified civilian workers do the administrative functions of the police and fire departments while all the uniformed police officers and firefighters should have non-desk related work. He also gave an extensive explanation of all that the Councilperson's office had done regarding the eviction of the Garcia children . The Councilmember introduced legislation to combat the crime of video voyeurism as well as legislation to create an Asthma Free Zone. He announced that in response to the targeting and mass arrest of the Critical Mass bicycle riders, the Councilperson introduced legislation amending the City Administrative Code, requiring the police to give sufficient audible public announcement when dispersing a crowd, allow individuals more freely to assembly, allow for impromptu gatherings and more clearly define the traffic laws and citizens to ride together.
9. NYC Councilperson Alan Gerson, Luis Reyes, rep. He mentioned that the Grab Bar bill was still pending and spoke about the vaccination program. Mention was also made of the possible voting out of Intro 186, The Tenant Empowerment Act (also known as the Tenant's Right of Refusal Act) at the Housing Committee on June 23rd, while a rally/press conference supporting the bill, with a gathering of housing groups from around the city taking part, will be held at the City Hall steps at 1:30PM that day. The Councilperson is proposing a bill urging the State of New York to grant tax breaks to real estate owners who rent space to non-profit organizations, which would then be passed along to their non-profit tenants organization through rent reductions. He also announced the comprehensive vision screening on June 15th of school children in PS 1 in a mobile unit funded by the Councilmember's office with state-of-the-art vision equipment and staff by eye doctors.

MINUTES:

Minutes of March 29th, 2005 were approved, as is.

BOARD CHAIRPERSON'S REPORT:

David McWater noted that Lower Manhattan Development Corporation is funding Waterfront Development, and he thanked City Planning and the board member Lois Regan and Richard Ropiak for their work.

He noted that there were four vacancies on the board.

He mentioned that people must sign up for committee preferences, and noted that if anyone does not think that he or she would be able regularly to attend two committee meetings, that he or she should not sign up for two.

He noted that Common Ground will honor CB#3 on June 23rd.

He indicated that he will name a District Needs Coordinator shortly.

And he mentioned that there will be a Borough Consultation meeting at 108 Amsterdam Avenue (La Guardia High School) on October 6 at 4PM.

DISTRICT MANAGER'S REPORT:

February minutes distributed for approval and draft of March minutes.

The Department of Youth and Community Development allocates 10 buses for the summer for Community Board 3. These are for community based organizations that do not receive DYCD funding for daytrips. There are 4 buses left for August -- applications must be received immediately--you can get applications on line or call or e-mail the CB office.

The city has been giving away free nicotine patches to help people stop smoking. These patches work in a 3-phase program over 6 weeks. 20% of the people who complete the program stop smoking and stay nonsmoking. You can sign up for program by calling 311. The city has had a tremendous citywide response to this program -- but not on the Lower East Side. The Department of Health has asked for our help in identifying community organizations they can reach out to. The program has lowest response in our district in Chinatown. If you would like to suggest any organizations whose clients or membership would benefit, please let me know.

The Department of Buildings is asking our help in locating retaining walls so that they can be inspected before there is another accident. You should call 311 with information.

Please do not send non community board related e-mail, particularly political e-mails to office staff. The Department of Investigation is focusing on monitoring CBS, and may come into the office and inspect our computers. We are not responsible for what comes in -- but people can get in trouble if they answer a non-community board-related e-mail and it is grounds for dismissal. Please help the office staff by sending personal e-mails to home e-mail addresses.

There have been quite a few complaints about the permitting process at the parks department. People apply on line and then never receive an answer and can't get a person on the phone to find out status. Complaints have come via board members, the public, elected official's offices, and our police precincts. Please let CB office know if you are having problems so that we will have full picture while trying to resolve these problems.

EXECUTIVE COMMITTEE:

No report

NOMINATING COMMITTEE:

Carolyn Jeffers reported that the committee recommended the following persons for nomination:

- David McWater, Chairperson
- Herman Hewitt, First Vice Chairperson
- Morris Fajtelewicz, Second Vice Chairperson
- Lois Regan, Secretary
- Lisa Kaplan, Assistant Secretary
- Andrea Diaz, Treasurer

ETHICS COMMITTEE:

REPORT: Concerning Committee Votes

1. VOTE: To create guidelines for Community Board #3 relating to film production company requests for list of groups to whom they can 1) outreach (1, 2, 3 below) and 2) make donations (4 below)
 1. That the Board develops criteria for recognizing resident/geographically based associations (e.g. block associations).
 2. The criteria for recognizing such associations would include: the regularity of meetings, activity level, membership qualifications, and structure (i.e. officers, board)
 3. That such a list of recognized associations would be conveyed to film production companies seeking community organizations for outreach
 4. Create a list of not-for-profit organizations in Community Board #3 which have IRS tax exempt status 501(c)(3) and other similar not-for-profits with communitywide missions, such as schools, youth clubs, and houses of worship. Upon request, this list will be conveyed to film production companies seeking to make donations to community organizations.
2. Materials to educate CB3 members about discussing and making motions
No Vote Necessary
3. Interpretation of by-laws regarding attendance: Section I.3.C
VOTE: That the Board, after undertaking review of bylaws of other community boards as it relates to attendance and removal, then, redraft section IA. 3. A. vii. considering the following:
 - 1) Whether there is a continued need for excused/ unexcused distinction,
 - 2) Creation of special circumstances, which would toll/suspend the counting of absences. These special circumstances could include: extended sickness, military or religious obligations, and
 - 3) The number of absences that would subject the board member to possible removal.
 - 4) The Board interprets this section of the by-laws so as to recommend Chair move from IA 3. B to IA 3. C, regarding removal of a particular board member, pending review by Borough President's counsel.

HOUSING COMMITTEE:

REPORT: Concerning Committee Votes

1. Presentation regarding Allen Street Hotel (btwn Houston & Stanton)
No Vote Necessary
2. Tenant Interim Lease Program: Support of sale of 36 Attorney St to residents for a nominal price
VOTE: To support the sale of 36 Attorney Street to its tenants in accordance with the terms of the Tenant Interim Lease Program.
3. Tenant Interim Lease Program: Support of sale of 248 E 3rd St to residents for a nominal price
VOTE: To support the sale of 248 East 3rd Street to its tenants in accordance with the terms of the Tenant Interim Lease Program.
4. Possible Whole Foods liquor store at Avalon Chrystie Building (Houston & Chrystie)
VOTE 1: To request that the State Liquor Authority (SLA) postpone acting on Whole Foods' application until the community's concerns can be fully addressed at CB3 meetings.
VOTE 2: To request that representatives from Avalon Bay Communities and Whole Foods attend the June Housing Committee meeting.
5. 8 St. Marks, rental of residential space as commercial space/DOB monitoring and enforcement of regulations
That item be removed from May agenda and tabled until June.
6. New LED signage at 14th St YMHA
No Vote Necessary

BOARD VOTE (Ethics & Housing):

31 YES 4 NO 1 ABS 0 PNV (Ethics)

35 YES 0 NO 0 ABS 0 PNV (Housing)

MOTION PASSED

HUMAN SERVICES & SENIORS COMMITTEE

1. Metro New York Health Care for All Campaign: implications regarding local health care resources

VOTE:

WHEREAS approximately 3 million residents of New York State currently have no health insurance for a full year;

WHEREAS approximately 5.6 million New Yorkers, nearly one in three under the age of 65, currently have no health insurance for part of the year, 65% of them for greater than 6 months;

WHEREAS nearly 2 million uninsured residents of New York City lack health insurance for a whole year, approximately 1 in 4 people under the age of 65 lack health insurance;

WHEREAS this large number of uninsured city residents constitutes a major public health crisis for our city;

WHEREAS the crisis of uninsurance in our city poses a huge financial burden for our city's hospitals, especially those operated by the New York City Health and Hospitals Corporation;

WHEREAS the number of uninsured increases significantly annually;

WHEREAS this problem is eminently solvable, as all other industrialized nations have workable and functioning universal health care programs;

WHEREAS New York State's Medicaid, Family Health Plus, and Child Health Plus programs exist as health insurance safety net programs for the uninsured;

WHEREAS the annual cost growth of these programs are straining the city and state budgets;

WHEREAS the cost-growth problems faced by these programs are but acute symptoms of major cost-growth for the entire health care system;

WHEREAS New York State recently created a Special Commission to examine existing capacity in health care delivery facilities and recommend needed changes;

WHEREAS a bill has been introduced in the New York State Assembly to set up a Legislative Commission on Health Coverage Reform (A.6575) to examine, over the next two years, methods of providing quality affordable health insurance to all New Yorkers;

WHEREAS this bill has been voted out of the Health Committee and now awaits action by the Ways and Means Committee and then the Rules Committee;

BE IT RESOLVED THEREFORE THAT COMMUNITY BOARD #3 IN MANHATTAN:

Calls on our own Assembly members to support this bill and urge its passage by the full Assembly before the close of this year's legislative session;

And calls on them to assure that necessary funding is secured for this Commission so that it may begin its work immediately.

BE IT FURTHER RESOLVED that this resolution, if and when adopted, is shared with all other Community Boards throughout the Borough of Manhattan and the City of New York with a request for support.

Youth & Education Committee

1. Presentation on Charter School by Downtown Charter School
No Votes Necessary
2. Dept of Youth & Community Development: Free Summer Bus program for non-DYCD funded programs
No Votes Necessary

PUBLIC SAFETY & SANITATION COMMITTEE

1. Fire Dept firehouses engines co. placed out of service or relocated to other firehouses & engines co. without adequate coverage for CB3
VOTE: That CB3 restates our earlier positions that we are against closing of tours because of the danger to the community due to increased response times. We ask that replacement crew/vehicles be reassigned to that very same house where crews are in training or trucks are on repair, etc. We also believe that the Fire Department take responsibility for notifying the community boards rather than the unions.
2. NYC Alliance against Sexual Assault, citywide survivor survey
No Vote Necessary
3. NY Metropolitan Transportation Council - Clean Air Act Compliance
No Vote Necessary

BOARD VOTE (Human Services/Youth/Public Safety):

35 YES 0 NO 0 ABS 0 PNV

MOTION PASSED

SLA COMMITTEE:

REPORT: Concerning Committee Votes

Complaint:

1. Boxcar Lounge, 168 Ave B
No Vote Necessary
2. Mooza, 191 Orchard St
No Vote Necessary
3. Lavagna, 545 E 5th St
No Vote Necessary

New Sidewalk Café Applications:

4. East Pub, 359-361 Bowery
VOTE: To approve sidewalk café application for East Pub, 359-361 Bowery.
5. E & R Café, 183 E Houston St
VOTE 1: To oppose sidewalk café for E & R Café, 183 East Houston because sidewalk is too narrow and congested.

VOTE 2: To place two benches outside of E & R Café. Everything in their stipulation that applies indoors applies outdoors.

6. Robusto NYC, 88 Orchard St
VOTE: To approve four (4) tables and eight (8) chairs provided the applicant furnish a signed notarized stipulation that 1) it will close its café at 11 p.m. nightly.

Alterations/Transfers/Upgrades:

7. Spill on Orchard, 196 Orchard St (trans)
See Item 13 - Duplicate
8. 106 Delancey Rest Corp, 509 E 6th St (trans)
VOTE: To approve transfer of full on-premises license to 106 Delancey Rest Corp, 509 East 6th Street, understanding that this license will be revisited in nine (9) months and a letter requesting revocation will be sent to the SLA if there are any complaints within that time and provided applicant furnish a signed notarized stipulation that 1) it will maintain its stated hours of operation, 2) always serve food and operate as a restaurant, 3) it will employ doormen and security as needed, 4) it will provide contact information to address any complaints or concerns in a timely way, 5) it will ensure that its patrons do not contribute to the street noise, and 6) it will respond quickly and decisively to complaints.
9. JCNY, 157 Ave C (trans/op)
VOTE: To send letter to the SLA, informing them that this applicant has withdrawn its application before Community Board 3 and asking that the SLA not consider any application by this party until they resubmit its application to the Community Board, as required by law.
10. LES Artiste Café Corp, 189 E 3rd St (up/op)
VOTE: To deny.
11. International Fresh Food, 132 St Marks Pl (trans)
VOTE: To approve transfer of full on-premises license to International Fresh Foods, 132 St Marks Place, provided applicant furnish a signed notarized stipulation that 1) it will close at 1 a.m. every night, 2) it will not have DJs, 3) it will close its French doors and windows at 10 p.m. weeknights and 11 p.m. weekends, and 4) it will not apply for a sidewalk cafe.
12. El Sayed 1 Corp, 93 Ave B (downgrade)
VOTE: To send letter to the SLA, notifying them that licensee, El Sayed 1 Corp, 93 Avenue B, has come before Community Board 3 to downgrade its license to a restaurant/wine license in accordance with the Community Board's motion of June 2004 and because it is within fifty (50) feet of a school, to wit P.S. 104.

13. Spill on Orchard, 196 Orchard St (trans/op)

VOTE: To send letter to the SLA, informing them that this applicant has withdrawn its application before Community Board 3 and asking that the SLA not consider any application by this party until they resubmit its application to the Community Board, as required by law.

New Liquor License Applications:

14. Romeli Café, 183 E Houston St (op)

VOTE: To approve restaurant/ wine license only for Romeli Cafe, 183 East Houston Street, as amended by applicant with the understanding that if it adheres to the nine (9) month good behavior clause of this Board, it may be heard for an upgrade of license.

15. Baxter's NYC, 79 Baxter St (op)

VOTE: To approve full on-premises license for Baxter's NYC, 79 Baxter Street, provided the applicant furnish a signed notarized stipulation that 1) it will continue to maintain the method of operation that has been in place for the past fifty (50) years.

16. Bowery Hotel, 4 E 3rd St (hotel)

VOTE: To postpone decisions on items #16 and #17 until such time as the new hotel owners come before CB#3's Housing Committee for review of their proposal for the building and further to ask the owner to withdraw his/her application to the SLA until this review occurs and further for CB#3 to write the SLA asking them not to vote on the permits for this hotel until Board makes its decision.

17. Bowery F&B, 341 Bowery (op)

VOTE: To postpone decisions on items #16 and #17 until such time as the new hotel owners come before CB#3's Housing Committee for review of their proposal for the building and further to ask the owner to withdraw his/her application to the SLA until this review occurs and further for CB#3 to write the SLA asking them not to vote on the permits for this hotel until Board makes its decision.

18. Ray's Orchard Pizza, 195 E Houston St (rw)

VOTE: To approve restaurant/wine license for Ray's Orchard Pizza, 195 East Houston Street, because of its good history.

19. 143 Ludlow Enterprise, 81 Ludlow St (op)

VOTE: To approve full on-premises license for 143 Ludlow Enterprise, 81 Ludlow Street, based on applicant's prior good history in neighborhood at his three (3) other establishments and provided applicant furnish a signed notarized stipulation that 1) it will close at 12 a.m. and 2) operate as a restaurant.

20. Trinity Link, 43 Mott St (rw)

VOTE: To approve restaurant/wine license for Trinity Link, 43 Mott Street.

21. Askew Restaurant, 137 Essex St (op)

VOTE: To send letter to the SLA, informing them that this applicant has withdrawn its application before Community Board 3 and asking that the SLA not consider any application by this party until they resubmit its application to the Community Board, as required by law.

22. New East Side Café, 189 E B'way (rw)

VOTE: To approve restaurant/wine license for New East Side Café, 189 East Broadway.

23. Hat Restaurant, 108 Stanton St (op)

VOTE: To approve full on-premises license for Hat Restaurant, 108 Stanton Street, with the understanding that Community Board 3 approved an upgrade of license for this establishment in 2004 based on its seventeen (17) year good history in the community.

24. LoSide Diner, 157 E Houston St (op)

VOTE: To approve with the understanding that the applicant has agreed never to transfer this license.

25. E 11th Rest Corp, 647 E 11th St (op)

VOTE: To send letter to the SLA, informing them that this applicant has withdrawn its application before Community Board 3 and asking that the SLA not consider any application by this party until they resubmit its application to the Community Board, as required by law.

BOARD VOTE:

34 YES 0 NO 0 ABS 0 PNV (Excluding 5, 16, 17)

0 YES 1 NO 0 ABS 0 PNV (Items 12, 13, 21, 25)

35 YES 0 NO 0 ABS 0 PNV (Item 5, Vote 1)

23 YES 10 NO 2 ABS 0 PNV (Item 5, Vote 2)

22 YES 11 NO 0 ABS 0 PNV (Postpone Items 16, 17)

MOTION PASSED

PARKS & RECREATION COMMITTEE

REPORT: Concerning Committee Votes

Block Party/Street Fair Permit Application:

1. Better Chinatown Society, Mott St. (Canal & Bayard Sts), 7/4

VOTE: To approve the application of Better Chinatown Society for a block party on July 3 on Mott Street between Canal and Bayard Streets.

2. Better Chinatown Society, Mott St (Canal & Bayard Sts), 9/18

VOTE: To approve the application of Better Chinatown Society for a block party on September 18, 2005 on Mott Street between Canal and Bayard Streets.

3. Messiah's Reformed Fellowship, Catherine St (Monroe & Cherry Sts), 7/9

VOTE: To deny the application of Messiah's Reformed Fellowship because the event does not meet Board guidelines because it is not located on the block of the proposed event.

4. Waikiki Wally's, E 2nd St (1st Ave - Ave A), 7/24

VOTE: To table.

5. Vladeck Tenant Association, Madison St (Gouverneur & Jackson Sts), 8/13

VOTE: To table.

6. Sea of Galilee Pentecostal Church, Eldridge St (Delancey & Rivington Sts), 7/9

VOTE: To approve the application of Sea of Galilee Pentecostal Church for a block party.

Parks Permit Application:

7. Papajohn Committee, Tompkins Sq Park, 8/13

VOTE: To approve the Parks Permit application of Papajohn Committee for Tompkins Square Park on August 13, 2005.

8. Postcard Tabling, Ave A & 9th St sidewalk, Tompkins Sq Park, Saturdays May & June

VOTE: To approve the permit Postcard Tabling application of Michael Rosen for Saturdays for the balance of May and for June 2005 in Tompkins Square Park.

9. East Village Community Coalition, Tompkins Sq Park, 6/18

No Vote Necessary

Non-Permit Issues:

10. Issue concerning locking of the Coleman Playground Ballfield

No Vote Necessary

11. McKinley Joint Use Park / Playground: Clarification of park and school jurisdiction, hours for school/afterschool/community use, and Community Board participation in plans and discussion regarding Park / Playground and responses from Park Dept to CB questions

VOTE: To postpone until next month when school will appear."

12. Permitting issues regarding use of tables for literature on sidewalks outside parks

VOTE:

WHEREAS, residents of the Lower East Side have historically and traditionally engaged in first amendment activities, including, but not limited to, engagement in state political processes necessary to place candidates on the ballot and to encourage residents to vote, and to participate in organizing around various social issues that affect members of the community, and they have particularly engaged in these activities in and around the Tompkins Square Park area;

WHEREAS, CB 3 encourages community members to be engaged in social and political issues;

WHEREAS, CB3 and many members of the community live here precisely because of the engaged character of the community;

WHEREAS, CB 3 believes in protecting first amendments rights of its residents;

WHEREAS, CB 3 believes that Parks regulations requiring a permit for a "set up" should not be interpreted as a small table in and around Tompkins Square Park which does not obstruct pedestrians;

WHEREAS, CB 3 understands that the Department of Parks is a busy, overworked and understaffed agency and should focus on quality of life issues that affect the members of the community such as having parks opened and well maintained and safe;

WHEREAS, the Parks Department's sudden decision to interpret and enforce tabling as an activity that requires a permit without discussion or communication with the community, including CB 3; and

WHEREAS CB 3 supports community-based planning and believes that the community board is the structure through which the community can have a voice in decision making;

THEREFORE, CB 3 believes the Parks Department's restrictions requiring a permit and charging for this first amendment activity of tabling on the sidewalks around parks are uncalled for and against community wishes and constitutional rights.

BOARD VOTE:

34 YES 0 NO 0 ABS 0 PNV (Items 1-6, 8)

33 YES 1 NO 0 ABS 0 PNV (Items 7)

27 YES 0 NO 0 ABS 0 PNV (Postpone Item 11)

32 YES 0 NO 0 ABS 0 PNV (Item 12)

MOTION PASSED

TRANSPORTATION COMMITTEE:

REPORT: Concerning Committee Votes

1. Lower Manhattan Development Corporation & NYC Dept of Transportation: Presentation on potential implementation(s) related to the Chinatown Access and Circulation Study, and the Brooklyn Bridge Anchorage Study

No Votes Necessary

2. Request for support for the co-naming of Madison Street as Luis Miranda

No Votes Necessary

3. Request for parking signage change: Madison St North Side - "No Parking Anytime" to "Alternate Side of Street Parking" - this would open approx 20 parking spaces (angular)

VOTE: To ask DOT to restore as much alternate side of the street parking on Madison St between Jackson and Montgomery St as possible.

4. Request for parking signage change: Gouverneur St - "No Parking Anytime" to "Board of Education Parking & Alternate Side of Street Parking" - This would open approx 30 parking spaces (angular)

VOTE: To ask DOT to increase the number of street-side parking spaces on Gouverneur St on the west side of the street between Water and Madison St. It would make more sense if the Board of Ed parking spaces were adjacent to the

University Neighborhood High School building. We ask DOT to come back to CB3 with their proposed changes before implementation.

5. Request for stop signs or speed bumps for Elementary School at Cherry & Montgomery

VOTE: To ask DOT to immediately install stop sign and speed bumps to perform a traffic light study at the corner of Montgomery St and Cherry St. Elementary School PS 137, located on the southwest corner, is a Pre-K through 6 school. Montgomery St is a two-way intersection at the mouth of South Street which is an entrance for the northbound FDR Drive in addition to a southbound exit on South Street. This is a heavy traffic area and the vehicles at times speed up to make the light under the viaduct of the FDR Drive causing children to have to run across the street and has posed a danger to the school crossing guard.

6. Resolution re: Noisy milling and paving street work at night

VOTE:

Resolution re: noisy milling and paving street work at night

WHEREAS, DOT repaves street in a 2 step process. The first involves jackhammering the old street to prepare for paving, and the second step involves actual paving; and

WHEREAS, residents of Community Board 3 have made many complaints regarding the night milling and paving because they were kept awake all night; and

WHEREAS, DOT contractors have permits to do milling and paving work from 7:00 pm to 6:00 a.m.; and

WHEREAS, DOT does all this work at night because some areas require night work so that traffic will not be disturbed and does not differentiate between areas where this is necessary for flow of traffic and where it is not, including highly residential areas and streets; and

WHEREAS, CB 3 believes that much of this milling and paving work can be done without disturbing residents and with some effort and planning by DOT. Much of this work can be done at night. Some contracts can be for daytime where it would not impede traffic to close streets for a day or two. Avenues can be worked on a lane at a time as has been done in the past; and

WHEREAS, night time noise that prevent residents from sleeping at night, including young children who must awake early to attend school, is a quality of life issue in which violations have been abusive in the Community Board 3 area; now

THEREFORE BE IT RESOLVED, that CB 3 requests that DOT improve the quality of life for Community Board 3 residents by not scheduling milling and paving at night and therefore not creating unnecessary night time noise.

7. Mariners' Temple Baptist Church request for support for the co-naming of Oliver Street as Mariners'

Temple Lane & Henry St as Henry Rutgers St

VOTE: That CB3 supports Mariners' Temple Baptist Church in co-naming Oliver St with "Mariners' Temple Lane." The Mariners' Temple Baptist Church is on the oldest site for continuous Baptist worship in New York City, and recently celebrated their 210th year on this historical site. Mariners' Temple Baptist Church was the first church in New York City and the United States devoted exclusively to sailors and their families who docked at the nearby harbor.

8. CCM Lopez: resolution opposing automation of the L train

No Votes Necessary

9. Community Board #1, Queens: resolution supporting Accessible Pedestrian Signal

VOTE:

WHEREAS, the City Council member Gale Brewer has been advocating that the Department of Transportation (DOT) install accessible pedestrian signals at major NYC intersections; and

WHEREAS, earlier this year Council member Gale Brewer has introduced a bill in the City Council to require DOT to install at least 10 such signals over the first year; and

WHEREAS, NYC has 159,000 crosswalk intersections in the five boroughs; and

WHEREAS, the purpose of these signals is to provide all the information conveyed by the visual signals to persons who have a disability which impedes processing of visual information; now

THEREFORE BE IT RESOLVED, that Community Board 3 – Manhattan supports the principle of accessible pedestrian signals; and

BE IT FURTHER RESOLVED, that Community Board 3 – Manhattan believes that 10 signals out of 159,000 crosswalks is far too small a number, at least 25% of the 159,000 crosswalk intersections should have the accessible pedestrian signals installed; and

BE IT FURTHER RESOLVED, that Community Board 3 – Manhattan recommends that all new installations should be fully accessible pedestrian signals.

10. Extend Orchard St Pedestrian mall on Sundays from Delancey down to Hester St

VOTE: To ask DOT to study the feasibility of closing the length of Orchard St for the 2 blocks between Delancey and Grand St on Sundays between 8AM and 6PM, if the Lower East Side BID chooses to proceed with plans to extend the Orchard St pedestrian mall for a trial 3 month period between September and November 2005. CB3 understands that the BID will be planning the logistics of the proposed extension, and will be involving the affected merchants in the planning process, and has agreed to appear at the June 2005 meeting of the SLA/Economic Development committee to present these plans.

11. DOT: Add bike lanes from the west end of the East River Park pedestrian bridge at Delancey St South to the FDR service road, continuing along the FDR service road south to Grand St, and on Lewis St from Grand St to Delancey St South, and on Clinton St from Grand St to Delancey St South

No Votes Necessary

12. DOT: Install signage on Grand St, Delancey St, Houston St and the FDR directing trucks to the designated truck routes on Pike St/Allen St, Chrystie St and the Bowery

VOTE: That CB3-Manhattan write letter to DOT asking that they to install positive directional signage on Grand St, Delancey St and Houston St directing trucks to the designated truck routes on Pike St/Allen St, Chrystie St and the Bowery. Trucks routinely violate the traffic rules and regulations by leaving the designated truck routes to drive through local residential streets.

An operator of any truck is not supposed to leave the through or local truck routes except "for the purpose of leaving his/her origin or arriving at his/her destination." However, trucks routinely deviate from the through and local truck routes and attempt short-cuts on the narrow surrounding residential streets. The through or local truck routes in the CB3 district are First Ave/Allen/Pike St, Second Ave/Chrystie St, Third Ave/the Bowery, Houston St west of First Ave/Allen St, Delancey St west of the Williamsburg Bridge, Grand St west of Allen St, Division St west of Allen/Pike St, and Worth St west of the Bowery.

The CB3 district also has limited truck zones which are more restricted, "for the purpose of making a delivery, loading or servicing within said zone." However, trucks do inappropriately enter the limited truck zones, often getting stuck because the streets are extremely narrow. The limited truck zones in the CB3 district are in the historic core of Chinatown (bounded by Canal St, Baxter St, Worth St and the Bowery) and a neighboring portion of the Lower East Side (bounded by East Broadway, Division St, St. James Pl, the Brooklyn Bridge, South St, and Montgomery St).

The following extract from the Delancey Street Transportation Study released by DCP in late 2004 recommended positive directional signage and enforcement actions to address these problems along the Delancey Street corridor.

To improve access and circulation within the study area, the implementation of a comprehensive truck signage program is recommended. The directional signage should be installed at the foot of the Williamsburg Bridge. This signage should direct truck drivers to the nearest local truck route and it should be installed in the westbound direction for the trucks coming from Brooklyn. The truck routes should be clearly designated with directional signage, providing truck drivers with information along the designated truck routes to direct heavy vehicles away from residential streets. The following locations should be considered along Delancey Street:

In the westbound direction:

- At the approach to Allen Street
- At the approach to Chrystie Street
- At the approach to the Bowery

In the eastbound direction:

- At the approach to Chrystie Street
- At the approach to Allen Street

Additionally, traffic enforcement is also recommended within the Williamsburg Bridge area from 8AM to 6PM, to increase the effectiveness of the signage improvements and direct heavy vehicles away from residential streets.

Clearly truck operators do not have the truck routes memorized, or they choose to ignore the regulations. CB3-Manhattan completely agrees with the recommendations of the DCP Delancey Street Transportation Study, and requests DOT to implement a more comprehensive truck signage program that addresses the Houston St and Grand St corridors as well as Delancey St.

13. Pathmark: request to convert the portion of Pike Slip adjacent to the supermarket property located at the intersection of South Street, Pike Slip and Cherry Street to a "No Parking - Loading Zone" designation to enable deliveries of grocery shipments be made more efficiently

VOTE: That CB3-Manhattan does not support conversion of the portion of Pike Slip adjacent to the supermarket property located at the intersection of South Street, Pike Slip and Cherry Street to a "No Parking - Loading Zone". We feel that there is sufficient space in the Pathmark parking lot for the "maneuvering and swapping" of trailers. Furthermore, the Pike Slip corridor is an entryway to the soon-to-be-developed waterfront, and this loading zone would interfere with those revitalization efforts.

14. DOT: Unfortunately, Grand Street is not wide enough for four moving lanes and bicycle lanes, so we must choose between (1) preserving two moving lanes for motor vehicles in both directions on Grand Street between East Broadway and Norfolk Street with no bike lanes, or (2) installing bike lanes alongside one moving lane in each direction, with new left turn bays at all receiving intersections (Essex, Clinton, Pitt/Montgomery, etc.) and a right turn bay at Norfolk to organize existing motor vehicle movements

VOTE: To amend 2005 motion as follows: That CB3-Manhattan supports a modified version of the DOT proposal for adding striped bike lanes on the Lower East Side. DOT proposed the following routes, which we understand will be installed without loss of street-side parking:

- On Montgomery Street from the FDR Drive to Grand Street;
- On Madison Street from Gouverneur Street to Pike Street.

CB3 would also like to see measures to safely connect the bicycle lane network to the Williamsburg Bridge, since the recommended route from Grand Street is to ride on Clinton Street and cross the very dangerous intersection at Delancey Street.

CB3 does not support installation of bike lanes on Grand Street at this time. CB3 does not support reducing Grand Street between East Broadway and Norfolk Street from two moving lanes in each direction to one moving lane in each direction nor in eliminating any streetside parking. CB3 wants to see detailed drawings showing the widths of all proposed lanes on Grand Street from the FDR Drive to Columbia Street/Abraham Kazan Street (the two moving lanes for vehicles, the bike lanes and the street-side parking), and the configuration at each intersection.

CB3 does not support the DOT proposals for changing right-turn lanes. Instead of eliminating the dedicated right-turn lane for northbound Montgomery Street to turn onto Grand Street, please replace it with a dedicated right-turn lane. Because two moving lanes will be preserved in each direction on Grand Street, it would not be possible to install a dedicated right-turn lane for westbound traffic.

BOARD VOTE:

31 YES 0 NO 0 ABS 0 PNV (Excluding Item 14)

29 YES 2 NO 0 ABS 0 PNV (Item 14)

MOTION PASSED

MEMBERS PRESENT AT LAST VOTE:

David Adams [P]	Carlos Juan Gonzalez [P]	Dominic Pisciotta [P]
Michael Auerbach [P]	Herman Hewitt [P]	Barden Prisant [P]
Rev. Joan Brightharp [E]	Keisha Hogans [P]	Joyce Ravitz [A]
Roberto Caballero [A]	Carolyn Jeffers [P]	Lois Regan [E]
Mayra Cappas [A]	Barbara Jeter [A]	Verina Reich [P]
Rick Carman [P]	Anne Johnson [P]	Richard Ropiak [P]
David Crane [P]	Joel Kaplan [P]	Estelle Rubin [P]
Elizabeth Cruse [P]	Lisa Kaplan [P]	Eunice Samuels [A]
Andrea Diaz [P]	Jennifer Lim [P]	Deborah Simon [E]
David Diaz [A]	Bernice McCallum [P]	Nancy Rose Sparrow-Bartow [P]
George Diaz [A]	David McWater [P]	Harold Stelter [P]
Harvey Epstein [P]	Alexandra Militano [E]	Steven Tin [A]
Morris Fajtelewicz [P]	Lillian Moy [P]	David Weinberger [P]
Anthony Feliciano [P]	Jason Nagel [P]	Harry Wieder [P]
Rabbi Y.S. Ginzberg [P]	Roberto Ortiz-Arroyo [P]	Samuel Wilkenfeld [P]

MEETING ADJOURNED: 10:46