



THE CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD 3

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Alysha Lewis-Coleman, Board Chair

Susan Stetzer, District Manager

September 2021 Vote Sheet

Executive Committee

no votes necessary

August SLA & DCA Licensing Committee

- 1. Approval of previous month's minutes and roll call (minutes are deemed approved if no objections) approved by committee

Alterations

- 2. Hwa Yuan Szechuan, 42-44 E B'way (op/alt: add additional floors/method of operation: add karaoke) withdrawn
- 3. Bridgeview Hotel, 50 Bowery (op/alt: update tables, chairs, bar layout on ground floor/method of operation: add live music, DJ, video/arcade games)

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

WHEREAS, Bridgeview Hotel LLC, is seeking an alteration to the method of operation for the ground floor portion of its existing full on-premises hotel liquor license, in the premises located at 50 Bowery, between Canal Street and Bayard Street, New York, New York; and

WHEREAS, this is an application for a gaming establishment within a hotel, with a certificate of occupancy of 218 people, 10 tables and 89 seats with one bar with four seats, hours of operation of 7:00 A.M. to 2:00 A.M. all days, a full kitchen serving Mexican/Latino food and a food prep area serving a limited menu during all hours of operation, 12 televisions used for gaming; ambient background music including recorded music, recorded music curated by DJs, and live music; and

WHEREAS, there are two full on-premises liquor licenses within 500 feet per the SLA LAMP map; and

WHEREAS, co-applicant Bridgeview Hotel LLC was originally approved by this committee for a hotel liquor license in February 2016 and by the SLA on May 12, 2017; and

WHEREAS, the first floor was approved by this committee as an interior first floor restaurant of 4,234 square feet, with a capacity for 218 people, 29 tables and 218 seats, hours of operation of 7:00 A.M. to 2:00 A.M. all days, a kitchen open all hours serving a full menu, a closed façade, its own entrance on Bowery north of the hotel entrance and south of the bus stop, recorded background music, no live music, DJs, promoted events, scheduled performances or events with cover fees, a 23-foot bar with ten stools, no pub crawls or party buses, no happy hours, an outdoor area within its building line on Bowery, consisting of no more than seven tables and 14 seats, and no wait lines outside; and

WHEREAS, this applicant has operated this hotel with a full on-premises hotel liquor license since May 2017; and

WHEREAS, this applicant was last heard by this committee in February 2020 when the committee recommended the denial of the application for the alteration of the full on-premises hotel liquor license to add recorded background music to its exterior rooftop lounge; and

WHEREAS, an alteration to add music to the interior rooftop lounge was heard by Community Board 3 in December 2019 and, at that time, Community Board 3 had received complaints about DJs and live music in the interior and exterior rooftop areas although this use was inconsistent from the existing stipulations; and

WHEREAS, the applicant informed Community Board 3 in December 2019 that it had only received complaints regarding its rooftop from the community board office in Summer 2019 and had spoken with the community affairs officer from the local police precinct, who

informed the applicant that any noise complaints regarding the rooftop that he received had not been verified or validated; and

WHEREAS, the applicant also conceded in December 2019 that the former management of the rooftop areas had not been operating those areas consistent with its stipulations and had caused the rooftop to be a disturbance and that the applicant had replaced this management; and

WHEREAS, the Confucius Plaza Board of Directors, representing seven hundred sixty-two (762) families living in a large-scale development directly across Bowery from this location, submitted a statement in opposition to the alterations in 2019 and 2020 because it received complaints from residents about noise from live music and DJs from the hotel rooftop from Spring 2019 through September 2019, and sent a letter to hotel management in June 2019 in response to those complaints, but received no reply from hotel management; and

WHEREAS, there were two commercial 311 complaints at this location with NYPD action necessary since 2018; and

WHEREAS, a representative of the Bowery Block Association spoke in opposition to the application; and

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a full on-premises liquor license for Bridgeview Hotel LLC, for the premises located at 50 Bowery, New York, New York, unless the applicant agrees to the following signed notarized stipulations that

- 1) it will operate as a gaming establishment within a hotel, with Mexican/Latino food prepared in a full kitchen served during all hours of operation,
- 2) its hours of operation will be opening no later than 12:00 P.M. to 2:00 A.M. all days and it may only serve alcohol from 12:00 P.M. to 2:00 A.M. all days,
- 3) it will close all outdoor dining allowed under the temporary Open Restaurants program and any other subsequent uses by 10:00 P.M. all days,
- 4) it will have a closed fixed façade with no open doors or windows except my entrance door will close by 10:00 P.M. or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances, or during unamplified live performances or televised sports,
- 5) it will play ambient background music only, consisting of recorded music, ambient background music curated by DJs, live music consisting of no more than three instruments and a singer no more than four times a month, and may have no more than 20 events that can be promoted and/or scheduled performances per year, at which a cover fee may be charged,
- 6) it will not apply for any alteration in its method of operation or for any physical alterations 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" until 7:00 P.M. each night,
- 10) it will ensure that there are no wait lines outside and will designate an employee for ensuring no loitering, noise or crowds 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.

New Liquor License Applications

4. Forsythia (JDS Restaurant LLC), 9 Stanton St (upgrade to op) withdrawn
5. Roberta's (Avenue A Pizza LLC), 15 Ave A (op) withdrawn
6. Lucky Lindon, 21 Essex St (op)

VOTE: TITLE: Community Board 3 Recommendation to Deny

WHEREAS, Francesco Scotto DiSantolo doing business as Lucky Lindon, is seeking a full on-premises liquor license, in the premises located at 21 Essex Street, between Hester Street and Canal Street, New York, New York; and

WHEREAS, this is an application for a bar with a pending Letter of No Objection, ten tables and 24 seats with one 27'3" bar with 12 seats, hours of operation of 4:00 P.M. to 4:00 A.M. all days, comfort food prepared in a food prep area, serving food during all hours of operation, no televisions, ambient recorded background music; and

WHEREAS, there are 16 full on-premises liquor licenses within 500 feet per the SLA LAMP map; and

WHEREAS, this applicant has been licensed at the adjacent storefront of 21 Essex Street as OTFOTEOC Ltd doing business as Clockwork Bar since April 20, 2005, and at 229 East 53rd Street as Big B Restaurant Enterprise Inc. doing business as Strangelove Bar since November 10, 2011; and

WHEREAS, this applicant has an adverse SLA history associated with his establishment Clockwork Bar, which most recently received (<https://sla.ny.gov/system/files/documents/2018/08/10-25-17-disciplinary.pdf>) a civil penalty of \$1,000 for several violations, including for "disorderly premises – altercation/assault" on February 11, 2017 following an attack on two patrons during an event hosted on premises featuring a member of a neo-Nazi hate group as DJ (<https://gothamist.com/news/right-wing-skinheads-attack-grad-students-at-les-bar-over-antifascist-cellphone-sticker>), and received a fine of \$1,500 on December 17, 2012 for use of an unauthorized trade name, and a \$3,500 fine on July 14, 2015 for prohibited sales and other violations; and

WHEREAS, a neighbor provided to the committee several videos showing disturbing and violent behavior near the applicant's current establishment Clockwork Bar and adjacent to the premises under consideration, including:

- a security guard being attacked by patrons of the bar throwing tables, skateboards, and other implements at the security guard, who was trying to defend himself (<https://vimeo.com/586381956>);
 - a bar patron crossing the street to harass pedestrians (<https://vimeo.com/user10465572>);
 - a stabbing at the bar in July 2021 (<https://www.youtube.com/watch?v=Z45Vat6NkFE>);
- and

WHEREAS, the committee chair observed throughout the COVID-19 pandemic that Clockwork Bar consistently violated state- and city-issued guidelines for operations, including serving indoors before indoor dining was allowed, allowing its patrons to gather outdoors in its Open Restaurants enclosure when seating was required, and allowing gathering at times significantly past outdoor dining curfews; and

WHEREAS, there were 47 commercial 311 complaints at this location with NYPD action necessary since 2018; and

WHEREAS, the 7th Precinct reported to Community Board 3 that Clockwork Bar is a chronic 311 location, citing their experience that from the beginning of 2021 to current it received a total of 45 311 noise complaints and 40 911 calls, and took five reports for assault since January 2021, including:

- On June 5, 2021, there was a bar fight where someone reported being kicked in the buttocks,
- On June 17, 2021, there was a fight where one person sustained a laceration to the face,
- On July 3, 2021, a person got stabbed in the abdomen, and
- On July 18, 2021, there was a bar fight/bottle throwing incident where one individual got hit with a skateboard; and

WHEREAS, the SPaCE block association, residents of six apartments from 19 Essex Street, and six other local residents wrote to the committee in opposition to this application because of the problems described above; and

WHEREAS, seven nearby residents, a representative of Orchard Street Block Association, and a representative of SPaCE block association spoke in opposition to this application because the applicant's current establishment Clockwork creates a dangerous atmosphere for residents; and

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a full on-premises liquor license for Francesco Scotto DiSantolo for the

premises located at 21 Essex Street, New York, New York. because of the adverse SLA history and police activity at the applicant's current establishment doing business as Clockwork located at 21 Essex Street.

7. Avenue C Hospitality, 102 Ave C (op)

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

WHEREAS, Avenue C Hospitality LLC, is seeking a full on-premises liquor license, in the premises located at 102 Avenue C, between 6th Street and 7th Street, New York, New York; and

WHEREAS, this is an application for a restaurant with a pending Letter of No Objection, 12 tables and 45 seats with one 16'8" stand-up bar with ten seats, hours of operation of 11:30 A.M. to 1:00 A.M. Sunday to Wednesday and 11:30 A.M. to 2:00 A.M. Thursday to Saturday, serving Northern European fare prepared in a full kitchen, serving food during all hours of operation, no televisions, ambient recorded background music; and

WHEREAS, there are five full on-premises liquor licenses within 500 feet per the SLA LAMP map; and

WHEREAS, 102 Avenue C has been licensed with a full on-premises liquor license as Avenue C Restaurant LLC doing business as Avenue C since March 13, 2019 with hours of operation of 11:00 A.M. to 2:00 A.M. Sundays through Wednesdays and 11:00 A.M to 3:00 A.M. Thursdays through Saturdays; and

WHEREAS, there was one commercial 311 complaint at 102 Avenue C with NYPD action necessary since 2018; and

WHEREAS, this applicant has been licensed with a full on-premises liquor license at the adjacent storefront at 104 Avenue C as 104 Avenue C Partners doing business as Joyface since 2017, where there were 16 commercial 311 complaints at this location with NYPD action necessary since 2018; and

WHEREAS, in February 2020 residents reported to the Community Board 3 office that Joyface had begun using a velvet rope to cordon off a line on Avenue C and East 7th Street, and that they had been informed by the applicant that Community Board 3 had asked that "stanchions" be used to keep the line in order but the applicant signed stipulations in August 2017 that said it "will ensure that there are no wait lines outside;" and

WHEREAS, a resident of the building where Joyface is located initially supported the application for that location subsequently wrote to the committee in opposition to this application because the operator has been operating at Joyface outside the stipulations it agreed upon with Community Board 3, and has been unresponsive to community concerns about issues like lines and loud dance music vibrating in the residential building, and four local residents wrote to the committee in opposition to this application because of its relationship to Joyface; and

WHEREAS, three residents testified in opposition to the application because of the quality of life issues created by Joyface; and

WHEREAS, four residents of 230 East 7th Street residents, including one who said Joyface was better than the last establishment at 104 Avenue C; five residents from across the street; twelve nearby residents, four non-resident supporters; and

WHEREAS, 160 residents who live within two blocks of the location signed a petition in favor of the application; and

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a full on-premises liquor license for Avenue C Hospitality LLC, for the premises located at 104 Avenue A, New York, New York, unless the applicant agrees to the following signed notarized stipulations that

- 1) it will operate as a restaurant, serving Northern European fare prepared in a full kitchen during all hours of operation,
- 2) its hours of operation will be opening no later than 11:30 A.M. to 1:00 A.M. all nights,

- 3) it will use a reservations and texting system to ensure that patrons of 102 Avenue C and 104 Avenue C do not congregate in front of the restaurant,
 - 4) it will close all outdoor dining allowed under the temporary Open Restaurants program and any other subsequent uses by 10:00 P.M. all days,
 - 5) it will close any front or rear façade entrance doors 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 or during unamplified live performances or televised sports, and will otherwise have a closed fixed facade with no open doors or windows,
 - 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 or for any physical alterations without first appearing before Community Board 3,
 - 8) it will not host pub crawls or party buses,
 - 9) it will not have unlimited drink specials with food,
 - 10) it may have "happy hours" until 8:00 P.M. each night,
 - 11) it will ensure that there are no wait lines outside and will designate an employee for ensuring no loitering, noise or crowds outside,
 - 12) it will conspicuously post this stipulation form beside its liquor license inside of its business; and
 - 13) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.
8. Bar and Events 14th Street LLC, 124 E 14th St (op)
withdrawn
 9. Lucky Star (Parkside 3 NYC LLC), 135 Division St (wb)
withdrawn
 10. Moneygoround Inc, 235 Eldridge St (op)

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

WHEREAS, Moneygoround Inc., is seeking a full on-premises liquor license, in the premises located at 235 Eldridge Street, between Stanton Street and East Houston Street, New York, New York; and

WHEREAS, this is an application for an establishment with a Letter of No Objection of 74 people, ten tables and 42 seats with one 13-foot straight bar with seven seats, hours of operation of 2:00 P.M. to 4:00 A.M. all days, snack food prepared in a food preparation area, serving food during all hours of operation, no televisions, ambient recorded background music; and

WHEREAS, there are 15 full on-premises liquor licenses within 500 feet per the SLA LAMP map; and

WHEREAS, this location was licensed from December 6, 1999 until December 23, 2019, with closing hours of 4:00 A.M. all nights, the license is currently inactive, most recently under licensee Jacob & Kelly Inc. doing business as BOB Bar; and

WHEREAS, this location was last heard by this committee in March 2015 for a corporate change with complaint when the application was approved by the committee with stipulations, including adding soundproofing and hiring more security guards to manage sidewalk noise, because residents had complained of drug use on premise and noise on the sidewalk, complaints that had previously been mediated by the community board; and

WHEREAS, there were zero commercial 311 complaints at this location with NYPD action necessary since 2018; and

WHEREAS, this applicant is currently licensed with full on-premises liquor licenses at four locations in CB3:

- 112 Avenue A as Tozzer Ltd. doing business as Niagra since 1992 which the SLA fined at least three times: \$2,500 in February 2019 for violations in October 2017 including being over maximum capacity and operating an unlicensed cabaret, \$3,000 in November 2018 for illegal sale of alcohol to a minor in November 2017, and \$5,000 in February 2015 for violations including failure to conform and refilling/contaminated bottles;

- 162-164 Avenue B as 162 4 Ave B Bar doing business as Dream Baby since January 1996, which has no adverse history;
- 327 Bowery as Bowery Tech Restaurant LLC doing business as The Bowery Electric since January 2001 which the SLA fined \$2,500 in February 2019 for disorderly premises, and \$500 in June 2017 for "pre-mixing;" and
- 25 Avenue A as Swauto Ltd. doing business as Berlin since May 2020 which has no adverse SLA history;

WHEREAS, the Eldridge Street Block Association wrote in opposition to this committee, with 15 members voting against the application and two voting to support the application because of the applicant's SLA history and concerns about oversaturation of nightlife in the area; and

WHEREAS, 32 residents from 235 Eldridge's block signed a petition in favor of the application; and

WHEREAS, a resident of the block, a resident of East 1st Street, another neighborhood resident, and one former employee who lives on the East River spoke in support of the application because they trust the applicants; and

WHEREAS, the president of Eldridge Street Block Association and another resident of the block spoke in opposition because of the saturation of liquor licenses in the vicinity; and

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a full on-premises liquor license for Moneygoround Inc., for the premises located at 235 Eldridge, New York, New York, unless the applicant agrees to the following signed notarized stipulations that

- 1) it will operate as a bar, with limited snack food prepared in a food preparation area served during all hours of operation,
- 2) its hours of operation will be opening no later than 2:00 P.M. and closing by 2:00 A.M. all days,
- 3) it will close all outdoor dining allowed under the temporary Open Restaurants program and any other subsequent uses by 10:00 P.M. all days,
- 4) it will have a closed fixed façade with no open doors or windows except my entrance door will close by 10:00 P.M. or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances, or during unamplified live performances or televised sports,
- 5) it will play ambient background music only, consisting of recorded music, DJs on Fridays and Saturdays only, and will not have live music, 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 or for any physical alterations 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" until 7:00 P.M. each night,
- 10) it will ensure that there are no wait lines outside and will designate an employee for ensuring no loitering, noise or crowds 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.

11. Sally Can Wait LLC, 252 Broome St (op)

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

WHEREAS, Sally Can Wait LLC doing business as Sally Can Wait, is seeking a full on-premises liquor license, in the premises located at 252 Broome Street, between Orchard Street and Ludlow Street, New York, New York; and

WHEREAS, this is a transfer of assets for an establishment with a certificate of occupancy of 74 people, 16 tables and 50 seats with an L-shaped bar with 13 seats, hours of operation of 12:00 P.M. to 1:00 A.M. Sunday to Wednesday and 12:00 P.M. to 2:00 A.M. Thursday to Saturday, serving Jewish-Latino fusion food prepared in a full kitchen serving food during all hours of operation, no televisions, ambient recorded background music only; and

WHEREAS, there are 21 full on-premises liquor licenses within 500 feet per the SLA LAMP map; and

WHEREAS, Community Board 3 approved an application at this application for 54 Mulberry LLC doing business as Devon for a full on-premises liquor license in April 2018, with operating hours of 8:00 A.M. to 1:00 A.M. Sundays through Wednesdays and 8:00 A.M. to 2:00 A.M. Thursdays through Saturdays, which is currently licensed, and was fined \$5000 in March 2021 for non-compliance with emergency measures in July 2020 and September 2020 ([https://sla.ny.gov/system/files/documents/2021/03/03-31-2021 -
_detailed_compliance_agenda-.pdf](https://sla.ny.gov/system/files/documents/2021/03/03-31-2021_-_detailed_compliance_agenda-.pdf)); and

WHEREAS, the applicants Zak Snyder and Matthew Friedlander have never previously been license holders but Matthew Friedlander has worked in the industry and served as a general manager and head bartender at various restaurants for 10 years; and

WHEREAS, there were 5 commercial 311 complaints at this location with NYPD action necessary since 2018; and

WHEREAS, Community Board 3 received opposition to this application from the Orchard Street Block Association and four local residents citing the location's proximity to other licenses in the immediate area and ongoing quality of issues with the current operator; and

WHEREAS, 67 residents who live within two blocks of the location - including nine residents of the building - signed a petition in favor of the application and one resident of 247 Broome Street spoke at the meeting in support of the application; and

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a full on-premises liquor license for Sally Can Wait LLC, for the premises located at 252 Broome Street, New York, New York, unless the applicant agrees to the following signed notarized stipulations that

- 1) it will operate as a Jewish-Latino fusion restaurant, with full kitchen serving food at all hours of operation,
- 2) its hours of operation will be opening no later than 12:00 P.M. and closing by 1:00 A.M. Sunday to Wednesday and opening no later than 12:00 P.M. and closing by 2:00 A.M. Thursday to Saturday,
- 3) it will close all outdoor dining allowed under the temporary Open Restaurants program and any other subsequent uses by 10:00 P.M. all days,
- 4) it will close any front or rear facade 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 non-musical performances, or during unamplified live performances or televised sports,
- 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, or more than 15 private events per year,
- 6) it will not apply for any alteration in its method of operation or for any physical alterations 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" until 7:00 P.M. each night,
- 10) it will ensure that there are no wait lines outside and will designate an employee for ensuring no loitering, noise or crowds 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.

Alterations

12. 8282 (BBRH LLC), 84 Stanton St (op)

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

WHEREAS, Lion Hospitality LLC doing business as 8282, is seeking a full on-premises liquor license, in the premises located at 84 Stanton Street, between Allen Street and Orchard Street, New York, New York; and

WHEREAS, this is an application for an establishment with a Letter of No Objection of 74 people, 12 tables and 24 seats with a 16' 10" by 6' 9" bar with 14 seats, hours of operation of 5:30 P.M. to 12:00 A.M. Tuesday to Friday and 12:00 P.M. to 12:00 A.M. Saturday and Sunday, full kitchen, serving Korean food during all hours of operation, no televisions, ambient recorded background music only; and

WHEREAS, there are 33 full on-premises liquor licenses within 500 feet per the SLA LAMP map; and

WHEREAS, this location had been licensed since 2009 with a full on-premises liquor license as The Meatball Shop LLC doing business as the Meatball Shop with closing hours of 4:00 A.M. all days; and

WHEREAS, the applicant was previously a license holder for S&D Wave Group Inc doing business as Pado at 199 2nd Avenue and there were zero commercial 311 complaints at this location with NYPD action necessary since 2018; and

WHEREAS, there were no commercial 311 complaints at 84 Stanton Street with NYPD action necessary since 2018; and

WHEREAS, the LES Dwellers and the applicant entered into an outside agreement designed to ensure that the location will be operated solely as a restaurant and not have a deleterious impact on the neighborhood, which includes provisions such as: closing by 12:00 A.M. all nights and only seating guests until one hour before closing, agreeing not to apply for a cabaret license, not installing subwoofers and soundproofing with the help of a sound engineer, and keeping orderly premises outside the establishment; and

WHEREAS, one resident of the adjacent spoke in favor of the application and noted that in a building vote there were no objections to the application; and

WHEREAS, the applicant did not gather signatures from residents who live within two blocks of the location signed a petition in favor of the application; and

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a full on-premises liquor license for Lion Hospitality LLC doing business as 8282, for the premises located at 84 Stanton Street, New York, New York, unless the applicant agrees to the following signed notarized stipulations that

- 1) it will operate as a modern Korean restaurant, with full kitchen serving food within one hour of closing,
- 2) its hours of operation will be opening no later than 11:00 A.M. and closing by 12:00 A.M. all days,
- 3) it will close all outdoor dining allowed under the temporary Open Restaurants program and any other subsequent uses by 10:00 P.M. all days and not have any speakers or TV monitors,
- 4) it will use a reservations and texting system to ensure its patrons do not congregate in front of the restaurant,
- 5) it will close any front or rear façade entrance doors 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 or during unamplified live performances or televised sports, and will otherwise have a closed fixed facade with no open doors or windows,
- 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 have subwoofers and it will install soundproofing anywhere that deficiencies are detected and if necessary, work with a sound engineer to ensure that sound from the premises is not audible in any surrounding apartments,
- 8) it will not have game nights or recreational games,
- 9) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3,
- 10) it will not host pub crawls or party buses,
- 11) it will not have unlimited drink specials with food,
- 12) it will not have "happy hours",
- 13) it will ensure that there are no wait lines outside and will designate an employee for ensuring no loitering, noise or crowds outside,

- 14) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 15) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

New Liquor License Applications

13. Sour Mouse (Sweatshop LES LLC), 110 Delancey St (Basement) (upgrade to op)

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

WHEREAS, Sweatshop LES LLC doing business Sour Mouse, is seeking an upgrade to a full on-premises liquor license, in the premises located at 110 Delancey Street, between Essex Street and Ludlow Street, New York, New York; and

WHEREAS, this is an application for an establishment with a temporary certificate of occupancy of 263, six tables and 35 seats with one L-shape 15-foot by 6-foot bar with eight seats, hours of operation of 12:00 P.M. to 4:00 A.M. all days, snack food prepared in a food preparation area, serving food during all hours of operation, no television, ambient background music; and

WHEREAS, this application is for a game hall that seeks to provide a community space that will also have family friendly activities that do not focus on drinking and will continue to collaborate with the community board; and

WHEREAS, there are 30 full on-premises liquor licenses within 500 feet per the SLA LAMP map; and

WHEREAS, this applicant was approved for a wine beer license in July 2019 by Community Board 3 with the following stipulations 1) it will operate as a tavern game hall or room with ping pong tables and shuffleboard, with less than a full-service kitchen serving food during all hours of operation, 2) its hours of operation will be 12:00 P.M. to 4:00 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, consisting of recorded music, as part of its general operation and may have acoustic unamplified live jazz music, and it will not have DJs, promoted events or any event at which a cover fee would be charged, 6) it may have scheduled performances consisting of an open mike stand-up comedy night, two (2) nights per week, between 7:00 P.M. and 10:00 P.M., 7) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3, 8) it will not host pub crawls or party buses, 9) it will not have unlimited drink specials with food, 10) it will not have "happy hours," 11) it will ensure 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 and issued a license by the SLA on October 24, 2019; and

WHEREAS, there were zero commercial 311 complaints at this location with NYPD action necessary since 2018; and

WHEREAS, this applicant has also operated Black Cat LES at 172 Rivington since October 2016 where there were zero commercial 311 complaints at this location with NYPD action necessary since 2018; and

WHEREAS, a representative of the LES Dwellers wrote in opposition to this application because the applicant has only been operating since October 2020 (less than a year) and has been operating outside its stipulations as indicated above; and

WHEREAS, two local residents including a resident of 210 Rivington Street - which is around the corner from the premises - and one performer from the space who does not live in the district spoke in support of the application because they vouch for the applicants; and

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a full on-premises liquor license for Sweatshop LES LLC, for the premises

located at 110 Delancey Street, New York, New York, unless the applicant agrees to the following signed notarized stipulations that:

- 1) it will operate as a tavern game hall or room with ping pong tables and shuffleboard, with less than a full-service kitchen serving food during all hours of operation,
- 2) its hours of operation will be opening no later than 12:00 P.M. to 4:00 A.M. all days,
- 3) it will not use outdoor space for commercial use,
- 4) it will have a closed fixed façade with no open doors or windows except my entrance door will close by 10:00 P.M. or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances, or during unamplified live performances or televised sports,
- 5) it may play entertainment level music, consisting of recorded music and live music, and may have scheduled performances seven days a week consisting of amplified live music, standup comedy nights, and karaoke, and it may have DJs on Thursdays, Fridays, and Saturdays, and it may not have third-party promoted events or any event at which a cover fee would be charged,
- 6) it will not apply for any alteration in its method of operation or for any physical alterations 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" until 7:00 P.M.,
- 10) it will ensure that there are no wait lines outside and will designate an employee for ensuring no loitering, noise or crowds 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.

14. Tokyo Sushi 168 Inc, 151 Rivington St (op)

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

WHEREAS, Tokyo Sushi 168 Inc., is seeking a full on-premises liquor license, in the premises located at 151 Rivington Street, between Suffolk Street and Clinton Street, New York, New York; and

WHEREAS, this is an application for a restaurant with a certificate of occupancy of 74 people, four tables and ten seats with one 41-foot U-shaped bar, hours of operation of 11:00 A.M. to 10:30 P.M. Monday to Thursday 11:30 A.M. to 11:30 P.M. Friday to Saturday and 12:00 P.M. to 10:30 P.M. Sunday, sushi prepared in a full kitchen, serving food during all hours of operation, no television, ambient recorded background music; and

WHEREAS, there are 17 full on-premises liquor licenses within 500 feet per the SLA LAMP map; and

WHEREAS, this location was previously licensed with a restaurant wine license from August 31, 2011 to January 31, 2021 as OEC International Inc. doing business as Yopparai; and

WHEREAS, the applicant has never previously been a license holder and has no prior relevant experience beyond currently operating the location without a license; and

WHEREAS, there were two commercial 311 complaints at this location with NYPD action necessary since 2018, however there was also a bar in the cellar level of this location and available data did not distinguish which establishment the 311 calls were about; and

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a full on-premises liquor license for Tokyo Sushi 168 Inc., for the premises located at 151 Rivington Street, New York, New York, unless the applicant agrees to the following signed notarized stipulations that

- 1) it will operate as a sushi restaurant, with sushi prepared in a full kitchen, serving food during all hours of operation,
- 2) its hours of operation will be opening no later than 11:00 A.M. to 10:30 P.M. Monday to Thursday, 11:30 A.M. to 11:30 P.M. Friday to Saturday and 12:00 P.M. to 10:30 P.M. Sunday,
- 3) it will not use outdoor space for commercial use,

- 4) it will have a closed fixed façade with no open doors or windows except my entrance door will close by 10:00 P.M. or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances, or during unamplified live performances or televised sports,
- 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 or for any physical alterations 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 ensure that there are no wait lines outside and will designate an employee for ensuring no loitering, noise or crowds 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.

15. Henry Street Pretzels LLC, 193 Henry St (1st Floor) (op)

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

WHEREAS, Henry Street Pretzels LLC doing business as Henry Street Pretzels, is seeking a full on-premises liquor license, in the premises located at 193 Henry Street, between Jefferson Street and Clinton Street, New York, New York; and

WHEREAS, this is an application for an establishment with a certificate of occupancy of 51 people in the ground floor and 22 people in the cellar level, six tables with 42 seats and one 10-foot by 4-foot bar with eight stools on the ground floor and five tables with 20 seats on the cellar level, hours of operation of 9:00 A.M. to 12:00 A.M. all days, New American food/pretzels prepared in a full kitchen, serving food during all hours of operation, no televisions, ambient recorded background music and live, acoustic music in the cellar; and

WHEREAS, there are two full on-premises liquor licenses within 500 feet per the SLA LAMP map; and

WHEREAS, this location has never been previously licensed; and

WHEREAS, the applicant has experience at multiple licensed establishments within the confines of Community Board 3 including working at Café Mogador (101 St. Marks Place) for five years as a hostess, waitress and manager and is currently a captain at Dr. Clark's (104 Bayard Street); and

WHEREAS, one local resident appeared in support of the application; and

WHEREAS, three residents who live on the block where the establishment is located signed a petition in favor of the application; and

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a full on-premises liquor license for Henry Street Pretzels LLC, for the premises located at 193 Henry Street, New York, New York, unless the applicant agrees to the following signed notarized stipulations that

- 1) it will operate as a restaurant, with New American food/pretzels prepared in a full kitchen served during all hours of operation,
- 2) its hours of operation will be opening no later than 12:00 P.M. to 12:00 A.M. all days,
- 3) it will close all outdoor dining allowed under the temporary Open Restaurants program and any other subsequent uses by 10:00 P.M. all days and not have any speakers or TV monitors,
- 4) it will close any front or rear façade entrance 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 or during unamplified live performances or televised sports, 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, on the ground floor and it may have live, acoustic music in the cellar level, and will not have, 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 or for any physical alterations 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" until 8:00 P.M.,
- 10) it will ensure that there are no wait lines outside and will designate an employee for ensuring no loitering, noise or crowds 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.

16. ACES (Fine Food and Spirits Inc), 197 2nd Ave (op)

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

WHEREAS, Michael Dollaway doing business as ACES Fine Food & Spirits, is seeking a full on-premises liquor license, in the premises located at 197 2nd Avenue, between 12th Street and 13th Street, New York, New York;

WHEREAS, this is an application for an establishment with a pending Letter of No Objection, with ten tables and 52 seats with one 24' L-shaped bar with 22 seats, hours of operation of 5:00 P.M. to 3:00 A.M. Mondays through Wednesdays, 5:00 P.M. to 4:00 A.M. Thursdays through Saturdays and 5:00 P.M. to 2:00 A.M. Sundays, serving Modern Continental food in a full kitchen, and serving food during all hours of operation, there will be no televisions, ambient recorded background music provided by small Bose speakers; and

WHEREAS, there are 11 full on-premises liquor licenses within 500 feet per the SLA LAMP map; and

WHEREAS, this location was most recently licensed as MJD Bar Ventures I LLC doing business as Black Emperor from December 17, 2018 to March 31, 2021 with a full on-premises liquor license that was approved by this committee in October 2018 with the provision of stipulations including: it will operate as a tavern, with a prep area serving food during all hours of operation, its hours of operation will be 5:00 P.M. to 3:00 A.M. Mondays through Wednesdays, 5:00 P.M. to 4:00 A.M. Thursdays through Saturdays and 5:00 P.M. to 2:00 A.M. Sundays, it will employ security personnel Wednesdays through Saturdays from 7:00 P.M. to closing, 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 and will have no more than fifteen (15) private parties per year; and

WHEREAS, applicant has a long history of owning and operating restaurants, including six years with Jean Georges including at The Mercer Hotel and Mercer Kitchen and as the general manager at Butter, as well as working at bars and clubs in the Hamptons, Miami, Sao Paulo and Dubai including Lily Pond and Provocateur in the Meatpacking District. The applicant is currently licensed with a full-on premises liquor license at the Broken Coconut; and

WHEREAS, there were six commercial 311 complaints at this location with NYPD action necessary since 2018;

WHEREAS, 22 residents who live within two blocks of the location signed a petition in favor of the application; and

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a full on-premises liquor license for Michael Dalloway, for the premises located at 197 2nd Avenue, New York, New York, unless the applicant agrees to the following signed notarized stipulations that

- 1) it will operate as a restaurant, with Modern Continental food served during all hours of operation,
- 2) its hours of operation will be opening no later than 5:00 P.M. to 3:00 A.M. Mondays through Wednesdays, 5:00 P.M. to 4:00 A.M. Thursdays through Saturdays and 5:00 P.M. to 2:00 A.M. Sundays,

- 3) it will close all outdoor dining allowed under the temporary Open Restaurants program and any other subsequent uses by 10:00 P.M. all days and it will have no TV monitors or speakers,
- 4) it will close any front or rear façade entrance 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 or during unamplified live performances or televised sports, 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 or for any physical alterations 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" until 8:00 P.M. each night,
- 10) it will ensure that there are no wait lines outside and will designate an employee for ensuring no loitering, noise or crowds outside,
- 11) it will use a reservations and texting system to ensure its patrons do not congregate in front of the restaurant,
- 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.

17. Fat Buddha (Fat Social Club), 212 Ave A (op)
withdrawn

18. Lxta (LLC to be formed by Mike Himani), 299 Bowery (op)

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

WHEREAS, Aen Hospitality Group LLC doing business as Lxta, is seeking a full on-premises liquor license, in the premises located at 299 Bowery, between East 1st Street and Houston Street, New York, New York; and

WHEREAS, this is an application for an establishment with a certificate of occupancy of 194 people, 54 tables and 165 seats with one 22-foot rectangle bar with ten seats, hours of operation of 11:00 A.M. to 12:00 A.M. Sunday to Wednesday and 11:30 A.M. to 2:00 A.M. Thursday to Saturday, Mexican food prepared in a full kitchen, serving food during all hours of operation, two televisions, ambient recorded background music and a live mariachi band; and

WHEREAS, there are 15 full on-premises liquor licenses within 500 feet per the SLA LAMP map; and

WHEREAS, this location was licensed with a full on-premises license from February 4, 2008 to April 30, 2019 as Bowery Restaurant LLC doing business as DBGB Kitchen and Bar; and

WHEREAS, this applicant with many full on-premises and restaurant wine licenses throughout New York City and Long Island and this applicant is currently licensed at the following locations, none of which have adverse SLA histories:

- 234 West 34th Street as Chickpea at Penn Inc. with a grocery beer and wine license since June 8, 2012,
- 2056 Hillside Avenue, New Hyde Park, New York as Alfine Dining Inc. doing business as Nanking with a full on-premises license since June 24, 2014,
- 598 Broad Hollow Road, Melville, New York as Tulip NYC Inc. doing business as Nisi Mediterranean with a full on-premises license since June 14, 2017,
- 250 West 47th Street as Nisi at 47 Partners LLC doing business as Nisi with a full on-premises license since July 26, 2018; and

WHEREAS, 34 residents who live within two blocks of the location signed a petition in favor of the application; and

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a full on-premises liquor license for Aen Hospitality Group LLC, for the premises located at 299 Bowery, New York, New York, unless the applicant agrees to the following signed notarized stipulations that

- 1) it will operate as a restaurant, with Mexican food prepared in a full kitchen served during all hours of operation,
- 2) its hours of operation will be opening no later than of 11:00 A.M. to 12:00 A.M. Sunday to Wednesday and 11:30 A.M. to 2:00 A.M. Thursday to Saturday,
- 3) it will close all outdoor dining allowed under the temporary Open Restaurants program and any other subsequent uses by 10:00 P.M. all days,
- 4) it will have a closed fixed façade with no open doors or windows except my entrance door will close by 10:00 P.M. or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances, or during unamplified live performances or televised sports,
- 5) it will play ambient background music, consisting of recorded music, and may have a live mariachi band up to three nights per week and will not have, 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 or for any physical alterations 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" until 7:00 P.M. each night,
- 10) it will ensure that there are no wait lines outside and will designate an employee for ensuring no loitering, noise or crowds 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.

19. The York, 186 Ave B (op)

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

WHEREAS, Dos Dudes LLC doing business as The York, is seeking a full on-premises liquor license, in the premises located at 186 Avenue B, between East 11th Street and East 12th Street, New York, New York; and

WHEREAS, this is an application for an establishment with a Letter of No Objection of 74 people, seven tables and twenty-two seats with one 21-foot U-shaped bar with 12 seats, hours of operation of opening no later than 2:00 P.M. and closing by 2:00 A.M. all days, American comfort food prepared in a full kitchen, serving food during all hours of operation, no televisions, ambient recorded background music; and

WHEREAS, there are 12 full on-premises liquor licenses within 500 feet per the SLA LAMP map; and

WHEREAS, this location was most recently a retail store called Community 54 and prior to that was licensed with a restaurant wine license as Fat Dog Inc. doing business as Pizza Gruppo until April 30, 2013; and

WHEREAS, one of the applicants is currently licensed at Gem at 116 Forsyth Street with a full on-premises liquor licenses and the other applicant has worked in the industry for more than a decade including at Black & White on East 10th Street; and

WHEREAS, a representative of the East Village Community Coalition wrote in opposition to this application because it has not recently been licensed with a full on-premises license and because of the general saturation of liquor licenses in the immediate area; and

WHEREAS, a representative of the 12th Street Block Association wrote in opposition and three members of the community spoke at the meeting in opposition to this application because of the overall saturation of bars in the vicinity that are creating quality of life issues like trash pile-ups and rat issues; and

WHEREAS, a resident of lower First Avenue and a resident of East 10th Street testified as a character witness for the applicants and spoke in support of the application; and

WHEREAS, 46 residents who live within two blocks of the location signed a petition in favor of the application; and

WHEREAS, it will keep its trash inside the premises and make a best effort to coordinate garbage pickup with its neighbors to mitigate trash pile-ups on the block; and

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a full on-premises liquor license for Dos Dudes LLC, for the premises located at 186 Avenue B, New York, New York, unless the applicant agrees to the following signed notarized stipulations that

- 1) it will operate as a restaurant with American comfort food prepared in a full kitchen, serving food during all hours of operation, no televisions,
- 2) its hours of operation will be opening no later than 2:00 P.M. and closing by 2:00 A.M. all days,
- 3) it will close all outdoor dining allowed under the temporary Open Restaurants program and any other subsequent uses by 10:00 P.M. all days and not have any speakers or TV monitors,
- 4) it may not use its backyard for commercial use,
- 5) it will close any front or rear façade entrance doors 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 or during unamplified live performances or televised sports, and will otherwise have a closed fixed facade with no open doors or windows,
- 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 or for any physical alterations without first appearing before Community Board 3,
- 8) it will not host pub crawls or party buses,
- 9) it will not have unlimited drink specials with food,
- 10) it may have "happy hours" until 7:00 P.M. each night,
- 11) it will ensure that there are no wait lines outside and will designate an employee for ensuring no loitering, noise or crowds outside,
- 12) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 13) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

Items not heard at Committee

20. The Gray Mare (Meath Trails Inc), 61 2nd Ave (op/alt: removing additional bar, lengthening current bar, moving seating around in back room)
administratively approved
21. Nai Tapas (Nai Tapas Restaurant Corp), 84 2nd Ave (wb/removal from 85 2nd Ave)
administratively approved
22. 3 Times (3 Times 90 Inc), 90-96 Clinton St (wb)
administratively approved
23. Suki (Cafe TKJ Inc), 111 1st Ave (wb)
administratively approved
24. Tre (Jersey Boys LLC), 173 Ludlow St (op/method of operation change: add live music)
withdrawn
25. Fat Choy (China Bull LLC), 250 Broome Street (wb/corp change)
administratively approved
26. Crab Du Jour Xpress (CDJ Xpress of Grand St LLC), 384 Grand St (3) (wb)
administratively approved
27. Vote to adjourn
approved by committee

36 YES 0 NO 0 ABS 0 PNV MOTION PASSED

September SLA & DCA Licensing Committee

1. Approval of previous month's minutes (minutes are deemed approved if no objections)
approved by committee

Alterations

2. Tre (Jersey Boys LLC), 173 Ludlow St (op/method of operation change: add live music)

VOTE: TITLE: Community Board #3 Recommendation To Deny

WHEREAS, Jersey Boys LLC doing business as Tre, is seeking to add incidental, acoustic Italian Jazz music to its operation, in the premises located at 173 Ludlow St, between Houston St. and Stanton St., New York, New York; and

WHEREAS, this is an application for an establishment with a certificate of occupancy of 74 people, twelve tables and 50 seats with one 12' x 4' rectangular bar with six seats, hours of operation of opening no later than 9:00 A.M. to 2:00 A.M. all days, Italian food prepared in a full kitchen, serving food during all hours of operation, no televisions, ambient background music; and

and **WHEREAS**, there are 28 full on-premises liquor licenses within 500 feet per the SLA LAMP map;

WHEREAS, this applicant has been operating at this location since 2008 as a quiet neighborhood Italian restaurant with no known quality of life issues and stopped using its backyard voluntarily after neighbors complained about noise; and

WHEREAS, this operator was last heard by this committee in November 2015 to ask for an extension of closing hours to 2:00 A.M. all days which was denied by the committee unless the operator agreed to certain stipulations including operating as a full-service Italian restaurant, with a kitchen open and serving food during all hours of operation, hours of operation will be 9:00 A.M. to 2:00 A.M. all days, its hours of operation for its backyard will be 12:00 P.M. to 10:00 P.M. all days, it will serve food in the backyard during all hours of operation, it will not play music in the backyard and it will use the backyard for sit-down dining only, consisting of nine (9) tables and eighteen (18) seats, it will close any front or rear façade doors and windows at 10:00 P.M. every night or during any amplified performances, including but not limited to DJs, live music and live nonmusical performances, it will play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged, it may have "happy hours" to 8:00 P.M. each night, it will not host pub crawls or party buses, it will insure that there are no wait lines outside; and

WHEREAS, there were four commercial noise 311 complaints at this location with NYPD action necessary since 2018; and

WHEREAS, one resident wrote expressing opposition to the addition of live music due to the quality of life issues generally occurring in the neighborhood; and

THEREFORE, BE IT RESOLVED that Community Board #3 recommends the denial of the application for a full on-premises liquor license for Jersey Boys LLC, for the premises located at 173 Ludlow Street, New York, New York, because the applicant did not agree to the following signed notarized stipulations, specifically the applicant did not agree to close outdoor use at 10:00 P.M., which is a standard for CB #3 in its residential and mixed use communities:

- 1) it will operate as a restaurant with Italian food prepared in a full kitchen, serving food during all hours of operation,
- 2) its hours of operation will be opening no later than 9:00 A.M. and closing by 2:00 A.M. all days,
- 3) it will close all outdoor dining allowed under the temporary Open Restaurants program and any other subsequent uses by 10:00 P.M. all days and not have any speakers or TV monitors,
- 4) it will close any front or rear facade 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 non-musical performances, or during unamplified live performances or televised sports,
- 5) it will play ambient background music only, consisting of recorded music and incidental live acoustic jazz music from 6:30 P.M. to 10:30 P.M. only on Sunday, Tuesday, Wednesday, and Thursday and will not have any other types of 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 or for any physical alterations 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" until 8:00 P.M. each night,
- 10) it will ensure that there are no wait lines outside and will designate an employee for ensuring no loitering, noise or crowds 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.

3. Hwa Yuan Szechuan (42-44 East Broadway Restaurant Inc), 42-44 E B'way (op/alt: add additional floors/method of operation: add karaoke)

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

WHEREAS, 42-44 East Broadway Restaurant Inc. doing business as Hwa Yuan Szechuan, is seeking an alteration to its full on-premises liquor license to extend alcohol service to the fourth floor and add karaoke to the third and fourth floor, in the premises located at 42-44 East Broadway, between Market Street and Catherine Street, New York, New York; and

WHEREAS, this is an application for an establishment with a certificate of occupancy of 206 people, 57 tables and 171 seats with one L-shaped 30' foot bar on the ground floor with 15 seats, hours of operation of 11:00 A.M. to 11:00 P.M. Sundays through Thursdays and 11:00 A.M. to 12:00 A.M. Fridays and Saturdays, a full kitchen preparing Chinese cuisine, serving food during all hours of operation, one television, recorded background music; and

WHEREAS, there are four full on-premises liquor licenses within 500 feet per the SLA LAMP map; and

WHEREAS, an application for a full on-premises liquor license for this applicant for a one-story restaurant with a certificate of occupancy of seventy-four people was heard by Community Board 3 in October of 2015 and a wine beer license was denied unless the applicant agreed to make as conditions of its license the stipulations that it would 1) operate as a full-service Chinese restaurant, with a kitchen open and serving food during all hours of operation, 2) have hours of operation of 11:00 A.M. to 11:00 P.M. Sundays through Thursdays and 11:00 A.M. to 12:00 A.M. Fridays and Saturdays, 3) not commercially operate any outdoor areas, 4) close any front or rear façade entrance doors at 10:00 P.M. every night and otherwise have a closed fixed facade with no open doors or windows, 5) play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee would be charged, 6) not apply for any alteration in its method of operation without first appearing before Community Board 3, 7) not have "happy hours," 8) not host pub crawls or party buses, 9) insure that there are no wait lines and designate an employee responsible for overseeing patrons and noise on the sidewalk, 10) conspicuously post this stipulation form beside its liquor license inside of its business, and 11) provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

WHEREAS, this business then opened with a wine beer license that was issued by the SLA on January 23, 2017, and has been operating since October 5, 2017; and

WHEREAS, the applicant then applied for a change in class of its wine beer license to a full on-premises liquor license in October of 2017, November of 2017 and June of 2018, but withdrew each of those applications because of community board concern that it had opened and was operating a three-story restaurant with alcohol service on each of its floors although it was only licensed for the ground floor; and

WHEREAS, at the June of 2018 hearing of its application, the applicant conceded that it was serving wine and beer on all floors of its three-story restaurant, although its license was only for the ground floor of this location and CB 3 directed the applicant to first apply for an alteration of its wine beer license to address this illegal operation before applying for a change in class of its wine beer license to a full on-premises liquor license; and

WHEREAS, the applicant then simultaneously applied for an alteration to address its illegal conduct, as well as a change in class of its wine beer license to a full on-premises liquor license for all three floors of its business in July of 2019, withdrew its application for a change in class of its license and was denied the alteration unless the applicant agreed to make as conditions of its license the stipulations that it would 1) operate as a full-service Chinese restaurant, with a kitchen open and serving food during all hours of operation, 2) have hours of operation of 11:00 A.M. to 11:00 P.M. Sundays through Thursdays and 11:00 A.M. to 12:00 A.M. Fridays and Saturdays, 3) not commercially operate any outdoor areas, 4) close any front or rear façade entrance doors at 10:00 P.M. every night and otherwise have a closed fixed facade with no open doors or windows, 5) play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee would be charged, 6) not apply for any alteration in its method

of operation or for any physical alterations without first appearing before Community Board 3, 7) not have "happy hours," 8) not host pub crawls or party buses, 9) not have unlimited drink specials with food, 10) ensure that there are no wait lines outside and designate an employee responsible for overseeing patrons and noise on the sidewalk, 11) conspicuously post this stipulation form beside its liquor license inside of its business, and 12) provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

WHEREAS, the applicant is the landlord of this building and should have notified the community board and SLA of the alteration to the plans it originally submitted but has now been approved by the SLA to extend its wine beer license to all three floors of its business; and

WHEREAS, CB 3 recognized that the applicant has operated an acclaimed restaurant at this location since October 5, 2017, previously operated a longstanding eating and drinking establishment in this neighborhood and has been a longtime member of this community and supported an upgrade to a full on-premises liquor license in March 2020; and

WHEREAS, there were zero commercial 311 complaints at this location with NYPD action necessary since 2018; and

WHEREAS, 57 residents that live within two blocks of the location signed a petition in support of the application; and

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a full on-premises liquor license for 42-44 East Broadway Restaurant Inc., for the premises located at 42-44 East Broadway, New York, New York, unless the applicant agrees to the following signed notarized stipulations that

- 1) it will operate as a restaurant, with Chinese food prepared in a full kitchen and served during all hours of operation,
- 2) its hours of operation will be opening no later than 11:00 A.M. to 11:00 P.M. Sundays through Thursdays and 11:00 A.M. to 12:00 A.M. Fridays and Saturdays,
- 3) it will close all outdoor dining allowed under the temporary Open Restaurants program and any other subsequent uses by 10:00 P.M. all days and not have any speakers or TV monitors,
- 4) it will close any front or rear facade 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 non-musical performances, or during unamplified live performances or televised sports,
- 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 but may have karaoke on the third and fourth floors,
- 6) it will not apply for any alteration in its method of operation or for any physical alterations 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 ensure that there are no wait lines outside and will designate an employee for ensuring no loitering, noise or crowds 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.

New Liquor License Applications

4. Roberta's (Avenue A Pizza LLC), 15 Ave A (op)

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

WHEREAS, Avenue A Pizza LLC doing business as Roberta's is seeking a full on-premises liquor license, in the premises located at 15 Avenue A, between East Houston Street and East 2nd Street, New York, New York; and

WHEREAS, this is an application for an establishment with a pending certificate of occupancy, 11 tables and 44 seats with one 12-foot L-shaped with four seats, hours of operation of 11:00 A.M. to 12:00 A.M. all days, Italian food (pizza, pasta, and salumi) prepared in a full kitchen,

serving food during all hours of operation, no televisions, and ambient recorded background music; and

WHEREAS, there are 12 full on-premises liquor licenses within 500 feet per the SLA LAMP map; and

WHEREAS, this location previously served as the site of a dentist's office, and has never previously been licensed with any type of on-premises license; and

WHEREAS, this applicant is currently licensed with full on-premises liquor licenses at two locations: 261 Moore Street Brooklyn, NY 11206 (Severed Heads LLC dba Blanca) since November 2012, and 266 Kent Avenue, Retail #1 Brooklyn, NY 11249 (Grand St Pizza LLC dba Roberta's) since September 2020, and with restaurant wine licenses at at least two locations: 230 Park Avenue, Stall 22, New York, NY 10169 (So Goth LLC dba Roberta's) since July 2015, and 570 Lexington Avenue New York, NY 10022 (Lurking Fear LLC dba Roberta's) since April 2020; and

WHEREAS, a local resident wrote to the committee requesting the denial of this application because of the saturation of the block and general area and current problems associated with this, and because the location is previously unlicensed; and

WHEREAS, nine residents who live within two blocks of the location signed a petition in favor of the application but none in the building directly behind or the next two closest buildings; and

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a beer wine license for Avenue A Pizza LLC, for the premises located at 15 Avenue A, New York, New York, unless the applicant agrees to the following signed notarized stipulations that

- 1) it will operate as a restaurant, with Italian food (pizza, pasta, and salumi) served during all hours of operation,
- 2) its hours of operation will be opening no later than 11:00 A.M and closing by 12:00 A.M all days,
- 3) it will not use any outdoor space for commercial purposes,
- 4) it will close any front or rear facade 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 non-musical performances, or during unamplified live performances or televised sports,
- 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 or for any physical alterations 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 ensure that there are no wait lines outside and will designate an employee for ensuring no loitering, noise or crowds 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.

5. Bar and Events 14th Street LLC, 124 E 14th St (op)

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

WHEREAS, Bar And Events 14th Street LLC doing business as Top Hops, is seeking a full on-premises liquor license, in the premises located at 124 East 14th Street, between 3rd Avenue and 4th Avenue, New York, New York; and

WHEREAS, this is an application for a bar inside an UrbanSpace food hall with a pending certificate of occupancy, 18 tables and 97 seats with one L-shaped bar with 18 seats indoors and 18 tables with 72 seats in an outdoor patio, hours of operation of 11:00 A.M. to 1:00 A.M all days, full kitchen preparing local fare, serving food during all hours of operation, no televisions, and only ambient pre-recorded music; and

WHEREAS, there are 11 full on-premises liquor licenses within 500 feet per the SLA LAMP map; and

WHEREAS, this location has never been licensed by the SLA as it is a new building that is still under construction; and

WHEREAS, Edward Kenny, one of the principal applicants, has an extensive history holding beer and wine licenses at three other locations sharing the trade name, two of which, at 88 Essex Street and 570 Lexington Avenue are in similar food halls to the one this new application would inhabit, and a recently closed flagship location that previously operated at 94 Orchard Street; and

WHEREAS, local organization Union Square Partnership and an UrbanSpace neighbor located near 570 Lexington Avenue called Plant Junkie both wrote letters in support of this application due to the historical benefit of UrbanSpace markets to its residing neighborhoods in other parts of the city; and

WHEREAS, 35 residents who live within two blocks of the location signed a petition in favor of the application; and

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a full on-premises liquor license for Bar And Events 14th Street LLC, for the premises located at 124 E 14th Street, New York, New York, unless the applicant agrees to the following signed notarized stipulations that

- 1) it will operate as a food hall restaurant, with local fare being served at all hours of operation,
- 2) its hours of operation will be opening no later than 11:00 A.M. and closing by 1:00 A.M all days,
- 3) it will only use its outdoor patio for commercial usage until 10:00 P.M. every night and not have any speakers or TV monitors, and it must return to Community Board 3 it intends to use any other outdoor space, including any outdoor dining allowed under the temporary Open Restaurants program and any other subsequent uses,
- 4) it will have a closed fixed façade with no open doors or windows except my entrance door will close by 10:00 P.M. or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances, or during unamplified live performances or televised sports,
- 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], and it will host no more than 15 private parties in a year,
- 6) it will not apply for any alteration in its method of operation or for any physical alterations 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" until 7:00 P.M. each night,
- 10) it will ensure that there are no wait lines outside and will designate an employee for ensuring no loitering, noise or crowds 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.

New Liquor License Applications

6. 10 Delancey Cocina Inc, 10 Delancey St (op)

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

WHEREAS, Joseph Cintron, Mark Tafoya, and Aidan Forgarty are seeking a full on-premises liquor license, in the premises located at 10 Delancey Street, between Bowery and Chrystie Street, New York, New York; and

WHEREAS, this is an application for an establishment with a pending Letter of No Objection of 74 people, 17 tables and 54 seats with one U-shaped 48' bar with 22 seats on the ground floor and a rear yard with six tables and 18 seats and sidewalk seating with six tables and 18 seats, hours of operation of 4:00 P.M. to 4:00 A.M. all days indoors and 4:00 P.M. to 10:00 P.M. all

days outdoors, full kitchen with pub fare and tacos, serving food during all hours of operation, 10 televisions, and ambient recorded background music only; and

WHEREAS, there are 11 full on-premises liquor licenses within 500 feet per the SLA LAMP map; and

WHEREAS, this location was most recently licensed with a full on-premises liquor license since August 2011 as One Mile House with hours of operation of 12:00 P.M. to 4:00 A.M. all days and was last heard at the committee in February 2011 where it was denied unless it agreed to certain stipulations including: 1) it will operate as a tavern restaurant serving a full menu which will include daily lunch service and serving food to within one (1) hour of closing, 2) its hours of operation will be from 12:00 P.M. to 4:00 A.M. all days, 3) it will maintain a closed fixed facade, 4) it will play ambient background music only, consisting of recorded music, and not have DJs or live music, 5) it will operate its back yard with dining for no more than eighteen (18) people and will completely close its backyard to customers and staff by 9:00 P.M. every night, 6) it will extend an awning over its backyard during its hours of operation, and 7) it will post its contact information in Chinese within its building for easy access by building residents; and

WHEREAS, two of the applicants are currently license holders at two establishments with full on-premises liquor licenses: at The Winslow (243 East 14th Street) since March 2013, which has a pending SLA covid-related food service violation from July 2020, and Hibernia (401 West 50th Street) since May 2008 and the third applicant was for eight years the general manager at The Central Bar located at 109 East 9th Street; and

WHEREAS, there were zero commercial 311 complaints at this location with NYPD action necessary since 2018 and there are no complaints at this location known to the Community Board 3 office; and

WHEREAS, 21 residents who live within two blocks of the location signed a petition in favor of the application; and

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a full on-premises liquor license for Joseph Cintron, Mark Tafoya, and Aidan Forgarty, for the premises located at 10 Delancey Street, New York, New York, unless the applicant agrees to the following signed notarized stipulations that

- 1) it will operate as a bar, with a full kitchen with pub fare and tacos, serving food during all hours of operation,
- 2) its hours of operation will be opening no later than 4:00 P.M. and closing by 2:00 A.M. Sunday to Tuesday and 4:00 A.M. Wednesday to Saturday,
- 3) it will close all outdoor dining, including its backyard and any other dining allowed under the temporary Open Restaurants program and any other subsequent uses, by 10:00 P.M. all days and not have any speakers or TV monitors,
- 4) it will close any front or rear facade 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 non-musical performances, or during unamplified live performances or televised sports,
- 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 or for any physical alterations 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" until 7:00 P.M. each night,
- 10) it will ensure that there are no wait lines outside and will designate an employee for ensuring no loitering, noise or crowds 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.

7. French 37 LLC, 37 Canal St (op)

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

WHEREAS, FRENCH 37 LLC / Jon Neidich doing business as TBD, is seeking a full on-premises liquor license, in the premises located at 37 Canal Street, between Ludlow and Essex St, New York, New York; and

WHEREAS, this is an application for an establishment with a certificate of occupancy of 74 people, 21 tables and 60 seats with 2 bars and 14 bar stools in total, hours of operation of 11:00am - 2:00am daily with a sidewalk cafe of 11:00am - 10:00pm daily, full kitchen, serving food during within one hour of closing, No televisions, and music from an internet streaming service; and

WHEREAS, there are 21 full on-premises liquor licenses within 500 feet per the SLA LAMP map; and five licensed establishments within one block; and

WHEREAS, there were five commercial 311 noise complaints at 37 Canal Street with action necessary by NYPD since 2018; and

WHEREAS, the applicant has four active licenses - Acme Bar & Grill (9 Great Jones Street), Tijuana Picnic (151 Essex Street), The Happiest Hour (121 W. 10th Street), Wythe Hotel & Reynard (80 Wythe Avenue) - and one inactive license at the Moxy Hotel (26 Ann Street); and

WHEREAS, there was one commercial 311 noise complaint at Acme Bar & Grill (9 Great Jones Street); there were 11 commercial 311 noise complaints at Tijuana Picnic (151 Essex Street) with NYPD action necessary; there were three commercial 311 noise complaints at The Happiest Hour (121 W. 10th Street); there was one commercial 311 noise complaint at Wythe Hotel & Reynard (80 Wythe Avenue); and

WHEREAS, the Orchard Street Block Association wrote in opposition to this application because they "think it's suspicious that [the applicant] would keep serving food at 1:00 AM on Sunday - Wednesday. We also know the basement lounge was problematic before, and will obviously be used as a club since they say they will have security on weekends 'as needed';" and

WHEREAS, SPaCE Block Association wrote in support of the application so long as the applicant agreed to certain stipulations including limit its opening hours to opening no later than 11:00 A.M. all days and closing by 12:00 A.M. Sunday to Monday, 1:00 A.M. Tuesday to Wednesday, and 2:00 A.M. Thursday to Saturday and actively monitoring sound levels in conjunction with a sound engineer and the community; and

WHEREAS, 69 residents who live within two blocks of the location signed a petition in favor of the application; and

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a full on-premises liquor license for FRENCH 37 LLC / Jon Neidich doing business as TBD, for the premises located at 37 Canal Street, New York, New York, unless the applicant agrees to the following signed notarized stipulations that

- 1) it will operate as a restaurant/bar, with sidewalk cafe, with a full kitchen open within one hour of closing all days and food available during all hours of operation,
- 2) its hours of operation will be opening no later than 5:00 P.M. all days and closing by 12:00 A.M. Sunday to Monday, 1:00 A.M. Tuesday to Wednesday, and 2:00 A.M. Thursday to Saturday,
- 3) it will close all outdoor dining allowed under the temporary Open Restaurants program and any other subsequent uses by 10:00 P.M. all days and will not have televisions or speakers,
- 4) it will close any front or rear façade entrance doors 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 or during unamplified live performances or televised sports, 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 address any soundproofing deficiencies as necessary with a sound engineer,
- 7) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3,
- 8) it will not host pub crawls or party buses,

- 9) it will not have unlimited drink specials with food,
- 10) it will not have "happy hours,"
- 11) it will ensure that there are no wait lines outside and will designate an employee for ensuring no loitering, noise or crowds outside,
- 12) it will use an online reservations and texting system to ensure that patrons do not block the sidewalk in front of the establishment,
- 13) it must have tables in the cellar level for dining,
- 14) the door on Ludlow Street will be used for emergency egress only,
- 15) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 16) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

8. Dali NYC LLC, 37 Market St (op)

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

WHEREAS, Dali NYC is seeking a full-premise liquor license, in the premises located at 37 Market Street, between Henry Street and Madison Street, New York, New York, 10002; and

WHEREAS, this is an application for a restaurant with a certificate of occupancy of 74 people, 12 tables and 24 seats and one L-shape bar with eight seats, hours of operation of Tuesday to Saturday: 4:00 P.M. to 2:00 A.M and Sunday: 11:00 A.M. to 9:00 P.M., operating a full kitchen serving Spanish Style Tapas until 12:00 A.M. all days with a late night menu served after 12:00 A.M. all days, ambient recorded background music and acoustic live flamenco/Latin jazz music no more than once a month during Sunday brunch from 2:00 P.M. to 4:00 P.M., two-four televisions; and

WHEREAS, there are two full on-premises liquor licenses within 500 feet per the SLA LAMP map; and

WHEREAS, this applicant has never previously been a license holder but has 15 years of experience working in the food and beverage industry, including as the food and beverage director at The Williamsburg Hotel and Rooftop from 2019 to 2021, manager of operations at The Edition Hotel from 2016 to 2019, and manager of operations at The Attic Rooftop Restaurant Lounge; and

WHEREAS, four residents of Knickerbocker Village wrote in opposition to the application mainly because of its proposed late closing hours, six residents wrote to ask for earlier closing hours, the pastor of Table Church at 103 Madison Street wrote to ask for earlier weekday closing hours, and a representative from the Residents of Two Bridges Association wrote in opposition to this application because of the operator's lack of experience and asked for 12:00 A.M. Sunday to Thursday and 1:00 A.M. Friday and Saturday closing times if the application is approved by the committee; and

WHEREAS, a local resident spoke at the meeting in favor of the application and as a character witness for the applicant and four residents spoke with concern that the closing hours were too late; and

WHEREAS, 18 residents who live within two blocks of the establishment signed a petition in favor of the application; and

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a full on-premises liquor license for Dali NYC, for the premises located at 37 Market St., New York, New York, unless the applicant agrees to the following signed notarized stipulations that

- 1) it will operate as a full-service restaurant, serving Spanish Style Tapas until 12:00 A.M. and a limited late menu,
- 2) its hours of operation will be opening no later than 5:00 P.M. all days and closing Tuesday to Thursday at 12:00 A.M., Friday and Saturday at 2:00 A.M. and Sunday at 9:00 P.M.,
- 3) it will not use any outdoor space for commercial use,
- 4) it will have a closed fixed façade with no open doors or windows except my entrance door will close by 10:00 P.M. or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances, or during unamplified live performances or televised sports,

- 5) it will play ambient background music only, consisting of recorded music, and may have a no more than three-piece unamplified acoustic World Music band on Sundays only from 2:00 P.M. to 4:00 P.M. during brunch no more than once a month, it will not have 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 or for any physical alterations 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 ensure that there are no wait lines outside and will designate an employee for ensuring no loitering, noise or crowds 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.
9. Spain East Inc, 49 Ave B (op)
withdrawn
10. Gama Lounge LLC, 50 Ave B (op)

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

WHEREAS, Gama Lounge LLC with a pending tradename, is seeking a full on-premises liquor license, in the premises located at 50 Avenue B, between 3rd Street and 4th Street, New York, New York; and

WHEREAS, this is an application for an establishment with a certificate of occupancy of 183 people, 26 tables and 128 seats, with 2 bars of 10 seats and 4 seats, respectively, hours of operation of 9:00 A.M to 12:00 A.M Sunday to Wednesday, 9:00 A.M to 2:00 A.M Thursday to Saturday, with a food preparation area, serving Portuguese small bites at all hours of operation, 3 televisions, live, DJ, and recorded music; and

WHEREAS, there are 12 full on-premises liquor licenses within 500 feet per the applicant; and

WHEREAS, this location was previously licensed for a full on-premise liquor license to Sunrise Shadow LLC doing business as Lovecraft, until it expired in July 2018; and

WHEREAS, there were zero commercial 311 complaints at this location with NYPD action necessary since 2018; and

WHEREAS, the applicant holds an active beer/wine license at Joey Bats Café NYC LLC, located at 129 Allen Street, where there were 17 commercial 311 complaints at this location with NYPD action necessary since 2018 and is regularly hosting comedy shows in its outdoor roadbed dining (<https://www.instagram.com/p/COzSHmapL5/> , <https://www.instagram.com/p/COaspR0Jyx7/>); and

WHEREAS, a member of CB 3 who is also a nearby resident, wrote a letter in support of this application because of the applicant's consideration for his neighbors and his engagement with his customers and the community at his other café on Allen Street and another local resident spoke in favor of this application and as a character witness for the applicant; and

WHEREAS, the East 4th Street/Lower Avenue B Block Association wrote supporting a license for this applicant, but did not specify support for beer/wine or full on-premises, so long as the applicant agrees to certain stipulations including: closing by 12:00 A.M Sunday to Wednesday and closing by 1:00 A.M. Thursday to Saturday, only having acoustic live music in the basement, and installing soundproofing so that no noise is heard in surrounding residences; and

WHEREAS, a resident of the building where the establishment would be located wrote in opposition to the application because it appears to be a café with a liquor license and no full kitchen, with the potential for the basement to turn into a nightclub, and because of quality of life issues created by previous tenants such as noise escaping from the premises into surrounding residences and patrons exiting through the residential lobby; and

WHEREAS, 34 residents who live within two blocks of the location signed a petition in favor of the application; and

WHEREAS, the property manager for 129 Allen, where the applicant currently operates, two business neighbors of 129 Allen, and a resident of 131 Allen Street wrote in support of this application and as character witnesses for the applicant; and

WHEREAS, the Certificate of Occupancy for this location allows music but does not allow scheduled performances; and

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a full on-premises liquor license for Gama Lounge LLC, for the premises located at 50 Avenue B, New York, New York, unless the applicant agrees to the following signed notarized stipulations that

- 1) it will operate as a bar, with Portuguese appetizers and desserts prepared in a food preparation area at all hours of operation,
- 2) its hours of operation will be opening no later than 9:00 A.M and closing by 12:00 A.M Sunday to Wednesday, and closing by 1:00 A.M. Thursday to Saturday,
- 3) it will close all outdoor dining allowed under the temporary Open Restaurants program and any other subsequent uses by 10:00 P.M. all days and not have any speakers or TV monitors,
- 4) it will close any front or rear façade entrance doors 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 or during unamplified live performances or televised sports, 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 live, acoustic, unamplified incidental music at background levels in the cellar-level only, and will not have DJs, third-party 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 or for any physical alterations 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" until 8:00 P.M. each night,
- 10) it will ensure that there are no wait lines outside and will designate an employee for ensuring no loitering, noise or crowds 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.

11. David's (David Hospitality Group Corporation), 76 Forsyth St (op)
withdrawn

Items not heard at Committee

12. Topsy Shanghai Restaurant Management Inc, 189 E B'way (Ground Fl, Basement) (op)
administratively approved

13. Jiang Kitchen (65 St Marks Inc), 65 St Marks Pl (wb)
administratively approved

14. Kotti Berliner Doner, 88 Essex St (Booth 40) (wb)
administratively approved

15. Blue Moon Hotel, 100 Orchard St (wb)
administratively approved

16. Ruffian Ventures LLC, 125 E 7th St (South Storefront) (wb)
administratively approved

17. Kinkys Dessert Bar (Dicky Fun Factory LLC), 181 Orchard St (North Store) (wb)
administratively approved

18. May Kaidee (May Kaidee East Broadway LLC), 215 E B'way (wb)
administratively approved

19. Spike's (Pub 218 Corp), 218 Ave A (expansion onto municipal property)
administratively approved

20. Dim Sum Go Go NYC Inc, 221 1st Ave (wb)
withdrawn

21. Eureka Gem LLC, 297 Broome St (wb)
administratively approved

22. One year before upgrade requests will be considered

VOTE: TITLE: Applicants Granted Administrative Approval Beer/Wine Licenses May Not Apply For A Class Change Until Having Completed One Year Of Operation

WHEREAS, Community Board 3 created a category of administrative approvals for beer/wine licenses for businesses that close by midnight; and

WHEREAS, the purpose of the administrative approval is to encourage businesses to close early to address the issue of late-night noise as well as to streamline the process for both applicants and CB 3; and

WHEREAS, to ensure that administrative approvals are not used to gain support for a license only as a first step for a higher-impact license; so

THEREFORE, be it resolved, that applications for change in class to full on-premises licenses for beer/wine licenses supported by administrative approval will require one year of operation before consideration.

23. Guidance to applicants on CB 3 licensing priorities

VOTE: TITLE: Community Board #3 Guidance To Liquor License Applicants

WHEREAS, Community Board 3 offers the following guidance for liquor license applicants. This guidance will inform applicants regarding policies that inform CB 3’s votes as well as create consistency in policies informing the Board's recommendations. The guidance will additionally allow meetings to be shorter and more efficient, which is a benefit to applicants, board members, and the public. CB 3 reviews each application based on its specific circumstances and numerous criteria, but the following points are considered carefully:

- For applications subject to the 500-foot rule that do not show public interest, previously unlicensed locations in saturated areas will generally not be supported, particularly portions of the East Village (especially Avenue A and St. Marks Place) and the upper Lower East Side (Allen Street to Essex Street, East Houston Street to Delancey Street) areas, but the number of licenses and quality of life complaints in all areas will be considered. Residential streets, including those with commercial overlays, will be considered differently than busy commercial avenues.
- For applications in problem areas that are likely to be approved by the State Liquor Authority, CB 3 will consider stringent stipulations, such as early closing hours, that address persistent quality of life issues like late night noise and congested streets and sidewalks.
- CB 3 always adheres to zoning regulations when making recommendations. Before presenting a business plan, please check the zoning of the proposed location. A common mistake is applying for method of operations not compliant to residential zoning. This would include expansion of existing space at nonconforming locations in residential areas and non-compliant method of operation. Under the current Open Dining regulations, that includes any outdoor space not on municipal property. R and C-1 zoning prohibits scheduled performances, outdoor use on private property, and ticketed events. Please check the Certificate of Occupancy for proposed locations.

24. Vote to adjourn

approved by committee

36 YES 0 NO 0 ABS 0 PNV MOTION PASSED (Excluding September SLA items 3, 7, 10, 11, 13, 19)
 36 YES 2 NO 0 ABS 0 PNV MOTION PASSED (SLA item 3)
 36 YES 2 NO 0 ABS 0 PNV MOTION PASSED (SLA item 7)
 36 YES 1 NO 0 ABS 0 PNV MOTION PASSED (SLA item 10)
 36 YES 2 NO 0 ABS 0 PNV MOTION PASSED (SLA item 11)
 36 YES 2 NO 0 ABS 0 PNV MOTION PASSED (SLA item 13)
 36 YES 2 NO 0 ABS 0 PNV MOTION PASSED (SLA item 19)

Landmarks Committee

1. Approval of previous month's minutes
approved by committee
2. LESPI presentation and request for support for protection of historic districts

VOTE: TITLE: The Need to Preserve and Protect Our Historic Districts

WHEREAS, over the years New York City has put into place laws, rules, and guidelines to manage and control development in the City including the Zoning Resolution in 1916; and

WHEREAS, another milestone was the creation of the NYC Landmarks Preservation Commission (LPC) in 1965 through groundbreaking legislation signed by the late Mayor Robert F. Wagner in response to the losses of historically significant buildings in New York City, most notably, Pennsylvania Station; and

WHEREAS, many communities throughout the city have historic districts and individually landmarked buildings that are preserved to help tell the history of our great City and serve as attractions to visitors and New Yorkers alike; and

WHEREAS, many of the City's civic organizations, preservation groups and community boards work tirelessly to preserve our historic districts and landmark structures which are vital contributions to the lifeblood of our city; and

WHEREAS, New York has a long history of finding a reasonable balance between needed development to accommodate new residents and businesses to the city and the preservation of the City's history and quality of life for all those who live, work and visit here; and

WHEREAS, in the past few years, City leadership has prioritized development over the preservation of many of our historic neighborhoods; and

WHEREAS, we are seeing more and more unreasonable and unpopular development proposals throughout the City, including illegal spot zoning developments, routinely pushed through the public approval process with little regard for the community's input, and this is a growing problem to the many who have long been involved in the land use review process. For example

- one of the most egregious of these development proposals is the LPC's recent approval of a new building at 250 Water Street, a building that, at more than 300 feet in height, will be clearly out-of-scale with the other primarily four- and five-story historic buildings within the historic district, and three times the height of what is allowed by the Seaport Historic District Zoning, zoning which was approved by LPC in 2013, and which Jeffrey Kroessler, President of The City Club of New York, a group strongly opposed to the LPC decision on 250 Water Street, stated "could drive a stake through the heart of the landmarks law and threaten the zoning protections in other historic districts. This precedent does not bode well"; and
- also, under consideration affecting Lower Manhattan is a massive and dramatic up-zoning of Soho-NoHo that has similarly been strongly opposed by the community and many other players, for its detrimental effect on existing affordable housing, mom-and-pop retail, and historic buildings and districts; and

WHEREAS, each year Community Board 3 has included in its District Needs statement a list of historic buildings worthy of consideration by the LPC as potential Individual Landmarks, which have not to our knowledge been acted upon; and

WHEREAS, the LPC has not designated any historic districts within Community Board 3 south of Houston Street, including the area around the Tenement Museum, when this area is widely considered one of the most historically and architecturally important neighborhoods in the city and country, for its artistic, political, architectural and immigration history; so

THEREFORE BE IT RESOLVED:

The LPC should pay special attention to protecting through landmark designation currently undesignated historic buildings and districts within CB3, which are under assault by demolitions and insensitive new development.

BE IT FURTHER RESOLVED:

Public officials, including those now running for Mayor, Borough President, and City Council, should rein in this rush to allow the overdevelopment of our historic districts and respect the

zoning limits and landmark laws that are in place to preserve and protect these precious and very special parts of our city.

BE IT FURTHER RESOLVED:

CB3 invites other Community Boards and organizations to adopt this or similar resolutions expressing strong support for preserving the historic districts that help make our city so great.

3. Vote to adjourn
approved by committee

36 YES 0 NO 0 ABS 0 PNV MOTION PASSED (Landmarks excluding item 2)

30 YES 5 NO 0 ABS 1 PNV MOTION PASSED (Landmarks item 2)

Land Use, Zoning, Public & Private Housing

no meeting scheduled

Transportation, Public Safety, & Environment Committee

1. Approval of previous month's minutes (minutes are deemed approved if no objections)
approved by committee
2. Bus stop application: Go Go Sun Tour Inc, on East Broadway at Pike Street, in front of 125 East Broadway

VOTE: TITLE: Approve a Curbside Bus Stop for Go Go Sun Tour Inc at 125 East Broadway

WHEREAS, Go Go Sun Tour Inc. has applied for a designated bus stop for curb-side loading/unloading operations located at 125 East Broadway, located at East Broadway and Pike Street. The buses will operate under the Go Go Sun Tour Inc name, providing service between New York City and Philadelphia, PA, with 2 departures daily at 12pm and 6pm, And 2 arrivals daily at 10am and 5pm. Go Go Sun Tour Inc. would be approved for only 1 bus at a time loading/unloading; and

WHEREAS, the applicant has entered into an agreement with CB3 to adhere to the following stipulations:

- Tickets will be sold only online, or at a designated ticket agency not on the street.
- There is a storefront that will be available to customers during arrivals and departures at 127 East Broadway.
- Tickets will be sold only for specific boarding times and will not be oversold.
- Tickets will be sold in an 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.

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

3. Avenues For Justice Street Co-naming on Avenue B at East 6th street

VOTE: TITLE: Support for street co-naming "Avenues for Justice Way" on Ave. B between 6th Street and 7th Street

WHEREAS, Avenues for Justice formerly known as The Andrew Glover Youth Program has served the Lower East Side for over 40 years having been founded in the 1970's., and

WHEREAS, The organization was originally named in honor of police officer Andrew Glover of the 9th precinct who was killed in the line of duty near the Community Center at 100 Avenue B., and

WHEREAS, Angel Rodriguez, who co-founded the organization and remains its Executive Director is a lifelong resident of the Lower East Side and

WHEREAS, Avenues for Justice is one of the first Alternative to Incarceration Programs in the country. Alternative to Incarceration programs serve to assist young people in getting second chances in life. It offers a safe space for young people and families at its community center on Ave B, as well as provide activities such as work readiness, tutoring, and arts for the young people. And

WHEREAS, A petition for co-naming the corner of E 6 St and Ave B as "Avenues for Justice Way" demonstrated substantial neighborhood awareness and support. The petition gathered 109 signatures from the surrounding blocks, consisting of 74 residents and 35 owners/managers of business/institutions.

WHEREAS, Avenues for Justice meets the criterion in the CB3 guidelines for street Co-naming for a Non-Profit Organization, "An organization that has demonstrated a minimum of 30 years of extraordinary and consistent commitment to benefit this community."

THEREFORE, BE IT RESOLVED, that CB3-Manhattan supports co-naming AVENUE B BETWEEN 6TH AND 7TH STREETS as "Avenues for Justice Way."

4. UA3 Inc request for 25-foot loading zone on Suffolk - (north of Grand Street, west side of the street)
no vote necessary
5. Vote to adjourn
approved by committee

36 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Economic Development Committee

no meeting scheduled

Parks, Recreation, Waterfront, & Resiliency Committee

1. Approval of previous month's minutes
approved by committee
2. Parks Manager update: CB 3 JOPs /school year hours
no vote necessary
3. DDC/Parks: East Side Coastal Resiliency update
no vote necessary
4. Parks: trees and bioswales update
no vote necessary
5. Pier 36 Vessel Operations update
no vote necessary
6. Vote to adjourn
approved by committee

36 YES 0 NO 0 ABS 0 PNV MOTION PASSED

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

1. Approval of previous month's minutes (minutes are deemed approved if no objections)
approved by committee
2. Mount Sinai Beth Israel update
no vote necessary
3. Proposal to install kiosk for sharps in front of Keith Cylar Community Health Center located at 743-749 East 9th St
no vote necessary
4. Goddard Riverside, Housing Works, Community Access: presentations on local initiatives and opportunities for joint operations
no vote necessary
5. CAB/CEC reports
no vote necessary
6. Vote to adjourn

approved by committee

36 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Joint Land Use, SLA, Transportation Committee

- Citywide Text Amendment: Open Restaurants

VOTE: TITLE: Citywide Text Amendment: Open Restaurants

WHEREAS, The Open Restaurants Program was created as an emergency response to mitigate the negative impacts of the COVID-19 pandemic on the economy and the restaurant industry to promote safer outdoor space and social distancing for customers to address the temporary prohibitions on indoor dining, and allowed business owners to create additional outdoor seating adjacent to their businesses on the sidewalk, and in front of the businesses in the roadbed, and

Regarding changes to the sidewalk café text amendment

WHEREAS, The City is now proposing guidelines to the permanent Open Restaurants program that will greatly impact the quality of life and economic development of Community District 3, which consist of the following changes to the zoning text:

- removal of all geographical restrictions to sidewalk cafes, which would remove protections for residentially-zoned areas,
- changes to the sidewalk café program, and
- the implementation of a permanent roadbed dining program; and

WHEREAS, Indoor dining restrictions were lifted on May 19, 2021, allowing restaurants to resume full dining capacity inside as well as full capacity outdoor seating, which has alleviated financial hardship caused by reduced seating, and

WHEREAS, Outdoor dining as part of the Open Restaurants Program was also enacted in part to prevent loss of jobs, but now restaurants are contending with the difficulty in hiring staff, indicating that availability of staff, not loss of jobs, is a concern for the restaurant industry and our City, and

WHEREAS, The NYC Zoning Resolution creates districts and prescribes trades and industries that are excluded or subjected to special regulations in order to preserve neighborhood character and ensure public health, safety, and welfare, and

WHEREAS, Residential districts are protected against the encroachment of other uses or industries that might change the character of the district and/or bring harmful nuisances, such as air pollution, traffic, or noise, and

WHEREAS, Open Restaurant structures are often of significant size, and have a strong visual presence on the streets, including within CD 3's historic districts, and one of the mandates of the NYC Landmarks Preservation Commission is to assure that new construction within historic districts are visually compatible with the historic buildings that define the streetscapes, and the proposed Permanent Open Restaurants Program (POR) does not address the lack of LPC review, and

WHEREAS, Article I, Chapter 4 of the Zoning Resolution explicitly states that its purpose is to "discourage sidewalk cafes in locations where they are inappropriate, and to promote and protect public health, safety, general welfare and amenity," and "to preserve and enhance the character of neighborhoods throughout the City," and

WHEREAS, The proposed Open Restaurant Citywide text amendment will delete Article I, Chapter 4: Sidewalk Café Regulations in its entirety from the NYC Zoning Resolution, thereby eliminating geographic restrictions on outdoor seating that protect residential districts from the increased activity and noise pollution that commercial use generates, and

WHEREAS, The Zoning Resolution, in Article V, Chapter 2, section 52-34 clearly states that non-conforming food and drink establishments shall be limited exclusively to the sale of food or drink for on-premises consumption by seated patrons within a completely enclosed building, in order to protect the character of residential districts, and to protect the welfare of residents.

WHEREAS, CD 3 relies on the restrictions of Article I, Chapter 4, and Article V, Chapter 2, to address and mitigate the recent trend of increased late-night noise and parties in residential districts, maintain the character of residential districts, and restrict the increase of non-conforming businesses in a residential area to avoid noise on residential streets and the harm to district residents, and

WHEREAS, Article V, Chapter 2 of the Zoning Resolution states that non-conforming uses can remain as grandfathered uses, and can be changed, but generally only to uses that maintain, reduce, or eliminate the degree of non-conformance. In a residential district, these restrictions help protect district residents from further encroachment of commercial activity and the noise it brings, and the removal or subversion of these restrictions will exacerbate noise issues that have significantly affected and harmed residents since Open Restaurants came into effect, and will threaten residents' rights to peace and quiet, and

WHEREAS, While the POR program will benefit the City and many of its communities, one size does not fit all and the program will have inequitable impacts to different communities. CD 3 has an exceptionally high density of food and drink establishments and non-conforming food and drink establishments in residential districts. CD 3 currently has 674 restaurants with outdoor seating as reported by Department of City Planning, 191 of which would have been prohibited under current zoning, and 134 of which are nonconforming in residential districts.

WHEREAS, CD 3 has the second highest number of non-conforming food and drink establishments of the 59 community boards, and the proposed text amendment would have a disproportionate and inequitable impact on the residents of CD 3 as it does not allow for community-based planning to develop programs and regulations that take into account disparities across communities, and

WHEREAS, CD 3 historically has been one of the top two districts in the City with the most commercial noise complaints at bars and restaurants, but had seen a slight improvement in pre-COVID years. Since the Open Restaurants Program was instituted, commercial noise complaints have increased 87.5 percent. (3,288 in FY 2019 pre-COVID to 6,155 in FY 2021), and

WHEREAS, The most significant and common complaint since the implementation of the Open Restaurants program has been the associated noise. The City has proven unable to respond and mitigate noise complaints; police have not been able to enforce noncompliance of the current Open Restaurants regulations as these rules are constantly changing, not communicated, and unclear to enforcement agencies, businesses, and the community alike. We are told that DOT will be enforcing the new Permanent program, but the DOT is not trained nor equipped nor experienced in charging commercial noise violations and applying the amount of enforcement that will be needed. The current program blatantly exhibits that the effort is well beyond the limits of any agency

WHEREAS, The proposed text amendment does not address these concerns, and Community Boards are now in position of voting on a text amendment before the agencies have developed programs for implementation and enforcement, nor presented such programs to community boards for consideration and approval, and

Unintended economic impact

WHEREAS, The proposed text amendment and POR will increase the square footage available exclusively to ground floor food and drink retail spaces, and therefore some landlords will prefer to rent to and profit most by renting only to eating / drinking establishments. CD 3 has been suffering from loss of retail services to serve residents and other small businesses, which will only be greatly exacerbated by the proposed text amendment. That is, making this program permanent would increase the trend of commercial spaces converting to food and drink establishments, creating one class of business unequally capable of paying higher rent because of its allowance to use public sidewalks and roadbeds for expansion, and

WHEREAS, The proposed text amendment will create inequities between those food and drink businesses able to take advantage of municipal space and those that can't due to bus stops, street furniture, and other static physical limitations. Since the current program was

implemented, CD 3 and elected officials' offices have received calls from businesses not able to compete with their neighbors because of the above-mentioned restrictions, and

Current complaints regarding Open Restaurants

WHEREAS, The emergency rollout of Open Restaurants resulted in many complaints from residents and businesses not participating in the program. Sheds erected by restaurants have taken over both commercial streets and residential side streets, sometimes occupying whole blocks. There is a lack of enforcement for guidelines for roadbed sheds in design of the structures as well as adherence to using only frontage of the businesses, which has caused the following issues:

- Although the sheds are outdoors and do not need to comply with indoor requirements such as proof of vaccination, many are completely enclosed, have less ventilation and social distancing than indoor dining, resulting in public health hazards, and
- Sheds cut off sightlines on the streets, especially narrow residential streets targeted by the proposed text amendment, harming other businesses as well as resulting in loss of light and destroying the character of this CD 3 residential neighborhoods, and
- There is increased accumulations of uncollected trash, and
- Outdoor dining and constructions have blocked sidewalks, and created a lack of accessibility, especially in regard to ADA requirements, and
- There have been instances where fire engines could not pass by the sheds in CD 2. Many residents also feel threatened by fire, electrical, and tripping hazards created by noncompliant installation of electricity and heating apparatuses in the sheds, and
- There have been complaints regarding the use of sheds after hours as encampments and locations for drug use, and
- Residents have also complained about loss of parking, and businesses have complained about inability of customers to park, and
- The roadbed sheds also prevent the creation of curbside loading zones, which CB 3 requested from DOT's Neighborhood Loading Program to address an increase in the number of deliveries occurring in the district, and

Voting on proposal without developed operational guidelines and without plans for community input for future guidelines, plans, and new programs

WHEREAS, There is no plan for enforcement of roadbed guidelines nor provision for additional staff that will be needed to inspect and enforce. This would include DOHMH for both food prep and licenses and other health concerns as well as rodent inspections, DSNY inspections, DEP noise inspections and enforcement, and

Additional Concerns

WHEREAS, Businesses have expressed concern regarding a lack of transparency and plans regarding hearings and appeals. DCWP hearings were transferred to OATH as an effort to help businesses navigate the adjudication process, but the proposed text amendment does not provide any information regarding whether enforcement will be handled by an agency or by OATH, and have also expressed concern that the DOT agencies in each of the five boroughs will have different enforcement priorities and not have a consistent citywide enforcement policy, and

Comments on the Environmental Assessment Statement

WHEREAS, Separate from the proposed text amendment, the EAS has findings that require community board comment. However, we have been informed by City Planning that there is not a process to comment on the EAS, so comments should be included with the text amendment. We have not been given assurances that comments will be taken into account or answered. Community Board 3 submits the following comments to the EAS:

- The Environmental Assessment Statement (EAS) acknowledges that there will be an introduction of new noise in the form of outdoor restaurant seating as a result of the text amendment (p. H-1, 111/176). The EAS claims that the proposed POR program would strengthen and enhance the existing controls to limit the noise emanating from outdoor restaurant seating. However, this is not only unreasonably optimistic, historically we have learned through unprecedented number of complaints that the City has not been able to control the noise and noncompliance associated with the Open Restaurants program after more than a year of educating businesses. It would be impossible to hire enough

inspectors to enforce regulations; after more than a year of Open Restaurants, the City has shown inability to strengthen controls so that a majority of the businesses comply within guidelines and control noise. Rules are still poorly communicated, difficult to locate, unclear and conflicting. CB 3 has found through years of working on this issue that the only way to reduce late night noise from bars and restaurants is to contain the noise indoors by reducing outdoor use and to reduce late night hours of operations, specifically stopping outdoor use at 10 pm, prohibiting all outdoor sound, having designated and specialized enforcement that works in a collaborative fashion with community boards, and

- The EAS refers to the implementation of roadbed sheds in the plan. However, the sheds are not part of the text amendment and there is no process for opportunity for communities or community boards to participate in planning for roadbed sheds in their community. There is no plan for roadbed sheds to come before community boards to give communities a voice in planning for use of public land as has always been their right under ULURP. As stated previously, CD 3 has the second highest number of nonconforming businesses in the City. We currently have entire residential blocks lined with sheds that would become permanent under the proposed plan. This would negatively impact quality of life for residents and harm retail diversity in the district as many retail spaces are unable to compete with higher rent that will be expected with increased sidewalk and roadbed footage granted to food and drink establishments by the Open Restaurants program, and
- The reasonable worst case development scenario: EAS states the proposed action will not increase the number of restaurants. CB 3 disputes this assumption. As stated earlier, property will be more valuable to landlords as expanded capacity will allow landlords to charge higher rent. Areas of CD 3 have been trending toward a higher percentage of eating drinking businesses for years, crowding out local services. As documented in years of District Needs Statements, this has resulted in many blocks with majority eating drinking businesses that do not open until 5:00 p.m. This creates blighted streets during the day, no foot traffic, and an environment making daytime retail not viable. Restaurant concentration designates blocks with more than 8 restaurants as are classified as high concentration blocks. The map of nonconforming businesses included in the EAS shows an almost solid block of restaurants in some areas of CD 3. Additionally, commercial overlays and commercial streets have high restaurant concentrations. The expansion onto residential sidewalks and into streets in a neighborhood with an extremely high concentration of restaurants will alter the character of the neighborhood.
- The EAS assumes that the concentration of restaurants on a block will not change the number of restaurants as a result of POR implementation. As stated earlier, CB 3 disputes this, and
- The Solid Waste assessment assumes that the implementation of the POR program will not generate more than 50 tons of solid waste per week. This figure has no meaning for most of us, but we can attest that the open restaurant has produced significantly more garbage that we now see on the street. Because there is often no street space to put garbage out, it is placed in the street outside the sheds in travel lanes. BIDS complain about this because cars run over the garbage and it is spread over the street. Additionally, restaurants have much more garbage and because of lack of space, this is kept on the street often between structures. Although the EAS claims that restaurants place garbage only during off-hours, we see that because of the amount of garbage it is placed outside at all times, even though this does not contribute to the dining experience. There are many complaints to the community board about uncollected and uncontained garbage. As the Department of Health has been telling us for years, more food means more rats. People are reporting more rats and the Department of Health indexing reports has increased findings of rats since COVID. While this cannot all be directly related to Open Dining, more food is correlated to more rats, and
- The EAS states that there is not expected to have significant adverse contextual or visual impact on existing visual resources. However, the residents have responded that roadbed structures have real adverse impact on their streets. The structures are a collection of often unsightly sheds blocking view and creating dark canyons. Residents and other businesses alike report a significant negative visual impact from the sheds, and
- In addition to the deletion of the residential zoning protections in the zoning amendment, the EAS describes additional text changes that will impact residential and commercial overlay zones that were not presented by the City to the community boards. The change with the most impact that was not presented to the Board as part of the zoning text amendment is store front or store windows associated with eating and drinking establishments may be opened to serve customers outside the building. (Previous zoning

protection required that all use be located within completely enclosed building). There are no hour limitations for the open windows or store front. The zoning text still allows music within eating and drinking establishments, therefore the City is now allowing open façade in residential and commercial overlays while there is music, which is guaranteed to cause quality of life problems for residents, so

Therefore be it resolved that Community Board 3 does not support the proposed text amendment from the Zoning Text, due especially to its adverse impact on Community Board 3 with its concentration of non-conforming restaurants in residential districts, and does not support the implementation of the Permanent Open Restaurants Program as presented, and

Therefore be it also resolved that Community Board 3 strongly objects to the City bringing the text amendment related to the Permanent Open Restaurant Program before us for approval without having developed specifics related to its implementation and enforcement and without any guarantee that future guidelines and plans related to the proposal will be brought to the community and community boards for review and input.

20 YES 14 NO 3 ABS 0 PNV MOTION PASSED

By-Laws Committee

- Update of section of Bylaws

VOTE: To approve recommendations for By-Laws revisions. (by-laws following committee reports)

32 YES 4 NO 0 ABS 0 PNV MOTION PASSED

**Community Board 3, Manhattan
By-Laws**

The By-laws of Community Board 3 of Manhattan shall conform to the provisions of the New York City Charter including, but not limited to, Section 2800, and all relevant provisions of federal, state and city law. Board members should refer to the Handbook for Community Board Members, issued by the Mayor's Office Community Assistance Unit, which enumerates these policies and procedures as well as describes applicable sections of the New York City Charter.

Community Board 3 may establish such additional rules of its own as are not specifically covered by the language of these By-laws and the New York City Charter and are not in contravention of these By-Laws or the New York City Charter.

I. Board Members

A. Board Members shall be appointed by the Borough President. All members serve on the Board as private citizens only and shall not represent the interests of any organization with which the Board Member is affiliated

B. Any Board Member participating in the Board's consideration of a matter in which the Board Member has a conflict of interest shall state the nature of the conflict of interest in speaking to the issue and shall not vote on such matter, but shall be recorded on the vote tally as present and not voting.

C. Any Board Member appearing before a governmental body or making a public statement that conflicts in any respect with positions adopted by the Board must clearly state that their statement is a personal position. No Board Member shall represent the Board's position before any governmental agency, department or authority unless specifically authorized to do so by the Board Chairperson.

D. Every Board Member is required to serve on one committee as appointed by the Board Chairperson and may serve on an additional committee, subcommittee, or task force. Appointment to any additional committee, subcommittee, or task force shall be at the discretion of the Board Chairperson.

E. No Board Member shall be eligible to serve as a committee chairperson until they have completed one year of service on the Board unless, because of unique qualifications or expertise, the Board Chairperson appoints them for that position.

F. No Board Member except the Board Chairperson shall concurrently serve as chairperson of more than one committee, or concurrently hold any office while serving as a committee chair of the Board.

G. Board Members are expected to regularly attend all Full Board meetings and all committee, subcommittee and task force meetings to which they are appointed as members.

1. A Board Member shall be deemed present at a Board meeting, committee, subcommittee or task force if they are present for the first and last votes at that meeting. If present at either the first or last vote but not both, a Board Member shall be deemed present at half the meeting.
2. A Board Member may request in writing that the Board Chairperson grant the Board Member extended excused absence from meetings for any of the following reasons:
 - a. The Board Member is serving in the active military;
 - b. The Board Member is suffering from a long-term illness;
 - c. There is a long-term illness or death in the immediate family or household of the Board Member;
3. A Board Member requesting an extended excused absence for two months or longer shall notify the Board Chairperson in writing of their anticipated absence (or promptly thereafter if circumstances prevent advance notice) and when they anticipate being able to resume regular attendance at meetings. This process shall apply to any of the enumerated reasons. Acceptance of such request shall be at the discretion of the Board Chairperson. The Board Chairperson shall notify the Board Member in writing of acceptance or denial and copy the District Manager. The Board Chairperson should note any offices or responsibilities of the person and assign responsibilities.
4. If the Board Member is a member of two committees, subcommittees or task forces scheduled at the same time or is assigned to represent Community Board 3 at another meeting, the member is not marked present or absent at the meeting the member is missing, but is noted to be at another meeting. The Board Chairperson shall designate which meeting the member will attend when there is a conflict.

H. All Board Members are automatically excused from up to one-third of their obligated meetings to cover short-term illness, work, and other everyday issues that come up.

1. If a Board Member is absent from more than one-third of the Board Member's meeting obligations during a six-month period, the Board Chairperson shall propose that the Executive Committee take action. The Executive Committee may decide that a letter shall be sent either electronically or by regular mail to the Board Member advising the Board Member of their substantial lack of attendance with a copy to the elected official who recommended the Board Member and the Borough President. If the letter is sent and if during the next three months, the Board Member continues to be absent from more than one-third of their meeting obligations, the Board Chairperson shall propose the removal of the Board Member as set forth in Section I below. There shall be two periods for measurement of attendance each year (April to September and October to March).
2. If a Board Member stops attending meetings without advising the Board of the cause for a period of three months and without requestion and extended excused absence, the Board shall send a letter electronically or by mail to the Board Member advising the Board Member that they must attend meetings immediately. If the Board Member does not start attending meetings upon receipt of the notice, the Board Chairperson shall propose the removal of the Board Member to the Executive Committee as set forth in Section I below.

I. Procedures for Removal of a Board Member for Cause

The Board may, by a majority vote at a regular meeting reprimand or remove a Board Member for cause.

1. A Board Member may be reprimanded or removed for cause for any of the following reasons:
 - a. A felony conviction during the Board Member's term of service on the Board.
 - b. Soliciting, receiving, or accepting any remuneration in exchange for a vote on any item under consideration by the Board or any of its committees, subcommittees or task forces if there is a Department of Investigation or Conflicts of Interest Board determination that a Board Member had solicited, received, or accepted remuneration.

- c. Failure to declare a conflict of interest based on a Department of Investigation or Conflict of Interest Board determination.
- d. Substantial lack of attendance at Board, committee, subcommittee and/or task force meetings as defined in section H.
- e. Any form of Board representation not authorized by the Chairperson.
- f. Demonstrating behavior unbecoming a Board Member, including but not limited to disruptive, demeaning, abusive or violent behavior.

2. Initiating the removal process:

- a. Any Member may recommend to any Executive Committee member that the Board take action to reprimand or remove a Board Member for cause. The Executive Committee member to whom the recommendation is made shall promptly report this to the Board Chairperson.
- b. The Executive Committee shall discuss the issue as soon as possible at a meeting which may be in executive session. The committee may, by majority vote, initiate action to remove or reprimand.
- c. If the Executive Committee decides to initiate such action, the Board Chairperson shall place the proposed removal of the Board Member on the agenda of the Executive Committee meeting or other appropriate committee or task force (the "Hearing Committee").

3. Hearing and Removal Process:

- a. The Board Chairperson, or designated Executive Committee member, shall provide to the Board Member written notice of the proposed removal and charges against them at least ten (10) days prior to the meeting of the Hearing Committee. At that Hearing Committee meeting, which may be in executive session, the Board Member shall be provided an opportunity to respond to the charges. The committee members may also ask questions of the affected Board Member.
- b. In the event the charges require additional information, testimony etc., the Hearing Committee may decide to schedule additional meetings which may be in executive session.
- c. If the Hearing Committee passes a resolution to recommend to reprimand or remove the Board Member, then the resolution shall be presented at the next Board meeting which may be in executive session.

If the Full Board votes in favor of removal, the Board Member shall be deemed removed, immediately after the vote. The Board chairperson shall notify the elected official who appointed the Board Member and the Borough President of the removal of the Board Member with a request to appoint a person to fill the remainder of the term.

II. District Manager and Staff

In accordance with the City Charter, personnel, policies of the City of New York and existing requirements of due process, the Board shall appoint a District Manager and staff to serve at the pleasure of the Board. Such staff shall perform such functions as are assigned by the Community Board or other provisions of law.

III. Full Board Meetings

A. There must be at least one Full Board meeting of the Community Board each month, September through June, at such time and place as shall be designated by the Board Chairperson in the written notice of the meeting sent to the Board Members.

B. A majority of the appointed Board Members shall constitute a quorum.

1. There may be special and emergency Full Board meetings. These meetings shall be governed by the same procedures as regular Full Board meetings. A special meeting is a Full Board meeting other than the regular monthly Full Board meeting. A special meeting shall be convened with no less than two week's written notice. The notice shall specify the purpose of the meeting. The special meeting may be at the request of the following:

- a. At the request of the Board Chairperson.
- b. At the Borough President's request.
- c. Upon resolution adopted by the Full Board.

d. Upon written request of at least one-third of the appointed Board Members presented to the Board Chairperson and the Borough President.

2. An emergency meeting of the Full Board shall be called by the Board Chairperson in circumstances where a failure to act or make a decision immediately would result in irreparable harm or a missed opportunity. At least two days' notice must be given of the meeting setting forth the purpose of the meeting. Notice of an emergency meeting may be given by telephone or email.

C. Agenda

1. Opening of the meeting.

2. Public Session

There shall be a Public Session of up to one hour at each Full Board meeting. Any person may sign up to speak. The Board Chairperson may limit the number of speakers on the same topic. Each speaker shall be limited to a period of no more than 2 minutes, each representative of a public official shall be limited to 2 minutes and each public official shall be limited to 5 minutes, unless otherwise permitted by the Board Chairperson. During elected official reports only Board Members can speak and ask questions that are germane to issues related to CB3. Brief presentations by governmental agencies or applicants may be scheduled by the Chairperson during the Public Session

3. Business Session

During the Business Session only Board Members may debate the issues on the agenda and vote on those issues. The proponent of an issue before the Full Board who is not a Board Member may, upon request of the Board Chairperson, respond to questions in the Business Session. The Business Session consists of the following items:

- a. Roll call and approval of minutes
- b. Board Chairperson's report
- c. District Manager's report
- d. Committee and Task Force chairperson's reports
- e. Old business
- f. New business
- g. Adjournment

D. Voting

1. All final decisions on Board issues require a roll call or written vote of the Full Board.
2. The Secretary shall record votes in favor, against, abstentions and Board Members present but not voting because of a conflict of interest.
3. Board Members must vote in person. No proxies are permitted.
4. No vote may be taken at Full Board unless a quorum is present.
5. A motion will pass if a majority of the Board Members present vote in favor of the motion.

IV. Community Board Officers

A. The officers of the Community Board shall be Chairperson, First Vice-Chairperson, Second Vice-Chairperson, Treasurer, Secretary and Vice Secretary. Each officer shall perform such duties as are incidental to the office in accordance with generally accepted rules of parliamentary procedure.

B. Each Officer shall serve for a one-year term commencing on the 1st day of December immediately following the election and ending on the 30th day of November.

C. Duties of Chairperson

1. To perform all duties as prescribed in the New York City Charter and any other duties prescribed under law.

2. To attend any meetings required by the Mayor and the Borough President or to designate their representative(s) to attend.
3. To open, conduct and close Full Board meetings at the time and date at which the Community Board is to meet in accordance with Robert's Rules of Order. All meetings and hearings will be conducted in accordance with Robert's Roberts Rules of Order unless such rules are in conflict with anything stated in the City Charter or bylaws in which case these Regulations shall control. To state and put to a vote all resolutions and motions which arise in the course of the Board's business and to announce the results of all votes.
4. To represent the Board and perform all necessary functions according to the decisions duly made by the Full Board, including, but not limited to, communicating with governmental agencies.
5. To affect all acts, orders and proceedings of the Full Board, sign all letters and resolutions from the Full Board, and to be the sole spokesperson for the Board in relation to the news media, governmental agencies and the public, except as they shall otherwise specifically authorize to another person.
6. To appoint or remove chairpersons or co-chairpersons of committees of the Board. To appoint or remove chairpersons of subcommittees and task forces of the Board.
7. To appoint members to all committees, subcommittees and task forces and to remove members as necessary for the proper functioning of the committees, subcommittees and task forces.
8. To prepare and deliver the Chairperson's report at each Full Board meeting, provide information on important Board issues and relay information received from the Borough President's office and/or other governmental agencies.
9. To be a signatory on the Board's imprest account.
10. To appoint a person well versed in Roberts Rules of Order as a parliamentarian. The parliamentarian shall not be an officer of the Board.
11. The Board Chairperson shall be an ex-officio member of each committee, subcommittee and task force and may vote on any agenda item. The Board Chairperson when present at a committee, subcommittee or task force meeting (except the Executive Committee) shall not be counted in the quorum except on a ULURP vote.

D. Duties of Vice-Chairpersons

1. The First Vice-Chairperson shall preside at the Full Board meeting in the absence of the Board Chairperson. The Second Vice-Chairperson shall preside at the Full Board meeting in the absence of the Board Chairperson and First Vice-Chairperson. The Secretary shall assume these duties in the unavailability of the Second Vice-Chair to perform these duties.
2. The Vice-Chairpersons shall assist the Board Chairperson as required including attending meetings in the place of the Chairperson.
3. The Second Vice-Chairperson shall maintain records of the attendance of Board Members at all meetings and shall send notices in October and April to any Board Member who was absent from more than one-third of the Board Member's meeting obligations. Copies of the notices shall be sent to the Board Chairperson, the Borough President, and the appointing Council Member.

E. Duties of Secretary

1. The Secretary shall take the minutes of the Full Board meetings, Executive Committee meetings and any special or emergency meetings.
2. The Secretary shall call the roll and record all votes at the regular monthly meetings and any special or emergency meetings.
3. If the Chairperson, First Vice-Chairperson and Second Vice-Chairperson are absent from a Full Board meeting the Secretary shall assume the duties of Board Chairperson for that meeting.

F. Duties of Vice Secretary

Where both the Secretary and Vice Secretary position is filled, these officers may divide their responsibilities as their workload dictates.

G. Term Limits for Board Chairperson- No person may serve as Board Chairperson for more than four consecutive one year terms.

H. Election of Officers

1. At the Board's Full Board meeting in the month of September, the Chairperson shall appoint a nominating committee consisting of five Board Members, none of whom may be candidates for office or current Board officers, and shall designate one of the Board Members to be the chairperson of said committee.

2. The nominating committee shall make its report to the Full Board at the Full Board meeting in the month of October and shall recommend one or more Board Members for each office. At the October meeting Board Members may nominate additional candidates for office from the floor. Written notice of the election and nominees shall be sent to each Board Member prior to the election.

3. At the Full Board meeting in the month of November pursuant to written notice sent to each Board Member, there shall be an election held for each of the offices. Prior to the election all candidates shall be given an opportunity to present their qualifications. If there is no nominee for an office, nominations for that office shall be accepted prior to the election. In the event that two or more candidates are running for an office and no one candidate receives a majority of the votes, then a run-off election shall be held immediately between the two candidates receiving the highest number of votes.

a. The person receiving the majority of the votes for each office shall be elected.

b. The election of officers shall be conducted by written ballot unless, under extraordinary circumstances such as those in effect during the imposition of Executive Order No. 202.1 suspending Article 7 of the Public Officers Law which allows for remote meetings, remote voting methods that comply with open meeting law will be utilized.

I. Resignations

An officer may resign from their office on the Community Board. The resignation will be deemed accepted upon receipt of written notice of resignation by the Board Chairperson. The Board Chairperson may resign by delivering written notice to the Executive Committee via the First Vice-Chairperson.

J. Removal of Officers

Any officer may be removed from office if the officer is absent from three consecutive Full Board or three consecutive Executive Committee meetings. A recommendation for removal will be made by the Executive Committee to the Full Board and removal shall be affected by the majority vote of the Full Board.

K. Officer Vacancies

1. In case of any vacancy in any office except the Board Chairperson, a successor to fill the unexpired term shall be elected by the full Board. The Board Chairperson shall announce the open position at the first Full Board Meeting following a vacancy. Board Members who desire to fill the vacancy shall submit their names to the Chairperson or person designated by the Chair. The Chair shall specify a deadline to submit names and nominations before the next board meeting. A vote shall be taken at the next Full Board meeting. If no Board member is voted in to fill the vacancy the chair may re-start the election process, or such office may remain vacant until the next annual election.

2. If during the Board Chairperson's term the Board Chairperson is unable to serve, the First Vice-Chairperson shall succeed as Chairperson for the balance of the unexpired term and the Second Vice-Chairperson shall succeed as the First Vice-Chairperson. A Second Vice-Chairperson shall be elected as set forth above.

V. Executive Committee

A. The Executive Committee shall be comprised of the Board Chairperson, First Vice-Chairperson, Second Vice-Chairperson, Treasurer, Secretary, Vice Secretary and all committee chairpersons.

B. In emergency situations, the Executive Committee may act on behalf of the Board provided that any such action shall be ratified by the Board Members at the next Full Board meeting. If the action is not ratified, there shall be no further implementation of the action and the action must be withdrawn. An emergency situation arises at any time that a failure to act or make a decision would result in irreparable harm or a missed opportunity.

C. The Executive Committee shall approve any expenditure by the district manager in excess of \$2,000.00.

D. Operational matters will be addressed by the Executive Committee.

E. The Executive Committee shall monitor the fiscal operations of the Board and the Board's operating budget

VI. Public Members

A. Members of the public may be appointed by the Board Chairperson to serve on committees, subcommittees and task forces.

B. Public members of committees, subcommittees and task forces may vote upon items before the committees, subcommittees and task forces but may not vote at the Full Board meeting.

C. The term of every public member shall be for one year ending on June 30th of each year but may be extended at the discretion of the Board Chair.

D. Public members may be reappointed by the Board Chair after applying for reappointment by completing an application.

E. Any public member may be removed from a committee, subcommittee or task force by the Board Chair if the public member is absent from two consecutive meetings. The public member will be notified of removal in writing either electronically or by regular mail.

VII. Committees

A. The Board shall have such committees as are necessary to hear and debate the issues in the district. A committee shall be established at the recommendation of Board Chairperson and a majority vote of the Full Board.

B. Committees shall be comprised of no fewer than five committee members, a majority of whom must be Board members. The chairperson and any co-chairpersons of the committee must be a Board Member(s) and shall be appointed by the Board Chairperson. At the discretion of the committee chairperson the committee may have a vice chair and/or a secretary. The vice chair and/or the secretary shall be appointed by the committee chairperson.

C. Each committee shall meet once per month (except August) unless the Board Chairperson and/or the chairperson of the committee deem an additional meeting necessary or a meeting unnecessary.

D. A Board Member, other than the Board Chairperson, who is not a member of a committee may not vote on any item before the committee unless that item is a ULURP. The Board Chairperson may vote at any committee when present at a meeting.

E. Committees shall keep minutes containing a record of all motions taken, as well as attendance and voting records. These records shall be submitted in writing to the Board's office in sufficient time to be incorporated into the vote sheet distributed to the Executive Committee for the succeeding Full Board meeting.

F. A committee shall be dissolved upon recommendation of the Board Chairperson and a majority vote of the Full Board.

VIII. Subcommittees

A. Subcommittees of existing committees may be established at the recommendation of the Board Chairperson and majority vote of the Full Board to hear and debate significant topics that regularly come before that committee.

B. Subcommittees shall be comprised of Board Members and may include public members appointed by the Board Chairperson. Members of the subcommittee need not be members of the existing committee. A majority of the members of the subcommittees must be Board Members. The chairperson of the subcommittee shall be appointed by the Board Chairperson.

C. Each subcommittee may meet once per month or as necessary.

D. Subcommittees shall keep minutes containing a record of all motions taken, as well as attendance and voting records. The chairperson of the subcommittee shall report these to the Board office and to the committee before its next regular meeting and all votes shall be recommendations to the committee.

E. A subcommittee's recommendation shall not limit in any way the full committee's duty to hear the public nor to vote.

F. A subcommittee shall be dissolved upon recommendation of the Board Chairperson and a majority vote of the Full Board.

IX. Task Forces

A. Task forces may be established at the recommendation of the Board Chairperson and majority vote of the Full Board for a limited purpose and shall be temporary in nature.

B. Task forces shall be comprised of Board Members and may include public members appointed by the Board Chairperson. A majority of the members of the task force must be Board Members. The chairperson of the task force must be a Board Member and shall be appointed by the Board Chairperson.

C. Task forces shall keep minutes containing a record of all motions taken, as well as attendance and voting records. These records shall be submitted in writing to the Board office in sufficient time to be incorporated into the vote sheet distributed to the Executive Committee for the succeeding Full Board meeting.

D. A task force shall be dissolved upon recommendation of the Board Chairperson and a majority vote of the Full Board.

X. Executive Session

Upon motion and the majority vote of any body of the Board, including the Full Board, a Committee, Sub-Committee or Task Force, that body may enter into an Executive Session during their regular meeting. Executive Session may be held to discuss only those statutorily identified purposes set forth in the New York State Open Meetings Law. An Executive Session is closed to the public and discussion is limited to the matter for which that body voted to enter into Executive Session. A vote may be taken in the Executive Session, but the vote of each member of that body must be recorded and be publicly available.

XI. ULURP

The Board Chairperson assigns a ULURP action to one committee or to a joint committee which has or which shares oversight of the functional area related to the content the ULURP. A Public Hearing will be held by the assigned committee(s). Any Board Member may attend the Public Hearing for a ULURP, and attendance of at least 20% of all Board Members is required. A vote may be held at the close of the Public Hearing and all Board Members present and public members of the committee(s) assigned to the ULURP are eligible to vote. This vote is referred to the Full Board for a vote as with any other committee vote. The Full Board vote is the official ULURP vote.

XII. Definitions

A. "Board" refers to the full Community Board 3 body, aka the "Full Board"

- B. "Full Board" refers to the full Community Board 3 body, aka the "Board," which meets on a regular basis, as specified in these by-laws
- C. "Quorum" means more than half of the committee or Full Board
- D. "Days" shall mean calendar days unless otherwise specified.

XIII. Notices

Any notice required by these By-laws may be sent by email or regular mail to the addresses on file with Community Board 3 except as otherwise provided in these By-laws.

XIV. Amendments

The By-laws may be amended by a majority vote of the Board Members present and entitled to vote at any Board meeting. A copy of the proposed amendment shall be sent by email or regular mail to all Board Members at least twenty-eight (28) days prior to the vote to amend. A copy of the proposed amendment shall be referred to a By-Laws Task Force established to review and approve the proposed amendment in advance of distribution of the proposed amendment to the Board Members.

Revised: September 28, 2021