



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

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Gigi Li, Board Chair

Susan Stetzer, District Manager

November 2015 Full Board Minutes

Meeting of Community Board 3 held on Tuesday, November 24, 2015 at 6:30pm at PS 20, 166 Essex Street.

Public Session:

Emily Hirsch: Speaking on behalf of Citizens Committee, she spoke about the neighborhood grants that Citizens Committee gives for all-volunteer projects.

Shawn Ekwall: Speaking on behalf of the Roberto Clemente Center, he gave a brief description of the center as a Latino-oriented cultural center. The Center will be renovating and will be relocating services to 227 Madison St. temporarily during the renovations.

Irene Alladice: Speaking on behalf of the LES Power Partnership, she said that Beth Israel is planning changes to their program and potential downsizing.

Justin Harmon: Speaking as the Chief Communications Officers at the Cooper Union, Harmon introduced himself and stated Cooper Union was trying to be a better neighbor. There was discussion of Cooper Union's support of using CHARAS as a student dormitory.

Vaylateena Jones: Speaking on behalf of the LES Power Partnership to announce that the community has a high use of hospitalization and high rate of drug abuse.

Justin Yu: Speaking on behalf of residents of Confucius Plaza, he asked that the community board support the Transportation committee resolution in support of the Department of Transportation renovation of the

Emma Culbert: Speaking on behalf of the SPACE block association, speaking against the vote approving the license for GD Tour to operate on the intersection of East Broadway and Pike St. She asked for a moratorium on bus approvals until there was more time to review.

Public Officials:

Mayor Bill de Blasio, Tommy Lin: Not present

Public Advocate Letitia James, Adam Chen: Not present

Comptroller Scott Stringer, Anas Uddin: Tuesday, December 1, there will be a celebration of Jewish culture. Many agencies have seen a reduction of claims. The Comptroller supports increasing the minimum wage for city workers to \$15/hr.

Borough President Gale Brewer, Gale Brewer: The Fair Chance Act was passed which prevents employers from asking for an applicant's criminal record, except for certain public safety jobs. There are going to be opportunities for small businesses in Essex Crossing as it moved to construction. Fatalities in construction sites are up, and the Borough President is working with the unions and construction industry to address this. Community Board application are online and the applications are due January 29. The Borough President's office is working on legislation to regulate hop-on-hop-off buses. There will be 322 new wifi hotspot kiosks set up in Manhattan. The Borough President's office opened a storefront office in Harlem and is receiving a lot of feedback.

Congressmember Carolyn Maloney, Victor Montesinos: Not Present

Congressmember Nydia Velazquez, Iris Quinones: The Congresswoman is pushing for small business assistance for businesses affected by Hurricane Sandy.

Assemblymember Sheldon Silver, Zach Bommer: not present

Assemblymember Deborah J. Glick, Charlie Anderson: MIH/ZQA amendment hearing on Dec. 16 from City Planning, EV pop up ID-NYC enrollment site

Assemblymember Brian Kavanagh, Edward Cerna: not present

State Senator Daniel L. Squadron, Mauricio Pazmino: There was a community convention town hall on MTA bus service held last week, and the parks equity agenda is moving forward the Senator announced as chair of State policy group.

State Senator Brad M. Hoylman, Sejal Singh: Gov. signed 2 pieces legislation, regarding domestic violence victims. The State Senator has organized a mobile legal clinic, and constituents can call office to make appointment.

Councilmember Margaret Chin, Vincent Fang: Councilmember introduced reso to support NDRC application for resiliency, hearing on helicopters, office is hosting a legal mobile van between 10-3 on corner of Madison and Pearl Sts. The former Chief of Staff is now working for the Mayor's Office of Legislative Affairs.

Councilmember Rosie Mendez, Sheila Rodriguez: Not present

Members Present at First Vote:

David Adams	[P]	Luke Henry	[P]	Nancy Ortiz	[A]
Yaron Altman	[P]	Herman F. Hewitt	[P]	Carolyn Ratcliffe	[P]
Dominic Berg	[P]	Trever Holland	[P]	Damaris Reyes	[P]
Karen Blatt	[A]	Anne K. Johnson	[P]	Carlina Rivera	[P]
Lisa Burriss	[A]	Linda Jones	[P]	James Rogers	[P]
Melvin Cartegena	[A]	Vaylateena Jones	[P]	Richard F. Ropiak	[P]
Karlin Chan	[A]	Meghan Joye	[P]	Christopher Santana	[P]
MyPhuong Chung	[A]	Lisa Kaplan	[P]	Susan Scheer	[A]
David Crane	[A]	Carol Kostik	[P]	Laryssa Shainberg	[A]
Enrique Cruz	[P]	Ben Landy	[A]	Wilson Soo	[P]
Cathy Dang	[P]	Mae Lee	[P]	Nancy Sparrow-Bartow	[P]
Eric Diaz	[P]	Alysha Lewis-Coleman	[P]	Josephine Velez	[P]
Leila Eliot	[A]	Gigi Li	[P]	Rodney Washington	[P]
David Ford	[A]	William LoSasso	[A]	Kathleen Webster	[A]
Debra Glass	[A]	Chad Marlow	[A]	Thomas Yu	[P]
Jan Hanvik	[P]	Alexandra Militano	[P]	Zulma Zayas	[P]
Dan Ping He	[P]	Chiun Ng	[A]		

Minutes:

Minutes of September 2015 were approved, as is.

31 YES 0 NO 1 ABS 0 PNV MOTION PASSED

Board Chairperson's Report:

Chairperson Gigi Li – Tever Holland won VIP tickets to the Macy's Thanksgiving Day Parade. Alysha Lewis-Coleman will be collecting \$10 per member for the CB3 holiday party, which will take place immediately after the December full board. The Catharine Street shelter is collecting clothing for the holidays. Community members can bring items to the District Manager's office. There will be a meeting Monday of Community Board Charis to vote on ZQA – the Mayor's plan for mandatory inclusionary zoning and affordable housing.

District Manager's Report:

There was a new member training on role of the office and resolution writing. There will be a pop up Municipal-ID signup at Middle Collegiate Church Dec 14-31. CB 3 will hold an intercity bus town hall at PS-124 on December 1. There is a DNA-Info report that calls to 311 in the district regarding homelessness have risen 78% this year. However, the Department of Homeless Services states that they have not seen an increase in homelessness at night. The Department of Health has published Community Health Profiles for each community board, that reports demographics and health indicators for each Community District. However, because CB 3 has such a high income disparity and the results are reported by average, it does not give a useful picture of our District. The Department of Health will be holding a community meeting at Chatham Square Library targeting people in Chinatown due to large health disparities. Applications for Community Board is available online on the CB website.

Committee Reports:

Executive Committee

no votes necessary

Economic Development Committee

1. Approval of previous month's minutes

VOTE: To approve October 2015 Committee minutes.

2. Continued discussion on potential Special District for Community Board 3
no votes necessary
3. Presentation by Small Business Services for On-the-Job Training Program and Customized Training Program
no votes necessary

35 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Transportation & Public Safety and Environment Committee

1. Approval of previous month's minutes
VOTE: Minutes Approved.
2. [Pedestrian Projects Group: Division St Streetscape Improvements Plan](#) (click for info)
VOTE: TITLE: Motion to Support the Division Street Streetscape Improvements

Whereas, there is excess road space on the north side of Division Street between Bowery and Market Street. This space is routinely used for illegal bus activity and double or triple parking; and

Whereas, the new expanded pedestrian area will add 2,900 square feet of pedestrian space, will rationalize the channelization of vehicles, and maintain a 9 foot wide parking lane to be occupied, in part, by the commuter van stop; and

Whereas, the parking space in front of PS 124 will remain the same with a modified painted buffer. This will allow the school buses to continue to operate without creating traffic congestion; and

Whereas, the new striping on Bowery, north of Division Street will improve the channelization of traffic by maintaining two lanes of traffic for an additional 100 feet north of the intersection; and

Whereas, the curb at Division Street and Catherine Street will be extended and rebuilt creating a 3 foot neckdown; so

Therefore be it resolved, that Community Board 3 supports the Division Street Streetscape Improvement Plan, scheduled to begin in the Spring.

3. Continued planning of intercity bus town hall
no vote necessary
4. Clinton St between Stanton/Rivington-metered parking and loading zone
VOTE: TITLE: Request for Change in Parking Regulations on Clinton Street

Whereas, the loading zone on Clinton Street between Rivington and Stanton streets is in effect 7 days a week from 9am until 7pm and occupies approximately one-third of the curb space; and

Whereas, there is no large facility nearby to warrant such a loading zone. Local businesses are not permitted to load or unload their goods unless they are in a commercial vehicle; and

Whereas, the lack of parking is one of many issues currently facing struggling businesses on Clinton Street. Further exacerbating the issue is the nearby construction of 50 Clinton Street which often uses curbside parking for staging; and

Whereas, adding metered parking to this section of Clinton Street will allow shoppers to have easier access to local stores; and

Whereas, if the meters currently on Clinton Street were changed to 2 hours shoppers may stay longer on Clinton Street or visit multiple stores; so

Therefore be it resolved, that Community Board 3 requests that the loading zone on Clinton Street between Rivington and Stanton streets be eliminated and replaced with 2 hour metered parking.

Be it further resolved, that the existing metered parking along Clinton Street between Delancey and Houston streets be changed from 1 hour parking to 2 hour parking in order to accomplish the same goals.

5. Minor revisions to intercity bus stipulations
no vote necessary

Bus Stop Permit Applications

6. [GD Tour Inc, 125 East Broadway south side of street between Allen and Rutgers Streets](#) (click for info)
VOTE 1:TITLE: Approve a Curbside Bus Stop for GD Tour at 125 E Broadway

WHEREAS, GD Tour, Inc. has applied for a designated bus stop for curbside loading/unloading operations located at 125 E Broadway, on the south side of the street between Allen and Rutgers St. The buses will operate under the GD Tour brand name, providing service between New York and Orlando, FL with up to 1 departure daily at 7:30 pm, and 1 arrival daily at 12:00 pm; and

WHEREAS, The bus stop is an existing 96 ft bus stop that would be shared with the M9 bus; and

WHEREAS, the applicant has indicated they have an agreement to lease a storefront at 127 E Broadway, between Allen and Rutgers St, which is adjacent to the proposed stop; and

WHEREAS, the applicant has entered into an agreement with CB 3 to adhere to the following stipulations:

- Tickets will be sold only online, or at a designated ticket agency not on the street.
- Tickets will be sold only for specific boarding times and will not be oversold.
- Tickets will be sold in assigned boarding order system so that customers will not need to arrive early to jockey for positions.
- Sidewalk lines will be single file, and only for the next assigned bus.
- There will be a staff person on duty for every arrival and departure to guide loading / unloading, to have direct contact to dispatch to inform passengers of delays, and to engage in crowd and noise control.
- Trash bags will be used to collect litter and will be kept in storefront, or will leave with the bus.
- Staff will routinely clean up the sidewalk by bus stop.
- Buses will keep to schedules, which will be published online or printed, as much as possible.
- The number of buses at this stop will not exceed the stated number of buses per hour/per day.
- All buses purchased in the future will be equipped with diesel particulate filters and use ultra-low sulfur fuels, and will also be equipped with exhaust gas recirculation emission control technology.
- A storefront will be provided for the use of customers, so they may wait to board their bus and use the restroom facilities; now

THEREFORE, BE IT RESOLVED, that CB 3 Manhattan recommends that DOT issue a permit for GD Tour, Inc, to operate their bus service at a designated curbside bus stop located at 125 E Broadway, provided that the preceding list of stipulations agreed between the applicant and CB3 will be attached to the DOT permit.

VOTE 2:TITLE: Deny a Curbside Bus Stop for GD Tour at 125 E Broadway

WHEREAS, it has been observed at this particular location, when an intra-city bus parks at the MTA bus stop, it causes MTA to double park in order to load and unload passengers. This situation creates unsafe conditions for passengers, particularly seniors and the mobile impaired who are forced to move into the street in order to board the bus.

WHEREAS, when busses are forced to double park it creates unsafe conditions for cyclists who have to circumvent the bus blocking the bike lane by moving into the middle of the street.

WHEREAS, when MTA busses are forced to double park at this particular location it prevents clear vision to vehicles when making a right turn onto East Broadway and further complicates cyclists and motorists navigating this intersection

WHEREAS, there are already 5 separate bus operators within a 5 block radius to this location that use MTA bus stops in addition to MTA busses.

WHEREAS, the saturation of licensed and unlicensed busses operating in this neighborhood has created an unenforceable environment.

WHEREAS, the saturation of intra-city busses in this neighborhood is causing other quality of life issues such as trespassing, loitering and littering in private properties including residential buildings.

WHEREAS, the continued approval of the intra-city busses operating at MTA stops creates a contradictory position to the Mayor's goal of reducing pedestrian/traffic collisions.

THEREFORE, BE IT RESOLVED, CB3 opposes a private bus company operating out of the MTA bus stop at 125 East Broadway.

There was discussion of whether the Community Board should reject this application to take a stand against the danger of intercity buses stopping at MTA bus stops or whether to vote to approve the application with stipulations to hold this applicant accountable.

35 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding Transportation item 6, vote 1)
5 YES 28 NO 1 ABS 0 PNV MOTION DID NOT PASS (Transportation item 6, vote 1)
27 YES 2 NO 0 ABS 0 PNV MOTION PASSED (Transportation item 6, vote 2)

SLA & DCA Licensing Committee

1. Approval of previous month's minutes
VOTE: To approve the minutes of October 2015.

Applications within Saturated Areas

2. AGN Restaurant LLC, 511 E 6th St btwn Aves A & B (op)
VOTE: TITLE: Community Board #3 Recommendation To Deny

WHEREAS, AGN Restaurant LLC is seeking a full on-premise liquor license to operate a restaurant at the premise located at 511 East 6th Street, between Avenue A and Avenue B; and

WHEREAS, this is an application for a restaurant with closing times of 4:00 A.M. all nights, a prep kitchen serving less than a full menu, live and recorded music, DJs, scheduled performances, promoted events and events in which cover fees will be charged; and

WHEREAS, 511 East 6th Street is located on a residentially zoned street, in that it is zoned R7B; and

WHEREAS, Zoning Regulation Section 52-34, governing "Commercial Uses in Residence Districts," states that Use Group 6 may not be altered to permit another use group, including a use group allowing for scheduled performances and, consequently, Use Group 6 does not allow for commercial uses which include uses with specified show times or cover fees; and

WHEREAS, the applicant has been provided with the above-referenced explanation; and

WHEREAS, this proposed business would bring an influx of people and traffic to a residentially zoned street, who would be coming and going until late at night because of the scheduled performances and closing times of 4:00 A.M. all nights and it would increase late night noise significantly; and

WHEREAS, although one (1) principal of this application has operated a tavern, doing business as The Belfry, located at 422 East 14th Street, New York, New York, since 2006, the proposed onsite principals have been employed at The Belfry for two (2) years as a manager and four (4) years, respectively and have no other experience operating a licensed business or a business on a small residentially zoned street; and

WHEREAS, the applicant furnished inadequate evidence of outreach to and support from surrounding residents for its business, in that it furnished only ten (10) signatures from area residents in support of its application; and

WHEREAS, the applicant has conceded that there are twenty-six (26) full on-premise liquor licenses within five hundred (500) feet of this location; now

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the application for a full on-premise liquor license for AGN Restaurant LLC, for the premise located at 511 East 6th Street, between Avenue A and Avenue B.

3. Villa Cemita Inc, 50 Ave A btwn E 3rd & E 4th Sts (legalize alt/wb)
VOTE 1:TITLE: Community Board #3 Recommendation To Deny

WHEREAS, Villa Cemita Inc. is applying for an alteration of its wine beer license for its restaurant, doing business as Villa Cemita, at the premise located at 50 Avenue B, between East 3rd Street and East 4th Street; and

WHEREAS, this applicant was denied a wine beer license by Community Board #3 in December of 2014 unless is agreed to make as conditions of its stipulation that it would 1) operate as a full-service restaurant, with a kitchen open and serving food during all hours of operation, 2) have hours of operation of 7:00 A.M. to 12:00 A.M. all days, 3) not commercially use any outdoor space, 4) install soundproofing, 5) close any façade doors and windows at 10:00 P.M. every night or during any amplified performances, including but not limited to DJs, live music and live nonmusical

performances, 6) play recorded background music and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee would be charged, 7) not apply for an alteration without first appearing before Community Board #3, 8) not seek a change in class of its liquor license to a full on-premise liquor license without first obtaining the approval of Community Board #3, 9) not host pub crawls or party buses, 10) not have happy hours, 11) not have wait lines outside, 12) conspicuously post its stipulation beside its licenses inside its business, and 13) provide contact information for resident complaints and immediately respond to any resident complaints; and

WHEREAS, prior to being approved by Community Board #3 in December of 2014, neighborhood residents met with this applicant to insure that it would operate consistent with its proposed method of operation as a family restaurant because this location had been licensed in the 1990s and had housed a tavern whose operation resulted in numerous resident complaints of noise; and

WHEREAS, neighboring residents have complained that this applicant then installed a bar in the front of its business without notice to the community and contrary to the plans it proposed when it first met with residents; and

WHEREAS, there had been no notice of alteration to Community Board #3 for the stand-up eleven (11) foot by seven (7) bar with ten (10) stools, that was recently installed by the applicant in the front of its business; and

WHEREAS, the applicant was notified of this illegal alteration by Community Board #3 and has since submitted the notice of alteration for which this motion has been made; and

WHEREAS, neighboring residents have complained that this applicant has been operating contrary to its agreed upon stipulations and the conditions of its license, in that this applicant 1) operates later than 12:00 A.M., 2) leaves it façade open later than 10:00 P.M., 3) plays loud entertainment level music heard by neighboring residents, 4) has not posted its stipulations, and 5) advertises drink specials and promotions contrary to its method of operation as a family restaurant (see photographs attached hereto); and

WHEREAS, neighboring residents have complained that this applicant has been violating the Alcohol Beverage Control Law, in that it advertises and sells alcohol and mixed drinks containing alcohol, although it has only a wine beer license, and promotes contests with free alcohol as awards (see photographs attached hereto); and

WHEREAS, although the applicant stated to Community Board #3 that she is serving wine-based tequila, rum and vodka in lieu of alcohol and insisted that the wine-based nature of drinks is advertised in her menus, **an employee of Community Board #3 purchased a tequila-based margarita on November 8, 2015 and November 9, 2015**, and reviewed and photographed the menu which did not have this disclaimer, and further, the bartender at this business represented that her drinks included tequila; now

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the application for an alteration of the wine beer license for Villa Cemita Inc, doing business as Villa Cemita, for the premise located at 50 Avenue A, between East 3rd Street and East 4th Street, to wit legalizing the already installed stand-up bar for which no notice was sent to Community Board #3 prior to this alteration; and

THEREFORE, BE IT FURTHER RESOLVED that Community Board #3 asks that the SLA investigate and penalize Villa Cemita Inc, doing business as Villa Cemita, for the premise located at 50 Avenue A, between East 3rd Street and East 4th Street, for violations of the conditions of its liquor license, as well as violations of the Alcohol Beverage Control Law.

VOTE 2:To refer item back to committee.

There was discussion of whether members of the CB3 office

4. Kura (Seiei LLC), 130 St Marks Pl (upgrade to op)
no vote necessary

Alterations

5. Tre (Jersey Boys LLC), 173 Ludlow St btwn E Houston & Stanton Sts (alt/op/extend hours to 2am all days)

VOTE: TITLE: Community Board #3 Recommendation To Deny Unless Stipulations Agreed To—Stipulations Attached

To deny the application for an alteration of the full on-premise liquor license for Jersey Boys LLC, doing business as Tre, for the premise located at 173 Ludlow Street, between East Houston Street and Stanton Street, to wit changing its operating hours to 9:00 A.M. to 2:00 A.M. all days, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service Italian restaurant, with a kitchen open and 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) its hours of operation for its backyard will be 12:00 P.M. to 10:00 P.M. all days, it will serve food in the backyard during all hours of operation, it will not play music in the backyard and it will use the backyard for sit-down dining only, consisting of nine (9) tables and eighteen (18) seats,
- 4) it will close any front or rear façade doors and windows at 10:00 P.M. every night or during any amplified performances, including but not limited to DJs, live music and live nonmusical performances,
- 5) 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,
- 6) it will not apply for any alteration in its method of operation without first appearing before Community Board #3,
- 7) it may have "happy hours" to 8:00 P.M. each night,
- 8) it will not host pub crawls or party buses,
- 9) it will insure that there are no wait lines outside,
- 10) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 11) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints

Community Board #3 is approving this application for an alteration to extend the operating hours of this full on-premise liquor license although this is a location in an area with numerous full on-premise liquor licenses with late night hours because 1) this applicant has operated its business at this location without complaints since it opened in 2006, and 2) although one (1) resident appeared in opposition to this application, this applicant has the support of the LES Dwellers, a local neighborhood association, for its alteration, and has furnished fifty (50) signatures in support of its application.

6. LIT Lounge (93 Art LLC), 93 2nd Ave btwn E 5th & E 6th Sts (alt/op)

VOTE: TITLE: Community Board #3 Recommendation That the SLA Not Consider This Alteration Until Applicant Appears Before Community Board 3

WHEREAS, 93 Art LLC, by majority principal Allan Manarelli, is seeking an alteration of its full on-premise liquor license, for the premise located at 93 Second Avenue, between East 5th Street and East 6th Street, to wit decreasing its size by one (1) floor and reducing its certificate of occupancy to one hundred fifty-seven (157) people; and

WHEREAS, this applicant failed to appear for a hearing of its alteration application, although it confirmed its attendance with the Community Board 3 office; and

WHEREAS, this principal previously applied to Community Board #3 in August of 2015 for a new full on-premise liquor license for a tavern with a certificate of occupancy of three hundred fourteen (314) people in a basement and cellar, no known opening hours, closing hours of 4:00 A.M. all days, an unknown amount of tables and seats, a forty (40) foot bar located in the basement and twenty (20) foot bar located in the cellar, both with an unknown amount of stools and live music and other performances, DJs and recorded music at entertainment levels; and

WHEREAS, this principal then represented that it would be moving its existing business, Red Rooster 29 LLC, doing business as The Cock, located at 29 Second Avenue, between East 1st Street and East 2nd Street, to this location; and

WHEREAS, Community Board #3 denied its application for a new full on-premise liquor license, in part, because 1) there was substantial opposition from area residents, citing the already overwhelming conditions on this block of Second Avenue from the existing thirteen (13) full on-premise liquor licenses, which include crowds of people on both sides of the street so big that residents have to walk in the sidewalk, drunken people, noise from people, noise emanating from the open facades of businesses, trash and vomit on the street, 2) there were resident complaints of noise and crowds from people in front of the existing business located at 93 Second Avenue and the sometimes impassable conditions from patrons at night in front of this storefront, which is situated behind a bus kiosk, making the available sidewalk significantly narrower for pedestrians, 3) the principal made misrepresentations about its business to Community Board #3 when it applied for its full on-premise

liquor license at 29 Second Avenue, for The Cock when it was located at 198 Avenue A, and for Superdive, located at 200 Avenue A, 4) there is a substantial difference in residential character between the block of Second Avenue where its business is presently located, which is comprised of mixed low and medium rise commercial and residential buildings on one side of the street and commercial lots and buildings on the opposite side of the street, and 93 Second Avenue, between East 5th Street and East 6th Street, which is densely populated with five (5) and six (6) story residential tenement buildings, and 5) Art LLC, doing business as Lit Lounge, presently located at 93 Second Avenue, had a March 8, 2013 no contest disposition before the SLA for unlicensed cabaret and failure to comply with local regulations; and

WHEREAS, this principal has now notified Community Board #3 that it has purchased sixty per cent (60%) of the existing corporation and is proposing to alter the business by operating it on one (1) cellar level only, with a certificate of occupancy of one hundred fifty-seven (157) people, no known opening hours, closing hours of 4:00 A.M. all days, twenty (20) tables and eighty (80) seats, a forty (40) foot with an unknown amount of stools and live music and other performances, DJs and recorded music at entertainment levels; and

WHEREAS, this principle has been interviewed by the press, during which he represented that he would be using the other floor of this business, with an approximate certificate of occupancy of one hundred fifty-seven (157) people for a separate business with a full on-premise liquor license (article attached hereto); and

WHEREAS, twenty-one (21) residents appeared before Community Board #3 in continued opposition to this new principle and the proposed business on this street and submitted one hundred twenty-seven (127) petition signatures, as well as seven (7) letters; and

WHEREAS, residents also expressed concerns, given the past material misrepresentations by this principle, about this substantial alteration which could result in another licensed business on this block; and

WHEREAS, residents also informed Community Board #3 that this principle had failed to notify it during its hearing in August of 2015, that there had been an arrest on Jul 30, 2015, of an adult male for engaging in sexual intercourse with a minor, to wit a sixteen (16) year old girl, at this location; and

WHEREAS, this location is within five hundred (500) feet of thirty-two (32) full on-premise liquor licenses, as well as sixty-four (64) liquor licenses altogether, many of which are concentrated in and around Second Avenue and East 5th Street; and

THEREFORE, BE IT RESOLVED that Community Board #3 asks that the SLA not consider the alteration of the full on-premise liquor license, for 93 Art LLC, by majority principal Allan Manarelli for the premise located at 93 Second Avenue, between East 5th Street and East 6th Street, to wit decreasing its size by one (1) floor and reducing its certificate of occupancy to one hundred fifty-seven (157) people until this principle has appeared before Community Board #3 for the hearing of this application.

7. Naturens (Paulmil Cafe Inc), 21 E 1st St (alt/op/convert juice bar to Spanish bistro and add additional bar) withdrawn

New Liquor License Applications

8. Williamsburg Pizza (Williamsburg Pizza II LLC), 277 Broome St @ Allen St (wb)

VOTE: TITLE: Community Board #3 Recommendation To Deny Unless Stipulations Agreed To—Stipulations Attached

To deny an application for wine beer license for Williamsburg Pizza II LLC, doing business as Williamsburg Pizza, for the premise located at 277 Broome Street, at the corner of Broome Street and Allen 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 pizza restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 11:00 A.M. to 11:00 P.M. Sundays through Tuesdays, 11:00 A.M. to 2:00 A.M. Wednesdays and Thursdays and 11:00 A.M. to 4:00 A.M. Fridays and Saturdays but it will cease the service of alcohol at closing Sundays through Thursdays and at 2:00 A.M. Fridays and Saturdays,
- 3) it will not commercially operate any outdoor areas,

- 4) it will close any front or rear façade doors and windows at 10:00 P.M. every night or during any amplified performances, including but not limited to DJs, live music and live nonmusical performances,
 - 5) 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,
 - 6) it will employ security Fridays and Saturdays, from 11:00 P.M. to 2:00 A.M.,
 - 7) it will not apply for any alteration in its method of operation without first appearing before Community Board #3,
 - 8) it will not seek a change in class of its liquor license to a full on-premise liquor license without first obtaining the approval of Community Board #3,
 - 9) it will not have "happy hours,"
 - 10) it will not host pub crawls or party buses,
 - 11) it will insure that there are no wait lines outside,
 - 12) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
 - 13) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.
9. The John Lamb (Delancey Square Hospitality LLC), 119 Orchard St btwn Rivington & Delancey Sts (op)
no vote necessary
10. To be Determined, 116 Madison St (op)
withdrawn
11. To be Determined, 92 2nd Ave (South Store) (op)
withdrawn
12. Rooftop 93 (Cityview Chinatown LLC), 93 Bowery @ Hester St (op)

VOTE: TITLE: Community Board #3 Recommendation To Deny Unless Stipulations Agreed To—Stipulations Attached

Understanding that this location is completely contained within the Wyndham Hotel, Community Board #3 moves to deny an application for a full on-premise license for Cityview Chinatown LLC, with a proposed business name of Rooftop 93, for the premise located on the eighteenth (18th) floor of 93 Bowery, at the corner of Bowery and Hester 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 lounge, serving food from the hotel kitchen until 12:00 A.M. all days,
- 2) its hours of operation will be 5:00 P.M. to 12:00 A.M. Sundays through Thursdays and 5:00 P.M. to 2:00 A.M. Fridays and Saturdays,
- 3) it will not commercially operate any outdoor areas,
- 4) it will have a closed fixed facade with no open doors or windows,
- 5) 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,
- 6) it will utilize security guards employed by the hotel,
- 7) it will not apply for any alteration in its method of operation without first appearing before Community Board #3,
- 8) it may have "happy hours" to 8:00 P.M. each night,
- 9) it will not host pub crawls or party buses,
- 10) it will insure that there are no wait lines outside,
- 11) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 12) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

13. Winnies NYC LLC, 104 Bayard St (op)
withdrawn

14. Nakamura (Nakamura Inc), 172 Delancey St btwn Clinton & Attorney Sts (wb)

VOTE: TITLE: Community Board #3 Recommendation To Deny Unless Stipulations Agreed To—Stipulations Attached

To deny an application for wine beer license for Nakamura Inc., with a proposed business name of Nakamura, for the premise located at 172 Delancey Street, between Clinton Street and Attorney 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 restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 11:00 A.M. to 12:00 A.M. Mondays through Wednesdays and 11:00 A.M. to 4:00 A.M. Thursdays through Saturdays but it will cease the service of alcohol at 12:00 A.M. Mondays through Wednesdays and 1:00 A.M. Thursdays through Saturdays,
- 3) it will not commercially operate any outdoor areas,

- 4) it will close any front or rear façade entrance doors at 10:00 P.M. every night and will otherwise have a closed fixed facade with no open doors or windows,
- 5) 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,
- 6) it will not apply for any alteration in its method of operation without first appearing before Community Board #3,
- 7) it will not seek a change in class of its liquor license to a full on-premise liquor license without first obtaining the approval of Community Board #3,
- 8) it will not have "happy hours,"
- 9) it will not host pub crawls or party buses,
- 10) it will insure that there are no wait lines outside,
- 11) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 12) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

Items not heard at Committee

15. Bobwhite Lunch and Supper Counter (Bobwhite Counter LLC), 94 Ave C (corp change)
no vote necessary
16. LIT Lounge (93 Art LLC), 93 2nd Ave (corp change)
no vote necessary
17. Alin Sushi Inc, 55-59 Chrystie St (wb)
no vote necessary
18. AA Japanese Ramen (AA Japanese Ramen Inc), 45 Bayard St (wb)
no vote necessary
19. Mu Lan East (Grand Eastern Restaurant Corp), 58 3rd Ave (wb)
no vote necessary

35 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding SLA items 3, 4)

11 YES 12 NO 7 ABS 0 PNV MOTION DID NOT PASS (SLA item 3, vote 1)

34 YES 0 NO 1 ABS 0 PNV MOTION PASSED (SLA item 4)

16 YES 11 NO 2 ABS 0 PNV MOTION PASSED (SLA item 3, vote 2)

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

1. Approval of previous month's minutes
VOTE: To approve the Parks Committee October 2015 minutes.
2. First Street Green & OSMOS proposal for a sculpture, "Signpost" by Australian artist Stuart Ringholtz, for First Park
no vote necessary
3. First Street Green proposes a sculpture, "The Space between Us" by Henry P Kielmanowicz for First Park
VOTE: TITLE: CB 3 supports the temporary art installation "The Space Between Us" by Henry Kielmanowicz at First Street Green.
4. Proposed improvements at Green Street Park (Montgomery St, E B'way, Samuel Dickstein Plaza)
VOTE: TITLE: Support for Proposed Improvements at Green Street Park

Whereas, Green Street Park, located near Gouverneur Gardens and bordered by Montgomery Street and East Broadway at Samuel Dickstein Plaza, is a NYC Parks jurisdiction Greenstreets open space;

Whereas, community residents, led by Gouverneur Gardens Board members, have highlighted the dilapidated conditions of the sidewalks, lack of landscaping, and generally uninviting appearance of the space, despite Green Street Park's potential to be utilized as a much needed open space for the community;

Whereas, there is a desire by community residents to seek improvements to the space, including but not limited to, tree pruning, park benches, bioswales, planters and plantings, new landscaping, chess tables, and lighting;

Therefore, be it resolved, that CB 3 supports the initial steps made by Gouverneur Gardens Board to propose improvement options to Green Street Park, and affirms that Green Street Park is an opportunity to improve our park and plaza spaces in alignment with CB 3 open space goals and priorities;

Therefore be it further resolved, that CB 3 asks NYC Parks to work with Gouverneur Gardens Board and other community residents to further investigate the feasibility of physical improvements to Green Street Park;

Therefore be it further resolved, that CB 3 asks NYC Parks to determine if the improvements can be done in-house via its Expense Budget, in order to expedite the process.

5. Revision of Block Party guidelines to correspond to new regulations

VOTE: TITLE: Block Party Guideline Revisions

Whereas in June, 2011 Community Board 3 resolved to automatically approve the existing 10 street festivals every year without need for applicants to come before the committee so long as no prior complaints or issues arise, and;

Whereas in June 2011 CB 3 also resolved to delegate to the District Office the administrative authority to automatically deny block party applications that close major through streets or reroute MTA bus traffic, unless they have exhausted all other alternative locations and routes so that applicants can immediately reapply for a suitable location, and;

Whereas in June 2013 CB 3 resolved that block party applications should be heard by committee for first two years only unless there are complaints, and instead will be administratively approved by the District Office, and;

Whereas the Street Activity Permit Office (SAPO) is now providing additional opportunity to CBs to comment on religious ceremonies, special events, clean up days, and other events and;

Whereas in the past none of these activities in CB 3 have generated complaints, so;

Therefore be it resolved that CB 3 delegates to the District office the authority to administrative "abstain" from comment for these events so that SAPO can proceed with the permitting process without additional bureaucracy in the CB office.

And further be it resolved that on a biannual basis, the CB 3 office provides an updated printout list of all events to be presented at the Parks Committee meeting.

- 6. Report from Parks Manager
no vote necessary
- 7. Report from Hamilton Fish Recreation Center
no vote necessary
- 8. Report from Al Smith Recreation Center
no vote necessary
- 9. Report from Arts Subcommittee
no vote necessary

35 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Landmarks Committee

meeting canceled

Land Use, Zoning, Public & Private Housing Committee

November 9th Meeting

- 1. Approval of previous month's minutes
VOTE: To approve the October minutes.
- 2. Vote to support Subdistricts D & F of Chinatown Working Group rezoning proposal
VOTE: TITLE: Resolution regarding Chinatown Working Group Subdistricts D and F

Community Board 3 (CB 3) resolution regarding the Chinatown Working Group (CWG) Plan for SubDistricts D (Lower East River Waterfront) and F (Under Bridge General Services)

WHEREAS, The Lower East River waterfront has changed dramatically from its historic port and maritime uses; and

WHEREAS, the majority of the population is low income and older, and high rise moderate income and affordable senior housing has been built on the north side of South Street; and

WHEREAS, the entire Subdistrict D is vulnerable to the impacts of Climate Change; and

WHEREAS, in the absence of height limits, inappropriate developments (such as very tall condos) are beginning to appear within the Subdistrict; and

WHEREAS, the CWG plan for Chinatown, as it applies to Subdistrict D (the Lower East River Waterfront Area), provides for a 350 foot height limit; and

WHEREAS, the CWG plan for Subdistrict D requires 50% guaranteed permanent Affordable Housing, -- if 20% is achieved through a 421a tax abatement, then an additional 30% guaranteed permanent Affordable Housing must be added; and

WHEREAS, the CWG plan provides for an additional .5 FAR for Culture either on site or as a contribution to a cultural resource fund; and

WHEREAS, the CWG plan requires special permits in Subdistrict D for certain commercial businesses such as hotels, universities, dormitories, hospitals, hospital staff dwellings, bars, clubs, and limits the size of most stores and businesses to 2,500 square feet; and

WHEREAS, CB 3's preferred option 1 for Subdistrict D proposes a change from M1-6 zoning for the area underlying Manhattan Storage to C6-4 Modified, allowing additional affordable residential, commercial, or community facility uses; and

WHEREAS, the CWG plan makes no change in Subdistrict F (Under Bridge General Services), which currently houses a skate park and the DEP Parking facility, as well as several utility facilities; so

THEREFORE BE IT RESOLVED, CB 3 supports Option 1 of the CWG plan for Subdistrict D as well as the plan for Subdistrict F.

November 18th Meeting

1. Approval of previous month's minutes

VOTE: The CB3 Land Use Committee approves the October minutes.

2. Development team: Update on Essex Crossing
no votes necessary

3. [Vote on the proposed citywide text amendment, Zoning for Quality and Affordability N 160049 ZRY](#) (click for info)

VOTE: TITLE: Community Board 3 Denies approval for the citywide text amendment, Zoning for Quality and Affordability N 160049 ZRY

Whereas Community Board 3 has considered the text amendment for Zoning for Quality and Affordability N 160049 ZRY which has a goal of addressing affordability in senior housing and care facilities, providing inclusionary housing buildings and changes rules regarding streetscape, courtyards and other elements and improving ground floor retail; and

Whereas CB3 passed a resolution in July 2015 opposing Zoning for Quality and Affordability (quoted below); and

Whereas there have been no substantive changes in the proposal since that July 2015 resolution; so

Therefore be it resolved Community Board 3 denies the text amendment for Zoning for Quality and Affordability N 160049.

TITLE: Resolution regarding Quality and Affordable Housing Proposal, July 2015

Whereas CB 3 highly values the need for the creation of affordable housing in our community, quality design in new construction, and the preservation of neighborhood character in new development, and

Whereas the Department of City Planning has put forward the 'Zoning for Quality and Affordability' proposal, a complex plan which would change many aspects of the regulations governing development in our neighborhood, and which purports to improve quality in design and increase the production of affordable and senior housing, while maintaining neighborhood character, and

Whereas the proposal takes a "one-size-fits-all" approach of changing regulations, especially height limits, in contextual zones across the city, without regard to specific neighborhood conditions or character, and

Whereas the contextual zoning districts and their height limits in CB 3 were arrived at after years of work, careful examination of local conditions, and considerable compromise to balance the concerns of all affected parties, limiting development potential and height for new development in some areas while raising it in others, and

Whereas the current contextual zoning height limits for our neighborhoods already allow Development which is generally of a greater height than what is typical of the neighborhood, and

Whereas the proposed changes would unnecessarily increase the allowable height of new development in our R7-A and R7-A-equivalent zones for purely market rate housing, and increase it considerably for inclusionary developments (80% market rate, 20% affordable), and

Whereas the proposed changes would also increase the allowable height of new development in our other contextual zoning districts by smaller but nevertheless significant amounts, and

Whereas the proposed changes would also increase the allowable height of new Quality Housing developments in non-contextual zones significantly, and

Whereas the rationale for the proposed changes in height limits for market rate housing is that it would make for better, higher quality new developments and allow market rate developers to always access the full allowable FAR, and

Whereas CB 3 does not see how such changes would result in better quality new developments, and does not agree that zoning should be changed to ensure that every developer is able to utilize the maximum possible FAR in every single development, and

Whereas the rationale for the proposed changes in height limits for inclusionary developments is that the current height limits discourage more developers from opting into the inclusionary program, and these changes would result in the creation of more affordable housing units, and

Whereas there is little evidence to indicate that height limits alone determine whether some developers chose to opt into the inclusionary program and produce affordable units, but rather financing, bureaucratic hurdles, and economies of scale, which this proposal does not address, are main determinants, and

Whereas the proposed changes do not make participation in the inclusionary program mandatory, and do not increase the required amount of affordable housing above the current 20%, and

Whereas CB 3 sees no benefit in increasing the allowable height of purely market rate developments, and

Whereas CB 3 sees no direct evidence that changing the height limits will result in an increase in the production of affordable housing in our neighborhoods, and believes that even if it did, the proposed increases in allowable height are extremely generous for developments which would only include 20% affordable housing, and

Whereas if increasing height limits does incentivize the creation of affordable housing, then it would seem that granting some of that height increase for purely market rate housing actually *decreases* that incentive, by making some of that benefit available without having to provide any affordable housing, and

Whereas the proposed changes in allowable height for senior affordable housing only requires that a (sometimes quite small) percentage of the developments in which they are located are actually senior affordable housing, while the remainder can be general market rate housing, and still benefit from the full proposed height increase, and

Whereas CB 3 believes that maintaining the scale of new development in our neighborhood is a critical goal, and that the proposed changes would significantly damage those efforts while offering comparatively little or no public benefit in return, so

Therefore be it resolved that CB 3 urges that all height increases for purely market rate housing in contextual zones and for Quality Housing in non-contextual zones be eliminated from the plan, and

Therefore be it further resolved that CB 3 urges that the proposed height increases for affordable housing in contextual zones and for Quality Housing developments in non-contextual zones a) be contingent upon concrete statistical evidence which shows that such changes would actually increase the amount of affordable housing produced, b) should be the minimum amount necessary to produce such affordable housing, and c) should only be applicable for developments which include more than

20% affordable housing, which is a relatively minimal public benefit for such a dramatic proposed giveaway of additional height and for loss of sky, light and air, and

Therefore be it further resolved that CB 3 urges that the proposed height increases for senior housing should also a) be contingent upon evidence which shows that such changes would actually increase the amount of affordable senior housing produced, b) should be the minimum amount necessary to produce such housing, and c) should only be made available to developments which are 100% senior affordable housing or senior affordable housing-related, not for developments which are as little as 10% senior affordable housing, as would currently be allowed under the proposal.

4. [Vote on the proposed citywide text amendment, Mandatory Inclusionary Housing N 160051 ZRY](#) (click for info)

VOTE: TITLE: Community Board 3 denies approval of the citywide text amendment, Mandatory Inclusionary Zoning N 160051 ZRY

Whereas Community Board 3 supports mandatory inclusionary housing as a concept; and

Whereas City Planning proposes a text amendment for Mandatory Inclusionary Housing N 160051 ZRY which is a plan that would require through zoning actions a share of new housing to be permanently affordable; and

Whereas CB 3 has had insufficient time to fully review and assess this proposal; and

Whereas, although the proposal is a city-wide initiative, CB 3 is a unique community with a deep need for low income affordable housing; and

Whereas CB 3 would like to see a higher percentage of affordable housing if it is provided offsite; and

Whereas the affordable housing should contain a reasonable mix of unit sizes to accommodate different household sizes including families (at least 40% of non-market-rate units should be two bedrooms or larger); and

Whereas the community has been working with the Chinatown Working Group for seven years to develop a community-based rezoning that requests 45% to 50% affordable housing for any new development; so

Therefore be it resolved Community Board 3 denies approval of the citywide text amendment, Mandatory Inclusionary Zoning N 160051 ZRY UNLESS

- 50% of the units and square footage are permanently affordable at an average AMI of 40%
- A higher percentage of affordable housing is required if that affordable housing is provided offsite
- at least 40% of non-market-rate units are two bedrooms or larger.

5. Support of Intro 214, Right to Counsel for low-income New Yorkers who face losing their homes in legal proceedings

VOTE: TITLE: Community Board 3 support for Intro 214, Right to Counsel for low-income New Yorkers who face losing their homes in legal proceedings.

WHEREAS, a substantial number of people facing eviction and foreclosure proceedings live in poverty, are not able to afford or obtain counsel to represent them, and must appear in court unrepresented, and

WHEREAS, eviction and foreclosure proceedings are technical legal proceedings in which lawyers generally appear for the petitioners and the rules of evidence and procedural and substantive law all apply; they are consequently very difficult for unrepresented parties to navigate, and

WHEREAS, representation by counsel in eviction and foreclosure proceedings keeps people in their homes and communities and out of the homeless shelters and provides fundamental fairness and due process for those who face losing their homes, and

WHEREAS, the consequences of eviction and foreclosure are dire for low-income people: there is a deficit of affordable housing, and low-income families and individuals who lose their homes in legal proceedings often end up in homeless shelters or in housing that is less affordable than the housing they must leave; and they suffer from loss of employment, missed schooling and damage to physical and mental health, and

WHEREAS, these dire consequences for those who lose their homes in turn result in huge costs to the City of New York in providing shelter, social services and other services, and

WHEREAS, Intro 214, which would create a right to counsel in eviction and foreclosure proceedings, is currently pending at the City Council and is co-sponsored by 38 of the 51 Councilmembers.

THEREFORE, BE IT RESOLVED THAT Community Board 3 supports the right to counsel for low-income New Yorkers who face losing their homes in legal proceedings and urges the City Council and the Mayor to adopt Intro 214 or any other measure that would guarantee the right to counsel.

6. Report from Public Housing Subcommittee
no votes necessary

35 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding Land Use Nov 9th item 2)

32 YES 1 NO 2 ABS 0 PNV MOTION PASSED (Land Use Nov 9th item 2)

Health, Seniors, & Human Services Committee / Youth, Education, & Human Rights Committee

1. Approval of previous month's minutes
VOTE: The Previous months meetings were passed.
2. NYC Coalition for a Smoke-Free City: updates in CB 3
no votes necessary
3. Update from New York Presbyterian/Downtown Hospital (follow up from June presentation)
no votes necessary
4. Planning for committee agendas including school issues
no votes necessary
5. Renewal Schools in Community Board 3 - PS 15, Henry Street School for International Studies, and Marte Valle High School
no votes necessary
6. Vote for committee vice chair
VOTE: Luke Henry was elected as the vice chair of the health and human services committee.

35 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Members Present at Last Vote:

David Adams	[P]	Luke Henry	[P]	Nancy Ortiz	[A]
Yaron Altman	[P]	Herman F. Hewitt	[P]	Carolyn Ratcliffe	[P]
Dominic Berg	[P]	Trever Holland	[P]	Damaris Reyes	[P]
Karen Blatt	[A]	Anne K. Johnson	[A]	Carlina Rivera	[P]
Lisa Burriss	[P]	Linda Jones	[P]	James Rogers	[P]
Melvin Cartegena	[A]	Vaylateena Jones	[P]	Richard F. Ropiak	[A]
Karlin Chan	[A]	Meghan Joye	[P]	Christopher Santana	[P]
MyPhuong Chung	[A]	Lisa Kaplan	[P]	Susan Scheer	[A]
David Crane	[A]	Carol Kostik	[P]	Laryssa Shainberg	[A]
Enrique Cruz	[P]	Ben Landy	[A]	Wilson Soo	[P]
Cathy Dang	[A]	Mae Lee	[P]	Nancy Sparrow-Bartow	[P]
Eric Diaz	[P]	Alysha Lewis-Coleman	[P]	Josephine Velez	[P]
Leila Eliot	[A]	Gigi Li	[P]	Rodney Washington	[P]
David Ford	[A]	William LoSasso	[A]	Kathleen Webster	[A]
Debra Glass	[P]	Chad Marlow	[A]	Thomas Yu	[A]
Jan Hanvik	[P]	Alexandra Militano	[P]	Zulma Zayas	[P]
Dan Ping He	[A]	Chiun Ng	[A]		

Meeting Adjourned