



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

59 East 4th Street - New York, NY 10003

Phone (212) 533-5300

www.cb3manhattan.org - info@cb3manhattan.org

Jamie Rogers, Board Chair

Susan Stetzer, District Manager

June 2017 Full Board Minutes

Meeting of Community Board 3 held on Tuesday, June 27, 2017 at 6:30pm at PS 20, 166 Essex Street.

Public Session:

Jean Standish: Bowery Alliance of Neighbors. Wants to ensure that the Bowery is included in any potential special district proposed by CB3.

Robert Brenner: Walking tour guide. Wants to ensure that the Bowery is included in any potential special district proposed by CB3.

Michelle Campo: Bowery Alliance of Neighbors. Wants to ensure that the Bowery to 2nd Ave is included in any potential special district proposed by CB3.

Breck Denny: Wants to ensure that the Bowery through 2nd Ave is included in any potential special district proposed by CB3. Is concerned about preservation of NY Marble cemetery.

Eliot Rowlands: NY Marble Cemetery. Wants to ensure that the Bowery is included in any potential special district proposed by CB3.

Stuart Zamsky: Lives and owns a small business on 5th street. Wants to ensure that the Bowery is included in any potential special district proposed by CB3.

Debi Kops: Bowery Alliance of Neighbors. Wants to ensure that the Bowery is included in any potential special district proposed by CB3.

Yvonne Garrett: Resident of E 5th street expressed concern for the development of the Tech Hub on 14th street. Believes it will negatively affect the local small businesses and ultimately entire neighborhood.

Harry Bubbins: Presented an updated rezoning proposal for the 34th street. Expressed concern for commercial developments as a result of the Tech Hub and advocated for mitigating procedures to protect the rezoning proposal.

Laura Sewell: Advocated for a hearing from CB3 in September to support a resolution to uphold the rezoning proposal

Judith Zaborowski: Member of the 9th street A-1 Block Association. Advocated for rezoning of 3rd and 4th avenue and concern for Tech Hub impact on true job opportunities for residents.

Angela Rauch: Support for rezoning and for CB3 to hold a hearing in support of the rezoning.

Justine Leguizamo: Member of GVSHP. In support of rezoning of 3rd and 4th ave to protect against commercial development.

Gerard McNamee: Operator of Webster Hall. In support of the transition to the future owner operators of the Webster Hall facility.

Barbara Kwan: Expressed thanks to the SLA committee for being a liaison in the process for the transition.

Kari Cohen: Oversees the gaming events at Webster Hall. Shared about the nature of this industry.

Vaylateena Jones: Member of LES Power Partnership. Advocated for a neighborhood policing plan and 2nd Grade Universal Literacy Program. In support of the new policing plan that encouraged empathy training for officers. Received an email from the Superintendent, for 2018 and 2019 made a commitment to follow through on the 2nd grade universal literacy program.

Leah Galitzdorfer: July 6th launch date for Youth Market. Shared details of the youth market.

Melanie: Shared updates on the Lowline and the Lowline Ambassadors program.

Patricia Murphy: Representing Building Conservation International. Advocated for the prevention of demolition by adaptive reuse of older buildings for new projects called Creative Adaptive Reuse.

Alberto Mercado: Advocated for ADA entrance on Delancey St/Essex St station. Shared a letter from the Mayors office- the largest investment of FDR drive to underwrite expense of development.

Steven YIP: Chairman of Chinese American Planning Council. Desires a resolution for the Norfolk Synagogue which was recently burned down.

Alan Jay Gerson: Desires a Landmarks resolution for 60 Norfolk Street Synagogue. Desires to preserve the synagogue and support protection of the congregation members to continue gathering.

Maureen Koetz: Member of the LESON (Lower East Side Organizing Neighbors). Advocated against the developments on the Two Bridges Mega Towers projects- mentioning the impact of sewage on the neighborhood currently occurring, and that will be exasperated.

Irene Shen: Member of LESON. Advocated against the Mega Towers development mentioning the water treatment issues that will occur. Asked for support on the comments mentioned by LESON to stop the Mega Tower development.

David Tien: Member of LESON. Asked for support for the comments made by LESON on the EIS (Environmental Impact Study). Advocated for transparency in the EIS process.

Public Officials:

Mayor Bill de Blasio, Paola Ruiz:

Public Advocate Letitia James, Adam Chen: Not Present.

Comptroller Scott Stringer, Elaine Fan: enormous ongoing complaints about the intersection of Grand and Clinton. Collaborative effort to get traffic control officers on that intersection. Comprehensive traffic study is underway. Condemned a threatening letter sent to a local Mosque. Albany is at a standstill. Motorized bicycles are not legal and should not be running in NYC. Need to push for development of Pier42 and better resiliency and stopping out of scale development. Need voter reform.

Borough President Gale Brewer, Drew Lombardi: Made a statement on blackout from the MBPO during election process-no materials distributed until after election. Gale Brewer investigated stop work order on the Rivington House and confirmed it is partially occurring. Capital grants were released for projects to Non profits and public housing developments. Caregiving 101 session.

Congressmember Nydia Velazquez, Andrew Roth: Advocated for community Investment Programming funding.

Congressmember Carolyn Maloney, Victor Montesinos: Shared a statement against the Senate healthcare bill drafted by Republicans.

Assemblymember Yuh-Line Niou, Rebecca Ou: Rent Controlled advocacy bill Yuhline is pushing for. Update on the Rivington act- urged the audience to call in for support. Oil spill at the Ferry Station by Con Ed in the East River- to hold Con Ed accountable. Advocated for tenants rights in the CB3 area. Call to the community to contact her office with any questions. Helped get \$22 million for NORC funding. Yuhline answered the question regarding State funding (CFE) for schools- there is 44 million dollars owed to Assembly District 65 for schools. Yuhline agreed with a public comment for developers to give back to infrastructure for the community- i.e instead of tax breaks contribution of funding for schools.

Assemblymember Deborah J. Glick, Charlie Anderson: Shared information from Deborah Glick's office.

Assemblymember Brian Kavanagh, Venus Galarza-Mullins: Helped expand eligibility for senior citizen tax exemption program. Organized a book drive for K-8 grades-over 5,000 books.

State Senator Daniel L. Squadron, Fendi Linan:

State Senator Brad M. Hoylman, Caroline Wekselbaum: Shared updates on Brad Hoylman office.

Councilmember Margaret Chin, Vincent Fang: Senior Services were granted a higher budget for funding for CBO's. Clinton Street traffic agency responded immediately upon Mayors townhall meeting.

Councilmember Rosie Mendez, Jorge Jimenez: The original bill of circus animals mistreatment was passed. Rosie attended Land Use committee, acknowledged support for Tech Hub for the rezoning of the 3rd and 4th ave corridor.

Members Present at First Vote:

David Adams	[P]	Ryan Gilliam	[P]	Jeremy Markman	[P]
Yaron Altman	[P]	Debra Glass	[P]	Chad Marlow	[P]
Dominic Berg	[P]	Herman F. Hewitt	[P]	Alexandra Militano	[P]
Lee Berman	[P]	Trever Holland	[P]	Nancy Ortiz	[P]
Karen Blatt	[P]	Linda Jones	[A]	Carolyn Ratcliffe	[P]
Lisa Burriss	[P]	Vaylateena Jones	[P]	Joyce Ravitz	[P]
Alan van Capelle	[A]	Marnie Ann Joyce	[P]	Damaris Reyes	[P]
Karlin Chan	[P]	Meghan Joye	[P]	James Rogers	[P]
Jonathan Chu	[P]	Lisa Kaplan	[P]	Richard F. Ropiak	[P]
MyPhuong Chung	[P]	Carol Kostik	[P]	Robin Schatell	[P]
David Crane	[P]	Mae Lee	[P]	Laryssa Shainberg	[P]
Enrique Cruz	[P]	Veronica Leventhal	[P]	Clint Smeltzer	[P]
Eric Diaz	[P]	Alysha Lewis-Coleman	[P]	Nancy Sparrow-Bartow	[P]
Dean Diongson	[P]	Gigi Li	[P]	Josephine Velez	[P]
Wilda Escarfuller	[P]	Luis Lopez	[P]	Rodney Washington	[P]
Shirley Fennessey	[P]	Mei Lum	[P]	Kathleen Webster	[P]
David Ford	[A]	Robert Magliaro	[A]		

Minutes:

Minutes of April 2017 were approved, as is.

37 YES 0 NO 9 ABS 0 PNV MOTION PASSED

Q&A with agencies regarding Land Use #4

Representatives from DCAS were present to answer questions from Land Use Chair Myphoung. Enrique Cruz asked if the site at 187 Suffolk absorbed any of the children into their program. DCAS did not know. Enrique Cruz asked why DCAS has been unable to make better deals that benefit the community rather than solely deals based on market. DCAS replied with the following: the landlord has been unwilling to encumber beyond 10 years. Alesha Coleman made a statement that the daycare center on Suffolk would be a sore disservice to the neighborhood. DCAS responded with a promise to bring that statement back to ACS. Karen Blatt asked why the vote for the school was made without an option to bring another community based organization to take over the site. Myphoung clarified that the issue is not regarding a lease but rather a contract. Robin asked for clarification on the terms of the lease for the landlord regarding the community space of the property. DCAS responded that landlord can make up to 10 years but that DCAS will be vocal to encourage the landlord to extend the lease. Damaris Reyes inquired on the term of the "C of O". DCAS responded by stating the landlord does not have to come before the community board to renew the community space. Alex asked if the customers for daycare were private. DCAS responded that the daycare has been open for the public.

Board Chairperson's Report:

Chairperson Jamie Rogers

Committee request forms were announced for new members and also for existing members.

District Manager's Report:

District Manager Susan Stetzer

Welcomed all new members and encouraged them to contact her for information and to sign up to the cb3 newsletter. Rosie Mendez allocated funding for a comfort station to McKinley Playground. Homeless population has increased but reports are still being sought out to confirm. Susan testified at a meeting regarding nightlife in cb3. Susan reported that Police precincts are working with local residents and businesses.

Committee Reports:

Executive Committee

1. Support for return of full Stop Work Order at Rivington House

VOTE: TITLE: Community Board 3 supports return of full Stop Work Order at Rivington House

WHEREAS, Community Board 3 continues to be a leader for the community to support the retention of skilled nursing home beds at Rivington House, located at 45 Rivington Street, since the closing of VillageCare in 2014; and

WHEREAS, CB 3 continues to believe the retention of nursing home beds at Rivington House is vital to the CB 3 community because of the loss of 355 beds at local nursing facilities in the last several years, serving the most vulnerable people who require skilled nursing care and did this while allowing them to remain in their community with family and friends to provide support necessary for health and well-being; and

WHEREAS, CB 3 continues to be resolute in its belief that Rivington House must return to its use as community facility, and continue to serve our community as a nursing home for our low and moderate income residents who are most in need; and

WHEREAS, CB 3 agrees with our elected officials that "the circumstances surrounding the removal of the deed restrictions remain unacceptable and our offices have clearly shown a high level of concern with any kind of activity inside and outside Rivington House without prior notification," and

WHEREAS, there is an ongoing active investigation by the Attorney General regarding the questionable circumstances of the closure of Rivington House, and

WHEREAS, in April 2016 CB 3 resolved that the stop work order for 45 Rivington remain in effect until all investigations regarding these transactions are complete, and

WHEREAS, The Department of Buildings, without any timely notice to the community, Community Board, or elected officials changed the Stop Work Order to a Partial Stop Work order to allow:

STRUCTURAL PROBES; REMOVAL OF SELECTIVE AREAS OF FLOORING, WALLS & CEILING FINISHES PROPOSED IN SEVERAL AREAS OF THE EXISTING BUILDING IN ORDER TO EXPOSE EXISTING STRUCTURAL AND MASONRY ELEMENTS IN THE BUILDING FOR FUTURE RENOVATIONS, AS PER ACCOMPANYING PLANS. NO CHANGE TO USE, EGRESS OR OCCUPANCY
POST APPROVAL AMENDMENT FOR DOC 01
Last Action: PLAN EXAM-APPROVED 06/06/2017 (P)
Application approved on: 05/16/2017, and

WHEREAS, CB 3 along with the community believes this partial SWO "may result in permanent damage to the property as well as foreclose options that may yet result from outstanding investigations, " so

THEREFORE BE IT RESOLVED, that CB 3 joins with its elected officials to call for a meeting to discuss the circumstances around which the SWO was rescinded and work together to develop methods to ensure that our offices and the community are kept more effectively updated regarding the developments at Rivington House, and also

THEREFORE BE IT FURTHER RESOLVED, that CB 3 calls for the full Stop Work Order to be immediately reinstated to prevent further damage and dismantling of the building.

Damaris moved to include the amendment to include the word "Timely" before the word "notice" in the 7th whereas, suggested by Kathleen Webster.
Anonymously approved.

2. Creation of Chinatown Neighborhood Planning Subcommittee

VOTE: To create a Chinatown Neighborhood Planning Subcommittee that reports to the Land Use Committee

David makes a suggestion to amend the language include the following: "Will report to Land Use Committee"
Anonymously approved.

45 YES 0 NO 1 ABS 0 PNV MOTION PASSED

SLA & DCA Licensing Committee

1. Approval of previous month's minutes
approved by committee

Applications within Saturated Areas

2. To be Determined, 28 Ave B (op)
withdrawn
3. Aqua Test LLC, 57 Clinton St (op)
withdrawn

4. Requios Inc, 122 Ludlow St btwn Rivington & Delancey Sts (op)

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

WHEREAS, Requios Inc. is seeking a wine beer license to operate a Japanese ramen noodle restaurant in the premises located at 122 Ludlow Street, between Rivington Street and Delancey Street; and

WHEREAS, although the applicant filed a notice to the SLA for a full on-premises liquor license, it stated to Community Board 3 that this was an error and it is seeking a wine beer license; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for a wine beer license for Requios Inc., with a proposed business name of Ramen Ishida, for the premises located at 122 Ludlow Street, between Rivington Street and Delancey Street, 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 Japanese ramen restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 12:00 P.M. to 10:00 P.M. all days,
- 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 or when amplified sound is playing 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 will 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 have "happy hours,"
- 8) it will not host pub crawls or party buses,
- 9) it will not have unlimited drink specials with food,
- 10) it will insure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 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.

5. Los Feliz, 109 Ludlow St btwn Rivington & Delancey Sts (op)

VOTE: TITLE: Community Board 3 Recommendation To Deny

WHEREAS, a corporation to be determined, with principals Eric Kravant, Jaime Felber and Darin Rubell, has applied for a full on-premises liquor license for the premises located at 109 Ludlow Street, between Rivington Street and Delancey Street, New York, New York; and

WHEREAS, this applicant is proposing to operate a Mexican restaurant and tavern with a certificate of occupancy of two hundred twenty (220) people with seventy-five (75) people on the ground floor, one hundred (100) people in the cellar and forty-five (45) people in the sub-cellar, five (5) tables and twenty-nine (29) seats on the ground floor and eighteen (18) tables and one hundred twenty-seven (127) seats on the cellar levels, a twenty-four (24) foot bar with twelve (12) stools on the ground floor and fourteen (14) foot and twelve (12) foot bars on each of the lower levels, both without stools, hours of operation of 5:00 P.M. to 2:00 A.M. Sundays through Thursdays and 5:00 P.M. to 4:00 A.M. Fridays and Saturdays, a kitchen serving food during all hours of operation, DJs and recorded music at background levels, security and happy hours, and

WHEREAS, the applicant has stated that it is purchasing the assets of the existing business with a full on-premises liquor license; and

WHEREAS, the prior applicant was originally denied a full on-premises liquor license by Community Board 3 in February of 2009, unless it agreed to make as conditions of its license stipulations that it would 1) operate as a tacqueria and bar, serving food during all hours of operation, 2) install soundproofing, 3) have hours of operation of 12:00 P.M. to 4:00 A.M. all days, 4) have a closed façade, 5) have a staff person outside to control patron crowds and noise, 6) have a doorperson or security, as needed, and 7) have DJs in the lowest basement level only; and

WHEREAS, the existing licensee was then issued a full on-premises liquor license by the SLA on July 29, 2010; and

WHEREAS, the existing licensee was then approved by Community Board 3 in February of 2012, for an alteration to change the service bars in its cellar and sub-cellar levels to stand up bars; and

WHEREAS, at the time of its alteration hearing in February of 2012, the prior applicant was operating under a stipulation of settlement for a nuisance abatement from 2011, for illegal extension of its premise, exceeding maximum occupancy, unlicensed cabaret and security and sales to minors and failed to inform Community Board 3 that it was seeking its alteration to legalize conduct which was the subject of violations before the SLA; and

WHEREAS, in a May of 2015 community board hearing for a new full on-premises liquor license, the existing licensee conceded that it had applied for this alteration to legalize an illegal condition without notifying Community Board 3 that it was seeking to legalize an illegal condition; and

WHEREAS, the existing licensee settled charges before the SLA on August 29, 2012, for extension of premises, unauthorized additional bar and unauthorized alteration on September 16, 2010, unlicensed cabaret on November 25, 2011, unlicensed security and exceeding maximum occupancy on June 5, 2011, and four (4) sales to minors on January 17, 2011, February 20, 2011 and December 13, 2010; and

WHEREAS, the LES Dwellers, a local residents organization, submitted a letter in opposition to this application, as well as a recent study of the area, and appeared in opposition to this application, stating that the area around this location has the greatest density of liquor licenses in the city, crime has increased exponentially, that the present operator should not be rewarded with a sale of assets of its existing bad business and that, in addition to the increased crime, conditions in the area have otherwise deteriorated, in that there is also late night horn honking, noise and bass from music from all of the businesses, sidewalks crowded with patrons, delivery service trucks blocking the street and bicycle lanes, vehicles failing to yield to pedestrians, public urination, increased garbage and rats and an increase in people harassing women on the street; and

WHEREAS, the existing licensee was present for the community board hearing of this application; and

WHEREAS, per the applicant, there are thirty-two (32) full on-premises liquor licenses within five hundred (500) feet of this location; and

WHEREAS, the public benefit proffered by the applicant was its experience as a restaurant and bar owner within this community board district; and

WHEREAS, although this applicant is an experienced business owner with experience operating licensed businesses in Community Board 3, including two existing businesses both with full on-premises liquor licenses, and furnished seventy-seven (77) signatures and twelve (12) letters in support of its application, a substantial portion of which were from area residents, Community Board 3 would only approve this application with stipulations decreasing its hours of operation and memorializing its method of operation as a full-service restaurant; and

WHEREAS, this applicant will not sign the proposed stipulations; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for a full on-premises liquor license for a corporation to be determined, with principals Eric Kravant, Jaime Felber and Darin Rubell, for the premises located at 109 Ludlow Street, between Rivington Street and Delancey Street, because the applicant will not agree to make as conditions of its license the following stipulations that

- 1) it will operate as a full-service Mexican restaurant, with a kitchen open and serving food during all hours of operation and tables and seats for dining on all levels of its business during all hours of operation,
- 2) its hours of operation will be 10:00 A.M. to 1:00 A.M. Sundays, 5:00 P.M. to 1:00 A.M. Mondays through Thursdays, 5:00 P.M. to 2:00 A.M. Fridays and 10:00 A.M. to 2:00 A.M. Saturdays,
- 3) it will not commercially use any outdoor areas,
- 4) it will have a closed fixed façade with no open doors or windows,
- 5) it will play ambient background music only, consisting of recorded music, on the ground floor and DJs on its lowest cellar level, provided that that there will be DJs no more than two (2) times per week, and will otherwise not have live music, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 6) it will have no more than three (3) private parties per month,

- 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 not have unlimited drink specials with food and it will not have bottle service,
 - 11) it will insure that there are no wait lines outside and designate an employee to oversee patrons and noise on the sidewalk, and
 - 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.
6. Spitzer's Corner, 101 Rivington St a/k/a 126 Ludlow St (op)

VOTE: TITLE: Community Board 3 Recommendation To Deny

WHEREAS, a corporation to be determined, with principals Eric Kravant, Jaime Felber and Darin Rubell, has applied for a full on-premises liquor license for the premises located at 101 Rivington Street a/k/a 126 Ludlow Street, at the corner of Ludlow Street and Rivington Street, New York, New York; and

WHEREAS, this applicant is proposing to operate an American restaurant tavern with no listed certificate of occupancy, fourteen (14) tables and seventy-three (73) seats, hours of operation of 12:00 P.M. to 4:00 A.M. Mondays through Fridays and 10:00 A.M. to 4:00 A.M. Saturdays and Sundays, a twenty-five (25) foot bar with ten (10) stools and a thirty (30) foot bar with twenty-four (24) stools, a kitchen open to within two (2) hours of closing, an existing open façade with no agreement to close it by 10:00 P.M., recorded background music, three (3) private parties per month, security and happy hours; and

WHEREAS, the applicant has stated that it is purchasing the assets of the existing business with a full on-premises liquor license; and

WHEREAS, the existing licensee was originally issued a full on-premises liquor license by the SLA on October 23, 2008; and

WHEREAS, the existing licensee was first heard by Community Board 3 for a sidewalk café permit in June of 2007, and approved for fifteen (15) tables and thirty (30) with an agreement to close at 10:00 P.M. and have awnings; and

WHEREAS, a modification application to expand the café was denied by Community Board in June of 2008 and a new sidewalk café application was denied in June of 2009, after the applicant had surrendered its permit, both because of continued complaints of crowds and noise on the sidewalk; and

WHEREAS, an application for a full on-premises liquor license, transferring the business to a manager, was approved by Community Board 3 in August of 2010 with stipulations to 1) operate a full-service restaurant and tavern serving food to 12:00 A.M., 2) have a door person to check identifications with a scanner, 3) close its façade at 10:00 P.M., and 4) certify employees using TIPS; and

WHEREAS, the existing licensee was then heard by Community Board 3 for a renewal of its license in September of 2010, because the previous transfer of the business had not occurred and because it had received a violation for a sale to a minor and complaints from residents of noise from the open façade and it was approved with a stipulation to close the façade at 10:00 P.M.; and

WHEREAS, the existing licensee was then heard and approved in November of 2010 to alter the stipulation to permit a doors person at the door from 8:00 P.M. to closing; and

WHEREAS, the existing licensee was then heard and denied in June of 2013 for a sidewalk café permit for seven (7) tables and fourteen (14) seats because of sidewalk congestion, patrons blocking the residential entrance of its building, complaints about the open façade and lack of community outreach; and

WHEREAS, consistent with the complaints heard at its community board hearings, the existing licensee had entered an April 30, 2012 no contest plea for disorderly premise noise on April 29, 2011 and failure to supervise on June 25, 2011, an April 22, 2011 no contest plea for sale to a minor on January 17, 2009, a June 28, 2010 no contest plea for unlicensed security on June 29, 2009 and unauthorized trade name on January 17, 2009, had sustained charges on October 27, 2009, for sale to

a minor on January 17, 2009, and entered an August 14, 2009 no contest plea for four (4) sales to minors on June 25, 2008, July 31, 2008 and December 12, 2008; and

WHEREAS, the existing licensee was present for the community board hearing of this application but began yelling at the chair of the committee presiding over the hearing, was informed by the chair that he would no longer be recognized to speak and walked out before the hearing of this application was completed; and

WHEREAS, the LES Dwellers, a local residents organization, submitted a letter in opposition to this application, as well as a recent study of the area, and appeared in opposition to this application, stating that the area around this location has the greatest density of liquor licenses in the city, crime has increased exponentially, that the present operator should not be rewarded with a sale of assets of its existing bad business and that, in addition to the increased crime, conditions in the area have otherwise deteriorated, in that there is also late night horn honking, noise and bass from music from all of the businesses, sidewalks crowded with patrons, delivery service trucks blocking the street and bicycle lanes, vehicles failing to yield to pedestrians, public urination, increased garbage and rats and an increase in people harassing women on the street; and

WHEREAS, the business has received twenty-two (22) 311 commercial noise complaints in the past five (5) years, eleven (11) of which have required a police response to correct; and

WHEREAS, per the applicant, there are twenty-seven (27) full on-premises liquor licenses within five hundred (500) feet of this location; and

WHEREAS, the public benefit proffered by the applicant was its experience as a restaurant and bar owner within this community board district; and

WHEREAS, although this applicant is an experienced business owner with experience operating licensed businesses in Community Board 3, including two existing businesses both with full on-premises liquor licenses, and furnished eighty-three (83) signatures and twelve (12) letters in support of its application, a substantial portion of which were from area residents, Community Board 3 would only approve this application with stipulations decreasing its hours of operation and memorializing its method of operation as a full-service restaurant; and

WHEREAS, this applicant will not sign the proposed stipulations; now

THEREFORE, BE IT RESOLVED THAT Community Board 3 moves to deny the application for a full on-premises liquor license for a corporation to be determined, with principals Eric Kravant, Jaime Felber and Darin Rubell, for the premises located at 101 Rivington Street a/k/a 126 Ludlow Street, at the corner of Ludlow Street and Rivington Street, because the applicant will not agree to make as conditions of its license the following stipulations that

- 1) it will operate as a full-service American restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 7:00 A.M. to 2:00 A.M. all days,
- 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, when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances, or during any private parties,
- 5) it will not permit patrons or other people to sit on the frames of any façade doors or windows,
- 6) it will play ambient background music only, consisting of recorded music, and not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 7) it will have no more than three (3) private parties per month,
- 8) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 9) it may have "happy hours" to 8:00 P.M. each night,
- 10) it will not host pub crawls or party buses,
- 11) it will not have unlimited drink specials with food,
- 12) it will insure that there are no wait lines outside and designate an employee to oversee patrons and noise on the sidewalk, and
- 13) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 14) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

7. Fat Baby, 112 Rivington St btwn Ludlow & Essex Sts (op)

VOTE: TITLE: Community Board 3 Recommendation To Deny

WHEREAS, a corporation to be determined, with principals Eric Kravant, Jaime Felber and Darin Rubell, is seeking a full on-premises liquor license to operate a cocktail bar tavern at the premises located at 112 Rivington Street, between Ludlow Street and Essex Street, New York, New York; and

WHEREAS, this is an application for a "cocktail bar," with a certificate of occupancy of two hundred seventy-two (272) people, fifteen (15) tables and thirty-one (31) seats on the ground floor and five (5) tables and forty-one (41) seats in the basement, a twenty (20) foot bar with ten (10) stools on the ground floor and a ten (10) foot bar with ten (10) stools in the basement, hours of operation of 5:00 P.M. to 2:00 A.M. Sundays through Thursdays and 5:00 P.M. to 4:00 A.M. Fridays and Saturdays, a prep area serving food during all hours of operation, live and recorded music and DJs at entertainment levels, security three (3) private parties per week, security and happy hours; and

WHEREAS, per the applicant, there are thirty-six (36) full on-premises liquor licenses within five hundred (500) feet of this location; and

WHEREAS, the applicant provided no public benefit for the approval of a full on-premises liquor license for a cocktail bar tavern with DJs and live and recorded music at entertainment levels in an area with so many licensed businesses, many of which are late night venues which advertise as cocktail bars and taverns; and

WHEREAS, the applicant for the existing business was scheduled to be heard by Community Board 3 for its original full on-premises liquor license application in February of 2005, and was denied because it failed to appear and was then denied by Community Board 3 to add a stand up bar to its business in September of 2005 because it had not yet opened; and

WHEREAS, the existing licensee was originally issued a full on-premises liquor license by the SLA on October 19, 2005; and

WHEREAS, the original method of operation of the existing licensee according to its application filed with the SLA is as a lounge with food service and DJs but no live music, scheduled performances, events with cover fees or dancing; and

WHEREAS, Community Board 3 then asked the SLA in October of 2015 to deny the renewal of or revoke the full on-premises liquor license for the existing licensee or enforce its approved method of operation because the business 1) had not operating consistent with that method of operation, in that the licensee had been hosting scheduled performances, dancing without a cabaret license, events with ticket sales and cover fees and had not been serving food, 2) had been illegally using a mezzanine and exceeding its maximum occupancy, 3) had an emergency egress which illegally and unsafely led into the hallway of the residential portion of 112 Rivington Street and where the existing licensee ejected unruly drunk patrons who would then pass out, fight and or vomit in the residential hallways, 4) had blocked access to the building water boiler which had resulted in an inability of the landlord to access the boiler for repairs without the licensee, thereby resulting in a loss of hot water for residential tenants because the licensee had not been responsive when the boiler needed repairs, 5) had commandeered use of the residential garbage area for its own use, and 6) had received numerous complaints of late night noise from live performances, patrons on the sidewalk and an air horn from residents of surrounding buildings; and

WHEREAS, a representative of the 112 Rivington Street Condominium Board, as well as building residents, appeared and submitted statements that 1) the existing licensee continues to use the common doorway between its business and the residential hallway of the building as an egress to eject unruly drunk patrons into the residential hallway, where they pass out, fight and vomit, thereby creating unsafe and unsanitary conditions for residents of the building, 3) the existing licensee continues to block access to the building water boiler which has resulted in an inability of the landlord to access the boiler for repairs without the licensee, thereby resulting in a loss of hot water for residential tenants because the licensee has not been responsive when the boiler has needed repairs, and 4) the existing licensee continues to use the residential garbage area for its own use, although it is required by law to maintain its trash within its business to within one (1) hour of pickup by a commercial carter; and

WHEREAS, the LES Dwellers, a local residents organization, submitted a letter in opposition to this application, as well as a recent study of the area, and appeared in opposition to this application, stating that the area around this location has the greatest density of liquor licenses in the city, crime

has increased exponentially, that the present operator should not be rewarded with a sale of assets of its existing bad business and that, in addition to the increased crime, conditions in the area have otherwise deteriorated, in that there is also late night horn honking, noise and bass from music from all of the businesses, sidewalks crowded with patrons, delivery service trucks blocking the street and bicycle lanes, vehicles failing to yield to pedestrians, public urination, increased garbage and rats and an increase in people harassing women on the street; and

WHEREAS, consistent with the complaints against it, the existing licensee still has open Environmental Control Board violations from 2009 and 2013, for exceeding maximum occupancy, illegal cabaret and stage, as well as an improper emergency exit, that being the door that leads into the residential hallway of 112 Rivington Street; and

WHEREAS, the existing licensee has entered into a no contest plea before the SLA on May 4, 2007, for improper conduct and an unauthorized bar on December 4, 2005, a no contest plea on April 10, 2010, for failure to conform and unauthorized trade name on January 17, 2009, a no contest plea on August 14, 2009, for unlicensed cabaret on January 17, 2009, a no contest plea on March 28, 2012, for failure to supervise on June 26, 2011, and a no contest plea on May 17, 2013, for exceeding maximum occupancy and a sale to a minor; and

WHEREAS, the business has received twenty-five (25) 311 commercial noise complaints in the past three (3) years, thirteen (13) of which have required a police response to correct; and

WHEREAS, the existing licensee was present for the community board hearing of this application as well as two other applications for two additional businesses but began yelling at the chair of the committee presiding over the hearing before this application was heard, was informed by the chair that he would no longer be recognized to speak and walked out before this application was heard; and

WHEREAS, notwithstanding that the applicant has experience operating licensed businesses in Community Board 3 and submitted thirteen (13) letters and seventy-eight (78) signatures from area residents in support of its application, given the history of violations, operation inconsistent from its approved method of operation, noise complaints, unsafe and illegal conduct of the existing business, deteriorating conditions of this area and lack of public benefit in opening what would be essentially the same method of operation in an area with the greatest density of liquor licenses, now

THEREFORE BE IT RESOLVED that Community Board 3 moves to deny the application for a full on-premises liquor license for a corporation to be determined, with principals Eric Kravant, Jaime Felber and Darin Rubell, for the premises located at 112 Rivington Street, between Ludlow Street and Essex Street, New York, New York.

8. Stackleather LLC, 42 Ave B btwn E 3rd & E 4th Sts (upgrade to op)

VOTE TITLE: Community Board 3 Recommendation To Deny

WHEREAS, Stackleather LLC, doing business as Post, is seeking a change in class of its wine beer license to a full on-premises liquor license for its restaurant located at 42 Avenue B, between East 3rd Street and East 4th Street; and

WHEREAS, the wine beer license for this applicant was denied by Community Board 3 in January of 2016, unless the applicant agreed to make as conditions of its license the stipulations that it would 1) operate a café, 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 operate any outdoor space, 4) 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, 5) 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, 6) not apply for an alteration without first appearing before Community Board 3, 7) not seek a change in class of its liquor license to a full on-premises liquor license without first obtaining the approval of Community Board 3, 8) not host pub crawls or party buses, 9) not have happy hours, 10) not have wait lines outside, 11) conspicuously post its stipulation beside its license inside its business, and 12) provide contact information for resident complaints and immediately respond to any resident complaints; and

WHEREAS, the wine beer license for this applicant was issued by the SLA on December 6, 2016; and

WHEREAS, prior to the issuance of the wine beer license to this applicant, this was a location that had not been previously licensed; and

WHEREAS, there are fourteen (14) full on-premises liquor licenses and one (1) pending full on-premises liquor license within five hundred (500) feet of this location; and

WHEREAS, notwithstanding that the applicant furnished one hundred ninety-six (196) petition signatures, eighty-three (83) of which were from area residents, the applicant has not offered any public benefit for the approval of a full on-premises liquor license for its business, in that the applicant stated that, although it has only been operating since November of 2016, it is a community participant and wants to be able to serve alcoholic drinks to its customers at brunch; and

WHEREAS, given that the applicant has only had a wine beer license for seven (7) months, is occupying a previously unlicensed location and is within close proximity to numerous existing full on-premises liquor licenses; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for a change in class of its wine beer license to a full on-premises liquor license for Stackleather LLC, doing business as Post, for the premises located at 42 Avenue B, between East 3rd Street and East 4th Street.

Sidewalk Cafe Applications

9. Oishi Village Sushi (Oishi Village Sushi), 199 2nd Ave btwn E 12th & E 13th Sts

VOTE: TITLE: Community Board 3 Recommendation To Deny Unless Change Order Agreed To—Change Order Attached

To approve the application for an unenclosed sidewalk café permit for five (5) tables and ten (10) seats for Oishi Village Sushi Inc., doing business as Oishi Village Sushi, for the premises located at 199 Second Avenue, between East 12th Street and East 13th Street, because the applicant has signed a change agreement which will become part of its DCA license that

- 1) its café will consist of five (5) tables and ten (10) seats, and
- 2) its hours of operation will be 11:00 A.M. to 10:00 P.M. all days.

10. Dudley's (Two Bikes LLC), 85 Orchard St @ Broome St (alt/2 additional tables, 4 additional chairs)

VOTE: TITLE: Community Board 3 Recommendation To Deny Unless Change Order Agreed To—Change Order Attached

To approve the application to modify an existing unenclosed sidewalk café permit by adding two (2) tables and four (4) seats for Two Bikes LLC, doing business as Dudley's, for the premises located at 85 Orchard Street, at the corner of Orchard Street and Broome Street, because the applicant has signed a change agreement which will become part of its DCA license that

- 1) its café will consist of six (6) tables and twelve (12) seats, and
- 2) its hours of operation will be 9:00 A.M. to 10:00 P.M. all days.

Alteration

11. La Contrada (CJFM LLC), 67 2nd Ave a/k/a 84 E 4th St (op/alt/change closing hours to 2am all nights & add television)

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-premises liquor license for CJFM LLC, doing business as La Contrada, for the premises located at 67 Second Avenue a/k/a 84 East 4th Street, at the corner of East 4th Street and Second Avenue, to wit extending its closing hours and adding two (2) televisions, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that

- 1) it will operate as a full-service Italian restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 8:00 A.M. to 12:00 A.M. Sundays through Thursdays and 8:00 A.M. to 1:00 A.M. Fridays and Saturdays,
- 3) the hours of operation of its sidewalk café will be 11:00 A.M. to 11:00 P.M. Sundays and 10:00 A.M. to 11:00 P.M. Mondays through Saturdays,
- 4) it will close any façade doors and windows at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances,
- 5) it will play ambient background music only, consisting of recorded and live acoustic music, will not have DJs, promoted events, scheduled performances or any event at which a cover fee will be charged, and live music will consist of no more than two (2) acoustic instruments and its façade will be entirely closed while acoustic live music is playing,
- 6) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 7) it may have two (2) televisions, each of which will be no greater than twenty-three (23) inches,
- 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 not have unlimited drink specials with food,
- 11) it will insure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 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.

New Liquor License Applications

12. First Hospitality LLC, 105 1st Ave (op) withdrawn
13. Spectrum Catering and Concessions (Facility Concession Services Inc), 119-125 E 11th St btwn 3rd & 4th Aves (op) (operating concessions at Webster Hall)

VOTE: TITLE: Community Board #3 Recommendation To Deny

WHEREAS, the applicant, Facility Concession Services Inc., by its qualified representative or principal, is seeking to obtain a full on-premises liquor license for a four (4) story live performance and event venue, located at 119-125 East 11th Street, between Third Avenue and Fourth Avenue, New York, New York; and

WHEREAS, the applicant is intending to operate a live performance and event venue with a certificate of occupancy of two thousand eighty (2080) people, tables and seats that change depending upon the event or performance, hours of operation of 8:00 A.M. to 4:00 A.M. all days with general event times from 6:00 P.M. to 4:00 A.M. all days, eight (8) bars, a prep concession area with food service during hours of operation, a closed façade, entertainment level live and recorded music and DJs, music events, club nights and sports events, such as live combat sports, video and e-gaming events and private events, which may include photographic shoots, after parties, food and beverage events, fashion shows, weddings and upfront events such as openings and premieres, and eighteen (18) to twenty (20) security guards on event nights; and

WHEREAS, the venue would be operated by EV Events LLC, comprised of Brooklyn Sports & Entertainment and Anschutz Entertainment Presents with Bowery Presents, who collectively, among other event venues, The Barclay Center, The Nassau Veterans Memorial Coliseum, Terminal 5, PlayStation Theatre, Music Hall of Williamsburg, Rough Trade and Forest Hills Stadium; and

WHEREAS, Facility Concession Services Inc. will be the concessionaire at this location and hold any liquor license; and

WHEREAS, 119-12 East 11th Street is a four (4) story venue currently being operated by Webster Hall Entertainment Group as a nightclub and concert venue and doing business as Webster Hall, with two (2) ballrooms being used for live performances and dancing, a mezzanine floor overlooking the second floor ballroom and a basement lounge with live performances, and an advertised certificate of occupancy of six hundred (600) people on the first floor, one thousand five hundred (1,500) people on the second and third floors and four hundred (400) people in the basement; and

WHEREAS, the applicant is intending to decrease the number of club nights and increase concert and event nights; and

WHEREAS, the applicant is intending to host sports competitions, such as live combat sports, as well as video and e-gaming competitions, none of which were known or authorized elements of the existing business; and

WHEREAS, the applicant is intending to operate the interior areas of the venue as follows:

- 1) on the first floor, the ballroom would function as a waiting area and would have a standup bar and concession area, and there would also be a lobby and a security check-in; and
- 2) on the second floor, the ballroom would function as the primary event space with three (3) standup bars and an anterior lobby; and
- 3) on the third floor mezzanine, patrons would either sit or stand to view events taking place in the second floor ballroom and there would be two (2) standup bars and an anterior lobby; and
- 4) in the basement, there would be a lounge with live performances and two (2) standup bars; and

WHEREAS, the applicant is also proposing substantial alterations which are not part of its notice, in that it is proposing to convert the first floor event space into a bar waiting area to move patrons off the sidewalk more efficiently, recreate the primary entrance of the venue by constructing a vestibule and two entrance doors at street level, add a freight elevator inside one of two new entrances to move music equipment and performers off the street more quickly and change the certificate of occupancy; and

WHEREAS, although East 11th Street between Third Avenue and Fourth Avenue is commercially zoned, it is a narrow one-way side street comprised of a mix of commercial buildings and residential buildings; and

WHEREAS, since the opening of Webster Hall on October 2, 1992, community residents, the community board and local police have worked with the present operators to address the overwhelming crowds, lines and noise attendant to a venue of this size and scale on a small side street shared with residents and without the street or sidewalk size to adequately absorb its patrons; and

WHEREAS, as evidence of these conditions, the existing licensee was heard by Community Board #3 for complaints of noise and traffic congestion in May of 2004, and for a renewal with complaints of noise in December of 2010; and

WHEREAS, as further evidence of these conditions, the existing licensee entered a conditional no contest plea on February 17, 2006, for sale to a minor on December 5, 2004, and unauthorized additional bar on June 15, 2003 and November 22, 2003, and unauthorized alterations on June 15, 2003, sustained charges on December 28, 2007, for failure to comply on March 4, 2006, entered a conditional no contest plea on April 17, 2009, for failure to supervise and noise on December 20, 2007, entered a conditional no contest plea on December 4, 2009, for unlicensed security on November 1, 2008, sustained charges on October 8, 2010, for disorderly premises lewd and indecent on July 23, 2009, and sustained charges on March 26, 2012, for disorderly premises controlled substances on March 10, 2010 and January 8, 2011; and

WHEREAS, residents of the surrounding streets submitted thirty-five (35) letters and representatives of the East 10th Street Block Association, East 11th Street Block Association and East Village Residents Association appeared, expressing concern that 1) events and performances would increase in size and scale with the proposed business, 2) the maximum occupancy of this location not increase, 3) there be no live combat sports as proposed as part of the method of operation, 4) that there be additional soundproofing, 5) that security be stationed all along East 11th Street, and 6) that event endings be staggered if there is more than one event per night; and

WHEREAS, the applicant has stated that its proposed certificate of occupancy would be less than the certificate of occupancy of the current business and that it does not intend to host more than one (1) event at a time and it provided a security plan from a licensed security company which included a plan to have security guards dressed in distinctive attire outside the venue, patrolling East 11th Street, between Third and Fourth Avenues, and along Third Avenue and Fourth Avenue, before, during and after events with some then deployed within the building during events and to have bicycle racks used to cordon off patrons on the north side of East 11th Street and provide a clear sidewalk; and

WHEREAS, there are sixteen (16) full on-premises liquor licenses and one (1) pending full on-premises liquor licenses within five hundred (500) feet of this location; and

WHEREAS, the public benefit proffered by the applicant is its experience operating large scale entertainment venues in New York City, albeit in commercial locations; and

WHEREAS, notwithstanding the experience of the applicant in operating large scale entertainment venues, Community Board #3 has concerns that the approval of this application would have an increased impact on East 11th Street, between Third Avenue and Fourth Avenue, and the surrounding area, in that the size and scale of the events would increase; and

WHEREAS, Community Board #3 also recognizes that the approval of this application will result in the loss of a music venue which has historic roots in this neighborhood; and

WHEREAS, given its concerns, as well as the concerns of residents, Community Board #3 would only approve this application with certain stipulations restricting and memorializing its method of operation; and

WHEREAS, this applicant will not sign the proposed stipulations, now

THEREFORE, BE IT RESOLVED THAT Community Board #3 moves to deny the application for a full on-premises liquor license for Facility Concession Services Inc., with a proposed business name of Spectrum Catering and Concessions, for the premises located at 119-125 East 11th Street, between Third Avenue and Fourth Avenue, because the applicant will not agree to make as conditions of its license the following stipulations that

- 1) it will operate a live performance event space on four (4) floors which will host concerts, club nights, private events and special events, which may include photographic shoots, after parties, food and beverage events, fashion shows, weddings and upfront events such as openings and premieres,
- 2) it will not host any sports events, including "lawful sports events" consisting of boxing, mixed martial arts or other combat sports, or video or e-gaming events,
- 3) it will operate 1) the basement as a lounge performance space with two (2) standup bars, 2) the first floor as a ballroom lobby with standup bar concession area and security check-in, however the first floor ballroom waiting area may be used for events if the second floor ballroom is not being used, 3) the second floor as the primary ballroom event space with a lobby and three (3) standup bars and 3) the third floor mezzanine as an additional seating and standing area that overlooks the primary ballroom and has a lobby and two standup (2) bars
- 4) it will not commercially operate any outdoor areas,
- 5) its hours of operation will be 8:00 A.M. to 4:00 A.M. all days and it will generally host events between the hours of 6:00 P.M. and 4:00 A.M. all days, although this location may open earlier to accommodate the "load in" of performers and the early admission of customers waiting to see an event (the applicant understands that "opening" means "no later than" specified opening hour and all patrons are to be cleared from the business at the specified closing hour),
- 6) it will have a closed fixed facade with no open doors or windows, other than the opening of the entrance and exit doors to admit and eject customers, performers and equipment,
- 7) it will maintain the existing façade of the building, other than the proposed alteration to the existing entrance to create two entrance doors at ground level,
- 8) it may have DJs, live music and recorded music at entertainment levels, as well as promoted events, events at which cover fees are charged and scheduled performances,
- 9) it will employ at least eighteen (18) to twenty (20) security personnel from a licensed, experienced security firm for events occurring in the second floor ballroom and a sufficient number of security personnel from a licensed, experienced security firm for any other events before, during and at least thirty (30) minutes after events or the close of the venue, whichever is later, consistent with the appended security plan, who will be stationed along East 11th Street, between Third Avenue and Fourth Avenue, as well as on Third Avenue and Fourth Avenue, to monitor crowds, noise and vehicular and pedestrian traffic, and insure that patrons are entering and exiting the street in an orderly manner, and who will be stationed within the building before, during and after events to monitor patrons and man the security check-in on the first floor to move patrons into the venue more quickly and efficiently and where patrons will be searched and scanned,
- 10) it will erect physical barriers to cordon off waiting patrons outside of the business from the front of the building along the north sidewalk of East 11th Street and extending toward Third Avenue, in order to maintain a clear sidewalk for pedestrians,
- 11) it will ensure that East 11th Street, between Third Avenue and Fourth Avenue, is cleared of garbage or debris immediately after any events and after the closing of the venue,
- 12) it will not apply for any alteration in its method of operation without first appearing before Community Board #3,
- 13) it will not host pub crawls or party buses,
- 14) it will not have "happy hours,"
- 15) it will provide regular event schedules to the local police precinct to apprise it of any upcoming events,
- 16) it will host quarterly meetings for area residents for at least one (1) year after opening, in order to address any community complaints or concerns with the operation of its business,
- 17) it will conspicuously post this stipulation form beside its liquor license inside of its business and will post signs on its façade asking its patrons to leave the premises quietly, and
- 18) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

Damaris made the statement to rezone 3rd and 4th ave corridor so as to not add to the precedence of changing long existing establishments.

Carolyn Ratcliffe echoed the sentiments of Damaris.

Clint expressed an opposition to having the first floor be used as a performance area after having been told it would be a waiting area by the representatives of the Egaming company at the SLA committee.

Alex expressed that the first floor could alternatively be used as a performance area.
Motion to approve the suggested amendments.

David Crane made a motion to divide the question regarding security, first floor and regarding egaming, into three questions.

The amendment regarding security was passed unanimously

The amendment to prohibit egaming was passed majority 22-13-1

The amendment to utilize the first floor for performance when not gaming 28-10-1

14. Tarallucci e Vino (Mannaggia Inc), 163 1st Ave @ E 10th St (upgrade to op)

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

To deny the application for a change in class of the wine beer license for Mannaggia Inc., doing business as Tarallucci e Vino, for the premises located at 163 First Avenue, at the corner of First Avenue and East 10th Street, to a full on-premises liquor license 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 7:30 A.M. to 11:00 P.M. Sundays through Wednesdays and 7:30 A.M. to 1:00 A.M. Thursdays through Saturdays,
- 3) its hours of operation for its sidewalk café will be 8:00 A.M. to 10:00 P.M. all days,
- 4) it will close any front or rear façade entrance doors at 10:00 P.M. every night or when amplified sound is playing 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 will 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 host pub crawls or party buses,
- 8) it will not have unlimited drink specials with food,
- 9) it may have "happy hours" to 7:00 P.M. each night,
- 10) it will insure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 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

Community Board 3 is approving this application for change in class of a wine beer license to a full on-premises liquor license although this location is in an area with numerous full on-premises liquor licenses because 1) the applicant has operated this business since 2001 and has held a wine beer license for this location since 2002, 2) this applicant has operated its business without complaints during its history of operation, and 3) this business is a longstanding restaurant with moderate hours of operation which include daytime hours of operation.

15. Seoul Garden (Seoul Garden Bowery Inc), 26 Bowery btwn Pell & Bayard Sts (op)
withdrawn

16. Yuan Noodle (Yuan Noodle LLC), 157 2nd Ave btwn E 9th & E 10th Sts (op)

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

To deny the application for a full on-premises liquor license for Yuan Noodle LLC, with a proposed business name of Yuan Noodle, for the premises located at 157 Second Avenue, between East 9th Street and East 10th Street, 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 Chinese 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. all days,
- 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 or when amplified sound is playing 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 will 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 host pub crawls or party buses,
- 8) it will not have unlimited drink specials with food,
- 9) it will not have "happy hours,"
- 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

Community Board 3 is approving this application for a full on-premises liquor license although this location is in an area with numerous full on-premises liquor licenses because 1) this is a sale of assets of an existing restaurant with a full on-premises liquor license, 2) the applicant furnished sixty-five (65) signatures in support of its application from area residents, 3) the applicant is intending to operate a restaurant which would specialize in the service of a Chinese rice noodle which is not offered at other area businesses and which is traditionally accompanied by a liquor named baijiu, and 4) the proposed business is a full-service restaurant with moderate hours of operation which include daytime hours of operation.

17. Novo Partners, 57 2nd Ave (op)
withdrawn

18. Pourt (Brudspace LLC), 35 Cooper Sq a/k/a 200 E 6th St btwn E 5th & E 6th Sts (upgrade to op, new happy hours ending at 11:59pm)
withdrawn

19. Patisserie Fouet (YS Pastry LLC), 15 E 13th St (op)
withdrawn

20. Cafe Henrie (Downtown Cafe LLC), 110 Forsyth St (aka 114 Forsyth St) (upgrade to op)
withdrawn

21. Shake Shack (Shake Shack Astor Place LLC), 51 Astor Pl btwn St Marks Pl & E 9th St (wb)

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

WHEREAS, Shake Shack Astor Place LLC is seeking a wine beer license to operate a burger restaurant in the premises located at 51 Astor Place, between Saint Marks Place and East 9th Street; and

WHEREAS, Community Board 3 was concerned about granting a wine beer license to this applicant given that this applicant was 1) anticipating having outside wait lines of customers which it had agreed with the landlord of 51 Astor Place would extend north along Third Avenue and west onto the predominantly residual East 9th Street, between Third Avenue and Fourth Avenue, and 2) planning to direct its venting system toward 115 East 9th Street, the only residential building near this location; and

WHEREAS, this location was previously an unlicensed location; and

WHEREAS, a representative from 115 East 9th Street appeared and submitted one hundred two (102) letters from nearby residents most of which live at 115 East 9th Street, all of which expressed their concern that the applicant and the building owner had decided without community input to direct wait lines onto East 9th Street, between Third Avenue and Fourth Avenue, and the venting system for this business directly at 115 East 9th Street; and

WHEREAS, given these concerns, Community Board 3 will only approve this application provided that the applicant agree that any wait lines will not extend beyond Third Avenue, which has a sufficiently wide sidewalk to accommodate waiting customers, and provided that the applicant investigate redirecting its venting system onto Third Avenue, which is a four (4) lane avenue with no nearby residential buildings, and the applicant has stated that it will agree to both of these conditions; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for a wine beer license for Shake Shack Astor Place LLC, for the premises located at 51 Astor Place, between Saint Marks Place and East 9th Street, 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 fast casual American restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 7:30 A.M. to 12:00 A.M. all days,
- 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 or when amplified sound is playing and will otherwise have a closed fixed facade with no open doors or windows,

- 5) it will install soundproofing,
- 6) it will play ambient background music only, consisting of recorded music, and will not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 7) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 8) it will not have "happy hours,"
- 9) it will not host pub crawls or party buses,
- 10) it will not have unlimited drink specials with food,
- 11) it will designate an employee to oversee patrons and noise on the sidewalk,
- 12) it will not have any wait lines that extend beyond Third Avenue, specifically onto East 9th Street, between Third Avenue and Fourth Avenue,
- 13) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 14) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

22. Ginger and Lemongrass II LLC, 153 Rivington St btwn Suffolk & Clinton Sts (op)

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

WHEREAS, Ginger and Lemongrass II LLC is seeking a full on-premises license to operate a Vietnamese restaurant in the premises located at 153 Rivington Street, between Suffolk Street and Clinton Street; and

WHEREAS, Community Board 3 was concerned about granting a full on-premises license to this applicant given that 1) this applicant has no experience operating a business with a liquor license and has operated a much smaller version of this proposed business for two years with no liquor license in Queens, New York, 2) there are at least twenty (20) full on-premises liquor licenses within five hundred (500) feet of this location, 3) although this location previously housed a restaurant with a full on-premises liquor license, that business closed in 2015, this location has been unoccupied since that time and this applicant is applying for a new liquor license at this location, 4) the applicant furnished an inadequate public benefit in the approval of a liquor license for this location, in that it stated that its opening of a bona fide restaurant with early closing hours would be a public benefit, and 5) the Suffolk Street Block Association, the LES Dwellers, a local residents organization, and a neighboring resident submitted statements in opposition to this application given the number of liquor licenses in the area, the pedestrian and traffic congestion and crime in the area attendant to the existing businesses and the lack of experience of the applicant in operating a licensed business; and

WHEREAS, given these concerns, Community Board 3 will only approve a wine beer license for this applicant and the applicant has now agreed to apply for a wine beer license; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for a wine beer license for Ginger and Lemongrass II LLC, for the premises located at 153 Rivington Street, between Suffolk Street and Clinton Street, 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 Vietnamese fusion restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 10:00 A.M. to 12:00 A.M. all days,
- 3) it will close any front or rear façade doors and windows at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances,
- 4) it will play ambient background music only, consisting of recorded music, and will not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 5) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 6) it may have "happy hours" to 7:00 P.M. each night,
- 7) it will not host pub crawls or party buses,
- 8) it will not have unlimited drink specials with food,
- 9) it will insure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 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.

23. Small Plates Inc, 265 E 10th St btwn 1st Ave & Ave A (wb)

withdrawn

Items not heard at Committee

- 24. 1 Pike Corp, 1 Pike St (wb)
no vote necessary
- 25. The Tang (MT Noodle LLC and New Fu Xing Trading Inc), 120 1st Ave (wb)
no vote necessary
- 26. Zest Hospitality (Zest Hospitality Inc), 112 Eldridge St (wb)
no vote necessary
- 27. ZCL Inc, 11 E 7th St (wb)
no vote necessary
- 28. ABC Cooking Studio USA INC, 99 2nd Ave (wb)
no vote necessary
- 29. Pizzeria Ristorante Tramonti La Pizza (La Pizza Di Tramonti Inc), 130 St Marks Pl (wb)
no vote necessary
- 30. Gommy's (186A Enterprises Inc), 186 Ave A (wb/corp change)
no vote necessary
- 31. Paulaner Brauhaus NYC (Paulaner Brauhaus & Restaurant LLC), 265-267 Bowery (op/corp change)
no vote necessary
- 32. District Needs Statement
no vote necessary
- 33. Vote to adjourn
approved by committee

44 YES 0 NO 2 ABS 0 PNV MOTION PASSED (excluding SLA item 13)

43 YES 1 NO 2 ABS 0 PNV MOTION PASSED (SLA item 13)

Parks, Recreation, Cultural Affairs, & Waterfront Committee

- 1. Approval of previous month's minutes
approved by committee
- 2. NYC Parks & DOT joint proposal for Straus Square

VOTE: TITLE: To Support the Design and Programming Elements of the Pedestrian Plaza between Seward Park and Straus Square

Support for Design and Programming Elements of the Pedestrian Plaza between Seward Park and Straus Square

WHEREAS, the 'Parks without Borders' program will make significant investments in Seward Park that have been supported by CB 3; and

WHEREAS, underutilized portions of the roadbed exist between Seward Park and Straus Square; and

WHEREAS, residents have expressed a desire for additional pedestrian space and amenities in this location; and

WHEREAS, DOT is doing a study of this corridor in terms of traffic; and

WHEREAS, Community Board 3 has supported the necessary changes in parking regulations and other transportation changes to create new pedestrian space; so

THEREFORE BE IT RESOLVED, Community Board 3 supports the addition of seating and other amenities such as planters in the new Straus Plaza; and

THEREFORE BE IT FURTHER RESOLVED, Community Board 3 prefers planters act as vehicular buffers but recognizes that dependent upon future conditions some planters may be replaced by granite blocks so long as they are maintained on a regular basis and remain clean and free of graffiti; and

THEREFORE BE IT FURTHER RESOLVED, Community Board 3 supports temporary programming uses in this new space including but not limited to recreational programs, temporary markets and/or the operation of a bike repair shop in a shipping container as proposed; and

THEREFORE BE IT FURTHER RESOLVED, Community Board 3's support is conditioned on the continued maintenance and upkeep of the new Straus Plaza and that programming partners ensure they provide services and/or other programming targeted to and serving local residents.

- 3. Resolution of jurisdiction to clean, prepare, and plant E Houston Street medians and Ave A Plaza (Parks Dept

- and DDC)
- no vote necessary
- 4. EDC update on East River Esplanade construction: Pier 35, Package 4, and Brooklyn Bridge Esplanade
no vote necessary
- 5. DockNYC update on proposed vessel operations at Pier 36
no vote necessary
- 6. NBA Awards Show at Basketball City Presentation
no vote necessary
- 7. Update on gardens rising project
no vote necessary
- 8. District Needs Statement
no vote necessary
- 9. Vote to adjourn
approved by committee

45 YES 0 NO 1 ABS 0 PNV MOTION PASSED

Landmarks

- 1. Proposal to demolish (full or partial, depending on structural findings): Beth Hamedrash Hagodol Synagogue at 60 Norfolk Street

VOTE: TITLE: Approval of application to demolish (full or partial, depending on structural findings): Beth Hamedrash Hagodol Synagogue at 60 Norfolk Street, while strongly urging preservation of as much of the structure as possible

WHEREAS, Beth Hamedrash Hagodol Synagogue (originally the Norfolk Street Baptist Church) 60 Norfolk Street (Block 346, Lot 37) is a New York City Landmark designated in 1967 and is National Register Listed (1999); and

WHEREAS, the building was constructed in 1850 for the Norfolk Street Baptist Church, acquired by the Synagogue in 1885, and remodeled that year; and

WHEREAS, according to the LPC Designation Report, "it is a striking example of Gothic Revival architecture, that its austere simplicity has dignity and character and that it houses the congregation of the oldest Russian Orthodox Synagogue in America, founded in 1852;" and

WHEREAS, the synagogue was recognized as a center for prayer, religious study and the interpretation of Jewish law, and had a tradition of learned rabbis, including Its founder Rabbi Abraham Joseph, the eminent Rabbi Jacob Joseph, and the much-revered Rabbi Ephraim Oshry, religious leader of the Kovno ghetto in Lithuania and a Holocaust survivor who held that position from 1952 until his death in 2003; and

WHEREAS, the building was severely damaged by an arson fire May 14, 2017, was later determined to be unstable and was ordered demolished by the Department of Buildings June 19, 2017; and

WHEREAS, the Synagogue is beloved by the community, despite its poor condition in recent years, as confirmed by public testimony at the CB 3 Landmarks Committee strongly opposing complete demolition of the building and favoring preservation of as much of the structure as possible for incorporation into whatever new building replaces it; and

WHEREAS, the Chinese American Planning Council, owner of the adjacent lot, has expressed its intent to work with the Synagogue to memorialize the building; and

WHEREAS, Rabbi Greenbaum told the assembled meeting that he is committed to preserve as much as can be preserved safely; so

WHEREAS, Local members & congregants of the synagogue agree with Rabbi Greenbaum to preserve for the community as much as can b preserved;

THEREFORE BE IT RESOLVED, CB 3 approves the application for demolition, but urges the Landmarks Preservation Commission, Department of Buildings, the Chinese American Planning Council, and the Synagogue to work together with the structural engineers to determine which elements of the Synagogue can be retained safely and that those elements be incorporated into any new building on the lot.

Motion to approve amendments was passed unanimously.

2. Certificate of Appropriateness, 104 E 10 St: construct a partial 2-level rooftop addition, set back 14 feet at the first level and 18 feet at the second level

VOTE: TITLE: Denial of Certificate of Appropriateness, 104 E 10 St: construct a partial 2-level rooftop addition, set back 14 feet at the first level and 18 feet at the second level

WHEREAS, the building at 104 East 10th Street (Block 465, Lot 109) is one of two buildings in the St. Mark's Historic District Extension designated in 1984 (the other being 102 East 10th Street); and

WHEREAS, at the time of designation, the Landmarks Preservation Commission (LPC) noted that the two three-story dwellings document the neighborhood's evolving architectural form; and

WHEREAS, the lot lines for the two dwellings comprising a single lot (Block 465, Lot 9) were established in 1836 by Peter Gerard Stuyvesant and his sister Elizabeth Stuyvesant Fish; and

WHEREAS, by 1851 the lot held two buildings, 102 East 10th Street being the oldest on the block; and

WHEREAS, 104 East 10th Street was constructed in 1879, continuing the brick facades, raised basements, steep stoops and uniform fenestration patterns of the adjacent buildings, essentially repeating the proportions of 102 East 10th Street; and

WHEREAS, the façade of the building consisted of eight windows with simple brownstone sills and lintels with projecting molding and finished by a galvanized iron cornice which matched that of 102; and

WHEREAS, the building has been unoccupied and in derelict condition for many years; and

WHEREAS, the residents of the St. Mark's Historic District, neighbors of the house, have worked for years to maintain the District's sense of place; and

WHEREAS, the proposed two-story addition plus roof deck would be readily visible from neighbors' vantage points, as well as from E 10th Street directly across the street; and

WHEREAS, the proposed addition is contextually out of character with the surrounding historic buildings; and

WHEREAS, approval of this application would set a dangerous precedent for the Historic District, diluting its harmonious scale and distinctive character; and

WHEREAS, community members spoke strongly in opposition to a rooftop addition to this historic structure; and

WHEREAS, the real estate climate bears out the fact that the investor can realize a significant return on this three-story house without the proposed rooftop addition; so

THEREFORE BE IT RESOLVED, CB 3 deems the proposed rooftop addition plus roof deck inappropriate and therefore declines to approve the Certificate of Appropriateness application for a rooftop addition at 104 East 10th Street; and

THEREFORE BE IT FURTHER RESOLVED, CB 3 regrets that a second application for façade restoration is being handled at LPC staff level and that the community will not have an opportunity to comment on what would appear to be significant work on the windows, window surrounds, lintels, and façade of the derelict building.

3. Certificate of Appropriateness, 32 2nd Ave: vertical (1 story + penthouse) and horizontal (over existing alleyway) enlargement of the existing 3-story Anthology Film Archives

VOTE: TITLE: Approval of Certificate of Appropriateness application for 32 2nd Avenue: vertical (1 story + penthouse) and horizontal (over existing alleyway) enlargement of the existing 3-story Anthology Film Archives

WHEREAS, 32 Second Avenue (Block 443, Lot 8), formerly the Manhattan Third District Magistrate's Courthouse, now the Anthology Film Archives is within the East Village/Lower East Side Historic District; and

WHEREAS, the building, whose architect was Alfred Hopkins, was constructed in 1919; and

WHEREAS, the significant architectural features of the three-story building as described in the Historic District Designation Report are heavy round-arched entrance and window openings with brick and terra-cotta enframements; bollards with eagle bas-relief beside main entrance; corbelled brick and terra-cotta beltcourse; brick and terra-cotta cornice; and some historic wood windows; and

WHEREAS, the application is to add a rooftop addition to include a 4th story library and a fifth story penthouse and rooftop terrace, as well as horizontal enlargement, all of which would be fully visible from all sides; and

WHEREAS, Anthology Film Archives has since 1970 been a sensitive steward of its 1919 building, housing an important cultural institution not only in the CB 3 District but in the City of New York and beyond; and

WHEREAS, the proposed additions to the building will accommodate the needs of the community including a state-of-the art library, café open to the public, and a penthouse and rooftop exterior space; as well as an elevator and new fully accessible toilets; and

WHEREAS, those amenities will be accommodated by a 4th floor addition and rooftop in a clearly contemporary design as well as innovative horizontal additions; and

WHEREAS, the fourth floor would house a library that would enable the collection of priceless materials presently in boxes to be kept in a modern, climate-controlled environment and would also make these materials more readily accessible to scholars; and

WHEREAS, an unused alleyway will be replaced by an addition with a new entrance on Second Avenue, leading to the new café and elevator; and

WHEREAS, the penthouse and bulkhead have been placed toward the rear of the building to minimize their visibility; so

THEREFORE BE IT RESOLVED, CB 3 approves the application for a Certificate of Appropriateness to add a vertical (1 story + penthouse) and horizontal (over existing alleyway) enlargement of the existing 3-story Anthology Film Archives.

45 YES 0 NO 1 ABS 0 PNV MOTION PASSED

Land Use, Zoning, Public & Private Housing Committee

1. Approval of previous month's minutes
approved by committee
2. Dept of City Planning: Pre-ULURP Presentation: Citywide Flood Resilience Zoning Text
no vote necessary
3. Informational presentation from EDC and RAL on 120 14th Street (PC Richard Union Square) development proposal
no vote necessary
4. Dept of City Planning: Lease renewal for 180 Suffolk Street - Escuela Hispana Montessori Child Care Center (continued use)

VOTE: TITLE: Support for Application C160207 PQM property acquisition at 180 Suffolk Street for continued use as a child care center for Escuela Hispana Montessori 2

WHEREAS, the building at 180 Suffolk Street is privately owned, but has been leased by the City in continual use as a childcare center since 1973; and

WHEREAS, an acquisition ULURP application was filed on December 30, 1991, certified on June 8, 1992, and approved by City Planning Commission in October 1992; and

WHEREAS, Escuela Hispana Montessori 2 has the capacity to serve up to 174 children ages 2 to 5 years old under a license from the NYC Department of Health; and

WHEREAS, the center is licensed and subject to the established standards of the Administration for Children's Services (ACS) as well as Federal, State, and City regulations; and

WHEREAS, this application submitted by the Administration for Children's Services and the

Department of Citywide Administrative Services includes a 10-year lease renewal for continued use as a child care center; so

THEREFORE BE IT RESOLVED, that Community Board 3 Manhattan recommends this application be approved only for use as a child care center, to allow Escuela Hispana Montessori 2's continued operation; and

THEREFORE BE IT FURTHER RESOLVED, that CB 3 urges the City, DCAS, and ACS to explore any and all ways to preserve this vital affordable child care, including but not limited to either a longer lease or outright purchase of property.

5. BSA 2017-152-BZ, 104 E 10 St: variance to enlarge the existing building to add a two-story vertical addition set back from the street wall

VOTE: TITLE: Denial of BSA 2017-152-BZ, 104 East 10th Street variance to enlarge the existing building to add a two-story vertical addition set back from the street wall

WHEREAS, a proposed two-story addition to the building at 104 E 10th Street was denied by the Department of Buildings because it would create a non-complying rear yard; and

WHEREAS, a 10-foot rear yard is required, while the site contains a non-complying rear yard in the eastern portion of the lot with the deepest point being at 8'3 " and the shallowest point at 2 feet; and

WHEREAS, it is proposed to construct a new fourth and fifth floor set back from the front wall containing 421 and 341 square feet respectively; and

WHEREAS, the applicant states that the site suffers from certain unique physical conditions because of its shallow lot depth and irregular lot depth; and

WHEREAS, the applicant states that the site is significantly under-built for the R8A zoning district in which it is located with an FAR of 3.32; and

WHEREAS, the applicant states that there is no possibility of development of the lot in strict conformity with the provisions of the zoning resolution and that he cannot achieve a reasonable return without a variance, while providing no financial information about the comparative costs of an as-of-right development; and

WHEREAS, the applicant is not a single building owner or small developer with significant financial burdens, but rather an international real estate firm; and

WHEREAS, the applicant states that the requested variance would not alter the essential character of the neighborhood in which it is located, even though the site is located within the St. Mark's Historic District (designated in 1984) and the building with its two-story addition would be out of character with the remainder of the district; and

WHEREAS, it is the experience of the committee that a terrace plus rooftop addition brings additional noise which would also negatively alter the essential character of this neighborhood; and

WHEREAS, it is unclear if the as-of-right condition shown is truly as-of-right; and

WHEREAS, the applicant states that the practical difficulties and hardship affecting the premises have not been created by the owner, despite the fact that he purchased it in 2015, with the knowledge that it was within a Historic District and that the yard was already non-compliant; and

WHEREAS, with no financial information provided in the application, and given financial information available to the public, the committee is skeptical that the applicant cannot achieve a reasonable return; so

THEREFORE BE IT RESOLVED, the application for a variance is denied because the applicant has not made a convincing case that the requested variance is the minimum required for a reasonable rate of return.

6. District Needs Statement
no vote necessary
7. Housing application checklist
no vote necessary
8. Vote to adjourn

approved by committee

45 YES 0 NO 1 ABS 0 PNV MOTION PASSED

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

1. Approval of previous month's minutes
approved by committee
2. Mount Sinai Downtown Presentation: Introducing new network
no vote necessary
3. District Needs Statement
no vote necessary
4. Vote to adjourn
approved by committee

45 YES 0 NO 1 ABS 0 PNV MOTION PASSED

Economic Development Committee

- Presentation of Special Zoning District sign up for speakers comments (2 min)
no vote necessary

Transportation & Public Safety and Environment Committee

1. Approval of previous month's minutes
approved by committee
2. MTA presentation L train Canarsie Tunnel Reconstruction update
no vote necessary
3. Proposal for redesign of mixed-use intersections for bicycles and other vehicles (click for info)
VOTE: TITLE: Resolution in Support of Redesigning Mixed-use Intersections to Make Them Safer for Cyclists and Pedestrians

WHEREAS, in numerous physically protected bike lane designs throughout Manhattan Community Board 3, including those on First Avenue and Second Avenue, "mixing zones " accommodate left-turning motor vehicle traffic by allowing motor vehicles to merge to the left into the space occupied by cyclists prior to making their turn; and

WHEREAS, requiring cyclists and turning drivers to negotiate the same space at the same time is dangerous because (1) it is often not clear who has the right of way, and (2) motorists often are not aware of or cannot see cyclists to the left of their intended turning path, because cyclists may be in the driver's blind spot, the driver's attention may be focused on pedestrians in the crosswalk they are traversing, or the driver is otherwise focused on making the turn; and

WHEREAS, in the absence of infrastructure, such as flexible bollards, to slow down motorists and keep them out of the bike lane, drivers often angle their vehicles towards the curb to expedite the speed of their left turn, which further endangers cyclists as well as pedestrians in the crosswalk; and

WHEREAS, many cyclists and pedestrians have expressed concerns about the safety of existing mixing zone designs to CB 3; and

WHEREAS, when developing, implementing, evaluating, and adjusting street designs, CB 3 believes no consideration should be given greater weight than protecting individual health and safety; and

WHEREAS, DOT stated at the June 2016 meeting of the Community Board 3 Transportation, Public Safety, and Environment Committee that it will be evaluating the existing design for mixing zones and whether safety enhancements are possible; so

THEREFORE BE IT RESOLVED, that Community Board 3 requests the New York City Department of Transportation change the design of intersections with mixing zones so as to address the aforementioned safety concerns. Ideally, the mixing zones would be eliminated and cyclists and turning drivers would be physically separated, with each given their own dedicated signal so that conflicts between the two users are impossible. If physical separation is deemed impossible, DOT should install infrastructure changes that encourage vehicles to keep the greatest possible distance from cyclists, thereby making drivers more aware that they may encounter bicycle traffic to their left and forcing them to make slower and wider left turns after the crosswalk so that both cyclists and pedestrians to their left are more visible to them. These changes might include: (1) installing bollards or more permanent barriers to separate the bike lane and the vehicle turning lane as far as possible

before the turn, forcing drivers to make close to a 90-degree left turn, (2) extending the bike lane's green paint through the intersection, in the same way that a crosswalk extends the sidewalk to the other side of the street, and (3) installing pedestrian islands where possible and suitable; and

THEREFORE BE IT FURTHER RESOLVED, that Community Board 3 requests DOT return to provide the Community Board 3 Transportation, Public Safety, and Environment Committee with the findings of its mixing zone evaluation when it is completed.

4. Request for 22-foot loading zone for Sago Hotel, 120 Allen Street

VOTE: TITLE: Resolution in Support of 22 Foot Hotel Loading/Unloading Zone at Sago Hotel, 120 Allen Street

WHEREAS, Sago Hotel at 120 Allen Street has requested a 22 foot defined loading and unloading zone; and

WHEREAS, any hotel with less than 100 rooms must receive support from the community board for a loading zone; and

WHEREAS, the proposed length of the hotel loading zone is one vehicle space and it would be used to accommodate pick-up/drop-off activity for hotel guests and patrons at the building's entrance and would also provide space for daily deliveries; and

WHEREAS, the loading zone would have limited commercial impact because parking is not currently metered at 120 Allen Street; and

WHEREAS, Allen Street is very congested and the loading zone will increase safety and prevent double parking, which would adversely impact traffic and the bike lane on Allen Street; so

THEREFORE BE IT RESOLVED, Community Board 3 supports a loading and unloading zone of 22 feet for Sago Hotel at 120 Allen Street.

5. DOT use of areas under the Williamsburg Bridge including nighttime use impacting quality of life for residents

no vote necessary

6. Request to support - ADA Disability Entrance - With Elevator - Delancey/Essex St subway stop

no vote necessary

7. Update on graffiti complaint procedures and current status in CB 3

no vote necessary

Bus Stop Permit Applications

8. Tribal Sun Bus Company LLC, 47-51 Chrystie St (btwn Canal St and Hester St) (click for info)

VOTE: TITLE: Resolution In Support of a Curbside Bus Stop for Tribal Sun Bus Company at 45-51 Chrystie Street

WHEREAS, Tribal Sun Bus Company LLC has applied for a designated bus stop for curb-side loading/unloading operations located at 45-51 Chrystie Street, on the west side of the street between Canal Street and Hester Street; and

WHEREAS, the buses will operate under the Tribal Sun Bus Company brand name, providing service between New York and Boston, Massachusetts with up to 5 arrivals/5 departures daily, the initial schedule for which would be arrivals at 2:00 pm, 4:00 pm, 6:15 pm, 9:00 pm, and 12:15 am; and departures at 10:00 am, 12:15 pm, 3:00 pm, 4:30 pm, and 7:30 pm; and

WHEREAS, Tribal Sun Bus Company would be the only permit at an existing bus stop that extends for about 100-foot of curb space, which is much longer than would be necessary because the Tribal Sun Bus Company would never have more than one bus loading/unloading at the stop; and

WHEREAS, in 2013, permits for this bus stop were issued for two separate bus companies, General Bus and Blue Sky Bus Tours, but both are no longer using the bus stop; and

WHEREAS, CB 3 resolutions passed in April 2013 and September 2013 explained serious concerns about designating a 100-foot long bus stop, because it eliminated a truck loading zone from 8:00 am to 7:00 pm, Monday to Saturday, on a block that has existing businesses that require loading and unloading, and three of these businesses appeared at the CB 3 meeting to present their concerns: Sun Da Apparel (a garment factory on the 2nd floor of 47-53 Chrystie Street), Hollywood Nail Supplies (a business at 51 Chrystie Street), and An Qing Corp (a restaurant supply business at 53 Chrystie Street); and

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

- A storefront will be provided for the use of customers, so they may wait to board their bus and use the restroom facilities.
- 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.
- All buses will keep to a route that enters Manhattan over the Williamsburg Bridge to Chrystie Street, and leaves up the Bowery to Delancey Street and the Williamsburg Bridge, unless bridge closures make this impossible; so

THEREFORE BE IT RESOLVED, that Community Board 3 recommends DOT issue a permit for Tribal Sun Bus Company LLC to operate their bus service at a designated curbside bus stop located at or near 45-51 Chrystie Street, provided that the preceding list of stipulations agreed to between the applicant and CB 3 will be attached to the DOT permit; and

THEREFORE BE IT FURTHER RESOLVED, that Community Board 3 requests DOT reduce the length of the existing designated stop, to accommodate only a single interstate bus at the curb, and return about half of the space to its pre-2013 use as a designated truck loading zone from 8:00 am to 7:00 pm, Monday to Saturday.

Block Party

9. Independence Day Celebration, 7/1, Market St (btwn E Bdwy & Henry) (click for info)

VOTE: TITLE: Resolution To Deny United Fujianese American Association's Application for an Independence Day Celebration Block Party

WHEREAS, the United Fujianese American Association is seeking a permit for an Independence Day Celebration block party on July 1, 2017 from 1:00 pm to 3:00 pm; and

WHEREAS, the block party is to be held on Market Street between East Broadway and Henry Street; and

WHEREAS, the estimated attendance at this event is 200 to 499 persons; and

WHEREAS, the event will include live entertainment and/or celebrity appearances; specifically, a lion dance, a dragon dance, and local singers and dancers; and

WHEREAS, an NYPD Sound Permit is required from the local precinct for the event to have amplified sound; and

WHEREAS, the event will have a 12 foot by 36 foot stage; and

WHEREAS, the United Fujianese American Association failed to present the required petitions to Community Board 3 for two consecutive months at two different CB 3 committee meetings; so

THEREFORE BE IT RESOLVED, that Community Board 3 hereby denies the United Fujianese American Association's application for an Independence Day Celebration block party to be held on Market Street between East Broadway and Henry Street on July 1, 2017 from 1:00 pm to 3:00 pm.

10. Lower East Side United Festival, 8/27, Suffolk St (btwn Rivington & Stanton St)

VOTE: TITLE: Resolution in Support of Why Not Care Inc.'s Application for a Lower East Side UNITED Festival Block Party

WHEREAS, Why Not Care Inc. is seeking a permit for a Lower East Side UNITED Festival block party on August 27, 2017 from 12:00 pm to 5:00 pm; and

WHEREAS, the block party is to be held on Suffolk Street between Rivington Street and Stanton Street; and

WHEREAS, the estimated attendance at this event is 200 to 499 persons; so

THEREFORE BE IT RESOLVED, that Community Board 3 hereby supports the Why Not Care Inc.'s application for a Lower East Side UNITED Festival block party to be held on Suffolk Street between Rivington Street and Stanton Street on August 27, 2017 from 12:00 pm to 5:00 pm.

11. District Needs Statement

no vote necessary

Old Business

12. DOT presentation: Weekend Walks, Shared Streets and Seasonal Street Closures planned for Chinatown summer 2017

VOTE: TITLE: Resolution in Support of Weekend Walks, Shared Streets, and Seasonal Street Closures planned for Chinatown in the Summer of 2017

WHEREAS, at the May 2017 meeting of the Manhattan Community Board 3 Transportation, Public Safety, and Environment Committee, the New York City Department of Transportation presented a detailed program for a seasonal street closure and a series of Shared Street events on several streets in the historic core of Chinatown for the 2017 warm weather season; and

WHEREAS, the Chinatown BID is a partner with DOT for this program, and would provide programming for streets that would be partially or fully closed during these programs; and

WHEREAS, a full seasonal closure of Doyers Street is proposed to start on July 16th, 2017, pending completion of resurfacing through September 30, 2017. The southern-most 100 feet of Doyers Street would remain open, primarily for access to the Post Office; and

WHEREAS, under the regulations of a Street Activity Permit Office permitted event, the Chinatown BID would program the closed street by, for example, putting street furniture out during the daytime and other small scale activations; and

WHEREAS, three streets are being proposed for designation as a Shared Street on Friday evenings from 6:00 pm to 10:00 pm in July and August; specifically Mott Street from Canal Street to Chatham Square, Pell Street from the Bowery to Mott Street, and Mosco Street from Mott Street to Mulberry Street. A Shared Street is a roadway designed for slow travel speeds where pedestrians, cyclists, and motorists all share the right of way, and vehicles are advised to drive 5 MPH; and

WHEREAS, the Shared Street area will be designated by temporary signage, planters, and bike corrals, up to fifty percent of parking spaces will be retained during the event at locations designated in DOT's site plan, and local businesses that opt to participate in the events will activate the parking lane in front of their establishment with seating, merchandise or other activations; and

WHEREAS, all of the streets proposed for Seasonal Closure or Shared Streets are narrow with very narrow sidewalks, and, in effect, they already operate similar to how a designated Shared Street would operate, but without benefit of adequate planning; and

WHEREAS, the programming/closure of the Seasonal Closure or Shared Streets would take into account overall circulation, building access, emergency access, sanitation, deliveries, pick-up and drop-offs, and parking; and

WHEREAS, DOT and the Chinatown BID will provide promotion, signage, amenities, programming, sanitation, and a traffic network monitoring plan; so

THEREFORE BE IT RESOLVED, that Community Board 3 approves of the programming for both the seasonal closure of Doyers Street and the Friday evening Shared Streets operation of Mott Street, Pell Street and Mosco Street in the historic core of Chinatown during the summer of 2017.

Chair Chad Marlow shared the upcoming agenda items for the Fall 2017.

13. Vote to adjourn
approved by committee

45 YES 0 NO 1 ABS 0 PNV MOTION PASSED (excluding Transportation items 4, 8)

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

41 YES 4 NO 1 ABS 0 PNV MOTION PASSED (Transportation item 8)

Nominating Committee

The following members were elected to the following positions:

- Chair: James Rogers
- First Vice Chair: Alysha Lewish-Coleman
- Second Vice Chair: David Ford
- Secretary: Meghan Joye
- Assistant Secretary: Eric Diaz
- Treasurer: David Crane

Vote to adjourn

45 YES 0 NO 1 ABS 0 PNV MOTION PASSED

Members Present at Last Vote:

David Adams	[P]	Ryan Gilliam	[P]	Jeremy Markman	[P]
Yaron Altman	[P]	Debra Glass	[P]	Chad Marlow	[P]
Dominic Berg	[P]	Herman F. Hewitt	[P]	Alexandra Militano	[P]
Lee Berman	[P]	Trever Holland	[P]	Nancy Ortiz	[P]
Karen Blatt	[P]	Linda Jones	[A]	Carolyn Ratcliffe	[P]
Lisa Burriss	[P]	Vaylateena Jones	[P]	Joyce Ravitz	[P]
Alan van Capelle	[A]	Marnie Ann Joyce	[P]	Damaris Reyes	[P]
Karlin Chan	[P]	Meghan Joye	[P]	James Rogers	[P]
Jonathan Chu	[P]	Lisa Kaplan	[P]	Richard F. Ropiak	[P]
MyPhuong Chung	[P]	Carol Kostik	[P]	Robin Schatell	[P]
David Crane	[P]	Mae Lee	[P]	Laryssa Shainberg	[P]
Enrique Cruz	[P]	Veronica Leventhal	[P]	Clint Smeltzer	[P]
Eric Diaz	[P]	Alysha Lewis-Coleman	[P]	Nancy Sparrow-Bartow	[P]
Dean Diongson	[P]	Gigi Li	[P]	Josephine Velez	[P]
Wilda Escarfuller	[P]	Luis Lopez	[P]	Rodney Washington	[P]
Shirley Fennessey	[P]	Mei Lum	[X]	Kathleen Webster	[P]
David Ford	[A]	Robert Magliaro	[A]		

Meeting Adjourned