



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

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

David McWater, Board Chair

Susan Stetzer, District Manager

## October 2007 Full Board Minutes

Meeting of Community Board #3 held on Tuesday, October 23, 2007 at 6:45 at PS 20, 166 Essex Street

### Public Session:

Alexandra Schuppert: To notify the community about the Joy Center (a local youth program) current difficulties and to seek support

Alfredo Feliciano: from Children's Magical Garden. Update on the activities in the garden such as parties and other issues concerning the garden. There is really big rat problem at the school. He believes it is because of the plethora of trash and trash bags outside of the school.

Charles Kulsziski: representing over 100 residents opposed to liquor license application of sports bar at 210-212 Ave A

Esther Wang: from the Chinatown Tenants Union concerning the CB3 parks committee resolution on the East River Waterfront.

Toyin Yeung: speak against the liquor license application of the bar XXXVII at 81-83 Ludlow.

Carol Putre: speaking in favor of the liquor license application of the bar Cooper 35.

Geoff Lee: speaking concerning the no permit parking signs for Chinatown Resolution (#8 of Transportation committee)

Jeanie Chin: wants permanent "No Permit Parking" in Chinatown

Frank Walter: owner of XXXVII, Inc. – 83 Ludlow St. Speaking in support of liquor license application.

Frank Palillo: speaking in support of liquor license application for XXXVII – 83 Ludlow.

Angel Seda: from GOLES. He is organizing residents around the waterfront.

David Crane: to let the public know that problems with the new bus shelters should be called in to 311. He urges everyone to go to the plaNYC public hearing.

Cornell Edwards: because SLA committee members were not adequately informed about the bar on East 13th St. He believes there are omissions in their application.

Bill Curry: He is a resident of 143 East 13th St. He believes the SLA committee did not adequately deal with the issues regarding the liquor license application at 106 3rd Ave.

Jeanne Underwood: speaking in opposition to the liquor license application of the establishment on 145 East 13th St.

Rob Hollander: speaking about the future of the Bowery. He believes the city does not really care about what our community wants for the Bowery.

Kevin McGrath: speaking in favor of liquor license application for 175 Ave B.

Pasquale Martinelli: is the chef at 175 Ave B. He is speaking in favor of liquor license application at 175 Ave B.

Emmet Austin: speaking in favor of liquor license application for 175 Ave B.

### Public Officials:

Council member Alan Gerson:

- 1) Had a great turnout on Columbus Day to open the LaGuardia Bathhouse. Has several follow-up meetings planned. The council member would like a letter from CB3 demanding the bathhouse be reopened.

- 2) Middle school 56 has become the center for Space education, it will allow kids to learn more about astronomy and it is open to adults.
- 3) The new noise code has taken effect; there is still too many loopholes. He is trying to tighten up restrictions that still allow excessive noise from courtyard cafes, constructions yards, and motorcycles.
- 4) He had a hearing on noisy metal sidewalk plates and hazardous sidewalk conditions.
- 5) He has allocated funding that will fix up the swimming pool at Seward Park High School.
- 6) His office has funded a “learn to swim” program at the Chinatown YMCA.
- 7) He is making progress on the East River Waterfront. He is working on programming on the East River pavilions.
- 8) Has established a Lower Manhattan Preservation Trust Fund to preserve affordable housing. He is having discussions with the administration to expand revenue sources for the fund.
- 9) He has heard many rumors of the closing of the Pathmark. He is going to have further meetings concerning the possible closure.
- 10) Thursday at 10:30 AM is the grand opening of the Columbus Pavillion.
- 11) Thursday October 25 will be a hearing on Congestion Pricing.

Council member Eric Gioia:

Council member is here to talk about hunger and food stamps in New York. He lived on \$28 for seven days. He experienced many difficulties during this process. He suffered intense hunger pangs, irritability, and exhaustion. He explained that a consistent diet with this type of food would cause long-term health problems. 1.9 million and 8.5 million New Yorkers qualify for food stamps. Only half the people who qualify apply for food stamps. The reason for this discrepancy is because a tremendous amount of bureaucracy stops people from being on the program, the second reason is because many people do not realize that they qualify. If someone makes under \$24,000 and they have children, they qualify. He encourages the Community Board to spread awareness concerning the food stamps program. If everyone who qualified signed on to the program, they would bring \$1 Billion in federal aid to the city. AccessNYC is available through the nyc.gov website. It allows people to apply for food stamp applications online.

Mayor Michael Bloomberg, Lolita Jackson & Pauline Yu: none

Comptroller William Thompson, Rafael Escano: none

Public Advocate Betsy Gotbaum, Simeon Banister: none

Borough President Scott Stringer, Gregory Brender:

He is doing a LES Co-op forum on Tuesday October 30, 2007 from 6:30 PM to 8:00 PM. He is also having a hearing concerning the Essex Street Market.

Congressmember Carolyn Maloney, Victor Montesinos: released statement concerning the failure of Congress to override Bush’s veto of the SCHIP program and a statement condemning Bush for his veto of the SCHIP program.

Congressmember Jerrold Nadler, Erin Drinkwater:

Congressmember Nydia Velazquez: none

Assembly Speaker Sheldon Silver, Zach Bommer: The Speaker is disturbed by the rumors concerning the Pathmark on Cherry St. He urges the Pathmark to quash the rumors of its impending closure.

Assemblymember Deborah J. Glick, Bess Matassa: a building in CB3 at 8 St. Marks Places has been denied an application for retail use on the ground floor. The Assemblymember sent a letter to the Chancellor to consider the Community School District one admissions practices.

Assemblymember Brian Kavanagh, Mary Cooley: none.

State Senator Martin Connor, Eva Rippeteau: none.

State Senator Thomas K. Duane, David Chang: none.

Councilmember Rosie Mendez, Jessica Nepomiachi:

1) Sept 26: held a childcare workshop with Alan Gerson. On Oct 4: Rosie attended a rally to save public housing. She would like people to attend the congestion pricing forum on Thursday, Oct. 25

Members Present at First Vote:

David Adams [P]  
Paul Bartlett [P]  
Mayra Cappas [P]  
Wendy Cheung [P]  
Pearl Chin [A]  
Rocky Chin [P]  
David Crane [P]  
Andrea Diaz [A]  
George Diaz [P]  
Harvey Epstein [P]  
Morris Faitelewicz [A]  
Beth From [P]  
Rabbi Y. S. Ginzberg [P]  
Gloria Goldenberg [P]  
Alexander Gonzalez [P]  
Guido Hartray [P]  
Herman F. Hewitt [P]

Bonnie Hulkower [P]  
Carolyn Jeffers [P]  
Anne K. Johnson [P]  
Joel Kaplan [P]  
Sam Krueger [P]  
John Leo [P]  
Eden Lipson [A]  
Bernice McCallum [P]  
David McWater [P]  
Alexandra Militano [P]  
Lillian Moy [A]  
Thomas Parker [A]  
Dominic Pisciotta [P]  
Barden Prisant [P]  
William Ramos [P]  
Carolyn Ratcliffe [P]  
Joyce Ravitz [P]

Lois M. Regan [P]  
Richard F. Ropiak [P]  
Estelle Rubin [A]  
Elizabeth Sgroi [P]  
David Silversmith [P]  
Deborah A. Simon [P]  
Pia Simpson [A]  
Arlene Soberman [A]  
Nancy Rose Sparrow-Bartow [P]  
Elinor Tatum [P]  
David Weinberger [P]  
Nina Werman [A]  
Harry Wieder [P]  
Samuel Wilkenfeld [P]  
Noah Yago [P]  
Thomas Yu [P]

Minutes:

Minutes of July 2007 were approved, as is.

Board Chairperson's Report:

Chairperson David McWater:

- 1) Thanked VPs for their help.

District Manager's Report:

There is a hearing on Oct. 25th at 1 PM in the MS 131 Library about the new plans for the Hester Street Playground at Sara D Roosevelt. There is a SLA law revision commission. They will have a final report on March 1. Susan will be interviewed. There will be a Public Hearing on the MTA increase at the Hotel Penn on November 8 at 6PM. There will be a public forum on Dec. 3 on the Henry Street Firehouse at the Henry St. Settlement.

Committee Reports:

**Executive Committee**

- 1. Expense Priorities  
**VOTE:** To adopt the FY 09 budget expense priorities, as amended.
- 2. Capital Priorities  
**VOTE:** To adopt the FY 09 budget capital priorities, with a few minor changes.
- 3. Red Cross grant  
**VOTE:** To support the use of a portion of the Red Cross grant to translate certain portions of the Board's website into Spanish and Chinese as outreach material, including what is a community board, description of our community, and what the Community Board does. Material needing regular updates will not be included.

(Exec Committee)

39 YES 0 NO 1 ABS 0 PNV MOTION PASSED

**Public Safety & Sanitation Committee**

- 1. FY'2009 Capital & Expense Priorities  
See Capital & Expense Budget Priorities Vote.
- 2. Report from Con Ed subcommittee: Update on Con Ed settlement fund  
No vote necessary

**Transportation Committee**

- 1. FY'2009 Capital & Expense Priorities  
See Capital & Expense Budget Priorities Vote.
- 2. Evaluation of pilot program to eliminate parking Friday & Saturday nights on the west side Ludlow St between E Houston and Delancey St and on the west side of Orchard St between Stanton and E Houston St to alleviate traffic congestion/horn honking  
No vote necessary
- 3. Amendment to July casino buses relocation resolution to relocate casino to the west side of Bowery from Pell to Worth St  
No vote necessary
- 4. DOT bus shelter replacement: NE Ave A-E 11th St, SE Madison St-Clinton St, NE Ave C-E 5th St, SW Ave A-E 3rd St, SW 2nd Ave-E 6th St, SW 2nd Ave-E 9th St, NE Ave A-E 5th St, SW Ave A-E 9th St, NE Ave A-St Marks Pl, E 14th St-Ave A  
No vote necessary
- 5. DOT, new commuter van service: Millennium Transportation

**VOTE:** That CB3-Manhattan does not approve of the operation of any new commuter van services in our district. There are too many diesel buses and vans operating in the area, and the health and safety of the residents cannot tolerate more. There are also no suitable loading/unloading zones for these vans to operate in. Finally, although these services might be convenient to their clients, they are not necessary because they duplicate existing MTA transit services.

6. DOT, new commuter van service: JR Express

**VOTE:** That CB3-Manhattan does not approve of the operation of any new commuter van services in our district. There are too many diesel buses and vans operating in the area, and the health and safety of the residents cannot tolerate more. There are also no suitable loading/unloading zones for these vans to operate in. Finally, although these services might be convenient to their clients, they are not necessary because they duplicate existing MTA transit services.

7. Report from Transportation Bus/Van Subcommittee

No vote necessary

8. "No Permit Parking" signage for Chinatown

**VOTE:** WHEREAS, It has been documented and widely acknowledged, in various local and major newspapers and media, that Chinatown, and the immediate downtown Manhattan neighborhoods surrounding Chinatown has suffered from loss of safety, loss of business, and, loss of quality of life due to rampant and illegal parking permit abuse by commuting government sector employees; and

WHEREAS, Chinatown is located in a No Permit Area as defined by the Department of Transportation; and

WHEREAS, The current No Permits Allowed paper signs, posted in recent months by the 5th Pct in Chinatown, only partially and temporarily deter illegal parking placard abuse; and

WHEREAS, The 5th Pct. Traffic Safety Unit has requested the D.O.T. to post permanent "No Permits Allowed" signage in Chinatown; and

WHEREAS, Permanent-metallic signs that display "No Permit Parking - Tow Away Zone" would aid enforcement of the Department of Transportation No Permit Area parking regulations and therefore decrease illegal parking permit abuse; now

THEREFORE, BE IT RESOLVED, That Community Board 3 requests the New York City Department of Transportation to post permanent-metallic "No Permits Allowed - Tow Away Zone" signage in and around the Chinatown area, including but not limited to:

- on Mott Street from Canal Street to Chatham Square
- on Bayard Street from Bowery to Baxter Street
- on Mulberry Street from Canal to Worth Street
- on Worth Street from Baxter to Bowery
- on Pell Street from Bowery to Mott Street
- on The Triangles at 125 Canal Street and the Brooklyn-bound entrance at Canal Street
- on Oliver Street from Madison Street to Chatham Square
- on James Street from Madison Street to St. James Place
- on St. James Place from Pearl Street to Chatham Square; and

BE IT FURTHER RESOLVED, That such signage shall not preclude parking by vehicles displaying a Parking Permit for People with Disabilities (PPPD).

(Transportation Committee)

41 YES 0 NO 0 ABS 0 PNV MOTION PASSED

#### **Human Services & Seniors Committee**

1. FY'2009 Capital & Expense Priorities

See Capital & Expense Budget Priorities Vote.

2. DA's Office: Community Policy Agreement for the Methadone Programs in the East Side Alliance

No vote necessary

#### **Youth & Education Committee**

1. FY'2009 Capital & Expense Priorities

See Capital & Expense Budget Priorities Vote.

2. DYCD presentation: services & methods by which CBOs can access funds via the RFP process

Withdrawn

#### **Ethics, Bylaw & Procedures Committee**

No vote necessary

**SLA & Economic Development Committee**

1. FY'2009 Capital & Expense Priorities

No vote necessary

**Renewal with Complaint History**

2. SWAT Production, 59 Canal St (op)

**VOTE:** To ask the SLA to issue a temporary permit to SWAT Production, 59 Canal Street, and to refrain from renewing its full on-premise liquor license until the principle of this entity appears before this community board next month to address the following issues: 1) the method of operation of this establishment as this applicant has never appeared before this community board, 2) complaints from tenants residing in the multi-floored building where this establishment occupies the second floor that its inebriated patrons have been smoking and wandering in the common stairwell and hallways of this building which has created a dangerous condition for its residents, 3) complaints that extremely loud noise can be heard emanating from this business every night until 4:00 A.M., and 4) whether this present principle is connected or not with to the prior owner who was arrested for attempting to bribe a police officer.

3. Club Midway, 25 Ave B (op)

**VOTE:** To deny the renewal for Club Midway, 25 Avenue B, for the following reasons: 1) this establishment has regular scheduled performances which is inconsistent with the legal zoning for this area and inconsistent with the method of operation the applicant proposed before this community board and the SLA, 2) this establishment received a summons for operating an illegal cabaret on September 29, 2007, and 3) given these circumstances, the applicant is at demonstrated risk for violating the Alcohol Beverage Control Law.

4. Cooper 35, 35 Cooper Sq (op)

**VOTE:** To deny the renewal of the full on-premise liquor license for Cooper 35, 35 Cooper Square, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will refrain from using its side yard without first obtaining the appropriate building permits, 2) it will use an electronic ID checker during its hours of operation, and 3) it will employ only licensed security personnel.

5. Blvd Crash Mansion, 199 Bowery (op)

**VOTE:** To deny the renewal of the full on-premise liquor license for BLVD Crash Mansion, 199 Bowery, because within the past year there have been twelve (12) police reports within or in front of this establishment for physical and sexual assaults and there have been persistent complaints from residents of noise and unruly crowds on the streets in front of this establishment since it has opened in 2003.

**Applications within Resolution Areas**

6. Solo Pizza, 27 Ave B (rw)

Withdrawn

7. La Scapetta, 175 Ave B (rw)

**VOTE:** WHEREAS, La Scapetta, 175 Avenue B, is seeking to obtain a restaurant wine license to operate an Italian restaurant; and

WHEREAS, there has been demonstrated community opposition from residents of the surrounding buildings to additional licenses in this area of Avenue B, the commanding officer of the Ninth Precinct and the 11th Street Block Association; and

WHEREAS, said opposition is the result of the cumulative impact of noise and nighttime vehicular and pedestrian or patron traffic from existing establishments; and

WHEREAS, there are already five (5) licensed establishments on this block of Avenue B between 11th and 12th Streets, four (4) of which are full on-premise liquor licenses and there are an additional five (5) licensed establishments on Avenue B between 10th and 11th Streets, four (4) of which are full on-premise liquor licenses; and

WHEREAS, there are sixteen (16) licensed establishments on Avenue B between 10th and 14th Streets, excluding retail licenses, and

WHEREAS, the community board believes that this proposed establishment is within two hundred (200) feet of a church, to wit Father Heart Ministry, although the applicant has represented that this location is within 205 feet; and

WHEREAS, the applicant has accordion doors and is intending to operate a sidewalk café which would effectively extend this business and any attendant noise and crowds to the street which is already overwhelmed by nighttime noise and congestion; and

WHEREAS, the applicant has provided no more than forty (40) signatures from residents in support of this proposed business; now

THEREFORE, BE IT RESOLVED, that Community Board #3, Manhattan denies the application for a restaurant/wine liquor license for La Scapetta, 175 Avenue B.

8. Chickie Pig's Brick Oven, 121 Ludlow St (op)

**VOTE:** WHEREAS, Chickie Pig's Brick Oven is applying for a full on-premise liquor license for 121 Ludlow Street and did not appear before Community Board #3 for review of its application or provide any application materials to review; and

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

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

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

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

WHEREAS, there are presently ten (10) licensed establishments within five hundred (500) feet of 121 Ludlow Street, at least half of which are full on-premise liquor licenses; now

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

Alterations/Transfers/Upgrades

9. 211 Ave A (trans/op)

Withdrawn

10. 137 Mortimer Pub, 137 Ludlow St (trans/op)

**VOTE:** To deny the transfer of a full on-premise liquor license to 137 Mortimer Pub, 137 Ludlow Street, because the applicant did not appear before Community Board #3 for review of its application or provide any application materials to review.

11. New Zhong Hing Seafood, 30 Market St (trans/rw)

**VOTE:** To approve the transfer of a restaurant wine license to New Zhong Hing Seafood, 30 Market Street, with the understanding that this establishment will maintain the same method of operation as a full-service Asian seafood restaurant doing business as New Zhong Hing Seafood.

12. Pongsri Thai, 106 Bayard St (up/op)

**VOTE:** To deny the upgrade to a full on-premise liquor license for Pongsri Thai, 106 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 maintain the same method of operation as a full-service Thai restaurant, 2) it will maintain the same hours of 11:00 A.M. to 11:00 P.M. seven (7) days a week, and 3) the new bar in the main dining room will be used as a service bar only. **THEY DID NOT RETURN THEIR STIPULATION**

13. Avenue A Restaurant, 210-212 Ave A (trans/rw)

**VOTE:** To deny the transfer of the full on-premise liquor license to Avenue A Restaurant Bar & Grill, LLC, 210-212 Avenue A, because 1) the applicant has presented a proposal for a sports bar/restaurant with ten (10) mounted televisions and operating hours until 4:00 A.M. every night, which is inconsistent with the location's previous use as a Spanish restaurant, 2) the location, which is located on the corner of Avenue A and 13th Street, has French windows on both streets and intends to operate a sidewalk café, which is incompatible with its proposed method of operation as a sports bar as it will effectively extend this business and any attendant noise from its patron and televisions onto the sidewalk, 3) although the applicant presented petitions from a considerable number of neighborhood residents, fourteen (14) residents from the surrounding buildings, including representatives of the 13th Street Block Association and a board member from the subject location, appeared in opposition to this application, 4) a board member from the building stated that the applicant had made no efforts to communicate with residents of the building about this proposed establishment and there is a 10:00 P.M. quiet time rule for this building to accommodate its resident population which will likely be disturbed by a sports bar with closing hours of 4:00 A.M., 5) excluding other licensed establishments, there are nine (9) existing bars within five hundred (500) feet of this location, to wit, Key Bar, The Phoenix, The Boys Room, Takeout Laundry, Planet Rose, Forbidden City, Heather's, Common Ground and Habibi.

New Liquor License Applications

14. XXXVII, 83 Ludlow St (op)

**VOTE:** To deny the application for a full on-premise liquor license for XXXVII, 81 Ludlow Street, located between Delancey and Broome Streets, because 1) this location has never been licensed and was previously operated as a video store, 2) by the applicant's own admission, there are already eight (8) licensed establishments within five hundred (500) feet of this location, to wit Casanis, 81 Ludlow Street, Jin, 252 Broome Street, Barrio Chino, 253 Broome Street, Coka Lounge, 70 Orchard Street, Little Giant, 85 Orchard

Street, Lolita Bar, 266 Broome Street, Congee Village Bar, 100 Allen Street and 87 Bar, 87 Ludlow Street, 3) approving an additional liquor license in this location that has not been previously licensed would contribute to the overwhelming traffic congestion on weekend nights in this area and which has already resulted in the elimination of weekend nighttime parking on one side of Ludlow Street between Delancey and Houston Streets, 4) the proposed method of operation is the operation of a raw bar with a limited menu and a full on-premise liquor license and which would only have a prep area rather than a full kitchen; 5) there are already two (2) restaurants within close proximity to this location which have similar raw seafood options on their menus, 6) this location may be within two hundred (200) feet of a school, to wit Seward Park High School, and 7) there has been demonstrated community opposition from residents living in the adjacent building who are already experiencing quality of life problems because of noise and smoke emanating from the existing restaurant at the same address.

15. 164 Food Company, 164 Suffolk St (op)

Withdrawn

16. Theater for the New City, 155 1st Ave (rw)

**VOTE:** To deny the application for a restaurant wine license for Theater for the New City, 155 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 only serve beer and wine at its concession area which will be located in the lobby of the theatre and which will be comprised of an eight (8) foot bar and five (5) tables with three (3) seats at each, 2) the concession area will begin operating one (1) hour before performances and continue operating during intermissions and until one (1) hour after daytime performances but no later than 11:00 P.M. every night, and 3) it will be open only to ticket holders who have gained admission to the theatre. **THEY DID NOT RETURN THEIR STIPULATION**

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

Withdrawn

18. X-Large Noodle Bar, 84 Stanton St (rw)

**VOTE:** To deny the application for a restaurant wine license for X-Noodle Bar, 84 Stanton Street, because the applicant did not appear before Community Board #3 for review of its application or provide any application materials to review.

19. Bluto's, 41 Essex St (rw)

**VOTE:** To deny the application for a restaurant wine license for Bluto's, 41 Essex Street, because the applicant did not appear before Community Board #3 for review of its application or provide any application materials to review.

20. E-Time, 130 Madison St (tw)

Withdrawn

21. Curry Ya, 214 E 10th St (rw)

**VOTE:** To deny the application for a restaurant wine license for Curry Ya, 214 East 10th Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) the establishment will close no later than 12:00 A.M. every night, 2) it will operate as a full-service Japanese curry restaurant, serving food to within one (1) hour of closing every night, and 3) it will close all façade doors and windows at 10:00 P.M. every night.

22. Friend Tri, 145 E 13th St (op)

**VOTE:** To deny the application for a full on-premise liquor license for Friend Tri, 145 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 not apply for another liquor license within five hundred (500) feet of this location if it cannot renew its lease at its existing establishment, Friends House, located across the street at 99 Third Avenue, 2) it will install a precipitator as a means of providing ventilation to abate any offensive odors or exhaust, 3) it will close any façade doors or windows after 10:00 P.M. every night, 4) it will operate as a full- service Asian Thai restaurant, serving food to within one (1) hour of closing every night, and 5) it will operate from 12:00 P.M. to 1:00 A.M. Fridays and Saturdays and 11:30 A.M. to 12:00 A.M. Sundays through Thursdays.

**THIS MOTION DID NOT PASS**

**VOTE:** To return the application for a full-on premises liquor license to Friend Tri, 145 East 13th Street, to the SLA Committee of Community Board #3 and to write a letter to the SLA asking that it refrain from granting said license until this applicant returns to Community Board #3 to address issues of which the Community Board became aware of between the committee hearing and the Full Board meeting of Community Board #3, pertaining to use of a second floor, intention to have a sidewalk café, and soundproofing issues.

(SLA Committee)

42	YES	0	NO	0	ABS	0	PNV	MOTION PASSED (Excluding Items 3, 5, 7, 16, 22)
41	YES	0	NO	1	ABS	0	PNV	MOTION PASSED (Item 3)
41	YES	0	NO	5	ABS	0	PNV	MOTION PASSED (Item 5)
23	YES	5	NO	11	ABS	0	PNV	MOTION PASSED (Item 7)
35	YES	1	NO	3	ABS	0	PNV	MOTION PASSED (Item 16)
37	YES	2	NO	0	ABS	0	PNV	MOTION PASSED (Item 22)

**Arts & Cultural Affairs Task Force**

1. FY'2009 Capital & Expense Priorities: Capital  
See Capital & Expense Budget Priorities Vote.
2. Town Hall on Arts & Culture  
No vote necessary

**Parks & Recreation Committee**

1. FY'2009 Capital & Expense Priorities  
See Capital & Expense Budget Priorities Vote.
2. Request for support for designs for Piers 35, 42, and the Esplanade  
**VOTE:** WHEREAS, Manhattan Community Board #3 is pleased that the East River Waterfront plan will improve access to the waterfront, enhance pedestrian connectivity, and create public waterfront amenities; and

WHEREAS, CB 3 fully supports the creation of new open spaces, waterfront amenities, and infrastructure improvements to support a variety of public uses and community activities as described by the community at public meetings and as described by CB 3 in previous resolutions; and

WHEREAS, CB 3 believes that the proposed new uses on Piers 35, 36 and 42, and spaces under the FDR Drive for community, cultural, and limited commercial development would be very welcome additions to the District; and

WHEREAS, CB3 represents low-income immigrant residents of the Lower East Side who want to have affordable and community oriented services on the East River Waterfront as well as safeguards against gentrification and displacement; and

WHEREAS, CB3 residents should be given 1st priority access to the jobs created by this project; and

WHEREAS, community facilities should strongly be considered to include cultural educational and recreational facilities for CB3 residents; and

WHEREAS, local business should be given a priority for the limited commercial development; now

THEREFORE, BE IT RESOLVED, that Community Board #3, Manhattan supports the general design direction and enthusiastically supports moving forward with refinement and implementation of this project. The CB offers the following specific comments and requests that these be taken into consideration.

Pier 35

The Community Board continues to support a two-level pier to capitalize on the magnificent waterfront views, to provide program space on the Pier without sacrificing open space, and to camouflage the adjacent Sanitation facility.

Pavilions

The CB supports community and recreational uses under the FDR, and recognizes that funds generated by some of the enclosed spaces under the FDR or on the piers are necessary to contribute to park operations and maintenance in general the CB is supportive of the proposed design of the pavilions. The CB is eager to work with EDC to ensure appropriate uses/users.

Esplanade Materials and Furnishings

The Community Board supports the proposed paving, railings, lighting, plantings, and furnishings and believes they are appropriate in the context of a linear waterfront park adjacent to thousands of residents.

Pier 42

The CB continues to support the development of Pier 42 as an important new open space. Although the CB acknowledges that funding is not yet in place for its implementation, the CB urges the City to continue to developing the design and seeking funding.

Community Board 3 looks forward to continuing a dialogue with the City.

3. Open Road request for Parks Dept presentation on programming plans for newly renovated recreation center in Seward Park  
**VOTE:** That Community Board #3 supports the premise that representatives of Open Road and the Parks Department will meet again to work out possible future programming uses for the space at the Seward Park Recreation Center. The suggestions presented would fill a much-needed void for teen activities.
4. Requests for increase access to Seward Park by opening park gates  
**VOTE:** That Community Board #3 supports the request by representatives of Open Road and many community members to have all the gates to Seward Park open until the Park closes. Presently, the several



closed gates suggest to community members that the Park is closed to them. It also makes it less accessible to people who have mobility problems.

5. Gama Restaurant, 12 St Marks Pl: support for Certificate of Appropriateness, Landmarks Preservation Commission, canopy installation

**VOTE:** That Community Board #3 approves the Certificate of Appropriateness for presentation to the Landmarks Preservation Commission for the installation of an awning as shown in the attached photographs, on the condition that the awning is not fastened to the façade (exterior) of the building.

6. Eldridge Street Synagogue building, 12 Eldridge St: support for Certificate of Appropriateness, Landmarks Preservation Commission, installation of new signage

No vote necessary

7. Landmarking for Webster Hall, 119 E 11th St

**VOTE:** WHEREAS, Webster Hall, located at 119-125 East 11th Street between Third and Fourth Avenues, merits individual landmark designation for both its intact, richly ornamented Romanesque Revival façade and for its extraordinary cultural history. Over the last 120 years, the space has hosted everything from debutante balls and society dinners to wrestling matches, political rallies, union meetings, and bohemian costume dances. Although the area around and south of 14th Street and Union Square was once packed with theaters, dance halls, and other forms of entertainment, today very few of these buildings remain, making the preservation of Webster Hall all the more critical; and

WHEREAS, the hall was designed in 1886 (NB 1212-1886) by architect Charles Rentz. While not a great deal is known about Rentz's life, he designed several tenements, many in the Romanesque Revival style, throughout Greenwich Village, the South Village, and the Upper West Side. Rentz's original building for Webster Hall was three-bays wide, covering the addresses 119-123 East 11th Street. Rentz used red Philadelphia brick for the building's façade, detailing it with brownstone and elaborate terra cotta. Throughout the façade, the terra cotta ornamentation features foliage motifs, particularly nicely executed on the façade's panels, spandrels, capitals, and arch; now

THEREFORE, BE IT RESOLVED, that Community Board #3, Manhattan approves the Landmarking of the exterior of Webster Hall because of its historical importance to our community.

8. ULURP N080078 ZRY: Yards Zoning Text Amendment

No vote necessary

9. ULURP N080081 ZRY: Street Tree Planting Zoning Text Amendment

**VOTE:** WHEREAS, street trees help reduce the urban heat island effect by providing cool shade over paved roadways and filter the air and reduce air pollutants such as particulates and carbon dioxide. Trees and sidewalk planting strips capture storm water, thus reducing storm water runoff, which in turn reduces strain on city sewer infrastructure; and

WHEREAS, street trees and planting strips enhance the overall appearance of developments and neighborhoods. Residents and pedestrians enjoy shaded buildings and sidewalks. Street trees and planting strips improve the character and scale of neighborhood streetscapes, and soften otherwise continuous pavement in the public right-of-way. Street trees buffer pedestrians from vehicular traffic, and reduce glare by shading roadways; and

WHEREAS, the proposed street tree proposal would establish regulations that would require planting of street trees in all zoning districts for all new developments, major enlargements (20% or more increase in floor area on the zoning lot), and certain conversions (where 20% or more of the building floor area is changed in use between commercial, residential, community facility, or manufacturing uses. One street tree would be required for every 25 feet of street frontage of the zoning lot, with a minimum requirement of one street tree; now

THEREFORE, BE IT RESOLVED, that Community Board #3, Manhattan supports the street tree planting amendment STREET TREES N 080081 ZRY: to amend the Zoning Resolution to establish a requirement for street tree planting in all zoning districts;. Street tree and planting strips support the goals of PlaNYC and provide environmental aesthetic and safety benefits.

10. Parks Dept concessions for Christmas trees - sidewalk access concerns

**VOTE:** To approve provided that the Parks Department should specify that vendors of Christmas trees not be allowed to park for 24 hours as a permanent space and have use of the parking lane which is illegal; and that concessions be limited to one side of the sidewalk to maintain accessibility and that also Coleman Park should have no concession because there is an established vendor one block away at Pathmark who has been there for more than 20 years.

11. Parks Dept concessions for sale of gourmet foods from carts at: Allen St Mall (intersection of Allen & Delancey Sts), Columbus Park (intersection of Baxter & Worth Sts), Coleman Square Playground (intersection of Monroe & Market Sts, parkside), SDR park, (sidewalk, north side of plaza, southern side Houston St, btwn Chrystie & Forsyth Sts), PS 1 Playground (intersection of Madison & Catherine Sts, parkside)

**VOTE:** WHEREAS, regarding the sale of gourmet foods from carts at the Allen Street Malls, the community, in many public meetings, expressed a very strong consensus for food to reflect the diverse immigrant history of the neighborhood and to be affordable. This was also reflected in the community's decision

to co-name Allen/Pike Streets the "Avenue of the Immigrants"; and

WHEREAS, regarding the sale of gourmet foods from karts at Columbus and Coleman Square Parks, residents are continually complaining that these parks are infested with rats and extermination has not resolved this problem. Food sold at these parks would only make the problem worse. In addition, Columbus Park is surrounded by restaurants that would be negatively impacted by this competition; and

WHEREAS, regarding PS 1 Playground, karts at this location would undermine the efforts of the Mayor's Office to have only healthy foods available to school children, and this is a school playground; now

THEREFORE, BE IT RESOLVED, that Community Board #3, Manhattan believes that it would not be in the best interest of the community to sell gourmet food from karts at Columbus and Coleman Parks and the Allen Street Mall and PS 1 Playground.

12. CB notification of landmarking applications

**VOTE:** WHEREAS, presently The New York City Landmarks Preservation Commission ("Landmarks") is not required to notify community boards of applications brought before it in time for our review and vote; and

WHEREAS, this policy does not allow for community discussion, input and approval; nor does it allow elected officials to have the benefit of the community boards' positions, which they often seek; now

THEREFORE, BE IT RESOLVED, that Community Board #3, Manhattan will ask Landmarks to agree to our request for timely notification, and if they do not concur, we ask the City Council to pass legislation that would require timely notification (at least 45 days) to community boards on all applications brought before Landmarks that relate to sites in each board's specific district.

(Parks Committee)

42 YES 0 NO 0 ABS 0 PNV MOTION PASSED (Excluding Item 7, 11)  
35 YES 5 NO 2 ABS 0 PNV MOTION PASSED (Item 7)  
41 YES 0 NO 1 ABS 0 PNV MOTION PASSED (Item 11)

**197 Plan Task Force**

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

**Housing & Land Use Committee**

1. FY'2009 Capital & Expense Priorities  
See Capital & Expense Budget Priorities Vote.
2. Intro No 596: regarding language assistance services at the Dept of Housing Preservation and Development  
**VOTE:** WHEREAS, NYC has put itself forth as an exemplary city of immigrants; and

WHEREAS, many immigrants have had considerable difficulty communicating with HPD; and

WHEREAS, the lack of translation services results in a breakdown of trust and the disenfranchisement of the NYC immigrant community; now

THEREFORE, BE IT RESOLVED, that Community Board #3, Manhattan supports Intro No. 596.

3. Report from Essex Street Market Subcommittee  
No vote necessary
4. 421a Partial Tax Exemption: 11 E 1st St  
**VOTE:** WHEREAS, this is one of the rare instances in which a developer applying for a 421a Partial Tax Exemption has included an affordable housing component within the development; now

THEREFORE, BE IT RESOLVED, that Community Board #3, Manhattan enthusiastically approves the request for the exemption.

(Housing Committee)

41 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Members Present at Last Vote:

David Adams [P]  
Paul Bartlett [P]  
Mayra Cappas [P]  
Wendy Cheung [P]  
Pearl Chin [P]  
Rocky Chin [P]  
David Crane [P]  
Andrea Diaz [A]  
George Diaz [P]  
Harvey Epstein [A]  
Morris Faitelewicz [P]  
Beth From [P]  
Rabbi Y. S. Ginzberg [P]  
Gloria Goldenberg [P]  
Alexander Gonzalez [P]  
Guido Hartray [P]  
Herman F. Hewitt [P]

Bonnie Hulkower [P]  
Carolyn Jeffers [P]  
Anne K. Johnson [P]  
Joel Kaplan [A]  
Sam Krueger [P]  
John Leo [P]  
Eden Lipson [A]  
Bernice McCallum [P]  
David McWater [P]  
Alexandra Militano [P]  
Lillian Moy [A]  
Thomas Parker [A]  
Dominic Pisciotta [P]  
Barden Prisant [P]  
William Ramos [P]  
Carolyn Ratcliffe [P]  
Joyce Ravitz [P]

Lois M. Regan [P]  
Richard F. Ropiak [P]  
Estelle Rubin [A]  
Elizabeth Sgroi [P]  
David Silversmith [P]  
Deborah A. Simon [P]  
Pia Simpson [A]  
Arlene Soberman [A]  
Nancy Rose Sparrow-Bartow [P]  
Elinor Tatum [P]  
David Weinberger [A]  
Nina Werman [A]  
Harry Wieder [P]  
Samuel Wilkenfeld [P]  
Noah Yago [P]  
Thomas Yu [P]

Meeting Adjourned