



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD NO. 3

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Dominic Pisciotta, Board Chair

Susan Stetzer, District Manager

July 2008 Full Board Minutes

Meeting of Community Board #3 held on Tuesday, July 22, 2008 at 6:45 at IS 131, 100 Hester Street

Public Session:

Vaylateena Jones- a concerned Lower East Side resident and Community Board 3 member spoke regarding pedestrian safety at the intersection of Rutgers and the FDR Drive where one of the waterfall installations is located. She is concerned about the heavy foot traffic of children in the area without any traffic lights or stop signs. She wrote a letter to the DOT and hopes to get a response soon.

Christine Patz-Romero spoke in support of a Parks Department resolution allowing a launching and landing site at the beach under the Brooklyn Bridge and/or a towing program. The boat landing would be used mainly by kayakers.

Rob Buchman-spoke in support of the boat landing at the Brooklyn Bridge Beach.

Tim Gamble- a volunteer coordinator of Red Hook Boaters and volunteer at the Downtown Boathouse spoke in support of the Parks resolution creating a boat landing at the beach under the Brooklyn Bridge.

Rick Muller-Vice President and founding member of the Downtown Boathouse. He is also in support of the launch/landing site.

David Mazzeo- spoke about the noise coming from Heather's Bar . They've approached the owner and said she hasn't responded to complaints. The complaints generally revolve around about people congregating outside the establishment.

David Perrine-lives across the street from Heather's Bar and is also complaining about the noise. He mentions that her license is up for renewal and asks the board to reconsider an approval.

Charles Molloy-lives across the street from Heather's Bar and has complaints about the noise emanating from the establishment.

Scott Fulmer- expressed opposition to the proposed bar at 26 Ludlow Street.

Emily Choi- also spoke in opposition to the proposed bar at 26 Ludlow St. She translated petitions against the bar in Chinese. She noted there is a school, PS 42 directly across the street from 26 Ludlow. She is concerned about the possibility of second hand smoking, decreased parking, lewd behavior and noise pollution. She read a letter from Wilson Soo, the Site Director at Immigration Social Services, Inc. in which he expressed opposition to the bar especially since he runs an after school anti-drug and alcohol abuse program at PS 42.

David Mashburn-spoke in opposition to the proposed bar at 26 Ludlow citing an increased proliferation of bars in the neighborhood and noise emanating from them.

Margaret Niederland- spoke in opposition to the proposed bar at 26 Ludlow St.

Zulma Zayas-spoke in support of the ULURP 080504HAM, also known as the Dona Petra Santiago Apartments. This new construction on the vacant, city-owned lot at 717-719-723 East 9th Street will consist of one eight story building providing 56 rental housing units for the elderly. Eligible tenants must have an income level below 50% of AMI as they will receive project-based Section 8 rental subsidy and contribute 30% of their income towards rent.

Rocky Chin-spoke announcing an August 20th meeting at IS 41 regarding the redesign of Chatham Sq.

Public Officials:

Mayor Michael Bloomberg, Lolita Jackson & Pauline Yu: Lolita Jackson announced the annual Community Board barbeque at Gracie Mansion. She thanked Sam Krueger with his help in getting artistic content at Pier 26. She also noted his effort in trying to obtain port-a-potties at the pier. Lolita announced that the LES Girls club will be painting the Jersey barrier and that 300 people viewed the recent fireworks show.

Comptroller William Thompson, Rafael Escano:

Public Advocate Betsy Gotbaum, Simeon Banister:

Borough President Scott Stringer, Greg Kirschenbaum:

Announced that the Office of the Borough President is leading a "Rat Walk-Through" of the areas that have significant rodent problems on Thursday July 24th. Go Green LES was kicked off by the formation of subcommittees for which they are looking for volunteers. He also pointed out that in order to keep construction sites safe they need input from community regarding hazardous conditions. The Office of the Borough President is asking the community for testimonies regarding the re-zoning plan at the City Planning Commission hearing on Wednesday, August 13th.

Congressmember Carolyn Maloney, Victor Montesinos:

Congressmember Jerrold Nadler, Erin Drinkwater:

Congressmember Nydia Velazquez, Iris Quinones: Maritza Rosario:

The Congresswoman recently announced new legislation (H.R. 6033) to expand home healthcare services by providing younger public housing residents with the training they need to care for their neighbors. She presented El Puente founder Luis Garden Acosta with \$214,000 in federal funds to support a new health education initiative. She recently sent a letter to Chairman Tino Hernandez regarding the severe lack of affordable housing in the district. The Congresswoman is also offering free information and services for those interested in opening a small business. It was also mentioned that she as always, opposes the war in Iraq.

Assembly Speaker Sheldon Silver, Zach Bommer:

Assemblyman Silver has had several meetings with the Grand Street Guild Tenants Association and building ownership to ensure that the tenants have a clear understanding of the owners' application for a financial restructuring that will include capital improvements. The tenants have expressed serious concerns about displacement and rent increases. Residents also listed a number of complaints with the management including rat infestation, dirty common areas and leaky plumbing.

Assemblyman Silver attended a public meeting with residents of Chatham Green and Chatham Towers to discuss the issues surrounding the closing of Park Row. NYPD was also in attendance. Silver expressed his disappointment with the City's response to residents demands.

Mobil district offices will be set up next Tues at Clinton and Grand and on Aug 5th at Madison and Jefferson Streets.

Assemblymember Deborah J. Glick, Matt Borden:

The Assemblywoman is trying to stop landlord's practice of phony demolitions. She and other elected officials wrote a letter to the Commissioner of the DHCR expressing their concern with DHCR's proposed regulations of demolitions.

She has also written a letter to the DEP in regards to the recent practice of "fracing" in the Marcellus Shale in upstate NY. This new method of drilling produces significant amounts of wastewater which may be polluting the Catskills/Delaware Watershed, NYC's supply for drinking water.

The Assemblywoman has continued concern over school overcrowding.

Assemblymember Brian Kavanagh, Patrick van Keerbergen: Paula Castro

Eighteen of the bills the Assemblyman supported passed the Assembly. He will vote to approve a future bill that would grant 7% of all tickets sold in the new Yankee Stadium to be designated to low-income fans. He recently introduced a bill to prohibit the use of styrofoam by food service providers including state agencies and contractors, restaurants and retail food vendors. The bill, introduced in partnership with Senator Liz Krueger, would require alternate products that are compostable or recyclable, unless no affordable alternative exists.

State Senator Martin Connor:

The Senator mentioned a Bill currently in Senate requiring all new buildings in the State of NY to be built, at least partially, green. It would also grant tax credits for private contractors building green. The Senate Minority Leader appointed him Co-Chair to the NYS Senate Democratic School Governance Taskforce. The Taskforce has had two meetings already, and the third will be on Aug 26th 5-8pm at University Settlement. They will be looking for feedback from parents and teachers regarding the effects of mayoral control of the schools.

Senator Connor mentioned that a new commissioner on the State SLA committee is a native of New York City.

The Senator sponsored a bill that passed both Houses changing the distance of the SLA's 200 foot rule from the center of the doorway of a building to the property line.

State Senator Thomas K. Duane, Romeo Ymalay: The Senator is hosting a financial literacy forum to educate people on how to avoid investment scams.

Councilmember Alan Gerson, Tammy To: The Councilman announced the 3rd Annual Senior Sail which will

take place on Thursday, August 14th.

Councilmember Rosie Mendez, Jessica Nepomiachi:

The Community Board thanked the Councilwoman for granting them a \$5,000 technology grant. Her discretionary expense funding supports nearly 100 non-profits serving District 2 and provides capital funding for schools, housing, service and cultural organizations. This funding will provide a new playground at PS 188, security cameras in two NYCHA buildings and renovations to the Henry Street Settlement's Senior Center.

She joined her City Council colleagues in passing the Fiscal 2009 NYC Budget. She regrets that this budget has significant cuts to programs supporting our low-income and senior neighbors as well as schools. The City Council tried to restore as much funds as possible to the DOE and NYCHA.

Members Present at First Vote: corrections: David Adams abstained on the approval of the minutes for last meeting.

David Adams [P]	Bonnie Hulkower [P]	Joyce Ravitz [A]
Paul Bartlett [A]	Carolyn Jeffers [A]	Lois M. Regan [P]
Michael Byrne [P]	Anne K. Johnson [P]	Richard F. Ropiak [P]
Wendy Cheung [A]	Vaylateena Jones [P]	Lawrence Rosenblatt [P]
Pearl Chin [P]	Meghan Joye [P]	Elizabeth Sgroi [P]
Rocky Chin [P]	Joel Kaplan [P]	David Silversmith [P]
David Crane [P]	Sam Krueger [P]	Deborah A. Simon [A]
Andrea Diaz [P]	John Leo [P]	Arlene Soberman [A]
George Diaz [A]	Eden Lipson [P]	Nancy Rose Sparrow-Bartow [P]
Harvey Epstein [A]	Bernice McCallum [P]	Elinor Tatum [P]
Morris Fajtelewicz [P]	David McWater [P]	David Weinberger [P]
John Fout [A]	Alexandra Militano [A]	Harry Wieder [P]
Beth From [P]	Ilene Morales [P]	Samuel Wilkenfeld [A]
Edward Garcia [P]	Thomas Parker [A]	Douglas Witter [A]
Rabbi Y. S. Ginzberg [P]	Dominic Pisciotta [P]	Noah Yago [P]
Gloria Goldenberg [P]	Barden Prisant [P]	Thomas Yu [P]
Herman F. Hewitt [A]	Carolyn Ratcliffe [P]	

Minutes:

Minutes of May 2008 were approved, as is.

District Manager's Report:

Please join cb3 mail list online.
updated handbook for CB3 members. local Events, block parties. OMB calendar.

Capital Project successes: Sidewalk on Forsyth, Reno of PS 188 playground, Comm Advisory Meeting Kenton Hall Sept 24th 6:30.

311 Procedures nyc.gov -dept of information technology to track 311 calls for bars and zip code.

Susan mentions that some agencies take multiple complaints for the same issue and some do not.

Webster Hall meeting Thurs, 24th.

City Planning Public Hearing for rezonong Aug 13th 9am at Tishman Auditorium of Vanderbilt Hall, NYU School of Law 40 Washington Square South

Committee Reports:

FY'2010 District Needs Statement

VOTE: To approve changes to FY'2010 District Needs Statement.

(FY'2010 District Needs Statement)

VOTE: 37 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Executive Committee

- Executive Committee Item 1

VOTE: To co-sponsor a Town Hall regarding rodent problems with Council Members Rosie Mendez and Alan Gerson.

- Executive Committee Item 2

VOTE: WHEREAS, DOT has approached Community Board #3 with a design plan for the street geometry for Chatham Square and wants to implement this plan in the Fall of 2008;

WHEREAS, DOT has discussed and developed their plans in consultation with many organizations in the area, but not yet with this community board, in accordance with our wishes; and

WHEREAS, Community Board #3 will come up with a position at the September meetings of the Transportation Committee and full Board; and at the October meetings of the Parks Committee and the full Board; now

THEREFORE, BE IT RESOLVED that Community Board #3 will ask Community Boards # 1 and 2 to co sponsor a Public Meeting on August 20, 2008 as to the project's impacts on all three boards.

▪ Executive Committee Item 3

VOTE: To support State Senator Tom Duane's recommendations to DHCR regarding proposed regulations on demolitions, to support his follow-up action in the attached letter that includes a request to delay the August 12, 2008 hearing, and to support his efforts to persuade DHCR to reconsider its decision and to follow the recommendations in his letter dated March 13, 2008. (letter will be available at Board meeting)

▪ Executive Committee Item 4

VOTE: To create a new standing committee pertaining to Economic Development, Zoning and Planning.

▪ Executive Committee Item 5

VOTE: To create a new standing committee called the Environment Committee.

▪ Executive Committee Item 6

VOTE: To amend Community Board #3's original motion to create the Housing, Land Disposition, Zoning and NYCHA Committee, which shall now be named the Housing, Land Disposition and NYCHA Committee.

(Executive Committee)

VOTE: 33 YES 0 NO 4 ABS 0 PNV MOTION PASSED

CB2 & CB3 Astor Place Joint Task Force

▪ Discussion of Conceptual Design for Astor Place and vicinity

VOTE: WHEREAS, a conceptual design for Astor Place and Cooper Square was presented to the CB2 & CB3 Astor Place Joint Task Force at meetings in May and June 2008. The June presentation included the following changes that were made in regard to community concerns expressed at the May meeting:

1. In response to concerns about nighttime gathering and noise in the newly created southernmost "Village Plaza" (across Fourth Ave from Cooper Park), permanent benches have been removed and the amount of planted area has been greatly increased.
2. In response to concerns about noise at the expanded "Alamo Plaza" (which contains the cube sculpture and which will incorporate the closed portion of Astor Place between Lafayette St and Fourth Ave), the number of benches has been reduced and the amount of planted area increased.
3. In response to concerns about safety hazards and noise, paving choices will discourage skateboarding, particularly in the "Alamo Plaza."
4. In response to concerns about pedestrian safety, DOT agreed to add pedestrian refuge islands at the intersections along Third Ave. It is understood that infrastructure under Third Ave makes the construction of continuous medians prohibitively expensive; and

WHEREAS, DOT has agreed to investigate fencing and gating the "Village Plaza," which will be in DOT jurisdiction but will be maintained by Parks, so that it can be locked at night. It is understood that this will not delay the project; now

THEREFORE, BE IT RESOLVED, that CB3-Manhattan supports the conceptual design for the reconstruction of Astor Place & Cooper Square with the understanding that DOT will come back to the community boards again for both preliminary and final designs.

Transportation, Environment, & Public Safety Committee

1. FY'2010 District Needs Statement

VOTE: To approve changes to FY'2010 District Needs Statement.

2. Traffic calming for intersection Delancey & Allen Sts

no vote necessary

3. Summer Streets: Park Ave closed from 7am to 1pm Aug 9, 16, 23 from Brooklyn Bridge north to 14th St in Community Board 3

VOTE: WHEREAS, the Dept. of Transportation will close Park Ave/4th Ave/Lafayette St from the Brooklyn Bridge to 72nd St, which includes Fourth Avenue in CB3, from 7am to 1pm on 3 Saturdays in August; and

WHEREAS, CB3 supports the overall experiment of "Summer Streets" as a way to promote healthy outdoor activity and encourage greater use of bicycles; and

WHEREAS, Community Board members and local elected officials were not involved in the planning of the closing and were not informed until the days, times and streets were fixed; and

WHEREAS, CB3 would have preferred public discussion as to whether the community felt that Saturday morning was the best time for this closure, as it is perceived that this is a time for when businesses are open for working people to run errands in preparations for family time/personal time on Sundays; and

WHEREAS, closure from 7am to 1pm intuitively seems early for people to come out and play in the streets and would have benefited from public discussion; and

WHEREAS, the street closure borders Union Square Park, which is a very heavily used business area, especially on Saturday morning when the Farmers market is in use, and the heavily used crosstown street is often blocked and backed up; now

THEREFORE, BE IT RESOLVED, that DOT should involve the community earlier in planning, especially for future versions of a “Summer Streets” type of event, and CB3 also asks that DOT arrange for heavy traffic enforcement at the 14th St location.

4. DOT Bicycle Division: presentation on the Grand St Partially Protected Bicycle Path btwn Varick & Chrystie Sts through SoHo, Chinatown & Little Italy

no vote necessary

5. Report from Subcommittee

VOTE 1: Resolution supporting \$82,488 of Con Edison Settlement Funds for Asthma Free School Zone

WHEREAS, the Con Edison Settlement Fund monies are intended to alleviate the impact of the Con Edison plant; and

WHEREAS, Community Board 3 contains the 14th Street Con Edison power plant, the Manhattan sides of the Williamsburg, Manhattan, and Brooklyn Bridges, and the FDR Drive. Despite these significant pollution sources, air quality in this neighborhood has not been characterized in any systematic manner; and

WHEREAS, the Asthma Free School Zone Project (AFSZ) has submitted a proposal to CB3 titled “Assessment of Air Quality in Various Locations within Community Board 3 and Identification of ‘Hot Spots’ That May Adversely Affect Health of CB3 Residents” (see attached). This project would entail development of a network of samplers to elucidate the spatial distribution of “hot spots”, times when pollutant concentration levels are highest, and chemical composition of those pollutants. The findings from this study will guide CB3 to develop site-specific strategies for pollution reduction; and

WHEREAS, AFSZ has agreed to consult with the Con Edison Environmental Settlement Fund Subcommittee regarding final site locations. AFSZ has also agreed that air pollution equipment purchased with Con Edison Settlement funds can be used by other organizations recommended by CB3 at no cost following the study’s completion; now

THEREFORE, BE IT RESOLVED, that CB3-Manhattan requests \$82,488 funding for “Assessment of Air Quality in Various Locations within Community Board 3 and Identification of ‘Hot Spots’ That May Adversely Affect Health of CB3 Residents.” This would be funding additional to the \$50,000 requested in our May 2008 resolution for a separate AFSZ project to provide asthma education and mitigation strategies to schools within CB3 and other projects to address respiratory health problems in the area of the Con Edison plant. (see attached proposal)

VOTE 2: Community Board 3-Manhattan authorizes our legal representative to renegotiate the terms of the Con Edison settlement fund in order to reallocate expenditures to pollution reduction programs and projects. We authorize him to suspend fuel switching expenditures in the remaining years of the settlement without need for further CB3 consultation. We authorize him to negotiate the extension of the original 10 year time limits for expenditures from the fuel switching and steam accounts and to keep CB3 informed about these negotiations as we would need to approve any change in terms.

Human Services & Seniors Committee

- FY’2010 District Needs Statement
- no vote necessary

Youth & Education Committee

1. FY’2010 District Needs Statement

VOTE: To approve changes to FY’2010 District Needs Statement.

2. Presentation from Manhattan Borough President’s Office regarding overcrowded schools

VOTE: To postpone vote until next meeting.

(Transportation / Youth & Education / CB2 & CB3 Astor Place Joint Task Force)

VOTE: 36 YES 0 NO 1 ABS 0 PNV MOTION PASSED

Ethics, Bylaw & Procedures Committee

no meeting scheduled

SLA & Economic Development Committee

1. FY '01 District Needs Statement

VOTE: To approve statement of needs as amended

Renewal with Complaint History

2. Double Down NYC, 14 Ave A (op)

VOTE: To approve the renewal of the full on-premise liquor license for Double Down, 14 Avenue A, understanding that the applicant will continue to operate this establishment consistent with its previously signed notarized stipulations which have become conditions of its license.

3. Chow Main Corp (China One), 204 E 4th St (op)

VOTE: To deny the renewal of the full on-premise liquor license for Chow Main, 204 East 4th Street, because the current method of operation of a nightclub is inconsistent from the method of operation of a full-service Chinese restaurant which was proposed in its original application to Community Board #3. Complaints from residents regarding noise from patrons and garbage piled on the sidewalk, and police violations for overcrowding and the sale of alcohol to minors, evince an establishment that has become a nuisance to the neighborhood and that contributes to pedestrian traffic which has already negatively impacted this neighborhood.

Cabaret Application

4. Orchard Foods, 152 Orchard St

VOTE: To deny the approval of a cabaret license to Orchard Foods, 152 Orchard Street, because 1) this establishment has not demonstrated that it can adequately address complaints of noise, in that it is still receiving complaints despite its assertion that it has installed soundproofing, 2) this establishment has been allowing unlicensed dancing since it began operating in 2006 and the approval of a cabaret license would merely serve to condone this already illegal conduct, and 3) the addition of a cabaret license to 152 Orchard Street, between Stanton Street and Rivington Street, would exacerbate the current conditions on this narrow one-way street which is already overwhelmed with nightlife establishments and which is so heavily trafficked by people and vehicles that Community Board #3 and the 7th Precinct have had to ask the Department of Transportation to eliminate weekend nighttime parking on one side of this street, from Houston Street to Delancey Street.

Sidewalk Café Application

5. Pan Asian Bistro, 172 Orchard Street (unenclosed)

VOTE: To approve the application for a sidewalk café permit for eight (8) tables and (16) seats for Pan Asian Bistro, 172 Orchard Street, because the applicant has signed a change agreement which will become part of its DCA license that 1) it will close no later than 10:00 P.M. every night, 2) it will have an awning extended over its café during its hours of operation to baffle any noise which might be heard by the residential tenants, and 3) it will not apply to serve alcohol at its sidewalk café. Community Board #3 strongly believes that the granting of an extension of this liquor license onto Orchard Street, a narrow one-way street which is already overwhelmed with nightlife establishments and heavily trafficked by people and vehicles, would only further exacerbate a condition that is already overextending local police resources as they seek to control traffic and noise in this area.

6. EU, 235 E 4th St (unenclosed)

VOTE: To approve the application for a sidewalk café permit for fourteen (14) tables and twenty-eight (28) seats for EU, 235 East 4th Street, because the applicant has signed a change agreement which will become part of its DCA license that 1) its hours of operation will be from 11:00 A.M. to 10:00 P.M. Sundays through Thursdays and 11:00 A.M. to 11:00 P.M. Fridays and Saturdays, which include any time needed to set up or break down the café.

7. El Sayed, 293 E 10th St (unenclosed)

withdrawn

8. Moonstruck, 88 2nd Ave (enclosed)

no vote necessary

9. Brooklyn Bar, 158 Ave C (unenclosed)

VOTE: WHEREAS, Brooklyn Bar, 158 Avenue C, located between 9th Street and 10th Street, is seeking to extend its method of operation to include the operation of a sidewalk café, consisting of twelve (12) tables with twenty-four (24) seats; 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 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 10th Street; and

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the sidewalk café application for Brooklyn Bar, 158 Avenue C, because of the existing pedestrian and vehicular traffic conditions on this block as a result of the existing licensed establishments and because the extension of this business onto the sidewalk would not be of any public benefit.

Applications within Resolution Area

10. Brooklyn Bar, 158 Ave C (alt/sidewalk café)
no vote necessary

11. Bernie's, 121 Ludlow St (rw)

VOTE: WHEREAS, Bernie's is applying for a restaurant wine license for 121 Ludlow Street and did not appear before Community Board #3 for review of its application or provide any application materials 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 nighttime 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, there are presently ten (10) licensed establishments within five hundred (500) feet of 121 Ludlow Street, at least half of which are full on-premise liquor licenses;

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the full on-premise liquor license for Bernie's, 121 Ludlow Street.

12. Samburger, 33 St. Marks Pl (op)
withdrawn

13. Earth Matters Circle, 177 Ludlow St (rw)
withdrawn

14. The Elephant, 58 E 1st St (op)
withdrawn

15. Three Monkeys, 99 Rivington Street (rw)

VOTE: WHEREAS, Three Monkeys, is seeking to obtain a restaurant wine license to serve beer and wine at a Israeli restaurant, at 99 Rivington Street, located at the intersection of Rivington Street and Ludlow Street; and

WHEREAS, Community Board #3 has long held that the increase in nighttime venues in this area has resulted in persistent and numerous complaints regarding increased noise as well as increased pedestrian and vehicular traffic and said complaints have evolved over time from complaints that were once only about specific rowdy businesses to complaints that are now about noise and congestion resulting from the sheer volume of eating and drinking establishments; and

WHEREAS, said conditions continue to be prevalent in and around Ludlow Street between Houston Street and Delancey Street which currently has twenty-one (21) eating and drinking establishments and Rivington Street between Norfolk Street and Orchard Street which currently has eleven (11) eating and drinking licenses; and

WHEREAS, the Seventh Precinct and Community Board #3 has asked the New York City Department of Transportation to permanently change signage on the west side of Ludlow Street between Houston Street and Delancey Street to "NO STANDING FROM 11:00 P.M. TO 6:00 A.M. FRIDAYS AND SATURDAYS" because the street and sidewalks have been overwhelmed by nighttime businesses and their attendant vehicular and pedestrian traffic and noise creating unsafe conditions for pedestrians and prevent police and other emergency vehicles from traveling down this street (Community Board #3 motion of November 2006 attached hereto); and

WHEREAS, said request has resulted in the New York City Department of Transportation permanently changing signage and eliminating residential parking on the west side of Ludlow Street

between Houston Street and Delancey Street in response to the overwhelming street and sidewalk congestion and the unsafe conditions; and

THEREFORE, BE IT RESOLVED that Community Board #3 denies the application for a restaurant wine license for Three Monkeys, 99 Rivington Street.

16. Hop Devil Grill, 125-129 St Marks Pl (alt/adding outside tables)

VOTE: WHEREAS, Beer Bros, Inc, d/b/a Hop Devil Grill, is seeking an alteration of its existing full on-premise liquor license for 125-129 St. Mark's Place, to wit extending its liquor license to the sidewalk to permit the service of alcohol at tables within its stoop line; and

WHEREAS, there has been demonstrated consistent opposition to the addition of any liquor licenses on this block of St. Mark's Place between First Avenue and Avenue A which currently has eighteen (18) licensed establishments, the majority of which are full on-premises licenses and located adjacent to or across the street from the applicant; and

WHEREAS, St. Mark's Place is presently overwhelmed with rowdy nighttime licensed establishments, including that of the applicant, has significant pedestrian and vehicular traffic and noise attendant to the operation of those establishments and has been the target of concentrated police activity to alleviate those conditions; and

WHEREAS, the applicant has received at least five (5) violations for selling alcohol to minors between 2005 and 2008 and Community Board #3 does not believe that the applicant has adequately addressed those violations, in that at least two (2) of them were received subsequent to the intervention of the New York Police Department and the New York State Supreme Court with a stipulation governing the establishment's continued operation and engaging in prophylactic measures to prevent future sales to minors; and

WHEREAS, there have been complaints from residents regarding noise from this and adjacent establishments; and

WHEREAS, given the violation history of the applicant regarding the sale of alcohol within its premise, extending its full on-premise liquor license to the public sidewalk would be of no public benefit and would only serve to exacerbate existing congestion and noise attendant to this and adjacent establishments;

THEREFORE, BE IT RESOLVED that Community Board #3 denies the alteration application for Beer Bros, Inc, d/b/a Hop Devil Grill, to wit extending its full on-premise liquor license for the purpose of selling alcohol on the sidewalk.

17. 144 Orchard St (rw)
withdrawn

Alterations/Transfers/Upgrades

18. Nomad Restaurant, 78 2nd Ave (alt/outdoor hours)

VOTE: To approve the alteration of a sidewalk café permit for Nomad Restaurant, 78 Second Avenue, because the applicant has signed a change agreement which will become part of its DCA license that 1) it will close no later than 11:00 P.M. every night. This alteration is being granted upon the express condition that the applicant will not seek to extend the hours of its backyard garden beyond 10:00 P.M. every night.

19. Lok Sing Chinese Restaurant, 290 Grand Street (up/op)

VOTE: To deny the upgrade to a full on-premise liquor license to Lok Sing Chinese Restaurant, 290 Grand Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a full-service Chinese restaurant, serving food to within one (1) hour of closing each night, and 2) it will close no later than 10:00 P.M. every night.

20. Life is Beautiful Spa, 211 Ave A (trans/op)

withdrawn

21. Blue Kane, 34 Ave A (trans op)

withdrawn

22. Zakariah Latzka, 174 Rivington Street (trans/op)

VOTE: To deny the transfer of a full on-premise liquor license to Zakariah Latzka, 174 Rivington Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will serve food at all times and have seating and counter space for food service in the front of the establishment, 2) it will not have French doors or windows or any open façade doors or windows, 3) it will utilize its back interior door for emergency use only, if legally permitted (not to be used by patrons or staff except in the event of an emergency), 4) it will implement recommendations in the Acoustilog, Inc. report (attached hereto) and, should residents complain of noise despite these measures, it will make its best efforts to supplement the recommendations with additional sound limiting measures, including seeking additional recommendations from a sound expert, and 5) it will maintain the same method of operation as a bar and business name of Label. **AMENDED TO DENIAL FOR FAILURE TO RETURN STIPULATION.**

23. Friend House, 99 Third Avenue (trans/rw)

VOTE: To deny the transfer of a restaurant wine license to Friend House, 99 Third Avenue, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will maintain its method of operation as a full-service Asian restaurant, serving food to within one (1) hour of closing, 2) it will close no later than 11:30 P.M. weekdays and 12:30 A.M. weekends, and 3) it will explicitly agree to submit a new application to Community Board #3 if it intends to materially change its method of operation. **AMENDED TO DENIAL FOR FAILURE TO RETURN STIPULATION.**

24. Obrigando, 211 Ave A (trans/op)

VOTE: To deny the transfer of a full on-premise liquor license to Obrigando, 211 Avenue A, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a full-service Brazilian-style restaurant, serving food during all hours of operation, 2) it will close its establishment no later than 2:00 A.M. every night, 3) it will close any French doors or windows no later than 10:00 P.M. every night, and 4) it will host live music, generally an open mike night for Brazilian performers on Fridays or Saturdays, no more than once a month.

25. MR Mediterranean, 306 E 6th St (alt/renovation, additional seating)

VOTE: To deny the alteration application for a full on-premise liquor license to MR Mediterranean, 306 East 6th Street, to wit adding additional seating on the third floor of this location, provided it complies with Department of Building zoning regulations, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it maintains its method of operation as a full-service Moroccan restaurant, serving food to within one (1) hour of closing, and 2) it will close no later than 2:00 A.M. every night.

26. Rolo Restaurant, 32 Ave A (trans/op)

VOTE: To deny the transfer of a full on-premise liquor license to Rolo Restaurant, 32 Avenue A, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a full-service Italian restaurant, serving food to within one (1) hour of closing, and 2) its hours of operation will be from 5:00 P.M. to 12:00 A.M. Sundays through Wednesdays and 5:00 P.M. to 1:00 A.M. Thursdays through Saturdays.

27. Pho So Restaurant, 11 Mott St (trans/rw)

VOTE: To deny the transfer of a restaurant wine license to Pho So Restaurant, 11 Mott Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a full-service Vietnamese restaurant, serving food to within one (1) hour of closing, 2) its hours of operation will be from 11:30 A.M. to 10:30 P.M. every day, and 3) it will play ambient background music only.

28. Momir Stojnovic, 191 Chrystie St (trans/op)

VOTE: To deny the transfer of the full on-premise liquor license to Momir Stojnovic, 191 Chrystie Street, because the applicant did not appear before Community Board #3 for review of its application or provide any application materials for this community board to review.

29. 325 Bowery (trans/op)

VOTE: To deny the transfer of a full on-premise liquor license to 325 Bowery, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a full-service Sicilian restaurant, serving food to within one (1) hour of closing, 2) its hours of operation will be from 11:00 A.M. to 12:00 A.M. Sundays, Tuesdays and Wednesdays and 11:00 A.M. to 2:30 A.M. Thursdays through Saturdays, 3) it will not apply to operate a sidewalk café, 4) it will close its French doors at 10:00 P.M. every night, and 5) it will play ambient background music only, use speakers but no amplifiers and have no live music.

30. FM Pastry, 79 Clinton St (up/op)

withdrawn

New Liquor License Applications

31. Penmanship, 124 1st Ave (rw)

VOTE: To deny the application for a restaurant wine license for Penmanship, 124 First Avenue, unless the applicant agrees before the SLA to incorporate as part of its license the following signed and notarized stipulation that 1) it will operate as a full-service eclectic American restaurant, serving food to within one (1) hour of closing, 2) its hours of operation will be from 5:00 P.M. to 12:00 A.M. Mondays through Wednesdays, 5:00 P.M. to 2:00 A.M. Thursdays and Fridays, 10:00 A.M. to 2:00 A.M. Saturdays and 10:00 A.M. to 12:00 A.M. Sundays, 3) it will play ambient background music only, consisting of an IPOD with small speakers, 4) it will designate an employee with the responsibility of insuring that the sidewalks fronting the business be cleared of patrons and to encourage taxis to drop off and pick up patrons as quietly as possible, 5) it will close any façade windows at 10:00 P.M. every night. **AMENDED TO DENIAL FOR FAILURE TO RETURN STIPULATION.**

32. Piedmont Hospitality, 95 Allen St (rw)

VOTE: to deny the application for a restaurant wine license for Piedmont Hospitality, 95 Allen Street, unless the applicant agrees before the SLA to incorporate as part of its license the following signed and notarized stipulation that 1) it will operate as a full-service Italian restaurant, serving food to within one (1) hour of closing, 2) its hours of operation will be from 12:00 P.M. to 10:00 P.M. Sundays, 3:00 P.M. to 12:00 A.M. Mondays and 3:00 P.M. to 2:00 A.M. Tuesdays through Saturdays, and 3) it will play ambient background music only, consisting of an IPOD.

33. Old Lao San Snack, 2-6 E B'way (eb)

withdrawn

34. 8 Rivington Restaurant, 8 Rivington St (op)
withdrawn

35. Mitchell Banchik, 114-116 3rd Ave (op)

VOTE (01): To deny the application for a full on-premise liquor license to Mitchell Banchik, 114-116 Third Avenue, because 1) this establishment would be located within five hundred (500) feet of at least six (6) existing full on-premise liquor licensed establishments, and the proposed use of this location is already available from existing businesses in the immediate vicinity so the addition of this business would not be in the best interest of the community, 2) neighboring residents have complained about the proposed closing hour of 4:00 A.M. and that this applicant failed to provide adequate community notice of its proposed business, 3) the proposed method of operation as a bar grill is incompatible from its preexisting use as a church, and 4) the applicant has failed to demonstrate community support for this proposed business by furnishing petitions from residents. **MOTION FAILED**

VOTE (02): To approve this application in the interest of economic stability and gain to the string track record of the applicant and dependent upon the applicant operating premise in a manner consistent with its application. **MOTION FAILED**

VOTE (03): To return to committee **MOTION PASSED**

36. Cafe Partners, 432 E 13th St (op)
withdrawn

37. Eda Kilic, 432 E 13th St (op)

VOTE: To deny the application for a full on-premise liquor license to Eda Kilic, 432 east 13th Street, unless the applicant agrees before the SLA to incorporate as part of its license the following signed and notarized stipulation that 1) it will operate as a full-service eclectic European restaurant with a Turkish concentration, serving food to within one (1) hour of closing, 2) its hours of operation will be from 11:00 A.M. to 12:00 A.M. Sundays through Thursdays and 11:00 A.M. to 1:00 A.M. Fridays and Saturdays. Community Board #3 believes that, although this proposed business is within five hundred (500) feet of three (3) or more licensed establishments, a Turkish restaurant in this area represents a unique public benefit, since there as no existing restaurants serving similar food and because the applicant has demonstrated substantial community support as evidenced by the numerous signatures of residents in support of this proposed business.

38. Cinq A Sept, 26 Ludlow St (op)

VOTE: To deny the application for a full on-premise liquor license to Cinq A Sept, 26 Ludlow Street, because 1) this establishment would be located within five hundred (500) feet of at least three (3) existing full on-premise liquor licensed establishments and, although Community Board #3 has seen both support and opposition for this establishment, it does not believe that the addition of this license, to open an establishment focused on wine and food, would be of public benefit, and 2) there is a Buddhist temple located in close proximity to this location.

39. FWC Café, 111 1st Ave (rw)
withdrawn

40. Wild Project, 195 E 3rd St (tw)

VOTE: To affirm approval of the tavern wine license for Wild Project, 195 East 3rd Street, recognizing that while there had been noise complaints regarding this establishment when it first opened, those were primarily attributed to one rock production and this applicant has agreed to refrain from scheduling any comparable productions and to make efforts to avoid future noise complaints.

41. Dishful, 189 E B'way (rw)

VOTE: To deny the application for a restaurant wine license to Dishful, 189 East Broadway, unless the applicant agrees before the SLA to incorporate as part of its license the following signed and notarized stipulation that 1) it will operate as a full-service restaurant, specifically a small corner bistro café, serving food to within one (1) hour of closing and whose focus will be on food service, 2) its hours of operation will be from 7:00 A.M. to 10:30 P.M. every night, 3) it will not have live music, and 4) it will keep its façade closed at all times and install an awning.

42. LES Sushi, 515 Grand St (rw)

VOTE: To deny the application for a restaurant wine license to LES Sushi, 515 Grand Street, unless the applicant agrees before the SLA to incorporate as part of its license the following signed and notarized stipulation that 1) it will operate as a full-service sushi restaurant, serving food to within one (1) hour of closing, 2) its hours of operation will be from 12:00 P.M. to 10:00 P.M. Sundays, 11:00 A.M. to 10:30 P.M. Tuesdays through Thursdays and 11:00 A.M. to 11:00 P.M. Fridays and Saturdays and it will be closed on Mondays, 3) it will not use any outdoor space, including sidewalk café space, for the sale or consumption of alcohol, and 4) it will play ambient background music only, consisting of a Bose IPOD player.

43. 54 2nd Ave (rw) – preliminary application
no vote necessary

(SLA Committee)

VOTE: 35 YES 1 NO 1 ABS 0 PNV (Excluding 36, 39, 42)

MOTION PASSED

VOTE: 14 YES 19 NO 4 ABS 0 PNV (Item 36)

MOTION FAILED

VOTE: 35 YES 2 NO 0 ABS 0 PNV (Item 39)

MOTION PASSED

VOTE: 36 YES 1 NO 0 ABS 0 PNV (Item 42)

MOTION PASSED

VOTE: 15 YES 17 NO 3 ABS 0 PNV (Item 36, approve)

MOTION FAILED

Parks & Recreation Committee

- 1. FY'2010 District Needs Statement

VOTE: To approve changes to FY'2010 District Needs Statement.

- 2. Proposal for a beach under the Manhattan end of the Brooklyn Bridge

VOTE: WHEREAS, the beach or shoal area under the Manhattan end of the Brooklyn Bridge is the only significant natural shoreline feature in Lower Manhattan, is located at a crook in the East River that provides protection from the prevailing winds and tidal currents, and is a site of great cultural and historical significance; and

WHEREAS, human-powered boat and aquaculture activity on that beach will help animate a moribund stretch of the waterfront that otherwise consists of a featureless seawall and a cold, dank, and noisy dead space beneath an elevated highway, and might therefore make a decisive contribution to the eventual success of the East River Esplanade and Piers Project; and

WHEREAS, waterfront safety and liability concerns about access to the water and the foreshore have been adequately addressed by other City agencies, most notably the Parks Department, whose NYC Watertrail initiative launched this spring; and

WHEREAS, public access to a similar beach is already available in Brooklyn, and has become a favorite destination for parkgoers there; now

THEREFORE BE IT RESOLVED, that this committee supports the idea of the EDC offering limited access to the beach via a series of graduated steps, including a series of pre-arranged human-powered boat landings in the summer and fall of 2008.

- 3. Historic Resource Survey from LES rezoning Draft Environmental Impact Statement: analysis of important landmark designations

no vote necessary

- 4. Parks, Request for Bids for pushcarts: LaGuardia Park (Madison St), East River Park (E Houston St ballfield; E 6th St track & soccer field; Amphitheatre), Wald Playground (E Houston St/W FDR), Straus Square (Canal/Rutgers, E B'way), Dry Dock Pool (E 10th St, Aves C/D)

no vote necessary

Block Party Applications

- 5. Broome Street Block Party, 9/7, Broome St (Ludlow & Orchard Sts)

VOTE: To approve the request by Transportation Alternatives for a block party on September 7, 2008 on Broome Street (Ludlow - Orchard Streets).

- 6. Better Chinatown Society, 9/14, Mott St (Canal & Bayard Sts)

VOTE: To approve the request by the Better Chinatown Society for a block party on September 14, 2008 on Mott Street (Canal - Bayard Streets).

- 7. East 9th Street Block Association, 9/20, E 9th St (Aves B & C)

VOTE: To approve the request by the East 9th Street Block Association for a block party on September 20, 2008 on East 9th Street (Avenues B - C).

- 8. Oversea Chinese Mission, 10/18, Hester St (Mott & Elizabeth Sts)

VOTE: To approve the request by the Overseas Chinese Mission for a block party on October 18, 2008 on Hester Street (Mott - Elizabeth Streets).

197 Plan Task Force

- 5. FY'2010 District Needs Statement

VOTE: To approve changes to FY'2010 District Needs Statement.

- 6. Review of subcommittee report

no vote necessary

- 7. Discussion of development of Seward Park Urban Renewal Area

no vote necessary

- 8. HPD presentation on affordable housing

no vote necessary

Housing & Land Use Committee

- 1. FY'2010 District Needs Statement

VOTE: To approve changes to FY'2010 District Needs Statement.

- 2. ULURP 080504HAM: Dona Petra Santiago Apartments, 717-719-723 E 9th St; disposition of vacant city-owned properties for the development of 57 units of affordable senior housing (202 housing)

VOTE: WHEREAS, our district is in dire need of more affordable housing; and

WHEREAS, the site has remained fallow for many years; whereas the applicant's funding term is due to expire shortly; now

THEREFORE, BE IT RESOLVED, that CB3 supports ULURP 080504HAM.

3. 421a Partial Tax Exemption: 311 E 11th St

VOTE: WHEREAS, the applicant's project will include no affordable units, and owing to CB3's longstanding opposition to the granting of 421-a partial tax abatements to developers whose projects will include no affordable units.

THEREFORE, BE IT RESOLVED, that CB3 rejects the application.

4. Met Food Update

no vote necessary

5. 180 Orchard St: development plans

VOTE: WHEREAS, according to the site's neighbors, construction began on this site 4 1/2 years ago and minimal progress has been made; and

WHEREAS, the dust and noise emanating from the site have been a constant nuisance; and

WHEREAS, workers have reportedly been witnessed performing unsafe operations; and

WHEREAS, business owners in the vicinity of the site have been seriously inconvenienced owing to the traffic congestion caused by the construction; and

WHEREAS, numerous complaints have been called in to 311 as regards the conditions at the site; now

THEREFORE, BE IT RESOLVED, that CB3 asks that 1) DOB come to the next Housing Committee meeting to address these concerns; 2) the developer return to the committee to provide periodic updates on the site's status, and 3) the developer hire an independent safety officer to 1) address complaints, 2) investigate neighborhood issues, and 3) act as a liaison to the community.

(Housing & Land Use Committee)

VOTE: 32 YES 0 NO 0 ABS 0 PNV (Item 2, ULURP 080504HAM) MOTION PASSED

VOTE: 32 YES 0 NO 0 ABS 0 PNV (Excluding Item 2) MOTION PASSED

Members Present at Last Vote:

David Adams [P]
Paul Bartlett [A]
Michael Byrne [P]
Wendy Cheung [A]
Pearl Chin [P]
Rocky Chin [P]
David Crane [P]
Andrea Diaz [P]
George Diaz [A]
Harvey Epstein [A]
Morris Fajtelewicz [P]
John Fout [A]
Beth From [A]
Edward Garcia [A]
Rabbi Y. S. Ginzberg [P]
Gloria Goldenberg [P]
Herman F. Hewitt [A]

Bonnie Hulkower [P]
Carolyn Jeffers [A]
Anne K. Johnson [P]
Vaylateena Jones [P]
Meghan Joye [P]
Joel Kaplan [P]
Sam Krueger [P]
John Leo [P]
Eden Lipson [P]
Bernice McCallum [P]
David McWater [P]
Alexandra Militano [A]
Ilene Morales [P]
Thomas Parker [A]
Dominic Pisciotta [P]
Barden Prisant [P]
Carolyn Ratcliffe [P]

Joyce Ravitz [A]
Lois M. Regan [P]
Richard F. Ropiak [P]
Lawrence Rosenblatt [P]
Elizabeth Sgroi [P]
David Silversmith [P]
Deborah A. Simon [A]
Arlene Soberman [A]
Nancy Rose Sparrow-Bartow [P]
Elinor Tatum [P]
David Weinberger [P]
Harry Wieder [P]
Samuel Wilkenfeld [P]
Douglas Witter [A]
Noah Yago [P]
Thomas Yu [P]

Meeting Adjourned