



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

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Dominic Pisciotta, Board Chair

Susan Stetzer, District Manager

November 2011 Full Board Minutes

Meeting of Community Board #3 held on Tuesday, November 22, 2011 at 6:30pm at PS 124, 40 Division Street.  
Meeting called to order at

Public Session:

VAYLATEENA JONES representing Gouveneur Gardens is concerned about lights and traffic on Montgomery Street and FDR Drive especially as relates to increased traffic around Basketball City. They would like a number at Basketball City to call if there are problems with traffic and noise. They don't want an NYPD number or to call 311. They would like this placed on the Transportation Committee agenda for December. They would like to be notified of special events at Basketball City. They would like DOT to do a study. Ms. Jones to email the office to have these issues put on committee and board agendas.

MATT RYDER of Asian Americans for Equality introduced survey results about health warnings and cigarette sales. Many independent pharmacies have stopped selling cigarettes. Many chains have stopped advertising them. Most stores post required advertising.

KATE PULS thanks the SLA Committee for recommending denial of wine license to 147 1<sup>st</sup> Avenue due to the plethora of licenses in the neighborhood.

An information session on 51 Astor Place and street trees was presented by two representatives of Sciame Construction. Drawings and photos showed trees to be removed and transplanted, that will remain, and that will be newly planted. Joyce Ravitz asked how it was decided which trees would be removed and was told they conflicted with the building's main entrance or with electrical installations. They are advised by the Parks Department.

Ended 7:00 PM.

Public Officials:

Mayor Michael Bloomberg, Pauline Yu: No report.

Public Advocate Bill de Blasio, Phil Jones: No report.

Comptroller John Lui, Sandra Ung: No report.

Borough President Scott Stringer, Alec Schierenbeck: 1) CB3 members with terms expiring 3/12 must reapply. He has forms. The deadline is 12/30. There are flyers outside for new members. He hopes existing members are evangelists for CB service. 2) 11/28 6 – 8 the BP with the Speaker and City Council Manhattan Delegation is holding a reception for members at the Metropolitan Museum. + 1 or 2 is possible. 3) The BP is launching a program Green Your Block, which allows one to apply for small grants to add trees or widen tree pits. They're better for storm water. 3) The BP was pleased to stand with others including Council Members Mendez and Glick in saving the St. Mark's Bookshop. 4) The BP takes attendance seriously when it comes to attendance.

Congressmember Jerrold Nadler, Daniel Weisfeld: No report.

Congressmember Nydia Velazquez, Iris Quinones: No report.

Congressmember Carolyn Maloney, Victor Montesinos: No report.

Assembly Speaker Sheldon Silver, Zach Bommer: 1) PS137 is slated as a possible school to close, although a couple of years ago it received an "A." The NYC DOE has been asked for a letter declaring a willingness to work with parents and others to keep it open. 2) Pier 42 was supported by Senator Squadron also in getting LMDC funding for it. 3) The Sun Yat Sen statue now in Columbus Park was missing a home for a long time. 4) Smith Houses gas went out a few days ago. It's had problems that have lasted up to 6 weeks. Tonight the gas was turned on with intervention by the Speaker's and Senator Squadron's offices.

Assemblymember Deborah J. Glick, Sarah Malloy-Good: She is fighting against hydrofracking. There will be a hearing November 30. Details are in the handout and on the website.

Assemblymember Brian Kavanagh, Leslie Pena: 1) There was an Assembly hearing today about SCREE, the senior rent increase program. The movement from Department of the Aging to Department of Finance has caused many problems, including hearing aid problems. 2) She mentioned an 11/30 hearing by DEC on hydrofracking. 3) Senator Squadron's Community Forum was helpful for hearing suggestions. 4) He joined Congresswoman Maloney in protesting disproportionate car accident rates for women because car manufacturers run tests using dummies simulating men. 5) Advice on the Federal Vote America Act is being processed by their office.

State Senator Daniel L. Squadron: 1) He's very pleased that the Smith Houses problem was resolved. Also the Sun Yat Sen problem. 2) Pier 42 is near and dear to his heart. He represents much of the waterfront, including Liberty and Ellis Islands. Pier 42 is part of the City's overall unified waterfront plan. It was not acceptable that a lower-income didn't have the same waterfront amenity as other neighborhoods. \$14M was received. The parking lot and shed will be demolished so there is greater public access. 3) He's glad to have been a small part of saving St. Mark's Bookstore, and gives credit to Joyce Ravitz. To keep it saved, buy books there. 4) His Community Convention engaged any question or issue. About 40 community members attended. Susan Stetzer lauded the speed with which LMDC funding came through. He responded that CB3's pressure helped. Anne Johnson asked for clarification of what would be there as announced at a press conference; will it be what the Waterfront Committee hoped for, particularly a beach. Howard Epstein asked for an opinion on Governor Cuomo's opposition to the renewing the "millionaire's tax." Senator Squadron responded that cuts to core basic human services are not acceptable. Summer youth employment and senior services are always put on the chopping block and are always saved.

State Senator Thomas K. Duane, John Bartos: No report.

Councilmember Margaret Chin, Matt Viggiano: 1) They welcome the Sun Yat Sen statue to the community. A permanent home is still being looked for. 2) With other colleagues she has introduced a law to prevent extra large trailers, e.g. from film shoots, from idling on narrow streets and in front of residential buildings. 3) Another law is pushing for biodiesel generators for film shoots, street fairs, and other activities. 4) The filtering of soot is being addressed so that indoor air is cleaner. 5) He thinks everyone who came to the 9/11 memorial night.

Councilmember Rosie Mendez, Michele Burger: 1) Today she submitted testimony about the senior rent increase program, managed by the Department of Finance. Seniors find this difficult to access. There are no bilingual features. Her office will download the applications and help with the processing. 2) She sponsored comprehensive primary mobile dental care to local school children, a collaboration with NYU.

Members Present at First Vote:

David Adams	[P]	Linda Jones	[A]	Dominic Pisciotta	[P]
Karen Blatt	[P]	Vaylateena Jones	[P]	Carolyn Ratcliffe	[P]
Jimmy Cheng	[P]	Meghan Joye	[P]	Joyce Ravitz	[P]
David Conn	[A]	Joel Kaplan	[A]	Lois M. Regan	[A]
David Crane	[P]	Carol Kostik	[P]	Janet Riesel	[P]
Natasha Dillon	[P]	John Leo	[P]	Carlina Rivera	[P]
Harvey Epstein	[P]	Ricky Leung	[P]	Richard F. Ropiak	[P]
Morris Fajtelewicz	[A]	Sam Leung	[A]	Susan Scheer	[P]
Flora Ferng	[P]	Gigi Li	[P]	Nancy Sparrow-Bartow	[P]
Rabbi Y. S. Ginzberg	[P]	Bernard Marti	[P]	Mary Spink	[A]
Gloria Goldenberg	[P]	David McWater	[A]	Gary Tai	[A]
Jan Hanvik	[P]	Charlotte Miles	[A]	Elinor Tatum	[P]
Herman F. Hewitt	[P]	Alexandra Militano	[P]	Rodney Washington	[A]
Simon Huang	[A]	Chiun Ng	[A]	Jack Waters	[A]
Carolyn Jeffers	[A]	Ariel Palitz	[A]	Justin Yu	[P]
Anne K. Johnson	[P]	Thomas Parker	[P]	Thomas Yu	[A]

Minutes:

Minutes of September 2011 were approved, as is.

**(Minutes)**

**31 YES 0 NO 0 ABS 0 PNV MOTION PASSED**

Board Chairperson's Report:

Chairperson Dominic Pisciotta: 1) Pier 42 and St. Mark's Books are two issues he is glad about. 2) CB3 Holiday Party will be after December full board meeting. Please see Alex Militano for payment. 3) He attended this month's SLA meeting and presented a compilation of past policies for the committee to consider a streamlined

way of deciding how to cast their votes. There has been some inconsistency in past voting. The objective is to gain consistency. He hopes Committee members will use this compilation as a guideline. He will refine it even more for next month's meeting. We must follow policies of the board in all of our votes, e.g. in the areas where we are encouraging retail diversity. 4) At the October SLA meeting a member verbally attacked the Committee Chair personally. We must be above that kind of conduct. It must be reported. 5) The Borough President's party is this Monday. He is glad spouses and significant others are welcomed. 6) Mary Spink is in the hospital. Speak with him if you'd like to contribute to a gift for her. Anne Johnson asked if there was a method for streamlining meetings, that sometimes last till 2 AM with no breaks and no dinner. DP: The SLA Policy Committee recommended such things as standardizing the language of stipulations. The last meeting moved along quickly. There is a lot of crosstalk among committee members which can be curtailed. AJ: Each bar should have a time limit to present and a time limit on the number of speakers for or against. They spend an unlimited amount of time arguing. 7) The Landmarks Committee is looking for more members.

#### District Manager's Report:

District Manager Susan Stetzer:

First, there are some "housekeeping" issues. Even though City offices are open the Friday after Thanksgiving, the Community Board office will be closed.

I found out that the staff at PS 124 are not paid after 9:00 pm. I am therefore asking that everyone be diligent about leaving as soon as the meeting is over so that the staff are not forced to continue working when they are no longer being paid. This school was generous in waiving the security fee.

There are flyers for District 1's school fair to give parents information about pre-K and kindergarden options.

We hosted the third annual meeting for agencies dealing with the homeless with CB 2. The agencies meet before it gets cold to be prepared for cold weather problems and forcible removal when lives are in danger. The issue of dealing with different protocols has been resolved.

Because the police are assigned to Occupy Wall St protests, there are not many police available to deal with quality of life issues.

Community Boards received another PEG letter from OMB. There is a 2% cut proposed for the current year, but now rent and utilities were taken out of the total in considering the cut. This will save about \$1,000. For each board.

A question was asked regarding results are of calls to 311 re the homeless. The follow up to these calls is excellent. Homeless outreach will respond within an hour. If you leave your name and number, you will get a return call with the results.

#### Committee Reports:

##### Executive Committee

- Committee change to fold Environmental Committee items back into Transportation & Public Safety Committee instead of two separate committees

**VOTE:** Environmental Committee: Committee will be part of Transportation Committee.

DP reported that this was the only vote.

**SLA & DCA Licensing Committee** SS reported that all the stipulations came in except # 2, Kelly's, 12 Avenue A, therefore it is a denial. Richard Ropiak asked about The Bean's reasoning for asking for a beer and wine license when it is a coffee shop. They withdrew their application for # 26. It is next to a church but the 200-foot-rule applies only to a full liquor license. SS asked for another strategy for # 2 since the license won't be denied since there are no pending violations and since the SLA has been known to put stipulations. She wants language added. Herman Hewitt moved it. Anne Johnson seconded. This applicant did not appear at the committee hearing and did not sign the stipulations we asked them to sign. If this renewal is to be approved, we ask that the SLA include the additional stipulations in the license.

##### **Renewal with Complaint History**

1. The Porch (The Porch Inc), 115 Ave C (op)

**VOTE:** That this community board is unable to support the renewal of the full on-premise liquor license of The Porch Inc., previously doing business as The Porch, for the premise located at 115 Avenue C because 1) the licensee conceded that it had voluntarily closed its business because of chronic noise complaints and persistent police activity, the most recent police activity occurring in September of 2011, 2) although the licensee states that its license is in safekeeping, it concedes that the business has been closed for at least six (6) weeks, 3) the licensee has stated that it intends to completely alter the method of operation of the

previous business for which this community board has no application or details and, consequently, Community Board #3 cannot approve the renewal of this liquor license.

2. Kelly's (Diddler Doyle Corp), 12 Ave A (op)

**VOTE:** To deny the renewal of the full on-premise liquor license for Diddler Doyle Corp., doing business as Kelly's, for the premise located at 12 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 close any facade doors and windows by 10:00 P.M. every night, and 2) it will adhere to its method of operation by no longer having live music.

**MOTION:** At its November 14, 2011 meeting, Community Board #3 passed the following motion: to deny the renewal of the full on-premise liquor license for Diddler Doyle Corp., doing business as Kelly's, for the premise located at 12 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 close any facade doors and windows by 10:00 P.M. every night, and 2) it will adhere to its method of operation by no longer having live music. This licensee failed to appear before Community Board #3 to respond to resident complaints of loud noise from patrons and live music emanating from his open façade and failed to sign and return the requested stipulations. Consequently, Community Board #3 is asking that the renewal of the full on-premise liquor license for Diddler Doyle Corp., doing business as Kelly's, for the premise located at 12 Avenue A, be denied or, if approved, approved only with the aforementioned stipulations as conditions of its license renewal.

3. Kenka (Hinomaru Inc), 25 St Marks Pl (op)

**VOTE:** To deny the renewal of the full on-premise liquor license for Hinomaru Inc., doing business as Kenka, for the premise located at 25 St Marks Place, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will continue to operate as a full-service Japanese restaurant, serving food to within one (1) hour of closing, 2) it will cease use of its backyard by patrons and keep the door to the backyard closed during all hours of operation, and 3) it will designate an employee to minimize patron noise in front of its establishment.

4. Diablo Royale (East Village Café & Restaurant LLC), 167 Ave A (op)

**VOTE:** To deny the renewal of the full on-premise liquor license for East Village Café & Restaurant LLC, doing business as Diablo Royale, for the premise located at 167 Avenue A, because 1) this application was originally approved in 2007 but did not open until May of 2010 and was then heard for review of its stipulations by Community Board #3 in November of 2010 because of ongoing complaints of loud patrons and noise in front of this establishment as well as in its backyard past its agreed hours for closing the backyard and these complaints have continued unresolved through November of 2011, 2) this business is in an area where there are numerous licensed establishments and there are significant issues of noise, crowds and enforcement which impact on the quality of life of residents and, consequently, the licensee has a heavier burden of insuring that its business does not further impact these conditions, 3) since it has opened in May of 2010, there have been complaints from residents that this licensee is commercially using its backyard past its stipulated closing times of 10:00 P.M. weeknights and 11:00 P.M. Fridays and Saturdays and it currently has SLA violations pending for this misuse, 4) numerous residents appeared before Community Board #3 to complain that there are still crowds of patrons in front of this establishment as well as noise both in front of and in the backyard of this business, and 5) there are outstanding violations before the SLA for this location consisting of violation of stipulations as to backyard use, unreasonable noise, illegal occupancy and two (2) underage sales from October of 2010 and May of 2011.

**Applications within Resolution Areas**

5. Cafetasia (Cafetasia Inc), 85 Ave A (up/op)

**VOTE:** To deny the application to upgrade to a full on-premise liquor license for Cafetasia Inc., doing business as Cafetasia, for the premise located at 85 Avenue A, because 1) the stated public benefit of upgrading the liquor license for this Thai restaurant is to provide an amenity for its diners which is an insufficient public benefit given the number of full on-premise liquor licenses within five hundred (500) feet of this location, 2) the applicant concedes that there are nineteen (19) businesses with full on-premise liquor licenses within five hundred (500) feet of this location, two (2) of which are in the same building, 3) its large bar and advertisements of one hundred (100) liter beer promotions is inconsistent with its stated method of operation as a restaurant, 4) out of numerous petitions signatures provided in support of its application, only twenty-six (26) appear to come from the nearby area, and 5) this area is already overwhelmed by noise and congestion from the existing licensed businesses.

6. Essbar (102 Ave C LLC), 102 Ave C aka 230 E 7th St (up/op)

**VOTE:** To deny the application to upgrade to a full on-premise liquor license for 102 Ave C LLC, doing business as Edie & The Wolf, for the premise located at 102 Avenue C a/k/a 230 East 7th 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 Austrian restaurant, serving food to within one (1) hour of closing, 2) its hours of operation will be 4:00 P.M. to 2:00 A.M. Mondays through Fridays and 11:00 A.M. to 2:00 A.M. Saturdays and Sundays, 3) it will play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged, 4) it will close façade doors and windows at 10:00 P.M., and 5) it will close its backyard at 10:00 P.M. Community Board #3 is approving this upgrade application although this is a location in an area with numerous licensed

premises because 1) this applicant has a seasoned chef and has proven to be a stabilizing influence in this area, 2) this application is for a business which emphasize food service with alcohol service ancillary to the sale of food, and 3) the applicant demonstrated significant support for this proposed business from its neighbors by providing seventy-five (75) signatures from nearby residents.

7. Nublu, 151 Ave C (op)

no vote necessary

8. Pouring Ribbons (Lead to Gold Inc), 225 Ave B (op)

**VOTE:** To deny the application for a full on-premise liquor license for Lead to Gold Inc., with a proposed business name of Pouring Ribbons, for the premise located at 225 Avenue B and currently doing business as White Noise, 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 an artisanal cocktail bar, serving food during its hours of operation, 2) its hours of operation will be 5:00 P.M. to 2:00 A.M. all days, 3) it will play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged, 4) it will not have open doors or windows and will have a closed fixed façade, consisting of fixed windows only, and 5) it will install additional soundproofing if needed, based upon the recommendations of a sound engineer.

9. To be Determined, 116 Ave C (op)

no vote necessary

10. Japadog Inc, 30 St Marks Pl (wb)

no vote necessary

11. 6 St Marks Inc, 6 St Marks Pl-Floors 2, 3 & 4 (wb)

**VOTE:** To deny the application for a beer wine license for 6 St. Marks Inc., for the premise located at 6 St. Marks Place, 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 Korean restaurant and karaoke lounge, serving food to within one (1) hour of closing, 2) it will serve alcohol no later than 1:00 A.M. Sundays through Thursdays and 2:00 A.M. Fridays and Saturdays, 3) it will play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged, 4) it will close any facade doors and windows, including its balcony, by 10:00 P.M. every night, and 5) it will employ two (2) security guards for the door and one (1) security guard per seventy-five (75) people. Community Board #3 is approving this beer wine application although this is a location in an area with numerous licensed premises because 1) this applicant has operated a similar business within Community Board #2 for the past year, 2) this applicant provided sixty-nine (69) signatures in support of its application from residents of the surrounding area, as well as a letter from an eighty (80) year resident of St Marks Place and support of two (2) residents who appeared before Community Board #3.

12. Landbrot (185 Orchard Street Landbrot LLC), 185 Orchard St (wb)

no vote necessary

13. Alphabet City Beer Co (Alphabet City Wine Co LLC), 96 Ave C (b)

**VOTE:** To deny the application for a beer license for Alphabet City Wine Co. LLC, with a proposed business name of Alphabet City Beer Co., for the premise located at 96 Avenue C, 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 beer tavern and retail store with deli case, selling and serving food during its hours of operation, 2) its hours of operation will be 12:00 P.M. to 12:00 A.M. Sundays through Thursdays and 12:00 P.M. to 2:00 A.M. Fridays and Saturdays, 3) it will play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged, 4) it will close any facade doors and windows by 10:00 P.M. every night, and 5) it will not commercially use its backyard. Community Board #3 is approving this beer application although this is a location in an area with numerous licensed premises because this applicant has operated two (2) businesses with liquor licenses in this area since 2007.

**Alterations/Upgrades**

14. Cien Fuegos (Cien Fuegos LLC), 95 Ave A (alt/op)

**VOTE:** To deny the application to alter the full on-premise liquor license of Cien Fuegos LLC, doing business as Cien Fuegos, 95 Avenue A, to wit changing the method of operation, menu and decor of its ground floor only, 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 fish and chips restaurant on its ground floor and a full-service Cuban restaurant on its second floor and serve food to within one (1) hour of closing on both floors, 2) it will close any façade doors and windows at 10:00 P.M. every night, 3) its hours of operation will be 11:00 A.M. to 2:00 A.M. all days, 4) it will play ambient background music only, consisting of recorded music, and not have live music, promoted events, scheduled performances or any event at which a cover fee will be charged, 5) it will employ a hostess at all times to control noise and congestion from patrons and traffic outside its premise, and 6) it will minimize pedestrian and vehicular traffic through a traffic plan.

15. Rockwood's (Ken Rock Enterprises LLC), 190-192 Allen St (alt/op)

**VOTE:** To deny the application to alter the full on-premise liquor license of Ken Rockwood Enterprises LLC, doing business as Rockwood's, 190-192 Allen Street, to wit expanding into the storefront at the rear of 192 Allen Street and creating a waiting area and bar on its first floor and creating an additional seating area in its

basement, 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 music venue with live music amplified by a public address system and food service during its hours of operation, 2) it will maintain a closed fixed façade and have no open doors or windows, 3) its hours of operation will be 12:00 P.M. to 2:00 A.M. Mondays through Wednesdays, 12:00 P.M. to 3:00 A.M. Thursdays through Saturdays and 12:00 P.M. to 1:00 A.M. Sundays, 4) it will have only ambient background music and not have live music, DJs, promoted events or scheduled performances in the rear area of 192 Allen Street which backs onto Orchard Street, will use this rear area as a waiting area only and will only have an emergency egress from this area onto Orchard Street while using its Allen Street entrance as its daily entrance and egress, 5) it will hang sound baffling curtains along the rear facade of 192 Allen Street, and 6) live music will continue to be played in storefronts fronting Allen Street only.

16. Rhong-Tiam Express, 154 Orchard St (alt/op/enclosed backyard) THIS IS WITHIN A RESOLUTION AREA  
**VOTE:** To deny the application to upgrade to a full on-premise liquor license for Rhong Tiam Express, with principal Andy Yang, doing business as Rhong Tiam The Garden, for the premise located at 154 Orchard 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 Thai restaurant, serving food to within one (1) hour of closing, 2) its hours of operation will be 11:00 A.M. to 12:00 A.M. Sundays through Wednesdays and 11:00 A.M. to 2:00 A.M. Thursdays through Saturdays, 3) it will play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged, and 4) its backyard will remain fully enclosed and soundproofed. Community Board #3 is approving this upgrade application although this is a location in an area with numerous licensed premises because 1) this applicant is an experienced operator who has operated a similar restaurant at Laguardia Place for the past two (2) years, and 2) the applicant demonstrated significant support for this proposed business from its neighbors by providing twenty-eight (28) signatures from residents of Orchard Street.

17. Peels Restaurant (Radley Realty Corp), 325 Bowery (alt/op/additional standup bar)  
**VOTE:** To approve the alteration of the full on-premise liquor license for Radley Realty Corp., doing business as Peels, 325 Bowery, to wit converting the front sixteen (16) feet of its twenty-six (26) foot food counter on the north side of the ground floor of the establishment to a standup bar of the same length.

#### **New Liquor License Applications**

18. Livety LLC, 199 Bowery (op) (BLVD)  
no vote necessary

19. Shoolbred's, 197 2nd Ave (op)  
**VOTE:** To deny the application for a full on-premise liquor license for a corporation to be determined, with principal Robert Morgan and doing business as Shoolbred's, for the premise located at 197 Second Avenue, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that 1) it will operate as a full-service Scottish American comfort food restaurant, serving food to within one (1) hour of closing, and having a sidewalk café consisting of four (4) tables and twelve (12) seats, 2) its hours of operation will be 12:00 P.M. to 2:00 A.M. Sundays through Thursdays and 12:00 P.M. to 4:00 A.M. Fridays and Saturdays, 3) it will play ambient background music, consisting of recorded music only, and will not live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged, 4) it will close any façade doors or windows at 10:00 P.M. every night, and 5) it will maintain the existing business name and method of operation.

20. Inhabit Lounge (Samond Inc), 39 Eldridge St (op)  
no vote necessary

21. To be Determined, 87 Ludlow St (op)  
**VOTE:** To deny the application for a full on-premise liquor license for a corporation to be determined, with principal Mark Russell, for the premise located at 87 Ludlow 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 restaurant tavern, serving simple bar food to within one (1) hour of closing, 2) its hours of operation will be 4:00 P.M. to 1:00 A.M. all days, 3) it will play ambient background music, consisting of recorded music only, and will not live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged, 4) it will not commercially use its backyard, and 5) it will designate an employee one of whose responsibilities will be to manage vehicular and pedestrian traffic and noise in front of the business.

22. Pho88 Vietnamese Restaurant (Pho88 Vietnamese Restaurant Inc), 51 Bayard St (wb)  
**VOTE:** To deny the application for a beer wine license for Pho88 Vietnamese Restaurant Inc., with a business name of Pho88 Vietnamese Restaurant, for the premise located at 51 Bayard 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 9:00 A.M. to 10:00 P.M. Mondays through Saturdays and 12:00 P.M. to 10:00 P.M. Sundays, 3) it will play no music, and 4) it will have no standup bar.

23. Shima Japanese Restaurant (H&T Restaurant LLC), 188 2nd Ave (wb)  
**VOTE:** To deny the application for a beer wine license for H&T Restaurant LLC, 188 Second Avenue, because the applicant did not appear before Community Board #3 for review of its application or provide any application materials for review.

24. Nevada Smiths (92 Nunz Walk Inc), 100 3rd Ave (op)  
no vote necessary
25. The Bean (54 2nd Ave Bean LLC), 54 2nd Ave (wb)  
**VOTE:** To deny the application for a beer wine license for 54 2nd Ave Bean LLC, with a proposed business name of The Bean, for the premise located at 54 Second Avenue, 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 restaurant and coffee shop, serving food during all hours of operation, 2) its hours of operation will be 7:00 A.M. to 11:00 P.M. Mondays through Wednesdays and 7:00 A.M. to 2:00 A.M. Thursdays to Sundays, 3) it will play ambient background music, consisting of recorded music only, and will not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged, 4) it will maintain a closed fixed façade and have no open doors or windows, and 5) it will have no standup bar.
26. The Bean (147 1st Ave Bean LLC), 147 1st Ave (wb)  
no vote necessary
27. Nicoletta (Letta #1 LLC), 160 2nd Ave (wb)  
**VOTE:** To deny the application for a beer wine license for Letta #1 LLC, with a proposed business name of Nicoletta, for the premise located at 160 Second Avenue, 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 pizza restaurant, serving food to within one (1) hour of closing, 2) its hours of operation will be 11:00 A.M. to 3:30 A.M. all days, 3) it will play ambient background music, consisting of recorded music only, and will not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged, 4) it will maintain a closed fixed façade and have no open doors or windows, and 5) it will have no standup bar and will serve alcohol at tables only.
28. Ichibantei LLC, 401 E 13th St (wb)  
**VOTE:** To deny the application for a beer wine license for Ichibantei LLC, 401 East 13th Street, because the applicant did not appear before Community Board #3 for review of its application or provide any application materials for review.
29. Foundation, 137 Essex St (op)  
no vote necessary
30. Golden Cadillac, 446-448 E 13th St (op)  
**VOTE:** To deny the application for a full on-premise liquor license for a corporation to be determined, with principal Guiseppe Gonzalez and a proposed business name of Golden Cadillac, for the premise located at 446-448 East 13th 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 cocktail bar with food service, serving food to within one (1) hour of closing, 2) its hours of operation will be 5:00 P.M. to 4:00 A.M. Mondays through Fridays and 12:00 P.M. to 4:00 A.M. Saturdays and Sundays, 3) it will play ambient background music, consisting of recorded music only, and will not live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged, and 4) it will maintain a closed fixed façade and not have any open doors or windows.
31. Oliva (F&C Bari Restaurant Associates Inc), 207-213 Allen St aka 159  
no vote necessary

**SLA Policy Task Force**

1. Creation of standardized stipulations for licensed businesses above Houston  
no vote necessary
2. Evaluation of maps showing location of licensed businesses and 311 complaints  
no vote necessary
3. Review of revised application  
no vote necessary

**Arts & Cultural Affairs Task Force**

1. Arts Education Arts Jobs Training Program Forum  
no vote necessary
2. Greening the Arts with guests from Solar One and Con Ed/Comverge  
no vote necessary
3. Free Museum Passes for Educators  
no vote necessary

**Economic Development Committee**

1. Update on vacant retail spaces at First Houses (NYCHA)  
no vote necessary
2. Report from Lease subcommittee  
no vote necessary
3. Update on Urban Planning Fellow retail diversity project  
no vote necessary

4. Implementation plan to distribute letter to landlords  
no vote necessary

**Land Use, Zoning, Public & Private Housing Committee** This item was pulled because of discussion initiated by Harvey Epstein. SS reported that CB3 reported them for violations because they created serious safety issues. These problems were never addressed. The building across the street paid to pay for their unsafe scaffolding. Joyce Ravitz was told the people doing this now invested in the project. Susan Scheer asks what the implications are of voting either way. HE: Before the BSA, they're requesting a permit to build a bigger building than currently allowed. If the BSA says no, they can build only the currently planned building. Susan Scheer: Do we know the size difference between what they have and what they're asking for? HH: There's a roof already there and they can't remove part of it, supposedly. AM: The developer overextended themselves. They've come to the SLA Committee 3 times seeking a full liquor license. He said "If you don't give me the license, I can't get the funding," which is a backwards kind of thinking, instead of resolving safety problems first. Architectural drawings showed it was more of a lounge with live music, but he then presented it as a restaurant. 2 of the 5 or so stories are presented to be a restaurant/bar/lounge. HE: They didn't finish the foundation on time and got a variance. Didn't finish the rest of the building in 2 years so are re-applying. Meghan Joye: It's been an eyesore for a long time. She would like to see it complete. Gloria Goldenberg: Was at a meeting where a representative said he's not the developer. He lent the money and wants to finish the building to recover as much of their investment as possible. They don't want a bar or restaurant. They want a gym as an amenity for condo owners. That's why the committee voted overwhelmingly in favor of it. MJ: Wonders if it's possible to put stipulations on this application to the BSA. The answer is no because they can afford the lawyers to override or ignore the stipulations.

1. BSA #162-11-A, 179 Ludlow St. Common Law Vested Rights application to allow the completion of construction of a 70% complete seven-story building

**VOTE: re: Approval of BSA #162-11-A 179 Ludlow Street BSA application**

**WHEREAS**, a significant amount of work was completed on the building prior to the 2008 rezoning; and

**WHEREAS**, a significant investment has already been made; and

**WHEREAS**, the developer would face a significant loss if the application is not approved; so

**THEREFORE BE IT RESOLVED** Community Board 3 approves the BSA application of 179 Ludlow Holding LLC.

**AND IT IS FURTHER RESOLVED** that CB3 requests that the developer make every **effort** to supply community space in the building; and that CB3 discourages the developer from leasing commercial space to a liquor-selling establishment.

2. Chinatown Working Group: Zoning Preliminary Action Plan Gigi Li gave a report about expecting a lively discussion and about an upcoming meeting.  
no vote necessary
3. N1200990 ZRY—text amendment to streamline and improve zoning regulations governing Environmental designations

**VOTE: re: Approval of ULURP N1200990 ZRY**

**WHEREAS**, N1200990 ZRV is a text amendment to section 2-06(C)(1) or the Uniform Land Use Review for an amendment of the Zoning Map, Section No. 12c; and

**WHEREAS**, the amendment is intended to streamline and improve zoning regulations governing environmental designations (a process for establishing environmental requirements related to hazardous materials, air quality and noise on potential development sites identified for proposed rezonings); and

**WHEREAS**, the amendment was originally developed in 2008 to facilitate the East Village/Lower East Side rezoning; and

**WHEREAS**, the text amendment is non-substantive; so

**THEREFORE BE IT RESOLVED** Community Board 3 approves the text amendment N1200990 ZRV.

**Human Services, Health, Disability, & Seniors / Youth & Education Committee** JH recommended to Susan Scheer that she recommend to Theatre for the New City that they update their data.

1. Request for support for Theatre for the New City after school program

**VOTE:** To write a letter of support for Theatre for the New City to help them seek private sector funding to maintain and expand its after school program with the amendments as discussed.

**Letter of Support for Arts Education/Community-Based Learning:  
TNC After-School Theater Arts Program 2011-2012**

To Whom It May Concern:

Manhattan Community Board 3 strongly supports the After-School Theater Arts Program of Theater for the New City (TNC) and its efforts to provide arts education and enrichment to youth in the East Village and Lower East Side. This community, which is home to a diverse economic, racial and ethnic population, has great needs among its youth for constructive engagement, particularly in the after-school hours.

The After-School Theater Arts Program is a primary element of Theater for the New City's (TNC)'s community programming and its mission to "bring theater into the community and the community into the theater." The program is offered biannually free of charge and is designed to meet the diverse needs of children and teens with little or no exposure to the arts by providing them with a safe haven to learn and create in a non-traditional setting.

The program has recently been supported by Corcoran Cares, NYSCA, member-item funding from Council Member Rosie Mendez, and individual donations. Their latest multi-year grant from the Morgan Stanley Foundation was completed in 2009. Obtaining public funding for a program such as this, which operates part-time and emphasizes the importance of the arts, can be very challenging in the current fiscal environment. Indeed, City funding for after-school programs has dropped by 30-50% in recent years. Accordingly, we fully support their efforts to seek additional financial support from non-governmental sources to retain this successful program so that they can continue to serve youngsters in our neighborhood at a time when school theater programs are severely curtailed.

Taking place in the spring and in the fall, the program is comprised of two 90-minute classes per week during nine weeks, held at Theater for the New City on the Lower East Side of Manhattan. Theater for the New City's program is unique since the teacher-artists in this program are trained in a multitude of disciplines: Classical Technique, Street Theater, Dance, and Improvisation. The students explore physical expression, audience interaction, music, mask-making and puppetry. The semester ends in a "Culminating Event" in which the students demonstrate their new skills and perform their own one-act plays and songs.

Since 1993, this program has combined theater arts and language arts, particularly important since the students come from diverse educational and cultural backgrounds. The program is free of charge and closely follows the benchmarks and evaluation criteria established in the NYC Department of Education's "Blueprint for Teaching & Learning in the Arts: Theater and the New York State Learning Standards for the Arts."

TNC's program is geared toward awakening students' sense of the important role they play in their community and enabling them to articulate their vision and ideas creatively. This goal is achieved through the following concrete objectives: developing practical skills in the elements of play creating and production; improving verbal and non-verbal communication skills, reading, writing, public speaking, and emotional expression; improving socialization skills, building cooperation in ensemble work and encouraging self-reliance; allowing students to study and create in a professional theater facility; and helping youngsters to be mentors and teachers of their own peers and younger children.

The program conducts an extensive outreach program to arts teachers and Parent-Teacher Associations of the neighborhood middle schools. To encourage students to apply for the program. TNC also distributes flyers in public housing complexes, the local YMCA, the local Boys club, and the local library branch. Twice every year, groups of up to 25 students of diverse cultural backgrounds participate in the After-School Program. Students are selected based on the motivation and enthusiasm they express and their willingness to work in a team of equals. The marketing emphasizes that the program is free in order to ensure that no student enthusiastic about the arts and theater is prevented from participating. TNC is committed to selecting gender-balanced student groups that mirror the ethnic and socioeconomic composition of the neighborhood.

TNC's After-School Program is dedicated to continuing to offer underserved students a safe environment in which to not only explore their own creativity but also to discover their culture, creating an opportunity for the neighborhood to retain as much of its multicultural influence as

possible. According to Census 2000 data from the New York City Department of City Planning, the population of the East Village/Lower East Side is 45.7% Non-Hispanic White, 23.8% Asian, 21.5% Hispanic and 7.5% African-American. In addition, about one in three residents of the Lower East Side was born outside the U.S. There are still seven public housing projects with 9,465 apartments in the neighborhood, a critical mass of low-income people who constitute an important portion of TNC's audience. Ultimately, the After-School Program strengthens the community social fabric of the Lower East Side because learning in theater develops confident learners who are better prepared to participate actively in their education, community and social lives.

According to the NYC-DOE Annual Arts in Schools Report 2007-08, only 56% of public middle schools city-wide offer some sort of theater class or curriculum. By offering an After-School Theater Arts Program, TNC does its part to fill the large gaps in theater education in New York City public schools and thereby provides an important community service for disadvantaged youth in our own neighborhood. There is no comparable community-based after-school program in the area. This is the only after-school program in a working theater available to children in our neighborhood.

We thank you in advance for any support that you can provide to this most worthwhile endeavor. Please feel free to contact us with any questions or concerns.

#### Community Board 3

2. The Chinatown Working Group: next steps for education/schools & immigrants/social services action plans  
no vote necessary
3. School District 2: a) School utilization and capacity for Chinatown schools; b) Needs assessment for school seats  
no vote necessary

**Transportation & Public Safety and Environment Committee** David Crane reported on the BikeShare program and gave out the website, [www.nycitybikeshare.com](http://www.nycitybikeshare.com) to review the program. These will be largely on the sidewalks but could be curbside off the sidewalk, or on private property and at NYCHA sites. It's not a big capital project.

1. Request for support to call for U.S. Army investigation and public information regarding the death of Army Private Chen, a resident of the LES

**VOTE:** WHEREAS, Army Private Chen, 19, grew up on Elizabeth St. in Chinatown and attended high school on the Lower East Side at Pace High School, and his parents currently live on Ave. D, and

WHEREAS, Private Chen died on Oct. 3rd, 2011 in Kandahar Province from a gunshot wound to the head, and

WHEREAS, Private Chen's body was found in a guard tower, not a sleeping facility, and

WHEREAS, Private Chen had been subjected to harassment and physical abuse by fellow soldiers, such as being dragged out of bed and beaten, and

WHEREAS, NBC has reported that six of Private Chen's superior officers beat him for forgetting to turn off a hot water heater, and

WHEREAS, The U.S. Army's criminal investigations unit investigates all non-combat-related deaths of soldiers that occur at U.S. military bases, and

WHEREAS, Councilmember Margaret Chin, The Organization of Chinese in Americas New York, and the Chinese Consolidated Benevolent Association have all called for a swift and comprehensive investigation into the circumstances surrounding Private Chen's death,

THEREFORE BE IT RESOLVED, that CB 3 Manhattan joins various elected officials, and community organizations in urging the U.S. Army's criminal investigations unit to determine both the actual cause of Private Chen's death and the circumstances leading up to his death. The results of the investigation should be made public in a timely fashion.

2. Change two "alternate side" parking spaces at E. 125 E 11 St. (Webster Hall) into loading zone  
**VOTE:** WHEREAS, there is a need for a truck loading/unloading zone in front of Webster Hall (125 E 11 St). Currently, there is a short segment of alternate side of the street parking with space for about 2 cars between a fire hydrant and a No Parking zone for the movie theater. Vehicles used by bands performing at Webster Hall often have to double park, which causes a safety problem and leads to traffic congestion and horn honking; now

THEREFORE BE IT RESOLVED, CB3-Manhattan supports conversion of the two parking spaces in front of Webster Hall (125 E 11 St) into a "No Standing Anytime except for trucks loading/unloading."

3. Cornell Edwards street co naming, 13th Street btwn 3rd & 4th Aves  
no vote necessary

4. Resolution for Borough Board: Request for new phone contracts allow for reduction of installations and incorporate new technologies

**VOTE:** CB3 cannot support the proposed "Manhattan Borough Board Resolution Regarding NYC Public Payphone Contract" as written, although CB3 does support the intent of the resolution with respect to provisions to incorporate new technologies and to give meaningful community board input into a process to remove existing pay phone installations. However, CB3 would only support the proposed resolution if it were clarified to address the following concerns:

- CB3 believes that traditional public pay phones attached to a reliable landline network are critical to public safety. Recently, NYC justified its proposed elimination of fire alarm boxes from city streets by claiming that public pay phones can be used to report emergencies from the street. Dialing 911 on a landline phone always reaches emergency personnel and they instantly know the caller's location. The same is not true for 911 calls placed through a cell phone. Landline phones generally also continue to operate in case of a power blackout. In case of emergency, 50 year old technology is still required.
- The proposed resolution presents an inaccurate statistic that 96% of Americans own cell phones. In fact, that is only true for young adults under 25 years of age. Cell phone ownership is dramatically lower in other age groups and in low-income households. More accurate statistics of cell phone ownership can be found in a survey conducted recently by the Pew Research Center through the Pew Internet & American Life Project. Their May 2011 survey found that 83% of U.S. adults own a cell phone, ranging from a high of 95% of adults under 25 years of age down to 56% of senior citizens.

CB3 would support a resolution that clearly stated that public safety requires that public pay phone contracts must continue to provide traditional landline service, with enhanced services provided by new communication technologies and with meaningful community board input into approval and removal processes.

5. DOT presentation on Bike share program  
no vote necessary

6. LES BID: proposal to add new street lighting to Essex Street and to Norfolk and Suffolk Streets  
no vote necessary

**Parks, Recreation, Cultural Affairs, Landmarks, & Waterfront Committee** No report

1. Resolution regarding recreational fields permitting policy for priority and payments by profits/nonprofits and youth and adult teams

**VOTE:** WHEREAS, CB3 has a great need for recreational open space time for local non-profit organizations and leagues serving local youth; and

WHEREAS, over a quarter of CB3 residents fall under the poverty line, and 50% of our community is on income assistance; and

WHEREAS, many local non-profit leagues provide low cost or free membership to youth who otherwise cannot afford to pay for equipment and league membership; and

WHEREAS, local non-profits serving youth do not receive enough permits for play time in CB3 Parks fields; and

WHEREAS, incidents of youth crime show a need for activities to engage youth within CB3; and

WHEREAS, currently the Parks Department does not distinguish or prioritize permit applicants based on the applicant's for-profit or non-profit status; and

WHEREAS, the \$16 cost for a permit application is the same for a for-profit league charging high fees for their members and a non-profit league providing low to no cost membership; now

THEREFORE BE IT RESOLVED, that CB3 asks NYC Parks Department to charge a more proportional fee to for-profit applicants to go towards dedicated CB3 park maintenance; and

ALSO, BE IT RESOLVED, that CB3 asks NYC Parks Department to give prioritization for non-profit permit applicants over for-profit applicants, and a higher preference for groups serving youth over adults.

2. Informational presentation of plan to replace trees that were removed for 51 Astor Place demolition  
no vote necessary

3. Report from Waterfront Subcommittee  
no vote necessary

**Block Party**

4. Clemente Soto Vélez Cultural and Educational Center, Three Kings Day, 1/6, Suffolk Street (Delancey & Rivington Sts)

**VOTE:** CB#3 approves the block party at Clemente Soto Vélez Cultural and Educational Center, Three Kings Day, 1/6, Suffolk Street (Delancey & Rivington Sts).

OUTREACH COMMITTEE: Gigi Li reported on a party at Jimmy Cheng's.

**(November Full Board Agenda excluding SLA item 11, 25 and excluding Land Use item 3)**

**33 YES 0 NO 0 ABS 0 PNV MOTION PASSED**

**32 YES 1 NO 0 ABS 0 PNV MOTION PASSED (SLA item 11)**

**30 YES 3 NO 0 ABS 0 PNV MOTION PASSED (SLA item 25)**

**32 YES 0 NO 0 ABS 1 PNV MOTION PASSED (Land Use item 3)**

**(Land Use item 1)**

**17 YES 16 NO 0 ABS 0 PNV MOTION PASSED**

Members Present at Last Vote:

David Adams	[P]	Linda Jones	[A]	Dominic Pisciotta	[P]
Karen Blatt	[P]	Vaylateena Jones	[P]	Carolyn Ratcliffe	[P]
Jimmy Cheng	[P]	Meghan Joye	[P]	Joyce Ravitz	[P]
David Conn	[A]	Joel Kaplan	[P]	Lois M. Regan	[A]
David Crane	[P]	Carol Kostik	[P]	Janet Riesel	[P]
Natasha Dillon	[P]	John Leo	[P]	Carlina Rivera	[P]
Harvey Epstein	[P]	Ricky Leung	[P]	Richard F. Ropiak	[P]
Morris Fajtelewicz	[A]	Sam Leung	[A]	Susan Scheer	[P]
Flora Ferng	[P]	Gigi Li	[P]	Nancy Sparrow-Bartow	[P]
Rabbi Y. S. Ginzberg	[P]	Bernard Marti	[P]	Mary Spink	[A]
Gloria Goldenberg	[P]	David McWater	[A]	Gary Tai	[A]
Jan Hanvik	[P]	Charlotte Miles	[A]	Elinor Tatum	[P]
Herman F. Hewitt	[P]	Alexandra Militano	[P]	Rodney Washington	[A]
Simon Huang	[P]	Chiun Ng	[A]	Jack Waters	[A]
Carolyn Jeffers	[A]	Ariel Palitz	[A]	Justin Yu	[P]
Anne K. Johnson	[P]	Thomas Parker	[P]	Thomas Yu	[A]

Meeting Adjourned 8:35 PM.