



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

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Dominic Pisciotta, Board Chair

Susan Stetzer, District Manager

## January 2012 Vote Sheet

### Executive Committee

no vote necessary

### Transportation & Public Safety and Environment Committee

1. Request for Cornell Edwards street co naming, 13th Street between 3rd / 4th Aves

**VOTE:** WHEREAS Cornell Edwards (1932 – 2011) was a community leader, activist, small businessman, and exemplary citizen;

WHEREAS Cornell lived at 143 East 13th Street between 3rd and 4th Avenue, for 44 years with his partner in the small historic building he owned;

WHEREAS Cornell served on Community Board #3 for at least a decade, and within that period serving as the Chair of the Land Use and Housing Committee;

WHEREAS Cornell, in the 1980's, was a leader in the Third Avenue Artists, Tenants and Businessmen's Association – a community effort which ultimately defeated the proposal to up-zone Third Avenue to the maximum residential density permitted in New York City;

WHEREAS Cornell owned and operated a small plant shop, called The Flower Stall, at 143 E. 13th Street for many decades, and not only sold plants but served as a gathering point for neighbors and the block's eyes and ears;

WHEREAS Cornell founded and served for approximately 20 years as the chair of the E. 13th Street Block Association, initiating beautification projects and efforts to root out drug dealers attempting to infiltrate the block;

WHEREAS Cornell was involved in a multitude of civic organizations including the Cooper Square Committee and the Seneca Village Institute, a group dedicated to the study of the historic 19th century African-American community once located in today's Central Park;

WHEREAS Cornell was committed to the education and expansion of opportunity for youth, especially low-income African-Americans – he revived and served as a leader of the dormant Boy Scout Troop at the Mother Zion AME Church, receiving an honor from the New York Chapter of the Boy Scouts of America and also taught at the church's Sunday school;

NOW THEREFORE BE IT RESOLVED that Community Board #3 supports the co-naming of East 13th Street between 3rd and 4th Avenue as Cornell Edwards Way in tribute to how much Cornell meant to this block, this community, the City of New York.

2. DDC presentation on Forsyth Street Plaza

no vote necessary

3. LES BID lighting proposal for Essex Street

**VOTE:** WHEREAS, The Lower East Side Business Improvement District has presented a change to street lighting fixtures on Essex Street between Canal and E. Houston;

WHEREAS, this plan also includes relocation of a small number of Bishop's Crooks light fixtures to contextually appropriate locations on narrower streets;

WHEREAS, in consultation with DOT the LES BID has worked to create a plan that meets current lighting standards and provides continuity of fixtures in dedicated corridors;

WHEREAS, this project is currently fully funded by a capital grant from the Borough President and funds need to be utilized during the remainder of his term in office for this proposal;

WHEREAS, these dollars have been allocated and should remain dedicated to capital projects within Community Board 3 – Manhattan;

THEREFORE, IT BE RESOLVED, that Community Board 3 – Manhattan approves the installation of 28 WM Poles with Helm Luminaries along Essex Street between Canal and E. Houston. We encourage a design for the poles to prevent pigeons from perching over the sidewalk;

BE IT FURTHER RESOLVED, that support for this proposal includes the relocation of existing Bishop's Crooks fixtures from that 7 block stretch of Essex to contextually appropriate location on Norfolk, Suffolk, Stanton and Rivington Streets between Delancey and E. Houston Streets.

4. Request for support for Manhattan Boro President Stop and Frisk resolution to reform procedures

**VOTE:** CB3 RESOLUTION REGARDING NYPD'S STOP AND FRISK PROGRAM

WHEREAS, the New York City Police Department is on pace to execute 700,000 stops in 2011, more than double the number of stops that occurred in 2003; and

WHEREAS, 85% of those stopped last year were black and Latino; and

WHEREAS, only 7% of stops result in arrest, a figure consistent across racial groups; and

WHEREAS, no gun is found in 99.8% of stops; and

WHEREAS, many of these stops are not based on reasonable suspicion that a crime has taken or is taking place, but instead rely on dubious grounds such as "furtive movement", which was recently banned as a basis for stops in Philadelphia; and

WHEREAS, one out of seven arrests in New York City is for low-level marijuana possession, costing the City \$75 million a year in police and court costs; and

WHEREAS, many youth are charged with these low-level offenses, which do not carry jail time, but can compromise their chances at securing financial aid, accessing public housing, obtaining gainful employment, and enlisting in the military; and

WHEREAS, in 2000, the United States Civil Rights Commission concluded that the NYPD stop and frisk program amounted to racial profiling; and

WHEREAS, the United States District Court for the Southern District of New York found, in August 2011, that serious questions remain about racial disparities in current stop and frisk practices; about the constitutionality of thousands of stops that do not result in arrest; and about the role quotas may play in driving the four-fold increase in stops over the last decade; and

WHEREAS, the current stop and frisk practice is creating a deep layer of distrust between police and the city's black and Latino neighborhoods that makes solving crime harder, not easier;

THEREFORE BE IT RESOLVED that the NYPD must take steps to reform stop and frisk immediately—by increasing the accountability for precinct commanders through CompStat; providing new training at the Policy Academy to make stops more constitutional and less confrontational; and by exploring proven alternatives to stop and frisk, like the "call-in" approach pioneered by John Jay Professor David Kennedy, which has reduced violent crime by up to 60% in cities such as Boston, Chicago, and Los Angeles; and

BE IT FURTHER RESOLVED that the United States Department of Justice should launch an investigation into how stop and frisk is used in New York to determine whether racial profiling remains a problem and, if so, whether the Department of Justice should appoint a special monitor; and

BE IT FURTHER RESOLVED that legislation pending before the State Legislature should be passed making possessing small amounts of marijuana in "public view" a violation, rather than a misdemeanor.

5. Request for Speed bump on Orchard St (Stanton/Rivington)  
no vote necessary

**Parks, Recreation, Cultural Affairs, Landmarks, & Waterfront Committee**

1. Support to rename Sol Lain Ballfield for Eddie Garcia

**VOTE:**

WHEREAS: Edward Garcia, a lifelong resident of the Lower East Side, passed away suddenly in August 2010, after thirty years of devoted and varied service, outreach, and activism in his beloved community; and

WHEREAS: A former gang member, Edward Garcia began his career as an activist in the early 1980s, confronting drug dealers who were driving children from the asphalt sports area in Sol Lain Playground;

WHEREAS: Edward Garcia was the founder and for over twenty years the president of the Sol Lain League also known as La Liga Sol Lain, which offers flag football, basketball and wiffle ball on Saturday mornings for local boys and girls ages nine to fourteen, programs primarily run in the asphalt sports area and basketball courts of Sol Lain Playground; and

WHEREAS: Edward Garcia also organized winter and summer day trips for neighborhood kids to places like Hunter Mountain for skiing and snowboarding, Splish Splash, Rye Playland and Coney Island, often using his own money to help fund the trips; and

WHEREAS: For many years, the vital work of Edward Garcia was recognized and generously supported by Assembly Speaker Sheldon Silver, Congresswoman Nydia Velazquez, New York State Senator Daniel Squadron, New York City Councilmembers Rosie Mendez and Margaret Chin; and

WHEREAS: The work of the Sol Lain organization has benefitted from a partnership with Henry Street Settlement House; and

WHEREAS: Edward Garcia was appointed by Councilmember Rosie Mendez to Community Board 3, serving on the Parks, Recreation, Cultural Affairs, Landmark, and Waterfront Committee, working tirelessly with his many colleagues there to increase and enhance public access to community green spaces; and

WHEREAS: Pursuant to Edward Garcia's original vision, the Sol Lain League continues to serve local kids, overseeing most recently a flag football season for fifty children primarily organized by Edward Garcia's sister, Marilu Garcia, in partnership with Henry Street Settlement House; and

WHEREAS: Edward Garcia was a past vice president and president of the 2,800-person Tenants Association of Vladeck Houses, seeing Vladeck successfully through a much-needed \$40 million renovation; and

WHEREAS: Edward Garcia was also for many years an active member of the Primitive Christian Church on East Broadway, going on mission trips with church members, including outreach to New Orleans to help in the post-Katrina rebuilding efforts; and

WHEREAS: Edward was an advocate and trailblazer on behalf of girls in sports as well, ensuring that Sol Lain flag football teams were always co-ed, with girls competing and often starring in games with and against boys; and

WHEREAS: To a generation of boys and girls who knew him through Sol Lain or the broader Vladeck community, Edward Garcia was a father figure, a coach, a counselor, a community elder, a beloved friend, and a positive role model; and

WHEREAS: Edward Garcia's life and work is specifically associated by many community residents with the Sol Lain Playground, the traditional home of his programs, especially the asphalt active recreation area in Sol Lain Playground.

THEREFORE  
BE IT  
RESOLVED

THAT: Community Board 3 requests the Parks Department of New York City to designate a suitable park feature or playground area to be renamed in honor of beloved community activist Edward Garcia.

THEREFORE  
BE IT FURTHER  
RESOLVED

THAT: Due to its strong historic connection to the work of Edward Garcia and the Sol Lain League, the Parks Department of New York City should specifically consider naming the asphalt sports area within Sol Lain Playground in honor of Edward Garcia.

2. Parks presentation: Dry Dock Park reconstruction

**VOTE:** CB#3 supports the preliminary NYC Parks design for the Dry Dock Park to be presented as such to the NYC Design Commission.

3. Coleman Oval Skatepark redevelopment: progress report & design

no vote necessary

4. Report from Landmarks Subcommittee

no vote necessary

5. Report from Waterfront Subcommittee

no vote necessary

#### **(Transportation & Parks Committees)**

**43 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding Transportation item 4)**

**41 YES 0 NO 1 ABS 1 PNV MOTION PASSED (Transportation item 4)**

#### **SLA & DCA Licensing Committee**

##### **Sidewalk Café Applications**

1. Hair of the Dog (168 Orchard St Partners Inc), 168 Orchard St

**VOTE:** To approve the application for a sidewalk café permit for twelve (12) tables and twenty-four (24) seats, with four (4) tables and eight (8) seats to be located on Orchard Street and eight (8) tables and sixteen (16) tables to be located on Stanton Street, for 168 Orchard Street Partners Inc., with a proposed business name of Hair of the Dog, for the premise located at 168 Orchard Street.

2. 5 Napkin Burger (Bizet LLC), 150 E 14th St

**VOTE:** To approve the application for a sidewalk café permit for twenty-five (25) tables and sixty-four (64) seats, with eighteen (18) tables and thirty-six (36) seats to be located on Third Avenue and seven (7) tables and fourteen (14) seats to be located on 14th Street, for Bizet LLC, with a proposed business name of 5 Napkin Burger, for the premise located at 150 East 14th Street.

##### **Corporate Change**

3. La Vie (Le Cave LLC) 64 E 1st St (op)

withdrawn

##### **Applications within Resolution Areas**

4. To be Determined, 6 St Marks Pl 1st Fl (wb)

withdrawn

5. BK's, 115 Ave C (op)

withdrawn

6. JB Sushi (Marco's 88 Inc), 15 St Marks Pl (up/op)

withdrawn

7. Grit n Glory (Pint Size Ink Inc), 186 Orchard St (wb)

withdrawn

8. Bad Burger (Violily LLC), 171 Ave A (wb)

**VOTE:** To deny the application for a beer wine license for Violily LLC, doing business as Bad Burger, for the premise located at 171 Avenue A, because 1) this is an application for a twenty-four (24) hour burger restaurant with vegan and vegetarian options, with a backyard, open façade doors and recorded and live music, and DJs in an area which already has nine (9) licensed premises within one (1) block, three (3) of which are adjacent to this storefront, 2) this applicant wants to serve beer and wine until at least 2:00 A.M., 3) there are at least four (4) establishments which provide twenty-four (24) service within a few blocks, one of which, located at 188 Avenue A, has been operating without a liquor license for two (2) years with the agreement of this community board, 4) this applicant has another chain of this business in Williamsburg which has operated without a liquor license since 2010 so the request for a liquor license for this location which has been open only seven (7) weeks is inconsistent with its existing business model, 5) there are numerous twenty-four (24) hour restaurants which serve vegan and vegetarian options so the addition of another business with the same method of operation is not in the convenience or advantage of the public, 6) while the applicant furnished one hundred thirty-eight (138) signatures in support of this application, there has been consistent community opposition to the addition of any licenses in the area around this location and numerous

residents of the immediate area appeared in opposition to this application and the Pentecostal church directly across the street from the location and the boys club which is located nearby submitted letters in opposition to this application, all citing the excessive noise and crowds from existing businesses as well as unsafe conditions because so many people crowd the sidewalks at night that residents are forced to walk in the streets which is unsafe, 7) the applicant was asked to enter into restrictive stipulations, eliminating its backyard use, having only recorded background music, closing its façade and minimizing its hours of alcohol service, in an effort to minimize its impact on an already overburdened area and the applicant refused to enter into such stipulations.

9. Hachi Enterprises Inc, 185 Orchard St (wb)

**VOTE:** To deny the application for a beer wine license for Hachi Enterprises Inc., for the premise located at 185 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 Japanese sushi restaurant, serving food during all hours of operation, 2) its hours of operation will be 4:00 P.M. to 12:00 A.M. Mondays through Wednesdays, 4:00 P.M. to 2:00 A.M. Thursdays, 11:00 A.M. to 2:00 A.M. Fridays and Saturdays and 11:00 A.M. to 12:00 A.M. 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 keep façade doors and windows closed and maintain a closed fixed facade. Community Board #3 is approving this beer wine application although this is a location in an area with numerous licensed premises because 1) this application is for a business in an area which is primarily commercial in nature, 2) the applicant demonstrated significant support for this proposed business from its neighbors by providing forty-six (46) resident signatures in support of its application and no one appeared in opposition to this application, and 3) this applicant has a six (6) year history of operating a similar restaurant of greater size in Long Island.

10. Temple of Ankh (El Karnak Inc), 58 Clinton St (op)  
withdrawn

#### **Alterations/Upgrades**

11. Sauce Restaurant (Coda Di Bue LLC), 78-84 Rivington St (up/op)  
withdrawn

12. Le Lupanar (LES Development), 103 Essex St (op)  
withdrawn

13. Goat Town (511 E 5th Street LLC), 511 E 5th St (up/op)

**VOTE:** To deny the application to upgrade to a full on-premise liquor license for 511 East 5th Street LLC, doing business as Goat Town, for the premise located at 511 East 5th 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 continental restaurant, serving food during all hours of operation, 2) its hours of operation will be from 4:00 P.M. to 12:00 A.M. Mondays through Wednesdays, 4:00 P.M. to 1:00 A.M. Thursdays and Fridays, 9:00 A.M. to 1:00 A.M. Saturdays and 9:00 A.M. to 12:00 A.M. Sundays, 3) it will play ambient background music only, consisting of recorded music, and will not have DJs, live music, promoted events or events at which a cover fee would be charged, and 4) it will close its doors and windows at 9:00 P.M. Community Board #3 is approving this full on-premise liquor application although this is a location in an area with numerous licensed premises and with six (6) liquor licensed establishments on one (1) block, at least three (3) which have full on-premise liquor licenses because 1) this applicant has operated a full-service high quality restaurant for more than (1) year, 2) the owner remains on premise during all hours of operation of the restaurant, and 3) the applicant provided fifty-nine (59) resident signatures in support of its application, two (2) residents appeared to speak in its support, citing its history as a good operator and neighbor and three (3) residents submitted letters in support of the application to the community board.

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

14. BareBurger (Bare City Two LLC), 85 2nd Ave (wb)

**VOTE:** As this applicant has entered into a Memorandum of Understanding with the East Fifth Street Block Association (attached hereto), Community Board #3 moves to deny a beer wine license to Bare City Two LLC, doing business as Bare Burger, located at 85 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 burger restaurant, serving food during all hours of operation, 2) its hours of operation will be from 11:00 A.M. to 11:00 P.M. Sundays through Wednesdays, 11:00 A.M. to 2:00 A.M. Thursdays and 10:00 A.M. to 2:00 A.M. Fridays and Saturdays, 3) it will close its façade windows at 10:00 P.M. every night, 4) it will play ambient background music only, consisting of recorded music, and will not have DJs, live music, promoted events or events at which a cover fee would be charged, 5) it will not have a bar, and 6) it will have no sidewalk café on the East 5th Street side of its business.

15. The Merv, 136-138 Division St (op)

**VOTE:** To deny the application for a full on-premise liquor license for Plan A Group LLC, for the premise located at 136-138 Division 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 Mediterranean grill restaurant, serving food during all hours of operation, 2) its hours of operation will be 11:00 A.M. to 1:00 A.M. Mondays through Fridays and 10:00 A.M. to 1:00 A.M. Saturdays and Sundays, 3) it will play ambient background music only, consisting of recorded music, and not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee will be charged, 4) it will close any façade doors and windows at 10:00 P.M. every night.

16. To be Determined, 125-127 1st Ave (op)

**VOTE:** To deny the application for a full on-premise liquor license for a corporation to be determined, with principals Mitch Zukor, Michael Herman and Ray LeMoine, for the premise located at 125-127 First 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 seafood restaurant, serving food during all hours of operation and with a three hundred (300) square foot retail component which will be open from 8:00 A.M. to 11:00 P.M. all days, 2) its hours of operation will be 8:00 A.M. to 2:00 A.M. all days, 3) it will play ambient background music only, consisting of recorded music, and not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee will be charged, 4) it will close any façade doors and windows at 10:00 P.M. every night.

17. Café Khufu (Café Khufu LLC), 61 E 3rd St (wb)

**VOTE:** Notwithstanding its years in operation, Community Board #3 moves to deny the beer wine license for Café Khufu LLC, doing business as Café Khufu, for the premise located at 61 East 3rd Street, because this location is a grandfathered noncompliant commercial use on a side street which is zoned residential and such use was permitted to serve local retail needs and, as such, Community Board #3 believes that the City should not permit eating and drinking establishments on side streets where they are not permitted under existing zoning or extend noncompliant use to eating and drinking establishments. **THIS MOTION DID NOT PASS**

**VOTE:** To deny the application for a beer wine license for Café Khufu LLC, for the premise located at 61 E 3rd St, unless the applicant agrees before the SLA to make as conditions of its license the following stipulation that 1) it will operate as a full service restaurant, 2) the hours will be 8:00 A.M. to 12:00 A.M. Sunday through Wednesday, 8:00 A.M. to 2:00 A.M. Thursday through Saturday, 3) there will be ambient music only, and 4) with no live music after 9 PM. **THIS MOTION PASSED**

18. Bakers Dozen Associates LLC, 199 Bowery (op)

**VOTE:** To deny the application for a full on-premise liquor license for Bakers Dozen Associated LLC, for the premise located at 199 Bowery, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a full-service restaurant, consisting of Latin Asian fusion small plates, on the ground floor and basement with a bakery café on the ground floor, both floors serving food during all hours of operations, 2) the hours of operation of the restaurant will be 5:00 P.M. to 4:00 A.M. all days and the hours of operation of the bakery will be from 6:00 A.M. to 12:00 A.M. all days, 3) it will play ambient background music only, consisting of recorded music in the bakery and recorded music and DJs in the restaurant on the ground floor, and recorded music, DJs and live music, specifically live jazz, in the basement but will not have promoted events or any event at which a cover fee will be charged, 4) patron dancing will be in the basement only if permitted by law, 5) it will close any façade doors and windows at 10:00 P.M. every night, 6) it will not have a standup or service bar in the bakery which, along with its kitchen for baking, will span the entire front façade, and 7) it will employ security personnel Tuesdays through Saturdays always and other days as needed and otherwise operate consistent with the attached security plan.

19. Happy Garden Palace (Happy Garden Palace Inc), 54 E B'way (b)

**VOTE:** To deny the application for a beer license for Happy Garden Palace Inc., doing business as Happy Garden Palace, for the premise located at 54 East Broadway, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a full-service Chinese restaurant, serving food during all hours of operation, 2) its hours of operation will be 9:00 A.M. to 2:00 A.M. all days, 3) it will play ambient background music only, consisting of recorded music, and not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee will be charged, and 4) it will keep any façade doors and windows closed and maintain a closed fixed façade.

20. Food World Restaurant (Food World Restaurant Inc), 19 Eldridge St (b)  
withdrawn

21. To be Determined, 207-213 Allen St aka 159-161 E Houston St (op)  
no vote necessary

22. Wisemen (355 WM Restaurant Inc), 355 Bowery (op)

**VOTE:** To deny the application for a full on-premise liquor license for 355 WM Restaurant Inc., with the proposed business name of Wisemen, for the premise located at 355 Bowery, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a full-service restaurant, serving meat-focused small plates to within one (1)

- hour of closing, 2) its hours of operation will be 4:00 P.M. to 2:00 A.M. Sundays through Wednesdays and 4:00 P.M. to 4:00 A.M. Thursdays through Saturdays, 3) it will play ambient background music only, consisting of recorded music, and not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee will be charged, and 4) it will keep any façade doors and windows closed and maintain a closed fixed façade.
23. Calliope (67 Second Avenue LLC), 84 E 4th St (op)  
**VOTE:** To deny the application for a full on-premise liquor license for 67 Second Avenue LLC, for the premise located at 84 East 4th 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 new American restaurant, serving food during all hours of operation, 2) its hours of operation will be 9:00 A.M. to 11:00 P.M. Sundays, 5:00 P.M. to 11:00 P.M. Mondays through Thursdays, 5:00 P.M. to 12:00 A.M. Fridays and 9:00 A.M. to 12:00 A.M. Saturdays, 3) it will play ambient background music only, consisting of recorded music, and not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee will be charged, 4) it will close any façade doors and windows at 10:00 P.M. every night, and 5) it will close its sidewalk café at 10:00 P.M. every night.
24. Tinks Bake House Inc, 102 E 7th St (wb)  
**VOTE:** To deny the beer wine license for Tinks Bake House LLC, for the premise located at 102 East 7th Street, because this location is a grandfathered noncompliant commercial use on a side street which is zoned residential and such use was permitted to serve local retail needs and, as such, Community Board #3 believes that the City should not permit eating and drinking establishments on side streets where they are not permitted under existing zoning or extend noncompliant use to eating and drinking establishments.
25. To be Determined, 77 Delancey St (op)  
**VOTE:** To deny the application for a full on-premise liquor license for a corporation to be determined, 77 Delancey Street, because the applicant did not appear before Community Board #3 for review of its application or provide any application materials for review.
26. Zi'Peps, 424 E 9th St (wb)  
**VOTE:** As this applicant has entered into a Memorandum of Understanding with the East 9th Street A-1 Block Association (attached hereto), Community Board #3 moves to deny the application for a beer wine license for Zi'Peps Restaurant Corp., doing business as Zi'Peps, for the premise located at 424 East 9th 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 Italian restaurant, serving food during all hours of operation, 2) its hours of operation will be 5:00 P.M. to 12:00 A.M. Mondays through Fridays and 12:00 P.M. to 12:00 A.M. Saturdays and Sundays, 3) it will play ambient background music only, consisting of recorded music, and not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee will be charged, 4) it will keep any facade doors and windows closed at all times, 5) it will not commercially use any outdoor space, and 6) it will not apply for a full on-premise liquor license.
27. Keybar, 500 E 11th St (op)  
**VOTE:** To deny the application for a full on-premise liquor license for a corporation to be determined, with principals Gyula Bertok and Attila Draviczki, with a proposed business name of Keybar, for the premise located at 500 East 11th 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 a full-service tavern restaurant, serving Hungarian food to within one (1) hour of closing, 2) its hours of operation will be from 4:00 P.M. to 2:00 A.M. Mondays through Wednesdays, 4:00 P.M. to 4:00 A.M. Thursdays and Fridays, 11:00 A.M. to 4:00 A.M. Saturdays and 11:00 A.M. to 2:00 A.M. Sundays, 3) 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 but may use DJs Thursdays through Saturdays, 4) it will keep any facade doors and windows closed at all times and maintain a closed fixed facade, 5) it will install an awning over its storefront and utilize a three (3) door entry to baffle sound escaping from its front door, and 6) it will employ at least one (1) security guard Thursdays through Saturdays.
28. A&P Restaurant Corp, 245-247 E Houston St aka 190 Norfolk St (op) - THIS IS AN UPGRADE APPLICATION  
**VOTE:** To deny the application to upgrade to a full on-premise liquor license for A&P Restaurant Corp., doing business as Remedy Diner, for the premise located at 245-247 East Houston Street a/k/a 190 Norfolk 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 restaurant, specifically a diner, serving food during all hours of operation, 2) it will play ambient background music only, consisting of recorded music, and not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee will be charged, and 3) it will close any facade doors and windows at 10:00 P.M. every night.
29. Xe Lua Restaurant Inc, 86 Mulberry St (wb)  
 withdrawn

30. Frej (FMR Restaurant Group), 119 Essex St (wb)  
withdrawn

**SLA Policy Task Force**

1. Finalize standardized stipulations for licensed businesses above Houston.  
no vote necessary
2. Finalize examination of mapping information to help determine policy.  
no vote necessary

**Economic Development Committee**

1. Report from Urban Planning Fellow on Retail Diversity project  
no vote necessary
2. Report from Small Business Guide to Lease Negotiations Subcommittee  
no vote necessary

**Land Use, Zoning, Public & Private Housing Committee**

1. N 120132 ZRY Zone Green Text Amendment-this would facilitate retrofitting of existing buildings and construction of new buildings with features that would reduce energy consumption and some emissions

**VOTE:** **WHEREAS** the goals of N 120132 ZRY Green Zone Text Amendment are to reduce greenhouse emissions by 30 percent and to reduce spending on heating and cooling in buildings by \$15 billion; and

**WHEREAS** CB3 supports the goals of the Zone Text Amendment in general; and

**WHEREAS** CB3 is concerned about potential abuse of the rules allowing exemption from code (floor area) in return for additional wall thickness; and

**WHEREAS** CB3 is concerned that allowing rooftop amenities such as green roofs, recreational decks, and rooftop greenhouses will lead to diminished quality of life for residents (e.g. noise issues); so

**THEREFORE BE IT RESOLVED** that CB3 approves the text amendment with the following exceptions: we do not approve of rooftop amenities such as green roofs, recreational decks, and rooftop greenhouses, with the exception of schools; and we do not approve of an exemption for developers from floor area recalculation, except in the case of buildings which provide at least 51% affordable housing.

2. Request for support for Manhattan BP resolution for legislation regarding temporary uses of stalled construction sites

**VOTE:** **WHEREAS** CB3 applauds the Borough President for the extensive study that prompted the resolution regarding stalled construction sites; and

**WHEREAS** the report notes that 19 of these stalled sites were in Community District 3; and

**WHEREAS** we are concerned about quality of life issues when vacant sites become publicly accessible; so

**THEREFORE BE IT RESOLVED** that CB3 supports the spirit of the resolution while encouraging the Borough President to continue developing the legislation and regulations necessary to improve the sanitation, safety, and use of vacant lots and stalled construction sites. Furthermore, this legislation must require CB review, approval, or modifications of the proposed use, consider that CB understands local concerns and appropriate uses, and legislation should designate which agencies have jurisdiction in permitting and general oversight.

**Human Services, Health, Disability, & Seniors / Youth & Education Committee**

1. Aging in place—free senior swim program at Hamilton Fish Recreation Center  
no vote necessary
2. Request for support for Betances Healthcare partnership with NYCHA

**VOTE:** Santos Rivera, DSW  
CEO  
Betances Health Center  
280 Henry Street  
New York, New York 10002

Dear Dr. Santos:

On behalf of Manhattan Community Board 3, we are pleased to support the partnership between the New York City Housing Authority (NYCHA) and Betances Health Center's Early Screening and Detection Program. This initiative will target pediatric and adult residents living in zip code 10002 with multiple medical conditions such as diabetes and hypertension, as well as the co-morbidity of depression, anxiety and other mood disorders that accompany chronic medical conditions.

Utilizing the community health worker model, Betances Health Center will identify residents that will become advocates and promoters of health. Through training and development, these individuals will be provided the information, resources and support necessary to engage residents in the screening and early intervention for primary care that this Board has identified as a high priority for the Lower East Side.

Community Board 3 supports the on-going work of Betances Health Center as it seeks to establish an innovative, evidence-based, and early prevention and screening program in NYCHA sites.

Cordially,

3. Create invite and questions for organizations providing services for seniors in CB 3.  
no vote necessary
4. Review Human Services portion of District Need Statement  
no vote necessary

**Con Edison Task Force**

- Final review of Fall 2011 proposals for Settlement Funds

**Solar One** – presentation by Esther Siskind, Director of Programs

**VOTE:** WHEREAS The Con Edison Settlement Fund (the "Fund") was established as an outcome of the Article X East River Power Plant Repowering Project, and

WHEREAS the Supplemental Joint Stipulation dated March 13, 2002 (the "Stipulations") establishing the Fund provided for monies to be used to write down the cost of fuel-switching for certain generators during the winter months, within certain price parameters and at the direction of Manhattan Community Board #3 ("CB3"), and separately to subsidize the cost of conversions to steam heat, if feasible conversions can be identified, and separately, other items of work that do not pertain to this Resolution, and

WHEREAS the Stipulations also provided for CB3 to recommend alternative uses for the Fund for "alternative air quality improvements in the general neighborhood of the East River Complex" [stipulation #7], and for alternative community benefit projects, except no such projects may be funded, "unless they assist the local community in in the development and implementation of projects such as local air quality improvement, health improvement, or amenities programs in the general vicinity of the East River Complex," and

WHEREAS in each case of an alternative proposal, it must be identified by CB3 and the City of New York and approved by Con Edison as "prudent expenditures" [stipulation #8], and

WHEREAS CB3 has created the Con Edison Task Force to administer the process of reviewing potential alternative uses and recommending them to the full CB3 for a vote, and

WHEREAS application guidelines were initially adopted by the Task Force in 2009, and revised in 2011, in each case posted on the CB3 web site and publicized at multiple CB3 meetings, and

WHEREAS this proposal review process was established so that the process was fully transparent; dates and criteria were clearly identified; the process was fully public and decisive and applied equally to all proposals; and all activities of the Task Force complied with Open Meetings law, and

WHEREAS the current application cycle began with a November 10, 2011 application deadline, and five applications were received; one subsequently dropped its application, leaving four applications with a total, final funding request of \$546,307, and

WHEREAS according to records of the Con Ed task Force, \$1,991,084 remains to available to spend of the Fuel Switching and Steam Boiler Conversion funds provided under the Stipulations, and

WHEREAS the Task Force met on November 29th and conducted an initial review of each application, identifying questions and additional information needed for each applicant, and each applicant was requested to submit the supplementary materials by December 9th for the January 5, 2012 Task Force meeting, and did so, and an application was received from Solar One for \$100,000 to fund 50% of the cost to implement its "Green Design Lab" ("GDL") curriculum in five public schools in Manhattan Community Board #3 (CB6) during the 2012-2013 school year, and

WHEREAS Solar One, the operating name of CEC Stuyvesant Cove, Inc., a 501c3 non-profit corporation, has been established in Stuyvesant Cove Park since 2004 and has a track record of managing projects of this size and scope, including Green Workforce training for approximately 1,300 people a year, in addition to GDL in 10 schools in the 2009-2010 school year and 25 in 2010-2011, and

WHEREAS in the Fall 2010 Con Ed Settlement Fund proposal cycle, Solar One was awarded \$100,000 to implement the GDL curriculum in five public schools in CB6 (which was also an intervenor in the Article X process and a signator to the Stipulations), and has implemented this program in CB6 as planned, in coordination with the schools and the City's Department of Education, Department of School Facilities and Department of Administrative Services, and

WHEREAS the GDL program is thoughtful and comprehensive and includes not just students and teachers but building maintenance and custodial staff, and links educational activities to emissions from each school, and has determined that the GDL program can demonstrably reduce energy usage at schools, and

WHEREAS the current GDL implementation plan builds on experiences of prior years to strengthen the program by having greater on-site presence in schools, and

WHEREAS the GDL program currently being planned for CB3 by Solar One is in its preliminary stages, yet in order to plan for the 2011-2012 school year the Settlement Fund process needs to begin now, so requires a funding commitment at this time (while recognizing that funding is subject to review and approval by outside entities after CB3 makes its recommendation, and is not assured), and

WHEREAS Solar One has identified and will prioritize for participation approximately 20 candidate schools in CB3 in reasonable proximity to the Con Ed plant and has demonstrated an ability to engage schools in this program, and has established an outreach plan and application process but has not yet selected the schools that would be funded under this proposal, and

THEREFORE CB3 requests that \$100,000 be awarded to Solar One to pay for implementing GDL in a minimum of five schools in CB3, and further that monies not be released to Solar One for this project until the five schools have entered in to written agreements with Solar One to implement GDL in the 2012-2013 school year.

**Lower East Side Girls Club** – presentation by Lyn Pentecost, Executive Director

**VOTE:** WHEREAS The Con Edison Settlement Fund (the "Fund") was established as an outcome of the Article X East River Power Plant Repowering Project, and

WHEREAS the Supplemental Joint Stipulation dated March 13, 2002 (the "Stipulations") establishing the Fund provided for monies to be used to write down the cost of fuel-switching for certain generators during the winter months, within certain price parameters and at the direction of Manhattan Community Board #3 ("CB3"), and separately to subsidize the cost of conversions to steam heat, if feasible conversions can be identified, and separately, other items of work that do not pertain to this Resolution, and

WHEREAS the Stipulations also provided for CB3 to recommend alternative uses for the Fund for "alternative air quality improvements in the general neighborhood of the East River Complex" [stipulation #7], and for alternative community benefit projects, except no such projects may be funded, "unless they assist the local community in in the development and implementation of projects such as local air quality improvement, health improvement, or amenities programs in the general vicinity of the East River Complex," and

WHEREAS in each case of an alternative proposal, it must be identified by CB3 and the City of New York and approved by Con Edison as "prudent expenditures" [stipulation #8], and

WHEREAS CB3 has created the Con Edison Task Force to administer the process of reviewing potential alternative uses and recommending them to the full CB3 for a vote, and

WHEREAS application guidelines were initially adopted by the Task Force in 2009, and revised in 2011, in each case posted on the CB3 web site and publicized at multiple CB3 meetings, and

WHEREAS this proposal review process was established so that the process was fully transparent; dates and criteria were clearly identified; the process was fully public and decisive and applied equally to all proposals; and all activities of the Task Force complied with Open Meetings law, and

WHEREAS the current application cycle began with a November 10, 2011 application deadline, and five applications were received; one subsequently dropped its application, leaving four applications with a total, final funding request of \$546,307, and

WHEREAS according to records of the Con Ed task Force, \$1,991,084 remains to available to spend of the Fuel Switching and Steam Boiler Conversion funds provided under the Stipulations, and

WHEREAS the Task Force met on November 29th and conducted an initial review of each application, identifying questions and additional information needed for each applicant, and each applicant was requested to submit the supplementary materials by December 9th for the January 5, 2012 Task Force meeting, and did so, and an application was received from the Lower Eastside Girls Club ("LESGC" or "Girls Club"), a not-for-profit 501c3 corporation, for a total of \$279,809 (later reduced to \$259,809) to fund construction and planting of various green roof elements at the new Girls Club building completing construction at 101 Avenue D, between 7th and 8th Streets, as follows: (1) 3,353 square foot Meditation Garden Green Roof, including seating areas; (2) 1,230 square foot Sedum Green Roof; (3) 1,844 square foot Vegetable Garden Green Roof; and (4) various planters for green walls and parapets totaling over 175 linear feet of soil, plants and planters; and

WHEREAS supplemental materials reducing the requested funds to \$259,809 were received by the December 9 deadline, and such materials were reviewed and evaluated according to the CB3 guidelines, and

WHEREAS the Girls Club serves girls and other students and community members in the immediate vicinity of the Con Ed East 14th Street plant, and the majority of its members are residents of the NYCHA developments along Avenue D south of the plant, and

WHEREAS the new Girls Club facility where the green roofs and walls will be installed will be accessible to the community through an array of programs, and the greening and farming programs align with the organization's mission and existing programs, and

WHEREAS LESGC has identified and worked closely with a qualified vendor, Goode Greene, that will perform the installation, and has developed a detailed site plan and budget with the vendor, and

WHEREAS the total green roof project cost is estimated at \$307,590 and the LESGC has identified other funding sources and methods to cover the costs in excess of the funds requested, and

WHEREAS LESGC has estimated the costs of maintaining the green roofs and walls and identified funding sources to cover these costs, and

WHEREAS green roofs are established as a method of managing stormwater, reducing energy usage and remediating air quality, and

WHEREAS the new Girls Club facility will be a landmark on Avenue D and the project will benefit not just young women who are members but residents of the area,

THEREFORE the Community Board finds that the LESGC proposal addresses a large site in immediate proximity to the East River Power Plant and will improve air quality, and quality of life, and awards funding of \$259,809 to LESGC for the work identified in its proposal of November 10, 2011 as modified on December 7, 2011.

**Lower East Side Ecology Center** – no representatives were present

**VOTE:** WHEREAS The Con Edison Settlement Fund (the "Fund") was established as an outcome of the Article X East River Power Plant Repowering Project, and

WHEREAS the Supplemental Joint Stipulation dated March 13, 2002 (the "Stipulations") establishing the Fund provided for monies to be used to write down the cost of fuel-switching for certain generators during the winter months, within certain price parameters and at the direction of Manhattan Community Board #3 ("CB3"), and separately to subsidize the cost of conversions to steam heat, if feasible conversions can be identified, and separately, other items of work that do not pertain to this Resolution, and

WHEREAS the Stipulations also provided for CB3 to recommend alternative uses for the Fund for "alternative air quality improvements in the general neighborhood of the East River Complex" [stipulation #7], and for alternative community benefit projects, except no such projects may be funded, "unless they assist the local community in in the development and implementation of projects such as local air quality improvement, health improvement, or amenities programs in the general vicinity of the East River Complex," and

WHEREAS in each case of an alternative proposal, it must be identified by CB3 and the City of New York and approved by Con Edison as "prudent expenditures" [stipulation #8], and

WHEREAS CB3 has created the Con Edison Task Force to administer the process of reviewing potential alternative uses and recommending them to the full CB3 for a vote, and

WHEREAS application guidelines were initially adopted by the Task Force in 2009, and revised in 2011, in each case posted on the CB3 web site and publicized at multiple CB3 meetings, and

WHEREAS this proposal review process was established so that the process was fully transparent; dates and criteria were clearly identified; the process was fully public and decisive and applied equally to all proposals; and all activities of the Task Force complied with Open Meetings law, and

WHEREAS the current application cycle began with a November 10, 2011 application deadline, and five applications were received; one subsequently dropped its application, leaving four applications with a total, final funding request of \$546,307, and

WHEREAS according to records of the Con Ed task Force, \$1,991,084 remains to available to spend of the Fuel Switching and Steam Boiler Conversion funds provided under the Stipulations, and

WHEREAS the Task Force met on November 29th and conducted an initial review of each application, identifying questions and additional information needed for each applicant, and each applicant was requested to submit the supplementary materials by December 9th for the January 5, 2012 Task Force meeting, and did so, and an application was received from the Lower East Side Ecology Center ("LESEC"), a community-based non-profit organization founded in 1987, for \$121,498 for a continuation and expansion of the previously funded "EcoBiz" Program, and

WHEREAS LESEC has fully implemented the initial and second phases of the EcoBiz project, both funded by the Con Ed Settlement Fund, to the benefit of small businesses in Community Board 3; initially working with businesses closer to the plant, and in the second

phase and after making such modifications as warranted to increase merchant acceptance, in an expanded area within CB3, and

WHEREAS the EcoBiz program has grown to include 100 small businesses within CB3, which receive energy and sustainability assessments and assistance in applying for cost-reducing incentive programs, as well as publicity through the LESEC website, and

WHEREAS LESEC reports that EcoBiz participants have reduced energy usage by 73% on average, as well changing purchasing and cleaning practices and adopting street trees, and

WHEREAS based on the growth in participants from 25 in 2009 to 100 in 2010 and its outreach efforts, LESEC believes an additional 75 businesses can be brought in to the program in an additional year, and

WHEREAS the EcoBiz program provides the expertise and support for small businesses owners, who are typically very time-constrained, to make environmentally important improvements that also reduce their operating expenses,

THEREFORE the Community Board finds that the LESEC proposal will improve air quality and quality of life in CB3, including the vicinity of the Con Ed 14th Street plant, and awards \$121,498 to LESEC to fund the EcoBiz Program as described in its proposal of November 10, 2011.

**Cooper Square Committee** – no representatives were present

**VOTE:** WHEREAS The Con Edison Settlement Fund (the "Fund") was established as an outcome of the Article X East River Power Plant Repowering Project, and

WHEREAS the Supplemental Joint Stipulation dated March 13, 2002 (the "Stipulations") establishing the Fund provided for monies to be used to write down the cost of fuel-switching for certain generators during the winter months, within certain price parameters and at the direction of Manhattan Community Board #3 ("CB3"), and separately to subsidize the cost of conversions to steam heat, if feasible conversions can be identified, and separately, other items of work that do not pertain to this Resolution, and

WHEREAS the Stipulations also provided for CB3 to recommend alternative uses for the Fund for "alternative air quality improvements in the general neighborhood of the East River Complex" [stipulation #7], and for alternative community benefit projects, except no such projects may be funded, "unless they assist the local community in the development and implementation of projects such as local air quality improvement, health improvement, or amenities programs in the general vicinity of the East River Complex," and

WHEREAS in each case of an alternative proposal, it must be identified by CB3 and the City of New York and approved by Con Edison as "prudent expenditures" [stipulation #8], and

WHEREAS CB3 has created the Con Edison Task Force to administer the process of reviewing potential alternative uses and recommending them to the full CB3 for a vote, and

WHEREAS application guidelines were initially adopted by the Task Force in 2009, and revised in 2011, in each case posted on the CB3 web site and publicized at multiple CB3 meetings, and

WHEREAS this proposal review process was established so that the process was fully transparent; dates and criteria were clearly identified; the process was fully public and decisive and applied equally to all proposals; and all activities of the Task Force complied with Open Meetings law, and

WHEREAS the current application cycle began with a November 10, 2011 application deadline, and five applications were received; one subsequently dropped its application, leaving four applications with a total, final funding request of \$546,307, and

WHEREAS according to records of the Con Ed task Force, \$1,991,084 remains to available to spend of the Fuel Switching and Steam Boiler Conversion funds provided under the Stipulations, and

WHEREAS the Task Force met on November 29th and conducted an initial review of each application, identifying questions and additional information needed for each applicant, and each applicant was requested to submit the supplementary materials by December 9th for the January 5, 2012 Task Force meeting, and did so, and an application was received from the Cooper Square Committee ("CSC"), a 501c3 non-profit organization formed in 1959, for \$65,000 to fund a program to assist Housing Development Fund Corporations ("HDFCs") in the three census tracts closest to the Con Ed 14th Street plant with energy conservation work, and

WHEREAS CSC is a long-standing community-based affordable housing developer and manager as well as planning and advocacy organization, with direct experience assisting buildings in the CB3 community to apply for weatherization and other energy improvement funds, including the EmPower program of the New York State Energy Research and Development Authority ("NYSERDA") and

WHEREAS CSC has identified a target group of about 27 buildings in the relevant census tracts that were formed as low income housing cooperatives and rentals and commenced outreach to these HDFCs, with seven of the buildings indicating interest by December 7th, which was documented by letters from the HDFCs provided to the Con Ed Task Force, and

WHEREAS CSC has established relationships with necessary partners, including Northern Manhattan Improvement Corporation (which funds weatherization), NYSERDA and Solar One (which respectively fund and manage outreach for EmPower), and

WHEREAS the funding requested by CSC would cover the cost of an outreach worker, who would be required to assist with the paperwork-intensive process of documenting income eligibility as well as meeting with residents and managers to educate them about options for energy improvements, and would also include \$30,000 for a portion of the matching funds required of low-income HDFCs participating in the weatherization or EmPower programs, and

WHEREAS reduction in energy usage will improve air quality as well as assist with the financial stability of the targeted affordable housing, contributing to enhanced community conditions in the immediate vicinity of the Con Ed plant,

THEREFORE the Community Board finds that the CSC proposal will improve air quality and quality of life, and awards funding of \$65,000 for the work identified in its proposal of November 10, 2011 as supplemented on December 8, 2011.

**(Remainder of January 2012 Vote Sheet)**

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

**(excluding Con Edison Task Force, Human Services item 2, SLA item 2, 17, 27)**

**39 YES 0 NO 0 ABS 4 PNV MOTION PASSED (Con Edison Task Force)**

**42 YES 0 NO 1 ABS 0 PNV MOTION PASSED (Human Services item 2)**

**42 YES 1 NO 0 ABS 0 PNV MOTION PASSED (SLA item 2)**

**42 YES 1 NO 0 ABS 0 PNV MOTION PASSED (SLA item 27)**

**16 YES 25 NO 2 ABS 0 PNV MOTION DID NOT PASS (SLA item 17)**

**26 YES 9 NO 5 ABS 1 PNV MOTION PASSED (SLA item 17 new)**