



# THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD NO. 3

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David McWater, Board Chair

Susan Stetzer, District Manager

September 2007 Full Board Minutes

Meeting of Community Board #3 held on September 25, 2007 at 6:45 at 166 Essex St

#### Public Session:

Ziedah Giovanni: from the Governor's Office. Governor wants to be more accessible to Community Boards and local Communities. Her phone number is 212-417-2052. She urges anyone with problems with state agencies to contact her.

Nancy Ploeger: from the Manhattan Chamber of Commerce. There will be a volunteer expo on October 13th. The idea is to get volunteers for local non-profits.

Sean Holitz: speaking for renewal of liquor license of 511 East 6th St (Identity). He has petition of people in the neighborhood for approve of the renewal.

Alfredo Feliciano: from the Children's Magical Garden. Developer is trying to destroy the garden. Alan Gerson and Scott Stringer are among Alfredo's supporters. He is trying to get the city to install speed bumps or signs in the surrounding area of the school to make the area safer for children.

William Purdy: speaking in favor of Identity Bar renewing its liquor license. William is a law professor. William goes to the bar once or twice a month with a bunch of Beatles Fans. He has witnessed the managers being very responsible to his neighbors concerns. He does not believe that the volume rises to the level that would require a summons.

Michael Imperiale: spoke about Frieda Zames. He is from DIA (Disabled in Action), a civil rights group.

Nasser Chorchin: would like his restaurant (76 Ave B) to have a liquor license.

#### Public Officials:

Mayor Michael Bloomberg, Lolita Jackson & Pauline Yu: Not present

Comptroller William Thompson, Rafael Escano: Not present

Public Advocate Betsy Gotbaum, Tom Lynn: The Public Advocate has created an education hotline for parents to call for help. The Public Advocate has also created a senior citizens guide.

Borough President Scott Stringer, Gregory Brender: Regarding, 47 East 3rd St. Manhattan Borough President submitted a friend of the court brief on behalf of the tenants in their lawsuit. Manhattan Borough President is hosting education conference at New School on Oct. 20.

Congressmember Carolyn Maloney, Victor Montesinos: released statement condemning Bush for withholding aid from the UN Population Fund.

Congressmember Jerrold Nadler, Erin Drinkwater: Not Present

Congressmember Nydia Velazquez: Not Present

Assembly Speaker Sheldon Silver, Paul Goldstein: serves as District Office Director for Speaker Silver. He was District Manager for Community Board One. He introduced staffers, Simone Levine, Zach Bommer and Michael Chan.

Assemblymember Deborah J. Glick, Bess Matassa: Sponsored bill which passed that bans electrocution of animals. Glick came out in opposition to new policy for Filming. Assemblymember wrote to education department stating that NYC new Contract for Excellence did not adequately address reduction in class size.

Assemblymember Brian Kavanagh, Mary Cooley: Sponsored Shelter Allowance bill which became law. Introduced a bill that would ban the use of Styrofoam in takeout restaurants.

State Senator Martin Connor, Eva Rippeteau: Senator Connor submitted testimony on DHCR Regulation Change. Senator Connor works with CB and EDC to try to acquire Essex Street Market, Building D for Community Use.

State Senator Thomas K. Duane, David Chang: Financial Forum at Asher Levy (PS 19) at 185 First Ave on Oct. 2 at 6:30 PM

Councilmember Alan Gerson, Michael Ragolia: Councilmember will lead a rally at October 8th to reopen bathhouses. Two bills he is sponsoring will be introduced September 26. The first bill is about repairing sidewalks. The second bill concerns the use of steel plates on city streets. Senior Safety Expo, Wednesday October 3rd at Confucious Plaza, 33 Bowery

Councilmember Rosie Mendez, Jessica Nepomiachi, Lisa Kaplan: Rosie joins 515 East 5th St. Tenants Association in celebrating Board of Standards and Appeals (BSA) Victory. Many buildings are violating the Sliver Law. The BSA is not appropriately enforcing the Sliver Law. On Sept 26, Rosie and Gerson are co-hosting a Childcare conference. There will be a housing rally on Oct 4th at City Hall.

Members Present at First Vote:

David Adams [P]	Bonnie Hulkower [A]	Lois M. Regan [P]
Paul Bartlett [P]	Carolyn Jeffers [P]	Richard F. Ropiak [P]
Mayra Cappas [P]	Anne K. Johnson [P]	Estelle Rubin [A]
Wendy Cheung [A]	Joel Kaplan [P]	Elizabeth Sgroi [P]
Pearl Chin [A]	Sam Krueger [P]	David Silversmith [P]
Rocky Chin [P]	John Leo [P]	Deborah A. Simon [A]
David Crane [P]	Eden Lipson [A]	Pia Simpson [A]
Andrea Diaz [P]	Bernice McCallum [A]	Arlene Soberman [A]
George Diaz [P]	David McWater [P]	Nancy Rose Sparrow-Bartow [P]
Harvey Epstein [P]	Alexandra Militano [P]	Elinor Tatum [P]
Morris Faitelewicz [P]	Lillian Moy [A]	David Weinberger [A]
Beth From [P]	Thomas Parker [P]	Nina Werman [A]
Rabbi Y. S. Ginzberg [P]	Dominic Pisciotta [A]	Harry Wieder [P]
Gloria Goldenberg [P]	Barden Prisant [P]	Samuel Wilkenfeld [P]
Alexander Gonzalez [P]	William Ramos [P]	Noah Yago [P]
Guido Hartray [P]	Carolyn Ratcliffe [P]	Thomas Yu [P]
Herman F. Hewitt [P]	Joyce Ravitz [P]	

Minutes:

Minutes of June 2007 were approved, as is.

Board Chairperson's Report:

Chairperson David McWater:

Chairperson had a good meeting at Real Estate Committee concerning NYU expansion. They are dramatically expanding over the next 25 years. Housing Committee bought up ideas for ways to NYU to compromise with CB3. Chairperson had a meeting with the Vice-Chairs to take a roll as a liaison to each of the five standing committees. Chairperson is happy that Manhattan Borough President is bringing attention to the issue that military recruiters are recruiting almost solely at low-income high schools.

District Manager's Report:

Mayor's office on film and broadcasting had meeting today for district managers. There is increased filming and will continue to increase. 6 new TV pilots based in NYC have been picked up along with increased numbers of movies there is also a potential strike of many workers in various areas of the industry planned for June—so production companies are working to wrap up as much as possible before then. Board 2 has the biggest burden by CB 3 bears burden of a great portion of filming. Harlem and Brooklyn Heights are also popular areas.

There are currently 100,000 people in NYC employed in movie and movie-related industries—I do not know how many are New Yorkers.

Film office is reaching out through community boards to communities. They want feedback on problems. At the meeting I discussed several issues—one is that the office can help a lot to ease burden of movies by working with production crew on best parking areas, placement of generators, places to rent. However, we have many films and we are already overburdened—so we need more resources. This is something we should bring up at police consultation—we need the police film unit increased to cope with increased filming. Also, if we had more resources in the office, we could work better with the production crews and mayor's office to monitor and help make as smooth as possible.

There is a vendor discount program—vendors can register and their business goes on list to all employees in the industry ion hopes of bringing more business to local businesses.

There is also a cultural program that gives money to cultural institutions and I have a call in to the person in charge to see how this can benefit our community.

Please send any complaints to the office while there is a problem. I cannot do anything about a problem that no longer exists. I can call the mayor's office and the police film unit directly—and they are responsive. Also, complaints give them feedback for education production crews for the future.

I continue to get rat complaints—this has been going on for several years and I believe is partially due to all the construction. I am having a meeting Oct. 1 to try to get a proactive program and well as target certain areas. Please let me know this week if you have specific areas to target-and please be specific. I would like to try to arrange walkthroughs in problem areas with residents and agencies.

The city has new homeless outreach providers for our area. BRC formerly did all outreach. Now there is a consortium headed by Goddard Riverside. They attended the last District Service Cabinet meeting to coordinate with police and parks—but I think we are all concerned how different providers and lack of resources will work. We will meet again in about 2 months to see how it is going and to see where there are problems

DOT and Fire Dept. has increased inspections since Deutche bank accident.  
Commercial noise complaints

Committee Reports:

**Executive Committee**

1. Exec Committee Item 1

**VOTE:**

1. CB3 wants the market restriction on Building D to be lifted and asks that all of the involved parties work towards that goal.
2. If the restriction cannot be lifted, CB3 wants the maximum allowable space to be reserved for free community use, and CB3 wants the definition of "market related use" to be stretched as far as possible to allow for the maximum diversity possible. As well, CB3 does not want Building D to be saddled with the necessity of making a "significant" profit.
3. If the RFP is released, CB3 wants it to be tailored to encourage small local businesses and organizations to send proposals. CB3 would want it to encourage businesses that promote a sense of community and family participation. CB3 specifically does not want bars, high end retail or restaurants, or chains to be favored.

Substitute Motion from Rocky Chin: Barden Prisant spoke against motion. David McWater spoke in favor.  
Substitute Motion passed

**VOTE:** Manhattan CB3 strongly disagrees with EDC's proposal to continue the "market" designation for the Essex St. Market, Building D and believes the building should be turned over to a community based non-profit.

WHEREAS, utilization of the building as a market will contribute to the already accelerated gentrification of the Lower East Side; and

WHEREAS, the Lower East Side is already over saturated with nightlife establishments and restaurants, making this a bad site for either. The Lower East Side has one of the highest rates of noise complaints and 311 complaints as regards more nightlife complaints than any community in the City. Currently CB3 takes a negative stand on many liquor license applications and regards all food and beverage operations regardless of alcohol status as contributing to these problems, which will hinder the ability of any of these vendors to have a viable business; and

WHEREAS, Essex St. Market C already has small food purveyors, putting the same in building D would be unfair to the city's current tenants; and

WHEREAS, the "Market" designation is not part of the current zoning code and needs to be removed in the interest of modernization and consistency; and

WHEREAS, the "Market" designation was originated by Mayor LaGuardia to help the community by taking pushcarts off the streets, this designation is now out of step with the needs of the community. The designation of this building should be updated to keep in step with the needs of the community; and

WHEREAS, the City was willing to remove the designation to allow for a "Mayoral Priority" the night club, CBGB's to move into the site; and

WHEREAS, the City already receives some income from this property as it has two currently rented units facing Delancey St.; and

WHEREAS, Building D is one of the last opportunities for a community center in the Lower East Side as more than a 1000 city owned properties have been disposed in the last 10 year; and

WHEREAS, CB3 and the area surrounding the Market are low income areas, in fact the Market is in an Urban Renewal Area, it should be for the community; and

WHEREAS, the city has legitimate offers to build a free to the public community center in the site; and

WHEREAS, eventually the building will be destroyed as SPURA is built on, making it a bad location for expensive development; and

WHEREAS, EDC claims the rentals would be market rate, those at building C are considerably below market rate of the area. If this occurs at building D it will give the lessee(s) an unfair competitive advantage in a neighborhood over saturated with the same type of business' that are already struggling to survive. This competitive disadvantage would skew the playing field so much as to be wholly unfair to those business' currently existing (but being price out) in the neighborhood; and

WHEREAS, our community is badly in need of an free or affordable community facility, and as such badly in need of this building; now

THEREFORE, BE IT RESOLVED, that CB3 insists that the City of New York immediately go to ULURP with building D, removing the Market designation, and preparing this building to be given to an appropriate non-profit.

2. Exec Committee Item 2

**VOTE:** That Community Board #3 will co-sponsor a series of forums with community groups and the Board of Elections to educate non-English speaking people in our community to register them to vote and assist them in the voting process.

(Executive Committee, as amended)

29 YES 1 NO 6 ABS 0 PNV MOTION PASSED

**CB 3 Public Hearing for Fiscal Year 09 District Budget Priorities**

No vote necessary

**Human Services & Seniors Committee**

No meeting scheduled

**Youth & Education Committee**

No meeting scheduled

**Ethics, Bylaw & Procedures Committee**

No meeting scheduled

**SLA & Economic Development Committee**

**Renewal with Complaint History**

1. Grand Central, 211 Ave A

**VOTE:** To deny the renewal of the full on-premise liquor license to Grand Central, 211 Avenue A, unless the applicant agrees before the SLA to incorporate as conditions of its license the following signed and notarized stipulation that it will 1) utilize an ID checker at the door during all hours of operation, 2) employ only licensed security and TIP certified bartenders, 3) maintain volume controls on its sound system to minimize the volume and bass, and 4) post signs on its storefront asking patrons to be quiet and respectful of neighbors.

2. YSAN Corp (d/b/a: The Cock), 29 2nd Ave

**VOTE:** To deny the renewal of the full on-premise liquor license to YSAN Corp (d/b/a: The Cock), 29 Second Avenue, unless the applicant agrees before the SLA to incorporate as conditions of its license the following signed and notarized stipulation that it will 1) employ two (2) security guards who will be stationed at the door during all hours of operation, and 2) post signs on its storefront asking patrons to be quiet and respectful of neighbors.

3. Identity, 511 E 6th St

**VOTE #1 (WHICH DID NOT PASS):** To deny the renewal of the full on-premise liquor license for Identity, 511 East 6th Street, because 1) this establishment is in an old tenement building that cannot contain the noise from music and patrons, 2) the applicant had been previously warned that he would be unable to contain the noise from this type of business, to wit a bar/club, at this location and that the residential character of the street was incompatible with his business, and 3) the applicant has been unable to operate legally, in that he has been nuisance abated for selling alcohol to minors on five (5) separate occasions.

**VOTE #2 (WHICH DID NOT PASS):** To deny the renewal of the full on-premise liquor license to Identity, 511 East 6th Street, unless the applicant agrees before the SLA to incorporate as conditions of its license the following signed and notarized stipulation that it will 1) install double doors on the façade of its establishments

within sixty (60) days to minimize noise emanating from open doors, and 2) employ security guards who will be stationed at the door during all hours of operation, Wednesdays through Sundays.

**VOTE #3:** To deny the renewal of the full on-premise liquor license for Identity, 511 East 6th Street, a bar, because 1) when the original application was denied by Community Board #3 in 2003, the applicant was warned that the prior bar at this address had a long history of noise complaints because the inadequate construction of the old low-rise tenement in which it was located could not contain the noise from such an establishment and because the street itself is narrow and small and consists of small-scale residential apartment buildings, 2) the aforementioned conditions at this location, as well as the cumulative impact of the adjacent four (4) full on-premise liquor licenses on the quality of life of residents on this small residential side street have resulted in this block being added to Community Board #3's resolution prohibiting the approval of any additional licenses, 3) this applicant has been cited for five (5) sales of alcohol to minors, unlicensed security and unlicensed cabaret, resulting in a nuisance abatement by the City of New York in June of 2006, and 4) these and the numerous 311 complaints in 2007 of noise from loud music and patrons emanating from this establishment, including through its open door, demonstrate that this applicant is not operating in a manner that is safe or compatible with the residential character of this street.

#### Sidewalk Café Application

4. American Grill, 117 2nd Ave

Withdrawn

#### Alterations/Transfers/Upgrades

5. A San Fuzhou Restaurant, 7 Eldridge St (trans/rw)

**VOTE:** To approve the transfer of a restaurant/wine license to A San Fuzhou Restaurant, 7 Eldridge Street, with the understanding that the method of operation as a Chinese restaurant will remain the same.

6. K Bloom Realty LLC, 192-196 2nd Ave (trans/op)

**VOTE:** To deny the transfer of the full on-premise liquor license to K Bloom realty, 192-196 Second Avenue, unless the applicant agrees before the SLA to incorporate as conditions of its license the following signed and notarized stipulation that it will 1) not have promoted events, DJs, live music, any event at which a cover fee is charged or scheduled performances.

7. Mudspot, 307 E 9th St (up/op)

Withdrawn

8. Grill Art, 99 2nd Ave (up/op)

Withdrawn

9. 159 E Houston St (trans/op)

**VOTE:** To deny the transfer of the full on-premise liquor license to 159 East Houston Street, unless the applicant agrees before the SLA to incorporate as conditions of its license the following signed and notarized stipulation that it will 1) be open from 7:00 P.M. to 2:00 A.M. Mondays through Wednesdays, 7:00 P.M. through 3:00 A.M. Thursdays through Saturdays and 5:00 P.M. to 1:00 A.M. Sundays, 2) maintain two (2) security persons at the front door 3) only have amplified live music in the basement, 4) have only acoustic music on the ground floor and any musicians playing on the ground floor will be located in the back of the establishment, away from the entrance, 5) keep the façade doors closed after 10:00 P.M., 6) install soundproofing, and 7) operate as a tavern/café, serving food within one hour of closing.

10. Taffy Inc, 85 Ave A (trans/op)

Withdrawn

11. Totof, 168 Ave B (trans/rw)

**VOTE:** To approve the transfer of a restaurant/wine license to Totof, 168 Avenue B, with the understanding that the method of operation as a French restaurant and the business name of 26 Seats will remain the same and that it will close at 11:00 P.M. every night.

12. Pastabar, 127 Ave C (up/op)

MOVED TO ITEM 30

13. Revolver, 210 Rivington (trans/op)

Withdrawn

#### New Liquor License Applications

14. Cooper Square Hotel, 25-33 Cooper Sq (hotel)

Withdrawn

15. Horse Crazy, 47 Canal St (rw)

**VOTE:** To deny the application for a restaurant/wine license for Horse Crazy, 47 Canal Street, because 1) there has been a recent proliferation of applications for bars on this block, as well as in the nearby area, 2) the applicant is intending to operate a karaoke lounge on the third floor of a seven-story building, which has live/work apartments on four (4) of the five (5) surrounding floors, and utilize a common stairway for access by both patrons and residents, 3) the applicant has offered no security plan to protect residents of this building from patrons or plan to control crowds on the street, 4) the applicant has stated that he intends to convert the freight elevator of this building for patron use but he has not yet been approved by the Buildings Department and has been doing construction without a permit which demonstrates his likelihood of violating the Alcohol Beverage Control Law, 5) there has been consistent opposition to additional licenses being issued on this street by residential tenants of surrounding buildings who have appeared before this community board to speak against applications at 27 Canal Street, 37 Canal Street and 46 Canal Street and the applicant has furnished no petitions signed by residents who are in support of the proposed establishment, 6) one of the principals of this proposed business was employed at the karaoke lounge located at 46 Canal Street, which was closed numerous times by

police for illegal conduct, and 7) this applicant is only seeking to serve four (4) snacks, therefore, food service is only incidental to the service of alcohol.

16. Christopher Chestnut, 231 E 9th St (rw)

Withdrawn

17. Café Khufu, 61 E 3rd St (rw)

Withdrawn

18. Blue Moon Hotel, 100 Orchard St (op)

**VOTE:** To deny the application for a full on-premise liquor license to Blue Moon Hotel, 100 Orchard Street, unless the applicant agrees before the SLA to incorporate as conditions of its license the following signed and notarized stipulation that it will 1) have his event space open from 12:00 P.M. to 11:00 P.M. every day for catering and dining, and 2) operate said space as a full service restaurant with an acoustic piano bar, serving Eastern European and Italian food, during all operating hours when it is not being used for events.

19. Vong LLC, 1 Essex St (rw)

Withdrawn

20. Atomic Wing, 184 1st Ave (rw)

**VOTE:** To deny the application for a restaurant/wine license to Atomic Wing, 184 First Avenue, unless the applicant agrees before the SLA to incorporate as conditions of its license the following signed and notarized stipulation that it will 1) maintain the existing method of operation as an eat in/take out establishment, serving food during all hours of operation, and 2) maintain its operating hours of 11:00 A.M. to 12:00 A.M. daily.

21. Gavin Whiston, 540 E 5th St (op)

**VOTE:** To deny the application for a full on-premise liquor license for Gavin Whiston, 540 East 5th Street, because the applicant did not appear before Community Board #3 for review of its application or provide any application materials to review.

Applications within Resolution Areas

22. The White Building, 6 Clinton St (rw)

Withdrawn

23. 11B, 174 Ave B (rw)

**VOTE:** WHEREAS, 11B, 174 Avenue B between 10th and 11th Streets, is seeking to obtain a restaurant/wine license to operate a "pizzeria-style" restaurant in a location which was never before operated as an eating/drinking establishment and was previously operated as a clothing store; and

WHEREAS, this applicant had been previously denied by the SLA for both a full on-premise liquor license and a restaurant/wine license and had been denied by a New York State Supreme Court Judge in its petition to challenge the SLA's denial of its restaurant/wine application; and

WHEREAS, during the course of its previous hearing for a restaurant/wine license before the SLA, a determination was made that the applicant had materially misrepresented his method of operation, in that he had omitted certain information from his application although advertising same, that being that he could accommodate more than 100 people, host parties and stay open until 4:00 A.M.; and

WHEREAS, there has been demonstrated community opposition to this restaurant/wine application from residents of surrounding buildings, the 11th Street Block Association, the pastor of Father Heart Ministry, a church within 125 feet of this location, the commanding officer of the 9th Precinct of the New York Police Department and elected officials; and

WHEREAS, there are five (5) licensed establishments on Avenue B between 10th and 11th Streets, four (4) of which have full on-premises liquor licenses; and

WHEREAS, there are five additional licensed establishments on Avenue B between 11th and 12th Streets, four (4) of which have full on-premise liquor licenses and sixteen (16) licensed establishments between 10th and 14th Streets overall, excluding retail licenses; and

WHEREAS, Avenue B is plagued by overwhelming pedestrian and vehicular traffic, late night horn honking and overwhelming noise emanating from businesses and from patrons as they move between businesses as a result of so many licensed establishments within close proximity to each other; and

WHEREAS, the local police precinct, although it has quadrupled its cabaret unit in recent years, is still overwhelmed with the regulation and oversight of these existing locations and does not have the resources to monitor an increase in traffic congestion, people on the streets and address crime, as well;

WHEREAS, there are a number of characteristics of this location which demonstrate that it will not be used exclusively as a restaurant, that being 1) that a substantial portion of this location consists of a forty (40) foot bar, with at least twenty-six (26) feet devoted to patron seating, 2) that it has two (2) wide screen televisions, 3) that it has a sound system, 4) that it does not have a full kitchen; and

WHEREAS, despite the extensive hearing process that it has already undergone, in which the circumstances of this immediate area were discussed at length, this applicant remains apparently unaware of the potential impact this corner establishment may have on the area's already noisy and overcrowded conditions, in that he has not altered his plans by decreasing the length of his bar or voluntarily minimizing the hours that his multiple French doors would be open; now

THEREFORE, BE IT RESOLVED, that Community Board #3 moves to deny the restaurant/wine license for 11B, 174 Avenue B, as the applicant has failed to appear or establish that its business would promote public benefit and convenience.

24. 151 Ave C Restaurant, 151 Ave C (rw)

Withdrawn

25. CBG Restaurant, 76 Ave B (rw)

**VOTE:** WHEREAS, CBG Restaurant, 76 Avenue B, between 5th and 6th Streets, is seeking to obtain a restaurant/wine license to operate an Italian restaurant in a location which was never before operated as an eating/drinking establishment and was previously operated as a grocery store with a retail license; and

WHEREAS, Avenue B is a narrow two-lane street that runs for fourteen (14) blocks, from Houston Street to Delancey Street, and which physically narrows between Fourth and Houston Streets, increasing already significant traffic congestion; and

WHEREAS, there are at least fourteen (14) licensed establishments within 500 feet of the applicant, between 3rd and Fourth Streets on Avenue B, on Fourth Street between Avenues A and B, and on 6th Street between Avenues A and B; and

WHEREAS, Avenue B is presently overwhelmed by nighttime licensed establishments of all types, as well as incredible vehicular and pedestrian traffic congestion attendant to the volume of these businesses; and

WHEREAS, Avenue B between Fourth and Houston Streets may be the single worst area in the 9th Precinct in terms of degraded quality of life the result of so many licensed establishments within close proximity to each other, overwhelming pedestrian and vehicular traffic, patrons congregating in the street itself, late night horn honking and overwhelming noise emanating from businesses and from patrons as they move between businesses; and

WHEREAS, the local police precinct, although it has quadrupled its cabaret unit in recent years, is still overwhelmed with the regulation and oversight of these existing locations and does not have the resources to monitor an increase in traffic congestion, people on the streets and address crime, as well;

WHEREAS, these persistent detrimental conditions have resulted in the 9th Precinct and Community Board #3 petitioning the Department of Transportation to eliminate weekend nighttime parking on one side of Avenue B, between Fourth and Houston Streets, to alleviate the existing pedestrian and traffic congestion and to minimize noise; and

WHEREAS, there has been consistent opposition from the residential community to new liquor licenses because of the nighttime noise and congestion from the existing licensed establishments in this area; and

WHEREAS, CBG Restaurant has an apparent disregard of these existing conditions, in that it has stated in its community board questionnaire that it will install French doors on its façade, which will augment the already overwhelming noise and congestion on this street and it has failed to create a plan address any potential impact it may have on the vehicle and pedestrian congestion on Avenue B, although it is longstanding and well documented; and

WHEREAS, there are at least two (2) Italian restaurants located within close proximity to the applicant, on Fourth Street between Avenues A and B; now

THEREFORE, BE IT RESOLVED, that Community Board #3 moves to deny the restaurant/wine license for CBG Restaurant, 76 Avenue B, as the applicant has failed to establish that its business would promote public benefit and convenience

26. La Botica, 91 Clinton St (op) - NOTE: ITEM IS NOT WITHIN RESOLUTION AREA

**VOTE:** To deny the application for a full on-premise liquor license for La Botica,, 91 Clinton Street, because 1) this location has never before been operated as a licensed establishment and was previously operated as a toy and gift shop, 2) Clinton Street is a small, narrow, one lane residential street which is only three (3) blocks long, running between Houston and Delancey Streets, and which has heavy vehicular traffic (3) it functions as a through-street for traffic traveling north from the Williamsburg Bridge to the FDR and Avenue B, (4) in recent years and despite its small size, Clinton Street has had to absorb the accumulation of eighteen (18) licensed

establishments, most of which are within 500 feet of the applicant, (5) this applicant previously appeared before Community Board #3 seeking to obtain a full on-premise liquor license to operate an establishment focusing on the service of Mezcal Tequila and now appears before this community board to obtain approval for a full on-premise liquor license to offer tea-inspired liquor-based drinks in conjunction with its operation as a tea house, (6) this applicant has offered as part of its application a menu of four (4) liquor-based drinks as a minimal and incongruous amenity to its service of tea but conceded, during its community board hearing that it would be willing to offer liquor by itself upon request, and (7) there is no public benefit to a liquor licensed tea house located on Clinton Street.

27. Eat Pisode, 123 Ludlow St (rw)

**VOTE:** WHEREAS, Eat Pisode is applying for a restaurant/wine license for 123 Ludlow Street and did not appear before Community Board #3 for review of its application or provide any application materials, other than the community board questionnaire, to review; and

WHEREAS, Ludlow Street is an extremely old, narrow street, historically comprised of low-rise tenements and small-scale manufacturing and retail; and

WHEREAS, Ludlow Street is presently overwhelmed by nighttime licensed establishments of all types, as well as incredible vehicular and pedestrian traffic congestion attendant to the volume of these businesses; and

WHEREAS, Ludlow Street may be the single worst area in the 7th precinct in terms of degraded quality of life the result of so many licensed establishments within close proximity to each other, overwhelming pedestrian and vehicular traffic, patrons congregating in the street itself, late night horn honking and overwhelming noise emanating from businesses and from patrons as they move between businesses; and

WHEREAS, these persistent detrimental conditions have resulted in the 7th Precinct and Community Board #3 petitioning the Department of Transportation to eliminate weekend nighttimes parking on one side of Ludlow Street, between Houston and Delancey Streets, to alleviate the existing pedestrian and traffic congestion and to minimize noise; and

WHEREAS, Eat Pisode has an apparent disregard of these existing conditions, in that it has stated in its community board questionnaire that it has installed accordion doors on its façade and is seeking to open a sidewalk café, both of which will augment the already overwhelming noise and congestion on this street; now

THEREFORE, BE IT RESOLVED, that Community Board #3 moves to deny the restaurant/wine license for Eat Pisode, 123 Ludlow Street, as the applicant has failed to appear or establish that its business would promote public benefit and convenience

28. 156 Ludlow St (op)

**VOTE:** WHEREAS, this applicant is applying for a full on-premise liquor license for 156 Ludlow Street and did not appear before Community Board #3 for review of its application or provide any application materials to review; and

WHEREAS, 156 Ludlow Street has never before been operated as a licensed establishment; and

WHEREAS, Ludlow Street is an extremely old, narrow street, historically comprised of low-rise tenements and small-scale manufacturing and retail; and

WHEREAS, Ludlow Street is presently overwhelmed by nighttime licensed establishments of all types, as well as incredible vehicular and pedestrian traffic congestion attendant to the volume of these businesses; and

WHEREAS, Ludlow Street may be the single worst area in the 7th precinct in terms of degraded quality of life the result of so many licensed establishments within close proximity to each other, overwhelming pedestrian and vehicular traffic, patrons congregating in the street itself, late night horn honking and overwhelming noise emanating from businesses and from patrons as they move between businesses; and

WHEREAS, these persistent detrimental conditions have resulted in the 7th Precinct and Community Board #3 petitioning the Department of Transportation to eliminate weekend nighttimes parking on one side of Ludlow Street, between Houston and Delancey Streets, to alleviate the existing pedestrian and traffic congestion and to minimize noise; and

WHEREAS, this location is adjacent to a two-story club with a cabaret license, located at 158 Ludlow Street, doing business as Pianos, and within 500 feet of at least fourteen (14) licensed establishments, most of which have full on-premise liquor licenses; now

THEREFORE, BE IT RESOLVED, that Community Board #3 moves to deny the full on-premise liquor license for 156 Ludlow Street, as it would provide no public benefit

29. Casa Foods, 173 Orchard St (rw)

**VOTE:** WHEREAS, Casa Foods, 173 Orchard Street, is seeking to obtain a restaurant/wine license for a location which has never before been operated as a licensed establishment and was previously operated as a hair salon; and

WHEREAS, Orchard Street is an extremely old, narrow street, historically comprised of low-rise tenements and small-scale manufacturing and retail; and

WHEREAS, Orchard Street is presently overwhelmed by nighttime licensed establishments of all types, as well as incredible vehicular and pedestrian traffic congestion attendant to the volume of these businesses; and

WHEREAS, the applicant itself has conceded within its community board application that there are already eight (8) licensed premises within the block between Houston Street and Stanton Street where the applicant is now seeking to obtain an additional license; and

WHEREAS, this applicant is seeking to occupy a location which is adjacent to an entrance to a new twenty-two (22) story hotel with three (3) public venues which will be fully licensed, in addition to the eight (8) already licensed establishments; and

WHEREAS, the local police precinct is presently overwhelmed with the regulation and oversight of the existing licensed establishments on Orchard Street; and

WHEREAS, these persistent detrimental conditions have resulted in the 7th Precinct and Community Board #3 petitioning the Department of Transportation to eliminate weekend nighttimes parking on one side of Orchard Street, between Houston and Rivington Streets, to alleviate the existing pedestrian and vehicular congestion and to minimize noise; and

WHEREAS, Casafoods is stating that it will operate an empanada restaurant and takeout package foods; now

THEREFORE, BE IT RESOLVED, that Community Board #3 moves to deny a restaurant/wine license for Casa Foods, 173 Orchard Street, as the applicant has failed to establish that its business would promote public benefit and convenience

30. Pastabar, 127 Ave C (up/op)

**VOTE:** WHEREAS, Pastabar, 127 Avenue C, located between 9th and 10th Streets, is seeking to upgrade his current restaurant/wine license to a full on-premise liquor license; and

WHEREAS, Avenue C is a narrow street with two (2) lanes of traffic running from Houston Street to 12th Street; and

WHEREAS, there are twelve (12) licensed establishments on Avenue C between 8th and 10th Streets, five (5) of which are full on-premise liquor licenses on the same block between 9th and 10th Streets and side of the street as the herein applicant; and

WHEREAS, the cumulative impact of these six (6) establishments along one small block is significant noise and sidewalk congestion at nighttime; and

WHEREAS, said applicant is located in a corner storefront, in and adjacent to residential buildings on both Avenue C and 9th Street and across the street from a police stationhouse and a children's park which already has a sidewalk café expanding its business onto the public sidewalk; and

WHEREAS, the applicant is seeking to upgrade his license to provide his clientele with the option of ordering liquor-based drinks, which does not constitute a public benefit;

THEREFORE, BE IT RESOLVED, that Community Board #3 moves to deny the upgrade application for Pastabar, 127 Avenue C

(SLA/Eco Dev)

34 YES 1 NO 1 ABS 0 PNV (Excluding Item 3) MOTION PASSED

31 YES 4 NO 1 ABS 0 PNV (Item 3) MOTION PASSED

**Arts & Cultural Affairs Task Force**

No vote necessary

**Parks & Recreation Committee**

No meeting scheduled

### **197 Plan Task Force**

- Discussion of plans for 197c for Bowery and 3rd/4th Ave

**VOTE:** Manhattan CB3 is alarmed by the rapid out of scale development on the Bowery and the displacement this has caused.

WHEREAS, the gentrification of the Bowery is causing the upheaval and displacement of many long term tenants; and

WHEREAS, the opportunity for large scale development on the Bowery has caused an increase in harassment of tenants; and

WHEREAS, the noise from the large developments has eroded the quality of life of the tenants; and

WHEREAS, the greatly increased traffic now and anticipated in the near future is also a detriment to the quality of life of the residents; and

WHEREAS, the Bowery is an emergency services route and the construction and impending traffic could greatly alter the ability of the neighborhood to receive emergency services in a timely matter; and

WHEREAS, the Bowery is an important part of the cities history and deserves the attention of city in regards to preservation; now

THEREFORE, BE IT RESOLVED, that CB3 supports the preservation of the contextual character of the Bowery between Canal and 6th St.

1. Review of subcommittee  
No vote necessary
2. Discussion about next steps regarding zoning in CB3  
No vote necessary

### **Housing & Land Use Committee**

1. NYU presentation of strategic plan

**VOTE:** WHEREAS, CB3 is concerned about NYU's continued expansion within our district; and

WHEREAS, such expansion negatively affects the character and diversity of our community; and

WHEREAS, our community is currently over saturated with NYU facilities; now

THEREFORE, BE IT RESOLVED, that any further expansion should, ideally, take place outside our district. Toward that end, NYU must focus on building campuses city-wide. Furthermore, NYU, as a good neighbor, has an obligation to mitigate the adverse effects of any development which does take place within our community, e.g., 1) to fund not-for-profits dedicated to preserving low income tenancies, advocacy groups, and legal services, 2) to develop properties in a contextually appropriate manner, 3) to develop programs to preserve local merchants, 4) to provide meeting space for community groups, and 5) to promote "green development" 6) As NYU may find itself in a position needing to dispose of any of its properties, that it ensure that they are conveyed into the hands of community based organizations.

2. Cooper Union update on construction for 7th St academic building  
No vote necessary
3. Steinway Child & Family Services request for site control of 222 E 13th St for a Community Residence for severely & persistently mentally ill children  
**VOTE:** To approve the request for site control so long as a deed restriction is ultimately placed on the property ensuring that it will be designated for affordable community use in perpetuity.
4. 421a Partial Tax Exemption, 101 E 10th St  
**VOTE:** To reject the application due to CB3's longstanding opposition to the granting of 421a partial tax abatements to developers whose projects will include no affordable units.
5. 421a Partial Tax Exemption, 425 E 13th St  
**VOTE:** To reject the application due to CB3's longstanding opposition to the granting of 421a partial tax abatements to developers whose projects will include no affordable units.
6. 421a Partial Tax Exemption, 54-56 St Marks Pl  
**VOTE:** To reject the application due to CB3's longstanding opposition to the granting of 421a partial tax abatements to developers whose projects will include no affordable units.
7. 421a Partial Tax Exemption, 188 Ludlow St  
**VOTE:** To approve the application owing to the inclusion of an affordable housing component within this development.

**Public Safety & Sanitation Committee**

1. NYU presentation on new sustainability initiative  
No vote necessary
2. Resolution supporting Henry Hudson Parkway Corridor Management Plan as prelude to its designation as a Scenic Byway and as a model of planning for the long-term environmental and economic sustainability of NYC

**VOTE:**

**RESOLUTION  
RE: Henry Hudson Scenic Byway**

WHEREAS, the Henry Hudson Scenic Byway is:

- An eleven-mile green corridor that overlooks trails, overpasses, and tunnels as well as grants New Yorkers access to the Hudson River and parks such as Riverside, Ft. Washington, Ft. Tryon, Inwood Hill, and Van Cortlandt; and
- An outstanding historic, scenic, and cultural resource of the city, the state and the nation, as documented by the National Park Service Historic American Engineering Record (HAER); and
- An integral part of the Hudson River Valley Greenway, the Hudson Valley Greenway River Trail, and future Hudson Valley Greenway Scenic Byway; and
- A natural resource whose landscape filters pollution, screens dust, buffers noise, lowers temperatures in the city, and captures rain water in soil preventing it from polluting the Hudson River; and
- A major gateway to the city showcasing the distinct character of its neighborhoods; and

WHEREAS, the Henry Hudson Scenic Byway:

- Has been proposed for designation as a Scenic Byway, with the full support of the New York State Scenic Byways Advisory Board of the New York State Department of Transportation, by the community boards, elected officials, and other major stakeholders that share this corridor; and
- Will benefit from having a Corridor Management Plan that establishes design guidelines and clarifies the responsibilities of the multiple city and state agencies that share its jurisdiction; and
- Will benefit from new sources of state and federal funding available to Byways with Corridor Management Plans, as well as potential public-private partnerships; and
- Is an opportunity to create a new model for managing a state parkway along the city's waterfront in a way that contributes to Mayor Bloomberg's plan for the long-term environmental and economic sustainability of the city (PlaNYC 2030); now

THEREFORE, BE IT RESOLVED, that the Manhattan Community Board #3 urges the New York Metropolitan Transportation Council to move forward with the Henry Hudson Parkway Corridor Management Plan as a prelude to its designation as a Scenic Byway.

**Transportation Committee**

1. Request for right-turn/left turn traffic signal at Houston St & Columbia St at Ave D  
No vote necessary
2. University Settlement request for additional stop sign for corner of Eldridge & Rivington Sts for vehicles traveling North on Eldridge

**VOTE:** That CB3-Manhattan requests that the DOT School Safety Division and Traffic Operations evaluate the intersection of Eldridge and Rivington Sts to determine whether a stop sign or stop light for north-bound traffic on Eldridge St is warranted. There are over 200 preschoolers in a Head Start program at University Settlement who are taken to nearby Sara D. Roosevelt Park 2-3 times per day.

3. Boys' Club of NY request speed bump at 287 E 10th St to prevent further accidents

**VOTE:** That CB3-Manhattan requests that DOT proceed with its evaluation for installation of a speed bump on E 10th St in front of 287 E 10th St (at the corner of Ave A). Earlier this summer, a child was hit by a vehicle at this location, which is in front of the Harriman Clubhouse of the Boys Club of NY. In the interim, installation of appropriate pedestrian safety signage would be appreciated.

4. Street co-naming: E 4th St btwn 1st Ave & Ave A, Frieda Zames

**VOTE:**

**Resolution Supporting the Co-naming of E 4 St in Manhattan between  
First Ave and Ave A as "Frieda Zames Way"**

*In honor of an outstanding New Yorker, Frieda Zames, former President of Disabled in Action and a civil rights leader, who, through her advocacy and leadership, has improved the quality of life for people with disabilities and all New Yorkers.*

WHEREAS, streets located within the boundaries of Community Board 3-Manhattan will be considered for co-naming in honor of individuals subject to specific criteria established by CB3; and

WHEREAS, this resolution is being presented to CB3 by a coalition of civil rights organizations and civic leaders accompanied by petitions signed by over 75% of the total amount of potential signatures of residents on E 4 St between First Ave and Ave A including the principals of the public elementary schools on the block; and

WHEREAS, the coalition in support of co-naming E 4 St "Frieda Zames Way" believes that Frieda Zames is deserving of this honor, for her grassroots activism and coalition work on the Lower East Side and her outstanding leadership of the disability rights movement; and

WHEREAS, Frieda Zames, who was born of immigrant parents and who contracted polio at 2-1/2 years, was denied a public school education as a result of her physical disability yet through self-study, excelled in education and became a Professor of Mathematics, and co-author with her sister of "The Disability Rights Movement: From Charity to Confrontation" – a book which chronicled the history of the disability rights movement; and

WHEREAS, through her advocacy, including countless testimony at numerous federal, state and city public hearings, Frieda Zames was able to impact many changes in the city from curb cuts (pedestrian ramps) to the waterborne vessels, docks, piers, terminals access (Ferry), and the Disability Rent Increase Exemption (DRIE) bills – which became law in 2005, the year she passed away; and

WHEREAS, Frieda Zames was a leader of Disabled in Action, a civil rights advocacy organization in NYC, and served as President for many years and was involved in many other civil rights and Lower East Side coalitions seeking to improve the quality of life for all people. During this time, her leadership through coalitions and work with civic and elected officials, led to many improvements in New York City, including accessible buses, polling sites and health care facilities and many changes in policies impacting persons with disabilities; now

THEREFORE, BE IT RESOLVED, that Community Board 3-Manhattan supports the co-naming of E 4 St between First Ave and Ave A as "Frieda Zames Way", and recommends to the New York City Council continued commitment to making New York accessible to all.

5. Amendment to July casino buses relocation resolution to relocate casino to the west side of Bowery from Pell to Worth St  
**VOTE:** To postpone until the October meeting.
6. Reconstruction work--Brooklyn Bridge Travelers Replacement contract (replacement of moving platforms underneath the bridge)-staging impact in CB3 between Market and Catharine Streets  
**VOTE:** That CB3-Manhattan requests that DOT Bridges address the Brooklyn Bridge Travelers Replacement construction staging issue at our meeting. DOT was very aware that the community was very upset both by the lack of communication and the fact that our waterfront land was being taken from the community for staging. DOT Bridges sent a representative from the contractor to make a statement and make us aware that the Catherine Slip crossing would be open (what had already been communicated to us), but did not send a staff member who could answer questions as to reasons for use of this staging area and to discuss the possibility of mitigation and equitable sharing of the burden. We request that DOT Bridges send a representative to the October meeting that can fully discuss these issues.
7. DOT updates regarding March, 2007 request for installation of pedestrian crossing lights at the of Grand St and E Broadway and to adjust the positioning of the parking meters on the north side of the street so cars do not block the pedestrian crossing. Also update on DOT evaluation of request by CB 3/Seventh Precinct to extend Friday night to Sunday morning cabaret hours for no parking on west side of Orchard from Stanton to Delancey  
**VOTE:** That CB3-Manhattan appreciates that DOT is nearing completion of its evaluation for installing pedestrian signals at the intersection of Grand St and East Broadway. Although we understand that the removal of a parking meter and the pending installation of a "No Standing Anytime" sign will improve pedestrian access and safety, CB3 encourages the installation of a pedestrian signal even if the intersection is considered complex enough that this installation would be difficult.
8. Report from bus subcommittee  
No vote necessary
9. Presentation regarding 1 Police Plaza Security Plan (Park Row closure) Final Environmental Impact  
No vote necessary
10. MTA proposed fare increase  
**VOTE:**

WHEREAS, NYC is dependent on public transit, a vital public service. Businesses as well as workers, students, government agencies depend on public transit; and

WHEREAS, the cost of transit cannot be a burden only on the riders; and

WHEREAS, in NYC riders pay 51% of the operating costs, one of the highest in the country, and the balance of the cost is paid by government subsidy; and

WHEREAS, senior citizens will be negatively impacted because most seniors are living on a fixed income and need public transit to access services—such as shopping and medical services. People are already making choices between prescriptions and food. Seniors will also be more isolated by not being able to travel; and

WHEREAS, members of the disabled community are also more likely to have a lower and fixed income. The disabled community has been working for improved accessibility—this will be a step backward; and

WHEREAS, our environment is very affected by public transit. NYC has one of the highest rates of asthma in the country—pollution from cars triggers asthma attacks and causes premature death. Affordable fare encourages the use of public transit instead of cars—which gives us cleaner air and saves energy; now

THEREFORE, BE IT RESOLVED, that it would be in the best interest of NYC for the MTA to not increase NYC public transit fares and promote the use of affordable, safe, and accessible public transit—which will benefit the entire city; and

BE IT FURTHER RESOLVED, that CB 3 calls on all levels of government to develop a coordinated strategy to use tax revenues to adequately fund the MTA operating budget and to cover the expenses of its Capital Program projects, including debt payments that will begin to balloon over the next few years.

(197 Task Force, Housing, Public Safety & Transportation)

36 YES 0 NO 0 ABS 0 PNV (Excluding Transportation Item 7) MOTION PASSED

35 YES 1 NO 0 ABS 0 PNV (Transportation Item 7) MOTION PASSED

Members Present at Last Vote:

David Adams [P]

Paul Bartlett [P]

Mayra Cappas [P]

Wendy Cheung [A]

Pearl Chin [A]

Rocky Chin [P]

David Crane [P]

Andrea Diaz [P]

George Diaz [P]

Harvey Epstein [P]

Morris Fajtelewicz [A]

Beth From [P]

Rabbi Y. S. Ginzberg [P]

Gloria Goldenberg [P]

Alexander Gonzalez [P]

Guido Hartray [P]

Herman F. Hewitt [P]

Bonnie Hulkower [A]

Carolyn Jeffers [P]

Anne K. Johnson [P]

Joel Kaplan [P]

Sam Krueger [P]

John Leo [P]

Eden Lipson [A]

Bernice McCallum [A]

David McWater [P]

Alexandra Militano [P]

Lillian Moy [A]

Thomas Parker [P]

Dominic Pisciotta [A]

Barden Prisant [P]

William Ramos [P]

Carolyn Ratcliffe [P]

Joyce Ravitz [P]

Lois M. Regan [P]

Richard F. Ropiak [P]

Estelle Rubin [A]

Elizabeth Sgroi [P]

David Silversmith [P]

Deborah A. Simon [A]

Pia Simpson [A]

Arlene Soberman [A]

Nancy Rose Sparrow-Bartow [P]

Elinor Tatum [P]

David Weinberger [A]

Nina Werman [A]

Harry Wieder [P]

Samuel Wilkenfeld [P]

Noah Yago [P]

Thomas Yu [P]

Meeting Adjourned