



THE CITY OF NEW YORK  
 MANHATTAN COMMUNITY BOARD NO. 3

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

David McWater, Board Chair

Susan Stetzer, District Manager

September 2005

Meeting of Community Board #3 held on September 28, 2005 at 6:45 at P.S. 20, 166 Essex Street

MEMBERS PRESENT AT FIRST VOTE:

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

PUBLIC SESSION:

1. Glendis Henriquez of the NYC Dept. of Small Business Services explained services that the agency can provide to business. She encouraged women and minority owned businesses to get certified so that the City can contact them in an effort to fulfill its quota for doing business with such businesses. Also she mentioned that this agency had taken over the Dept. of Employment and can help place workers with businesses.
2. Doreen Mauro of the Bowery Residents Assoc. spoke to her concern about the increasing violence due to the proliferation of bars and clubs.
3. David Zogby who owns RDS Delivery Services at 436 E. 11<sup>th</sup> St. requested support for the Transportation Committee item which was for a loading zone in front of his business.
4. Daniel Nauke of the 11<sup>th</sup> St. 1 – A Block Assoc. spoke in support of the loading zone for RDS Delivery and requested that DOT do a survey of the block to determine a more rational parking pattern for the street.
5. Rebecca Moore of LOCO supported a town hall meeting in the community on the issue of the proliferation of bars and also specifically spoke against the Allen Street Hotel.
6. Rob Hollander spoke in favor of the town hall meeting to speak out against the proliferation of bars.
7. Susi Schropp strongly supported the principals of the proposed CB3 rezoning study.
8. Ellyce diPaula of the E.4<sup>th</sup> A-B Block Assoc. spoke against the wanton issuance of liquor licenses and wants CB3 to set up a committee to look into home rule on SLA matters and for CB3 to co-sponsor a town hall meeting on this subject.
9. Susan Goren informed CB3 about community opposition against the DRP plans for the redesign of Washington Square Park.
10. Maggie Trakas spoke in opposition to the Bridge and Tunnel Bar at 66-68 Rivington Street.
11. Kathy Gruber of Ryan Nena updated CB3 on plans to build a residence on E. 3<sup>rd</sup> St. The property was acquired, Ryan Nena met with the Orchard Alley Gardeners and Block Assoc. and gave notice that a fence would be constructed. The Garden/Blk Assoc. has sued but Ryan Nena plans to go ahead with their plans.
12. Tony McAndrew supports CB3 zoning study but wants area to include 4<sup>th</sup> Avenue.
13. Penny Ward of the Bowery Residents Assoc. expressed her deep concern about the ruckus bars on the Bowery and the lack of police presence there.
14. Seth Kinmont spoke in opposition to the Bridge and Tunnel Bar on Rivington Street.
15. Robert Goldman spoke in opposition to the Ryan Nena housing for the mentally disabled because of over-saturation of such facilities on this block.
16. Tara Mosser spoke in opposition to the 2 new liquor licenses proposed for her block on Rivington Street.
17. Patricia Whaley was concerned about the over-saturation of community agencies on 3<sup>rd</sup> Street and wants the Ryan Nena proposal to go back to the CB3 committee for reconsideration.
18. Evdokia Sofos spoke against the Ryan Nena building because of over-saturation.
19. Maria Diaz spoke against the Bridge and Tunnel Bar at 66-68 Rivington.
20. David Zhu spoke against the ER Room Sports Bar at 211 Madison St. which is intolerably loud.
21. Karine Sritzer spoke against the bars at 42 and 66 Rivington Stl, which she claims are against the citing requirements because of their proximity.
22. Aaron Sosnick applauded the CB3 zoning proposal and urged the full board to endorse it and urged the Board to move as quickly as possible to implement it.
23. Dolores Morales spoke against the proliferation of bars.
24. Patty Chow spoke against the opening of the bar at 76 Orchard Street.

25. Kyle Simon wants Mission Night Club, where his cousin was murdered, closed because of its negligence.
26. Nedene Simon the mother of the murdered man at Mission Bar spoke against this bar and in favor its being closed
27. Joel Ramos spoke against any new bars on Orchard Street, because there are 3 there already.
28. Kelly Eng opposed the bars at 76 and 84 Orchard Street and the two others that are on the block.

PUBLIC OFFICIALS:

Public Advocate Betsy Gottbaum - Erin Bennett introduced herself and encouraged anyone with issues to call the office.

State Assemblyman S. Sanders – Dolores Hernandez spoke about issues in the schools.

State Senator D. Glick – Gregory Bender spoke about assorted issues including the developer’s plans for Charas.

State Assemblyman S. Silver – reported on investigative hearings on the price of gas and oil and the Assemblyman’s concern over the City’s emergency response plan.

State Senator Connor – Alice Cancel reported the Senators support for the CB#3 moratorium on bars

State Senator T. Duane – Aliya Feldman reported on the Senator’s support for the unionization of grad students at NYU and his opposition to the closing of the VA Hospitals in Manhattan and Brooklyn

US Rep. C. Maloney – V. Montesinos reported that Rep. Maloney was concerned that the US government has not learned important lessons about responding to emergencies during 9/11 in New York, and that these lessons could have saved much suffering in the Gulf Coast region.

US Rep. J. Nadler – Michael Kay reported on the Congressman’s opposition to the closing of the VA Hospitals and that he toured New Orleans and was very concerned about the effect that the more stringent new bankruptcy legislation was going to have on poor people in that area.

City Councilmember Gerson – Luis Reyes reported that the Clemente Soto Velez building had reached a management understanding and set up a new board with unanimous consent of the all the occupants and that they may now be able to attract the capital investment that they need to save the building. Gerson opposes the Orchard St. Bar. He has also provided funding for a mobile audiology screening van. He reported that the Enterprise Zone for Chinatown/LES now goes to the Governor for final approval.

MINUTES:

Minutes of June 2005 were approved, as is.

BOARD VOTE

33 YES 0 NO

BOARD CHAIRPERSON'S REPORT:

David McWater reported on two major victories. First, through the extraordinary efforts of CB3 staff, we were able to get a period of extended public review for the closing of various streets around the Con Ed plant on 14<sup>th</sup> Street despite the City’s plan to impose these closings without review. Second, in what McWater’s considers to be an unprecedented move, the SLA denied a license based on the CB3 recommendation. He commended Alex Milatano for finding a way to get SLA’s attention. He also thanked the 9<sup>th</sup> Precinct for their cooperation.

A question was raised from the floor about why the October meeting was on a Monday and on Halloween. McWater explained that because of various holidays and board scheduling difficulties this unfortunate situation arose.

McWater encouraged people to join the very important SLA/Econ. Dev. Committee. That committee is currently down to 5 members. He also asked for a volunteer to organize the holiday party and to contact him after the meeting.

DISTRICT MANAGER'S REPORT:

June minutes were distributed for approval and July minutes for first distribution.

Several committees have agenda items regarding Community Board support for LMDC's partial action plan. The time period does not allow for us to vote on funding, but an extension has been requested. These items have been scheduled with the assumption that the extension will be approved.

The new committee lists are being distributed at the meeting.

Borough consultations with the major agencies will be held on October 6. These meetings are to discuss our capital and expense priorities and all members are invited to attend. Information with directions and a parking permit sign are being distributed by the District Needs Coordinator.

EXECUTIVE COMMITTEE

No Report

DISTRICT NEEDS/BUDGET PRIORITIES

Rick Carman reported on the public budget hearings that had occurred over the past weeks and he thanked the members of the Board who attended these hearings with him and the staff. No votes necessary.

197A PLAN ZONING TASK FORCE

**VOTE 1:** To work toward the establishment of a zoning change within CB#3 that would:

- Preserve the residential character of the neighborhood;
- Preserve its current scale and mid-rise character;
- Establish a district more in keeping with current planning principals of contextual design;
- Preserve the mixed income character of the neighborhood through the use of inclusionary zoning;
- Eliminate the opportunity for community facility overdevelopment allowed under the current zoning.

**VOTE 2:** The area that should be included in the first rezoning proposal should be (inclusive of the street frontages) the north side of E. 13th Street, the west side of Avenue D, the north side of Houston St., the west side of Pitt Street, the north side of Delancey Street, the east side of Essex Street, the north side of Grand Street, the east side of Bowery and the west side of Third Avenue.

**BOARD VOTE**

32 YES 0 NO 0 ABS 0 PNV

MOTION PASSED

SLA & ECONOMIC DEVELOPMENT COMMITTEE

**Sidewalk Café Applications:**

1. Café Deville, 103 3rd Ave (renewal)

**VOTE:** To approve the renewal of the sidewalk café permit for Café Deville, 103 3rd Avenue.

2. Inoteca, 133 Ludlow St (mod to add table to Rivington St side)

**VOTE:** To approve the addition of four (4) tables to the sidewalk café permit for Inoteca, 133 Ludlow Street, based upon the applicant's good history.

**Economic Development:**

3. Request for City Council legislation to take into account CB meeting schedules when issuing documents requiring comments in specified time period

**VOTE:** WHEREAS, Community Boards are the structure for communities to have formal input into governmental decisions and processes that impact the communities, and

WHEREAS, Community Boards must first schedule and post the agenda to notify the community, and

WHEREAS, Community Boards take positions by public vote at meetings that have been publicly posted, and

WHEREAS, this democratic process to schedule and issue, notify the community, and then vote at a full Board meeting takes a minimum of 45 days, depending on when the office is notified, and

WHEREAS, the Community Boards do not meet in August, so

THEREFORE, BE IT RESOLVED, that Community Board 3 urges the city agencies to not issue timed requests for Community Board positions that cannot be voted on in the required democratic manner because of the August recess, and

FURTHER, BE IT RESOLVED, that Community Board 3 urges its City Council members to sponsor legislation that will prohibit city agencies from issuing requests for community comments and positions during the same August recess. Notification should allow for scheduling and voting at the public full board meeting.

4. LES BID: HPD termination of parking lot lease (eastside of Norfolk St btwn Delancey & Broome)

**VOTE:** To request that HPD find an alternative to terminating the lease with the LES BID for the Norfolk Street parking lot between Delancey and Broome Streets because the termination of this lease would create undue hardship for area residents and merchants who currently utilize the lot and would substantial reduce the revenue generated by the LES BID which would result in a reduction of services it can provide this community.

**Alterations/Transfers/Upgrades:**

5. Le Miu, 107 Ave A (trans)

**VOTE:** To approve the transfer of an on-premises license to Le Miu, 104 Avenue A.

6. Freeman Holdings, 191 Chrystie St (alt/op)

**VOTE:** to deny the alteration to Freeman Holdings, 191 Chrystie Street, allowing for an additional on-premises license and expanding the physical space of the establishment into an adjacent location, because the applicant failed to furnish a signed notarized stipulation that it 1) will continue to close nightly at 12:00 a.m., 2) provide an interior waiting area for patrons waiting for tables, and 3) post signs outside asking that patrons keep noise down, and because, without such assurances, increasing the size of this business would be inappropriate considering that it is located at the end of a narrow private alley fronted by residential buildings.

7. 6th St Rest Inc, 620 E 6th St (trans/rw)  
**VOTE:** To approve the transfer of a restaurant/wine license to 6th St Rest, Inc., 620 East 6th Street.
  8. My First Pony, 152 Orchard (trans/op)  
**VOTE:** To deny transfer of on-premises license to My First Pony, 152 Orchard Street, because the applicant failed to appear before Community Board 3 and failed to provide said Board with application materials for its review.
  9. Buck Quinones Assoc, 210-212 Ave A (trans/op)  
**VOTE:** to deny the transfer of an on-premises license to Buck Quinones Assoc., 210-212 Avenue A, because the applicant failed to furnish a signed notarized stipulation that it 1) will close nightly at 2:00 a.m., 2) keep its doors and windows closed, 3) serve food until closing, and employ only live acoustic musicians singing to background music.
  10. 247 Luv NYC, 247 Eldridge St (trans/op)  
**VOTE:** to deny the transfer of an on-premises license to 247 Luv NYC, 247 Eldridge Street, because the applicant failed to furnish a signed notarized stipulation that it 1) will use live music or disc jockeys no more than two (2) nights per week for each, 2) will not use outside promoter and will oversee all events, 3) will keep windows and doors closed, and 4) will install a quieter sound system.
  11. Prince 28, 31 2nd Ave (trans/op)  
**VOTE:** to deny the transfer of an on-premises license to Prince 28, 31 2nd Avenue, because the applicant failed to furnish a signed notarized stipulation that it 1) will serve food to within one (1) hour of closing, and 2) will continue the operation of location as ½ full service restaurant and ½ lounge.
  12. Cantinella, 23 Ave A (trans/op)  
**VOTE:** To approve the transfer of an on-premises license to Cantinella, 23 Avenue A, understanding that the applicant has six (6) years of good history as restaurant owner on Avenue A.
  13. Corsica, 505 E 6th St (trans/op)  
**VOTE:** to deny the transfer of an on-premises license to Corsica, 505 East 6th Street, because the applicant failed to furnish a signed notarized stipulation that it 1) will have no live music or disc jockeys, because, despite its purported efforts, it failed to contact all appropriate block associations for approval, and because it obtained only six (6) resident petitions from its building, adjacent buildings and buildings across the street from the site of this proposed business as requested by Community Board 3 and, because, without fulfilling these requirements, Community Board 3 cannot approve the transfer of a liquor license to this bar which would be located on a block whose residents have continuously complained in recent years of being plagued by the noise, unruliness and pedestrian and vehicular traffic from the newly licensed businesses on its street, most notably, the adjacent 509, 511 and 513 East 6th Street.
  14. Taulant, 186 Ave B (trans/op)  
**VOTE:** To approve the transfer of an on-premises license to Taulant, 186 Avenue B, provided applicant furnishes signed notarized stipulation that it 1) will remain a full-service restaurant, 2) will close nightly at 11:00 p.m., and 3) will close its backyard at 10:00 p.m. weeknights and 11:00 p.m. weekends.
  15. Mug, 446 E 13th St (alt)  
**VOTE:** To approve an alteration to Mug, 446 East 13th Street, adding an additional on-premises license, understanding that it will maintain its existing method of operation.
  16. Sabina Jahanara Corp, 280 E 7th St (trans/rw)  
**VOTE:** To approve the transfer of a restaurant/wine license to Sabina Jahanara Corp., 280 East 7th Street.
  17. Jeflo & Co, 157 Ave C (trans/op)  
**VOTE:** To approve the transfer of an on-premises license to Jeflo & Co., 157 Avenue C, provided that the applicant furnishes a signed notarized stipulation that it 1) will close its backyard at 10:00 p.m. Sunday through Thursday and 11:00 p.m. Fridays and Saturdays and 2) will operate as a full-service restaurant.
  18. Bourgeois Pig, 122 E 7th St (alteration of stipulation)  
No Vote Necessary
  19. NYCJB, 112 Rivington St (additional)  
**VOTE:** To deny alteration to NYCJB, 112 Rivington Street, to add an additional bar as, notwithstanding remedial measures and outreach the applicant states he has made, Community Board 3 denied the original application for an on-premises license because this location is in an area that is already heavily licensed and because Community Board 3 will not approve an alteration to add an additional bar in an establishment that has not yet been opened for business.
  20. Ad-Mam, 326 E 6th St (trans/op)  
**VOTE:** To approve the transfer of an on-premises license to Ad-Mam, 326 East 6th Street.
  21. Song Dynasty, 46 Canal St (trans/rw)  
**VOTE:** To approve the transfer of a restaurant/wine license to Song Dynasty, 46 Canal Street.
  22. 205 Chrystie St Restaurant, 205 Chrystie St (add/op)  
**VOTE:** To inform the SLA that the applicant, 205 Chrystie St Restaurant, 205 Chrystie Street, has withdrawn its application before Community Board 3 and asking that the SLA not review any pending application until said application reapplies and is reviewed by Community Board 3.
  23. AH 103 Corp, 103 Ave A (trans/op)  
**VOTE:** To approve the transfer of an on-premises license to AH 103 Corp., 103 Avenue A, understanding that the method of operation of this location, staff and business name will remain unchanged.
- New Liquor License Applications:**
24. Winter Seafood, 40 E B'way (rw)  
**VOTE:** To approve an alteration changing the corporate name and to approve a restaurant/wine license for Winter Seafood, 40 East Broadway, understanding that the principles of said corporation and method of operation will remain the same and that this location has been a Chinese restaurant for three (3) years with an eating place beer license.
  25. Ai Zhen Foochow, 68 E B'way (rw)

- VOTE:** To approve an alteration changing the corporate name and to approve a restaurant/wine license for Ai Zhen Foochow, 68 East Broadway, understanding that the principles of said corporation and method of operation will remain the same and that this location has been a Chinese restaurant for three (3) years.
26. New May Mei Seafood, 31 Division St (rw)  
**VOTE:** To approve a restaurant/wine license for New May Mei Seafood, 31 Division Street, understanding that said location has been a Chinese restaurant for ten (10) years and that its method of operation will remain the same.
27. Yung Sun, 47 E B'way (rw)  
**VOTE:** To approve a restaurant/wine license for Winter Seafood, 40 East Broadway, understanding that this location has been a Chinese restaurant for five (5) years and that its method of operation will remain the same.
28. 620 Café Inc, 620 E 6th St (rw)  
**VOTE:** To approve a tavern/wine license for 620 Café, Inc., 620 East 6th Street, provided that the applicant furnishes a signed notarized stipulation that it 1) will close at 1:00 a.m. Sunday through Tuesday and 2:00 a.m. Wednesday through Saturday, 2) will serve food at all hours of operation, 3) will close its windows at 10:00 p.m. nightly, and 4) will notify the principal and pastor of the neighboring school and church that it intends to open a tavern serving beer and wine.
29. Sapphire Lounge, 249 Eldridge St (op)  
No Vote Necessary
30. Azul East, 152 Stanton St (rw)  
No Vote Necessary
31. Ashley Smith & Jim Bulgatz, 192-196 2nd Ave (op)  
**VOTE:** To inform the SLA that the applicant, Ashley Smith & Jim Bulgatz, 192-196 2nd Avenue, has withdrawn its application before Community Board 3 and asking that the SLA not review any pending application until said application reapplies and is reviewed by Community Board 3.
32. T - R Restaurant Corp, 392 E 10th St (op)  
**VOTE:** To inform the SLA that the applicant, T – R Restaurant Corp., 392 East 10th Street, has withdrawn its application before Community Board 3 and asking that the SLA not review any pending application until said application reapplies and is reviewed by Community Board 3.
33. LLD3, 76 Orchard St (op)  
**VOTE:** To deny the on-premises license for LLD3, 76 Orchard Street, because, notwithstanding any merits of the actual applicants, residents appeared in opposition to granting an additional license on a quiet residential street that has only two (2) existing licenses and granting a liquor license for a lounge in a building comprised predominantly of families and elderly.
34. EZ Mini Mart, 52 Rivington St (rw)  
**VOTE:** To deny restaurant/wine license for EZ Mini Mart, 52 Rivington Street, because the applicant failed to appear before Community Board 3 and failed to provide said Board with application materials for its review.
35. E Restaurant, 129 2nd Ave (rw)  
**VOTE:** To inform the SLA that the applicant, E Restaurant, 129 2nd Avenue, has withdrawn its application before Community Board 3 and asking that the SLA not review any pending application until said application reapplies and is reviewed by Community Board 3.
36. Cuvee Wine Bar & Café, 84 Orchard St (rw)  
**VOTE:** To deny restaurant/wine license for Cuvee Wine Bar & Café, 84 Orchard Street, because the applicant failed to appear before Community Board 3 and failed to provide said Board with application materials for its review.
37. Chatham Sq Restaurant, 6 Chatham Sq (rw)  
**VOTE:** To approve a restaurant/wine license for Chatham Sq Restaurant, 6 Chatham Square, understanding that it will operate as a Chinese restaurant.
38. Lin's Garden Seafood, 29 Catherine St (rw)  
**VOTE:** To approve a restaurant/wine license for Lin's Garden Seafood, 29 Catherine Street, understanding that it will operate as a Chinese restaurant.
39. Lao San Restaurant, 26 E B'way (op)  
**VOTE:** To approve an on-premises license for Lao San Restaurant, 26 East Broadway, understanding that this location has been a Chinese restaurant for three (3) years and that its method of operation will remain the same.
40. New Szechuan Seafood, 30 Market St (rw)  
**VOTE:** To approve a restaurant/wine license for New Szechuan Seafood, 30 Market Street, understanding that this location has been a Chinese restaurant for more than two (2) years and that its method of operation will remain the same.
41. Namu, 42 Rivington St (rw)  
**VOTE:** To deny the restaurant/wine license for Namu, 42 Rivington Street.
42. Tank 107 Corp, 107 1st Ave (rw)  
No Vote Necessary
43. Mesa Seaview, 41-43 E 7th St (rw)  
**VOTE:** To approve a restaurant/wine license for Mesa Seaview, 41-43 East 7th Street, because applicant has operated a different restaurant and bar in this neighborhood without complaint for ten (10) years.
44. Bridge & Tunnel, 66-68 Rivington St (op)  
**VOTE:** To deny an on-premises license for Bridge & Tunnel, 66-68 Rivington Street, because, notwithstanding any merits of the applicants, Rivington Street has numerous existing licensed establishments of the same method of operation proposed by this applicant and, consequently, this business will be of no benefit to the community and because community residents appeared in opposition to this application for a late hours tavern/bar at a corner site where there had previously been a restaurant which closed after dinner.
45. Takumi, 94 E 7th St (rw)

**VOTE:** To approve restaurant/wine license for Takumi, 94 East 6th Street, based upon applicant's good history of more than thirty (30) years at three (3) other locations within Community Board 3.

46. 92 Adrianna Inc, 92 2nd Ave (op)

**VOTE:** To approve on-premises license for 92 Adrianna, Inc., 92 2nd Avenue, understanding that the method of operation as an Italian restaurant named Poetessa will remain the same.

**BOARD VOTE**

31 YES 0 NO 2 ABS 0 PNV

**MOTION PASSED**

**PUBLIC SAFETY/SANITATION & TRANSPORTATION COMMITTEES**

1. Presentation of NYPD expansion of Auxiliary Police Program to patrol subways  
No Vote Necessary
2. CB support for Community Emergency Response Team  
No Vote Necessary

**TRANSPORTATION COMMITTEE**

1. MTA: 25% Reduction in M8 Midday Service in Fall 2005 Schedule  
**VOTE:** To object to the 25% Reduction in M8 Midday Service in the Fall 2005 schedule. The proposed increase in headway from 15 to 20 minutes is such an extreme reduction of service that it will lead to a vicious cycle of lower ridership.
  2. NYPD: Presentation on Park Row access  
No Vote Necessary
  3. RDS Delivery, 436 E 11th St - request for loading zone  
**VOTE:** To approve the request for a 30 ft. "Loading/Unloading Zone" from 8am to 6pm in front of 436 E 11th St. We would like there to be a 3 hour limit for any individual vehicle for such loading/unloading.
  4. Request for support for street re-opening of Orchard btwn E Houston & Stanton  
No Vote Necessary
  5. Parking for NYPD/School Safety under Williamsburg Bridge in fenced in vacant lot to allow for more street parking for residents  
No Vote Necessary
  6. Bella Tile, 408 E 11th St - request for extension of truck loading/unloading zone  
**VOTE:** To deny the request to extend the existing "Loading/Unloading Zone" in front of portions of 404-406-408 E 11 St, so that it would extend to the existing alternate side of the street parking sign in front of 402 E 11 St.
  7. Bailystoker Synagogue request for co-naming of Bailystoker Pl btwn Grand & Delancey Sts as "Rabbi Yitzchok Singer Way"  
**VOTE:** To postpone until October 2005.
  8. Request for "No Parking Zone" in front of Ukrainian Museum, 222 E 6th St for school & community groups' safety when loading/unloading  
**VOTE:** To approve the request for a "No Parking" zone, including on Sundays, in front of the Ukrainian Museum, 222 E 6 St. We would like the length of the zone to accommodate one school bus to pull in to drop off and pick up (probably about 50 ft.). We ask the museum to request drivers to obey the law and not idle their diesel engines.
  9. Requesting additional bus shelters/benches in CB3  
No Vote Necessary
  10. Resolution protesting DOT failure to provide sidewalk safety by refusal to take defective sidewalk complaints thru 311  
**VOTE:** That Community Board 3-Manhattan protests the termination by the City of 311 taking complaints on defective sidewalks in front of buildings with 4 or more units just because the City is no longer liable for personal or property injury for sidewalk defects in front of:
    - A private dwelling with three units with a commercial establishment on the ground floor;
    - A private welling with four or more residents, including co-ops, apartments and condos;
    - A commercial or industrial building.
- It is our view that residents should not have to be referred to the Dept. of Finance to find building owners nor should it be a resident's responsibility to pursue building owners for sidewalk safety.
- It is also our view that it should be the responsibility of the City to take complaints on and enforce sidewalk safety for its residents by expeditiously enforcing all existing laws regarding the safe physical conditions of all sidewalks. It may be the owner's responsibility to repave the sidewalk, but it is the City's responsibility to make sure that it is done.
11. Comments to Environmental Assessment Statement for street closure around Con Edison for security reasons: E 14th St Aves C-D, Ave D E 13th-14th Sts  
**VOTE:** (See Attached - Pages 10 - 12)

**BOARD VOTE**

32 YES 0 NO 0 ABS 1 PNV

**MOTION PASSED**

## ETHICS & BY-LAWS COMMITTEE

Vote for final approval of by-law changes concerning attendance.

(See attached by-laws.)

### BOARD VOTE

28 YES 2 NO 2 ABS 0 PNV

MOTION PASSED

## PARKS & RECREATION COMMITTEE

### Block Party/Street Fair Permit Application:

1. St Teresa Church, Rutgers St (btwn Henry & E B'way), 10/2

**VOTE:** To support the request for a street fair by St. Teresa's Church on Rutgers Street on October 2, 2005.

2. Bowery Mission, Bowery (btwn Prince & Rivington Sts), 11/24

**VOTE:** To support the request by the Bowery Mission to close the parking lane on the Bowery between Rivington & Prince Streets on Thursday, November 24th, to facilitate feeding the needy of New York on Thanksgiving Day.

### Non-Permit Issues:

3. Request for support for installation of temporary sculpture in Peter Cooper Park in September

Withdrawn by applicant.

4. Gourmet food carts in District 3 parks

**VOTE:** To disapprove the establishment of gourmet specialty carts in Community Board #3 parks. Further, whereas any food carts in Tompkins Square Park would have a negative effect on the economic development of businesses surrounding the park. The park is surrounded by small food businesses on Avenue A, Avenue B, and 7<sup>th</sup> Street – all within easy reach of the people enjoying the park. There is also already a hot dog vendor in the park directly competing with businesses immediately outside the park.

And, whereas, as a community, we are very concerned about the loss of those small mom-and-pop business due to the influx of bars and high-end restaurants, which are the only businesses that can pay the ever-increasing rents.

And, whereas a current example is Rays on Avenue A, a business that has been a member of our community for many years, who is currently paying affordable rent without a lease only due to the goodwill of his landlord,

Therefore, Community Board 3 which is opposition to gourmet food vendors in our parks, request that Tompkins Square Park, in particular, not have any more food vendors of any type located in the park because of the negative economic impact on the very fragile status of community small businesses surrounding the park.

5. Parks Dept request to Economic Development Corp for temporary use of property adjacent to Pier 42

**VOTE:** To support the request of the Parks Department to the Economic Development Corporation for temporary use of the property adjacent to the north side of Pier 42 to facilitate the construction of the East River bulkhead, subject to the following stipulations: (1) approval for the temporary use will extend no later than March 2007, (2) there will be no use of the Pier 42 area by the Judlau Construction Co., and (3) hours of use of the Pier 42 area will be from 7 AM to 5 PM, Monday through Friday only, and (3) to restore the location to its former condition.

## Waterfront Task Force

WHEREAS, the Waterfront Task Force was established by the Board in December 2002 to take a proactive role in the formulation of a viable, comprehensive plan for the use of our waterfront from the Brooklyn Bridge to the southern entrance into East River Park. In November 2003, the Task Force began a series of community forums (approximately eight over the next 18 months). As part of these community forums, in April and May 2004, the Task Force conducted three East River Greenway Community Design Workshops with technical assistance from the National Parks Service Rivers and Trails Program and facilitated by the City College Architectural Center (CCAC). Representatives of the NYC Department of City Planning, the Mayor's Office of Lower Manhattan Development, Economic Development Corporation, many other City agencies, elected officials, together with members of SHoP Architects, actively participated in these meetings, and were essential and invaluable to the work of the Task Force;

WHEREAS, as a result of the East River Greenway Community Design Workshops, CCAC prepared a Charrette Report and Design Principles summarizing the results of the Workshops. Most of the ideas enumerated in the Report were presented to and approved by the Board in July 2004. Many of these ideas were subsequently incorporated in the City's plans for the waterfront;

WHEREAS, in 2005, relevant committee chairs and the Board Chair have held several fact-finding meetings with the Department of City Planning and other City agencies to keep abreast of the City's long-term waterfront plans as they were formulated and to discuss shorter-term improvements to the area;

WHEREAS, the Department of City Planning and other involved City agencies have, over the past two years, conducted interviews/meetings with neighborhood groups and organizations (e.g., Metropolitan Waterfront Alliance, Asian Americans for Equality and Two Bridges Neighborhood Council) for their input and support;

WHEREAS, the Board and its Waterfront Task Force have received the assurances of the Department of City Planning and the Economic Development Corporation that we will continue to be part of the planning process for this important, exciting and much needed amenity to our community;

WHEREAS, in an effort to keep Board members up to date on the status of waterfront planning, and to ascertain your approval and support at this point of the process, the following brief summary of planned initiatives is presented for your approval;

## ***Longer-term Plans***

### The Esplanade

The planned layout of the esplanade consists of a recreation zone along the edge with new seating and additional plantings; a program zone for pavilions and outdoor activities; and a wider, safer and dedicated bikeway adjacent to South Street. The pavilions would be located parallel to the existing street, so that view corridors are not obstructed. In the warm weather, the walls of the pavilions could be open to allow the programs/activities to be accessible to esplanade users. The pavilions would be between 1,500 - 10,000 square feet, depending on location and use. Transparency and openness would be key qualities. They would be programmed for community, cultural, and commercial uses that would be directly responsive to the needs of each location and affordable to the local community (e.g., dance studio, café, martial arts studio, community center, etc.).

The new bikeway would run between South Street and the pavilions. The promenade, which would run between the pavilions and the water's edge, would be approximately 24 feet wide, and could accommodate areas for plantings, social seating and linear seating. Other open areas could be used for temporary programming and recreation, such as farmers' markets, flower markets, performances, exhibitions, etc. In order to create a safe and inviting environment underneath the FDR Drive, the plan proposes cladding the existing viaduct, which would include enhanced lighting and sound attenuating material to create a safe and more inviting environment.

### Pier 35

Once the chain link fence is removed and the relieving platform is repaired on the disused pier west of the Department of Sanitation shed, Pier 35 will become an important public amenity open to public access. A large public plaza will provide access to the waterfront, including a possible boat launch, as well as a place for family gatherings, including picnic tables and outdoor grills. A gently sloping path will rise to an elevated platform with sweeping views of the Manhattan and Brooklyn Bridges and harbor. The ramp of the platform would have the additional function of screening public open space from the existing Sanitation facility on Pier 36, as well as providing enclosed space on the pier for the creation of additional waterfront amenities.

### Slip Projects

A key component of the waterfront plan is bringing people to the water's edge. Several slips have been identified as key arteries to draw people to the East River. A prototype has been developed for Catherine, Rutgers and Montgomery Slips that can be adapted to each location to create a much-needed amenity. The prototype will include benches, plantings and new paving which employ materials and design cues from the esplanade, and will include riparian (river edge) trees and vegetation.

Pike/Allen Street presents a unique opportunity to connect the East River waterfront to the diverse communities of Chinatown, the Lower East Side and the East Village that will directly reflect the unique character of each neighborhood. The under-utilized pedestrian malls will be replaced by planted medians with areas for seating at each of the cross streets. The plantings will reflect the local character of each neighborhood and more maritime plants will be added near the East River.

### East River Park Connection

Pier 42 is a crucial link to East River Park and the greenway north of the study area. Currently access to the Park is gained via a 20-foot wide path which accommodates vehicular, service, pedestrian and bike traffic. This access road is squeezed between the FDR Drive and the fence of the vacant Pier 42 shed which constrains the entrance to the Park. The plan calls for the removal of the fence and the creation of a wider, safer connection into the Park. Large, planted berms would separate the East River Park access road from pedestrian and bicycle traffic. In the future, the pier would be rebuilt to make way for a new large public gathering space on the river. The shed would be replaced by a large urban "beach" floating just above the waters of the East River. A new cove at Montgomery Street would create another waterfront destination by carving into the pier between Piers 36 and 42, allowing for the mooring of boats and provide further neighborhood connections to the water.

### ***Shorter-term Improvements***

The Board and relevant City agencies have reached a consensus of agreement on a number of short-term improvements to the portion of the esplanade from Catherine Slip to Rutgers Slip. For example, the unsightly chain-link fencing has already been removed from this area, much to the delight of community members. Planning is under way for additional work to begin in the spring of 2006 which will include the regrading of a portion of the area, and the installation of catch basins, new curbs, bollards and intermittent planters.

NOW, THEREFORE, BE IT RESOLVED, that Manhattan Community Board # 3 enthusiastically supports the waterfront concept plan developed by the City of New York for the area from Brooklyn Bridge to the southern entrance into East River Park, as outlined above, based on the understanding that the Board will continue to be involved in any



future planning for the area and also any changes to be considered for the plans as they now exist. Based on the assurance of the City, the Board fully expects that it will be fully involved in the establishment of a dedicated entity that will oversee the maintenance and operations of the waterfront from the tip of Lower Manhattan (the Battery Maritime Building) to the southern entrance into the East River Park. Therefore, it is also our assumption that the two Community Boards directly affected by this project will be treated equally and equitably, not only in the planning process but also in the allocation of LMDC, and any other, funding that will be used for this entire waterfront plan.

**BOARD VOTE**

33 YES 0 NO 0 ABS 0 PNV

**MOTION PASSED**

**HOUSING & LAND USE COMMITTEE**

1. Houston Dee Reality: requesting purchase of Las Potencias Green Thumb Park (B372, L49) for air rights for construction of 41 unit commercial/residential 80/20 housing at the N.W. corner of Houston St & Ave D.

**VOTE:** To write to HPD requesting that it provide the terms of the agreement it has entered into with the developer and to send a representative to next month's committee meeting. Item to appear on October committee agenda.

2. Presentation for hotel at 200 Allen St

**VOTE:** That while the Board remains opposed to the development of this "as of right" hotel, the Board shall seek to enter into a memorandum of understanding with the developers and operators of the hotel to establish guidelines for the operation of the hotel and for the employment of local residents in both the construction and operation of the hotel.

3. 421-a Partial Tax Exemption Application for 103-105 Norfolk St (B353, L35)

**VOTE:** To deny the application based on the applicant's failure to appear before the Board and the absence of any affordable housing component in the project.

**HUMAN SERVICES/SENIORS & YOUTH/EDUCATION COMMITTEES**

No Votes Necessary.

**YOUTH & EDUCATION COMMITTEE**

1. Discussion on the matter of disparities between the alternative and Traditional schools

No Vote Necessary

2. Resolution regarding Dept of Education's exclusion of school leadership Teams from the formulation of school budgets

**VOTE:** WHEREAS, the NYC Department of Education has not implemented school based budgeting as intended by law and the Chancellor's Regulation as it has shut out school leadership teams from the process. Community Board 3, Manhattan supports the New York State Assembly's call upon the Chancellor of the New York City Department of Education to resolve this matter of non compliance with the state law and the Chancellor's Regulations regarding the shared decision making role of school leadership teams in the development of school budgets. We believe a clear process must be communicated to the regions and principals for the involvement of teams in the budget process and include a monitoring component. In addition, all team members must be trained as required by law in order to fulfill their budget duties.

NOW, THEREFORE, BE IT RESOLVED, that We would appreciate a timely written response detailing a solution to this important school reform issue affecting parents and teachers in our district.

**BOARD VOTE (On Housing and Youth Committees)**

33 YES 0 NO 0 ABS 0 PNV

**MOTION PASSED**

**MEMBERS PRESENT AT LAST VOTE:**

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

MEETING ADJOURNED

Attachment for Transportation Committee Item 11

## **Comments on the negative impacts of proposed closures of the streets surrounding Con Edison's East River Plant in Manhattan Community Board #3.**

The City should not be creating a security plan piece by piece without looking at the city and security needs as a whole. There should be consistent criteria and priorities regarding power plants. In the current situation, we have a relatively small steam generating plant that is being treated with stronger security measures than larger electrical plants, simply because the city has been able to take advantage of streets already closed, some for construction. More damage would be done to the City if the Avenue A substation were destroyed, yet this merits only an extra check by the precinct when riding by.

We need to know that there is an overall plan for the city and that all sensitive sites are treated in a consistent manner.

### **EAS BASED ON INVALID ANALYSIS**

Before discussing the specifics of the proposed street closures, Manhattan Community Board #3 (CB3) wants to point out flaws in the methodology used for the analysis, which we believe invalidates the Environmental Assessment Statement. The EAS is supposed to compare the "existing conditions" with conditions that are predicted under the "build" and "no build" alternatives. Unfortunately, the EAS is attempting to justify "proposed" street closures that have in fact existed for at least 4 years. Therefore, the EAS needs to describe "existing conditions" that cannot be observed today; that is, the facts on the ground are really the "build" alternative.

The fatal flaw in the EAS analysis is that some sections attempt to honestly project "existing conditions" by examining conditions that were observed and recorded before the street closures, but other sections simply declare that the conditions observed today are the "existing conditions." That is not correct: the EAS must consistently compare the "build" alternative with "existing conditions" as they would be without the street closures. Here are some contradictory quotes from various EAS sections that define what is meant by the term "existing conditions":

- Attachment C: Traffic and Parking. The Introduction states:  
The analysis of No Build conditions is also based on the roadway network without security closures (the same as the existing conditions).
- Attachment D: Transit and Pedestrians. The conclusion states:  
However, with the closure of East 14<sup>th</sup> Street to vehicular traffic after September 11, 2001, the M14 bus line was rerouted ... It is anticipated that with the proposed street closures in the future conditions, the M14 bus line would continue to be rerouted to Avenue D as in existing conditions.
- Attachment E: Air Quality. The "Methodology for Predicting Pollutant Concentrations" subsection states:  
Since existing conditions reflect the traffic diversions that are the subject of the proposed action, CO concentrations for existing and Build conditions would be identical.

Of these three sections, only "Attachment C: Traffic and Parking" starts with an honest attempt to estimate "existing conditions" - but only at the southbound FDR Drive ramps without street closures. For that purpose, traffic counts conducted in 1999 as part of the East River Repowering Project were used to estimate traffic volumes under "existing conditions." This honest analysis was abandoned in the "Existing Traffic Conditions and Levels of Service" sub-section, which begins with the statement:

Existing traffic volumes for the study area were generated based on traffic counts conducted in April 2005 for the study area intersections.

Using April 2005 traffic counts is a deeply flawed analysis, since it observes conditions directly caused by the "proposed" street closures. Any "existing conditions" that were measured recently already reflect the impact of the "proposed" street closures. Such sloppy analysis leads inevitably to the conclusion that there will be no impact if the

streets are closed. In our comments below, CB3 will attempt to explain some of the serious impact of these closures on our community over the past 4 years.

Until the City presents an analysis based on sound methodology, CB3 believes that the entire EAS must be rejected as invalid. There must be traffic volume and air quality data from the same 1999 studies for the East River Repowering Project used in the beginning of "Attachment C: Traffic and Parking" that could be used for the rest of the EAS.

#### **TRAFFIC ISSUES**

- Increased traffic along AVENUE C from East 14<sup>th</sup> Street to East Houston Street.
- Increased traffic along Avenue D from East 10<sup>th</sup> Street to East Houston Street.
- Increased traffic along East Houston Street from Avenue C to the FDR Drive.
- Loss of approximately 100 parking spaces which are sorely needed by the community.

#### **QUALITY OF LIFE ISSUES**

- Increased air pollution from larger traffic volumes along residential streets. Buses and various passenger vehicles that must wait at traffic signals longer due to the closures emit more contaminants into the air exacerbating an already fragile community that disproportionately suffers from respiratory illnesses in comparison to the rest of the city.
- Loss of M14D bus service on Avenue D between East 14<sup>th</sup> Street and East 10<sup>th</sup> Street impacting residents of Jacob Riis Houses, Haven Plaza, and the parishioners of St. Emeric's Church and School. There are elderly and disabled residents who must now walk farther to their homes creating an unnecessary hardship. The current bus stop is on East 10<sup>th</sup> Street/Avenue D. The prior bus stop was on Avenue D between East 12<sup>th</sup> / East 13<sup>th</sup> Streets a full 2 blocks away.

#### **SECURITY ISSUES**

- NYPD vaguely cites security vulnerabilities in their letter of support of Con Edison's request and while there are security issues that should be addressed, full closures of these streets does not seem to be warranted.
- Con Edison has huge transformers taking up one square block in the project area (Avenue C - East 14<sup>th</sup> Street - Avenue D - East 13<sup>th</sup> Street) yet there is no proposal to secure neither the East 13<sup>th</sup> side of the block nor the Avenue C side which begs the question; Are all of the other closures necessary to maintain security? It would seem that the transformers are as much of an asset to the City of New York as is the rest of the plant.

#### **COMMENTS**

Con Edison's East River Plant is an important piece of the City's overall power generation system and as such should be protected to the extent that is possible without adversely affecting a community, its residents and visitors. However, the security of the plant should be the primary responsibility of Con Edison and can be achieved without full closures of the affected streets/ramps. Although the ERRP construction is complete Con Edison continues to use the closed streets for parking of company and private vehicles and equipment. The EAS states that there will be no parking or storage of equipment except for operational requirements and emergencies. What entity will be responsible for enforcing this requirement? Will Con Edison be allowed to use the space as they see fit without further oversight if approved? What type of operational requirements would qualify for the limited laydown of equipment and/or parking? Who will determine the duration of any such activities? If Con Edison's request is approved who will be responsible for maintaining the infrastructure of the closed streets, in particular the roads? Revocable Consent allows the placement of the barriers/fencing but how will City agencies and other utilities gain access to the streets if needed. Will Con Edison's security guards determine who is allowed in and when? Deliveries to the plant via the gated entrance on Avenue C/East 14<sup>th</sup> Street already causes traffic to back up along East 14<sup>th</sup> Street and along Avenue C in both directions as the truck drivers wait to gain access after speaking to the security guard.

The EAS purports to show that there has not been an increase in vehicular traffic along the streets surrounding the closed roadways yet their own numbers show the true story. Attachment C - Table C-1 which speaks to Traffic & Planning at signaled intersections shows heavy southbound traffic during the am/pm rush turning right onto Avenue C from East 14<sup>th</sup> Street which surely can be attributed to the closure of the East 14<sup>th</sup> Street on

ramp to the southbound FDR Drive. Drivers are now traveling down Avenues C/D and the side streets to get on the FDR Drive at East Houston Street. The indicated Level of Service (LOS) is rated C (20-35 second delay) or D (35-55 second delay) at Avenue C/East 14<sup>th</sup> Street. Table C-2 which shows the LOS at unsignaled intersections shows a rating of F (over 1 minute delay) for the intersection of East Houston Street/FDR Drive another indicator of increased volume due to vehicles being unable to enter the southbound FDR Drive at East 14<sup>th</sup> Street. Table C-3 indicates that there would be no change in the LOS if the structures were not built which is a complete falsity. Traffic volumes in the area bounded by Avenue C-D & East 14<sup>th</sup> Street/East Houston Street would decrease if the entrance to the southbound FDR Drive at East 14<sup>th</sup> Street were re-opened.

The EAS has also proposed installing a traffic signal at the intersection of East Houston Street which will probably increase traffic congestion further, not alleviate it.

**Alternatives that should be considered**

Due to extremely limited foot traffic in the project area full sidewalk closures on the proposed streets would not present a significant negative impact as is evidenced by the placement of jersey barriers on the east side sidewalks along Avenue C from East 13<sup>th</sup> - East 15<sup>th</sup> Streets. The loss of parking on the affected streets would be mitigated by the re-opening of the streets. A combination of full sidewalk closures along with placing jersey barriers in the roadway approximately 5' away from the curb to prevent parking in addition to having private security guards stationed strategically around the plant by Con Edison should prove to be a sufficient way to secure the plant while re-allowing access to the public streets that are currently closed.