



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

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Gigi Li, Board Chair

Susan Stetzer, District Manager

April 2013 Full Board Minutes

Meeting of Community Board #3 held on Tuesday, April 23, 2013 at 6:30pm at PS 20, 166 Essex Street.

Public Session:

1. Robert Ely: Announcing New Acting Company (formerly in CB2) at 21A Clinton St. The theater takes neighborhood children and incorporates professional actors. Will match \$20 contribution from CB3 members.
2. Kathy von Hartz: Representing Friends of Meltzer, an organization formed to protect park from NYCHA infill development. The park includes 30 mature trees and a place for seniors to rest. Asking CB3 to make a motion to ask NYCHA to be more transparent and follow ULURP.
3. Jake Sherrott / Nina Padmore: Educational Alliance program that seeks to identify at-risk and home-bound adults on the LES and help them through medical assistance, financial services and referrals.
4. Vaylanteena Jones: LES Power Partnership – an Intergenerational event promoting peace on May 17.
5. Linda Janneh: Manhattan DA's office is hiring interns for 6-week internship. Deadline for applications is May 3. Also, large drug arrest occurred in the LES a week ago – a press release is available that clarifies that happened.
6. David Bolotsky: Friends of Gulick Park – thanks CB3 for support funding for restoring Gulick Park. Phase 1 is complete and looking for more help to support plan to include full basketball courts in Phase 1.
7. Alison Smith: University Settlement – Review of teenage programming, starting at 3:30 this Sunday.
8. Sara Romanoski: Stanton St. CSA – recently given a grant to increase the diversity of shareholders (as low as \$6/week). Also speaking for petition against old PS 64 being converted into a dormitory.

Public Officials:

Mayor Michael Bloomberg, Pauline Yu: Not Present

Public Advocate Bill de Blasio, Phil Jones: Not Present

Comptroller John Liu, Alice Cancel: Not Present

Borough President Scott Stringer, David Czyzyk: Eight new members present. Announced that there is an orientation at the Borough President's office for new members. Final Blueway Project meeting May 2 and Cooper Union. Denim Day is April 24 – bringing awareness to sexual assault.

Congressmember Carolyn Maloney, Victor Montesinos: Congresswoman Maloney spoke against the failure of Congress to pass increased background checks.

Congressmember Nydia Velazquez, Iris Quinones: Not Present

Assembly Speaker Sheldon Silver, Zach Bommer: Speaker Silver asked Albany to review Sandy claims of Kinckerbocker residents. Silver also asked for better gun control, more funding for NYC schools and a moratorium on hydrofracking upstate.

Assemblymember Deborah J. Glick, Sarah Malloy-Good: Pushing for bill to install speed cameras in NYC.

Assemblymember Brian Kavanagh, Marcela Medina: Not Present.

State Senator Daniel L. Squadron, Mauricio Pazmino: Senator Squadron will hold a community convention April 28. May 4, Pier 42 will open to the public.

State Senator Brad M. Hoylman, Enrique Lopez: Senator wrote a letter to DOT Commissioner regarding lack of bus benches. Pushing for free tax filing made available by the state. Condemned statements by the Chair of the New York State Senate Homeland Security Committee that Boston Marathon bomber should be tortured. Co-signed a letter asking USPS to continue to keep location at 14th and 1st open.

Councilmember Margaret Chin, Matt Viggiano: On May 1, NYCHA will convert non-reserved parking lots to reserved parking lots and increase revenue by 400%. This will cause some residents to pay hundreds of dollars in parking fees. Joined fast food workers demanding \$15/hr. Direct bike share calls to Councilmember Chin's office.

Councilmember Rosie Mendez, Michele Burger: There is a petition against closing the 14th Street Post Office (may relocate to a nearby closed Duane Reade). Cooper Union confirmed it will reserve 200 beds at CHARAS (PS 64). As of April 17, NYCHA plans to delay Infill RFP until May and plans to have public meetings discussing maintenance needs. Rosie asked for NYCHA to delay infill process to give residents more time to respond and asked NYCHA not to sign Memorandum of Understanding with NYPD to provide police services because NYPD has not provided sufficient police services.

Members Present at First Vote:

David Adams	[P]	Vaylateena Jones	[P]	Thomas Parker	[P]
Dominic Berg	[P]	Meghan Joye	[P]	Teresa Pedroza	[P]
Karen Blatt	[P]	Lisa Kaplan	[P]	Carolyn Ratcliffe	[P]
Justin Carroll	[P]	Carol Kostik	[P]	Joyce Ravitz	[P]
Jimmy Cheng	[P]	Ben Landy	[P]	Carlina Rivera	[P]
MyPhuong Chung	[P]	John Leo	[P]	Jamie Rogers	[P]
David Conn	[A]	Ricky Leung	[P]	Richard Ropiak	[P]
David Crane	[P]	Gigi Li	[P]	Susan Scheer	[P]
Morris Fajtelewicz	[P]	Alysha Lewis-Coleman	[P]	Nancy Sparrow-Bartow	[P]
Flora Ferng	[P]	William LoSasso	[P]	Wilson Tang	[P]
Shoshannah Frydman	[P]	Chad Marlow	[P]	Elinor Tatum	[A]
Gloria Goldenberg	[P]	Bernard Marti	[A]	Rodney Washington	[P]
Jan Hanvik	[P]	David McWater	[P]	Julie Ulmet	[P]
Ayo Harrington	[P]	Penina Mezei	[A]	Josephine Velez	[P]
Herman Hewitt	[P]	Alexandra Militano	[P]	Justin Yu	[A]
Anne Johnson	[P]	Chiun Ng	[P]	Thomas Yu	[A]
Linda Jones	[P]	Ariel Palitz	[P]		

Minutes:

Minutes of February 2013 were approved, as is.

40 YES 0 NO 4 ABS 0 PNV MOTION PASSED

Board Chairperson's Report:

Chairperson Gigi Li

- Eight new members – please complete committee request forms
- New Arts Task Force Chair – Meeting is scheduled for May
- NYCHA luxury housing plan: CB3 is very involved through Land Use Committee and through Chair. We've had open communication with CB7 and CB11, and we are engaging residents and elected officials. We found out that surveyors were seen in Brooklyn, indicating a larger plan. We will support tenant associations and residents of the infill sights.
- CHARAS: Susan Stetzer and Chairperson Li met with representatives of the owners of CHARAS, who develop large dormitories in areas outside of NYC. The site would be a multi-institute dormitory (each institution reserving beds). We are actively pursuing CHARAS to be an educational facility (United Federation of Teachers is speaking at Land Use Committee to present an alternate use).

District Manager's Report:

District Manager Susan Stetzer

For new members, I want to make sure all understand the agenda distributed tonight is just a draft for members and committee chairs to review. Please do not use this as final agenda for agenda items or locations.

We make an effort to obtain as many electronic supporting documents as possible for agenda items. These will be attached to the agenda items on the website as they are received. Public and committee members can review information before committee meetings.

June 13 in the CB3 office, CB3 will hold rat prevention for businesses workshop with Department of Health and Council offices on a rat prevention for businesses program – looking for food businesses (especially CB3 members who own food businesses).

DOHMH is also offering to act as free consultants to food service establishments - so they can ask us whatever pest control questions they might have without fear of receiving a violation. This is an opportunity to have an open conversation about challenges with DOHMH – the goal is not to issue violations but to get rid of rats in businesses and neighborhoods. DOH wants everyone to have the right information about best practices in rodent management so that businesses can have a clean and pest free environment.

The CitiBike Installation is starting April 26. No construction involved.

Committee Reports:

Executive Committee

no vote necessary

- Richard Ropiak will head the executive nominating committee. One spot is reserved for new members.
- Any position that CB3 takes is CB3's official position. Board members speaking publicly on their position must clarify that their opinion is not the position of the board.

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

1. Restoration/re-creation of the mural "Celebrating the Heroes of Our Community" on the LES in Henry M Jackson playground

no vote necessary

2. Request for support for study to review and survey for possible improvements to and restoration of Tompkins Square Park

VOTE: CB#3 supports a general study and survey for possible improvements to and for the restoration of Tompkins Square Park via the East Village Parks Conservancy.

3. Proposed Concept Plan and Phase I Design for Luther Gulick Playground

VOTE: Whereas, Luther Gulick Playground is a much utilized open park space for recreational activities by the local community;

Whereas, Friends of Luther Gulick, community members, elected officials, and the Community Board has previously supported the capital improvements to the park;

Whereas, the design of the new improvements have followed a well informed public input process;

Whereas, NYC Parks presented two scenarios for Phase I of rehab due to limited capital funding – one with partial basketball courts and Age 2-5 play area, or a second scenario with a full basketball court and exploration for temporary toddler play equipment, pending funding;

Whereas, both scenarios were acceptable to the general public and the Community Board, but the general public requested an extra week of time to review and provide feedback to NYC Parks since the presentation of the designs were only made public recently;

Therefore be it resolved, that CB#3 approves the general concept of the NYC Parks design plan for Phase I of Luther Gulick's Park improvements with the full basketball court option;

Morris Fajtelewicz: The basketball court fence will not be high enough to keep people out after the park closes at dusk.

4. Proposed public art piece by Kent Henricksen at Allen Street Malls (Grand & Allen Sts) from late April to October

no vote necessary

5. Report from Landmarks if warranted

no vote necessary

Block Parties

6. St George Ukrainian Catholic Church (Religious Spring Dances), 5/5, E 7th St (Taras Shevchenko Pl & 2nd Ave)

VOTE: CB#3 approves the St George Ukrainian Catholic Church (Religious Spring Dances), 5/5, E 7th St (Taras Shevchenko Pl & 2nd Ave).

7. Braking AIDS Ride, 9/29, E 9th St (Aves C & D)

no vote necessary

8. New Years in Chinatown, 12/31, E B'way (Chatham Sq & Catherine St)

withdrawn

41 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Ethics, Bylaws and Procedures Task Force

- Review of bylaws

no vote necessary

Dominic Berg: Looking at

- Attendance and long-term absence
- Potential for new officers
- Officer term limits
- Procedure for voting on items

- Member resignation procedure

David McWaters:

- Would like to clarify the policy that board members cannot speak in public session on a matter before the board.
- Create our own procedure for what is a substantive motion versus an amendment
- Friendly amendment procedure should be in the bylaws

Personnel Task Force

- Raise for Assistant District Manager

VOTE: Whereas, Juliana Dubovsky has reached her one year anniversary as Assistant District Manager and;

Whereas, Juliana's planning expertise has proven to be indispensable to the functioning of Community Board 3 for tasks such as developing the board's position regarding the need for a school on the SPURA site and by supervising this year's urban planning fellow and hiring an office intern;

Therefore be it resolved, contingent upon approval by the Office of Management and Budget (OMB), Community Board 3 Manhattan approves of an increase for Juliana Dubovsky's salary by \$1,500 (one thousand five hundred), which will be retroactive to the day the Personnel Action Request is submitted to OMB.

41 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Land Use, Zoning, Public & Private Housing Committee

1. Seward Park Mixed Use Development-Check-in on upcoming RFP process (EDC & HPD)

no vote necessary

2. NYCHA Land Disposition: process and possibilities

no vote necessary

- McWaters: We want to support residents by getting them time and giving them resources necessary to make the right decision. We do not have a mandate, and we are trying to carve out a niche.
- Li: A letter drafted in Land Use committee will be sent out Monday. District Managers of affected CBs have been in communication.

3. Kushner East Village properties: introduction

no vote necessary

4. BSA 220-10-BZY II: 77, 79 & 81 Rivington St (B415, L61,62,63,66,67), application to facilitate the completion of a 16-story hotel

VOTE: REGARDING BSA 220-10-BZY II: 77, 79 & 81 Rivington Street (B415, L61,62,63,66,67), application to facilitate the completion of a 16-story hotel

WHEREAS, the construction is substantially built and not finishing it continues it as a safety hazard and an eyesore, so

THEREFORE, BE IT RESOLVED, that despite our neighborhood's continued objection to buildings of this type, size, and purpose, Community Board 3 does not oppose the application.

5. 515 E 5th Street: BSA variance applications (calendar items 245-12-A and 246-12-A) Appeal seeking a determination that the owner of the property has acquired a common law vested right to complete construction under the prior R7-2 zoning .R7B Zoning District and Appeal pursuant to Section 310(2) of the Multiple Dwelling Law, requesting that the Board vary several requirements of the MDL. R7B Zoning District

VOTE: REGARDING 515 E 5th Street: BSA variance applications (calendar items 245-12-A and 246-12-A) Appeal seeking a determination that the owner of the property has acquired a common law vested right to complete construction under the prior R7-2 zoning .R7B Zoning District and Appeal pursuant to Section 310(2) of the Multiple Dwelling Law, requesting that the Board vary several requirements of the MDL. R7B Zoning District

WHEREAS, the Tenants Association has unquestionable legal standing to appear before the New York City Board of Standards and Appeals (BSA), #245-12-A and 246-12-A, April 23, 2013; and

WHEREAS, there has been long standing opposition to the landlord developing the two additional stories on the subject premises; and

WHEREAS, Community Board 3 (CB3) seeks a reversal of the findings of a Department of Buildings (DOB) Letter of Final Determination dated July 10.2012. It denied a request to reinstate the Alteration 1 work permit (Job Application #104368845) at 515 East 5th Street on two grounds: (1) The DOB lacks

authority on its own to reinstate said permit under previous zoning laws because the area was rezoned on November 19, 2008, mandating the automatic lapse of the permit; and

WHEREAS, CB 3 believes that DOB similarly lacks authority to reinstate a permit which has been revoked by the BSA for failure to comply with the Multiple Dwelling Law (MDL) and therefore due to its "unauthorized" issuance; and

WHEREAS, the Tenants Association, as appellant, has prevailed in two separate appeals before the BSA which lead directly to the pending cases. By Resolution dated November 11, 2007, the BSA agreed with the Tenants Association and its elected representatives that construction of a vertical enlargement (6th and 7th floor added to an already existing 5-story old-law tenement) was contrary to zoning resolution section 23-69-2 (Sliver Law); and

WHEREAS, this case was so precedent-setting that it triggered an internal DOB memorandum notifying all of its employees that henceforth any MDL provisions would be strictly enforced. Both the Sliver Law and MDL rulings have already been cited in several subsequent legal proceedings as examples of the DOB's proclivity to allow construction contrary to existing law; and

WHEREAS, the landlord requests that the BSA grant the owner vesting under the original R7-2 zoning laws claiming construction was completed prior to rezoning, which is contrary to the efforts this board did to rezone this community; so

THEREFORE BE IT RESOLVED, that CB 3 opposes this application for an alteration and asks the BSA to deny such application.

41 YES 0 NO 0 ABS 0 PNV MOTION PASSED

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

1. Update on Fellow project: Senior inventory and assessment
no vote necessary
2. Planning for a school on SPURA site
no vote necessary
3. Safety net program: Addresses social and healthcare needs of the older Jewish population
no vote necessary

Economic Development

1. East Village Retail Diversity and Small Business Revitalization-Partnership Plans for Data Collection
no vote necessary

Richard Ropiak:

- A grant from Manhattan Chamber of Commerce will be used to contract with Open Plan to capture data. On Friday at 11:00AM, we will do a survey from 11th to 14th on Ave. A and are looking for volunteers to administer the survey.
2. Introduction to The Association of Latino Business Owners and Residents
no vote necessary

Transportation & Public Safety and Environment Committee

1. Extra Place: Use of Public Space

VOTE: WHEREAS, Extra Place is a "restricted use street" managed by Avalon Bay under an agreement with DOT. In October 2009, schematic design was presented to CB3, which approved of the concept that plantings, pedestrian lighting and removable seating and tables. This design was not implemented in such a way that it would encourage public use or even awareness that Extra Place is available for public space; and

WHEREAS, several potential partners have indicated interest in helping Avalon Bay with the creation and maintenance of public programming. For example, Fourth Arts Block is contracted to install a rotating exhibit of sidewalk murals; and

WHEREAS, programming to encourage public use of Extra Place would also benefit the commercial tenants adjacent to the plaza; now

THEREFORE, BE IT RESOLVED, CB3 requests that Avalon Bay provide design expertise and financial resources to support a group of community stakeholders in the design of a plan that would encourage public use of Extra Place.

2. Review of bike rack applications for CB 3 businesses

no vote necessary

Bus Stop Applications

3. Victoria's Tour & Co request for bus stop in front of 9 Chatham Square

VOTE: WHEREAS, VTC Transportation, Inc. has applied for a designated bus stop for curb-side loading/unloading operations located at 9 Chatham Square. The buses will operate under the Victoria's Tour & Co brand name, providing service between New York and Atlantic City, NJ with up to 11 arrivals/departures daily between the hours of 6:30 am and 1:30 am; 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.
- Tickets will be sold only for specific boarding times and will not be oversold.
- Tickets will be sold in assigned boarding order system so that customers will not need to arrive early to jockey for positions.
- Sidewalk lines will be single file, and only for the next assigned bus.
- There will be a staff person on duty for every arrival and departure to guide loading / unloading, to have direct contact to dispatch to inform passengers of delays, and to engage in crowd and noise control.
- Trash bags will be used to collect litter and will be kept in storefront, or will leave with the bus.
- Staff will routinely clean up the sidewalk by bus stop.
- Buses will keep to schedules, which will be published online or printed, as much as possible.
- The number of buses at this stop will not exceed the stated number of buses per hour/per day.
- All buses purchased in the future will be equipped with diesel particulate filters and use ultra-low sulfur fuels, and will also be equipped with exhaust gas recirculation emission control technology.
- A storefront will be provided for the use of customers, so they may wait to board their bus and use the restroom facilities.

THEREFORE, BE IT RESOLVED, that CB3-Manhattan recommends that DOT issue a permit for VTC Transportation, Inc. to operate their Victoria's Tour & Co brand of bus service at a designated curbside bus stop at 9 Chatham Square, provided that the preceding list of stipulations agreed between the applicant and CB3 will be attached to the DOT permit.

4. General Bus Inc request for bus stop in front of 47 Chrystie Street

VOTE: WHEREAS, General Bus, Inc. has applied for a designated bus stop for curb-side loading/unloading operations located at 47 Chrystie Street. The buses will be providing service between New York and North Carolina with up to 5 arrivals/departures daily between the hours of 8:30 am and 10:00 pm; and

WHEREAS, CB3 has serious concerns about this location because it would eliminate a truck loading zone from 8am to 7pm, Mon-Sat, on a block that has existing businesses that require loading and unloading. Three of these businesses appeared at the CB3 meeting to present their concerns – Sun Da Apparel (a garment factory on the 2nd floor of 47-53 Chrystie St), Hollywood Nail Supplies (a business at 51 Chrystie St), and An Qing Corp (a restaurant supply business at 53 Chrystie St). There is already another permitted bus stop for Lucky Star located on the same block at 55 Chrystie St; 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.
- Tickets will be sold only for specific boarding times and will not be oversold.
- Tickets will be sold in assigned boarding order system so that customers will not need to arrive early to jockey for positions.
- Sidewalk lines will be single file, and only for the next assigned bus.
- There will be a staff person on duty for every arrival and departure to guide loading / unloading, to have direct contact to dispatch to inform passengers of delays, and to engage in crowd and noise control.
- Trash bags will be used to collect litter and will be kept in storefront, or will leave with the bus.
- Staff will routinely clean up the sidewalk by bus stop.
- Buses will keep to schedules, which will be published online or printed, as much as possible.
- The number of buses at this stop will not exceed the stated number of buses per hour/per day.

- All buses purchased in the future will be equipped with diesel particulate filters and use ultra-low sulfur fuels, and will also be equipped with exhaust gas recirculation emission control technology.
- A storefront will be provided for the use of customers, so they may wait to board their bus and use the restroom facilities during all times of arrivals/departures.

THEREFORE, BE IT RESOLVED, that CB3-Manhattan requests that DOT resolve the problems with the loading/unloading zone before DOT issues a permit for a designated bus stop at 47 Chrystie Street. If DOT does issue a permit for General Bus, Inc. to operate at a designated bus stop for curbside loading/unloading operations located at or near 47 Chrystie Street, the preceding list of stipulations agreed between the applicant and CB3 should be attached to the DOT permit.

5. Virginia Seagull Travel request for bus stop in front of 59 Canal Street

VOTE: WHEREAS, Virginia Seagull Travel Bus has applied for a designated bus stop for curbside loading/unloading operations located at 59 Canal Street. The buses will provide service between New York and Virginia cities with up to 4 arrivals/departures daily between the hours of 6:30 am and 10:00 pm; 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.
- Tickets will be sold only for specific boarding times and will not be oversold.
- Tickets will be sold in assigned boarding order system so that customers will not need to arrive early to jockey for positions.
- Sidewalk lines will be single file, and only for the next assigned bus.
- There will be a staff person on duty for every arrival and departure to guide loading / unloading, to have direct contact to dispatch to inform passengers of delays, and to engage in crowd and noise control.
- Trash bags will be used to collect litter and will be kept in storefront, or will leave with the bus.
- Staff will routinely clean up the sidewalk by bus stop.
- Buses will keep to schedules, which will be published online or printed, as much as possible.
- The number of buses at this stop will not exceed the stated number of buses per hour/per day.
- All buses purchased in the future will be equipped with diesel particulate filters and use ultra-low sulfur fuels, and will also be equipped with exhaust gas recirculation emission control technology.
- A storefront will be provided for the use of customers, so they may wait to board their bus and use the restroom facilities during all times of arrivals/departures.

THEREFORE, BE IT RESOLVED, that CB3-Manhattan recommends that DOT issue a permit for Virginia Seagull Travel Bus to operate at a designated curbside bus stop at 59 Canal Street, provided that the preceding list of stipulations agreed between the applicant and CB3 will be attached to the DOT permit.

David Crane: Tuesday April 30 at Hotel Pennsylvania from 6:00-7:00 there will be a forum on interstate buses.

41 YES 0 NO 0 ABS 0 PNV MOTION PASSED

SLA & DCA Licensing Committee

Applications within Saturated Areas

1. Haile Bistro (Haile Bistro Inc), 182 Ave B btwn E 11th & E 12th Sts (wb)

VOTE: To deny the application for a beer wine license for Haile Bistro Inc., with a proposed business name of Haile Ethiopian Bistro, for the premise located at 182 Avenue B, between East 11th Street and East 12th Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that

- 1) it will operate as a full-service restaurant, specifically an Ethiopian restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 12:00 P.M. to 12:00 A.M. all days,
- 3) it will play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 4) it will close façade doors and windows at 10:00 P.M. every night,
- 5) it will not commercially use any outdoor areas,
- 6) it will not seek an upgrade in class of its liquor license,
- 7) it will not have "happy hours," and

8) it will not host pub crawls or party buses

Community Board #3 is approving this application for a beer wine license although this is a location in an area with numerous licensed premises because 1) the applicant has agreed not to seek an upgrade of its liquor license and to close its business at 12:00 A.M. every night, and 2) this applicant has provided evidence of community support for its business through petition signatures from area residents.

2. Suffering Bastard (172 Ave B Rest Inc), 172 Ave B btwn E 10th & E 11th Sts (op)

VOTE: WHEREAS, 172 Avenue B Restaurant Inc. is seeking a full on-premise liquor license to operate a cocktail bar, with a proposed business name of The Asphalt Jungle, at the premise located at 172 Avenue B, between East 10th and East 11th Streets; and

WHEREAS, the proposed application is for a "tiki bar" with nine (9) tables and thirty-two (32) seats, a thirty-two (32) foot bar with ten (10) stools, hours of operation of 1:00 P.M. to 1:00 A.M. Sundays, 5:00 P.M. to 1:00 A.M. Mondays and Tuesdays, 5:00 P.M. to 2:00 A.M. Wednesdays through Fridays and 1:00 P.M. to 2:00 A.M. Saturdays, a prep area serving a limited menu and recorded background music; and

WHEREAS, while the applicant concedes that there are ten (10) full on-premise liquor licenses within five hundred (500) feet of this location, there are as many as sixteen (16) within that area, five (5) of which are on the same block and adjacent to this location; and

WHEREAS, although the applicant has stated that the community benefit of its business will be that its cocktails will be rum-based as opposed to vodka-based, there is no public benefit in the addition of a rum-based cocktail bar in an area with at least seven (7) cocktail bars in the nearby area; and

WHEREAS, this location was previously a Mexican restaurant with only a beer wine license and has been unoccupied for at least one (1) year; and

WHEREAS, one of the principles of this business operates Essex Street Bar and Lounge Inc., previously doing business as Painkiller but currently doing business as PKNY, located at 49 Essex Street, for which there are no contest pleas on October 14, 2011, for numerous SLA violations, including a sealed exit door, false exit sign and unregistered security and pending SLA violations for which a nuisance abatement was filed and served in February of 2013, including for selling alcohol to minors and unlicensed security for which the applicant has stated to this community board that it would plead no contest; and

WHEREAS, although the applicant provided twenty-five (25) signatures from area residents in support of its application and approximately twenty-five (25) people stood up on its behalf at its community board hearing, those people who appeared did not speak or provide proof of residence in the affected area; and

WHEREAS, three (3) residents appeared in opposition to application, one of whom also spoke on behalf of area resident groups, East Village Community Coalition and Good Old Lower East Side, in their opposition to this application, and six (6) additional letters in opposition to this application were submitted to the community board; and

WHEREAS, residents and resident groups are opposed to this application because 1) this is an area which already has numerous businesses with full on-premise liquor licenses, five (5) of which are adjacent to this proposed business, 2) there are at least seven (7) cocktail bars near this location so there would be no public benefit in the addition of another cocktail bar, 3) the area is already overwhelmed with the patrons of existing businesses as well as traffic congestion and noise and another nighttime business would increase these problems, and 4) this applicant has a past and pending police and SLA history at a business it already operates at 49 Essex Street, which has a full on-premise liquor license, and this history makes it a poor risk for compliance with the law at this location; now

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the application for a full on-premise liquor license for 172 Avenue B Restaurant Inc., for the premise located at 172 Avenue B between East 10th and East 11th Streets.

3. Tre (Jersey Boys LLC), 173 Ludlow St (upgrade to op)
withdrawn

4. Golden C Hospitality (Golden C Hospitality), 13 1st Ave at E 1st St & 1st Ave (op)

VOTE: Understanding that this is a sale of assets of a preexisting restaurant and as this applicant has entered in a Memorandum of Understanding with the East First Street Block Association (attached hereto), Community Board #3 moves to deny the application for a full on-premise liquor license for Golden C Hospitality Inc, with a

proposed business name of Golden Cadillac, for the premise located at 13 First Avenue, at the corner of East 1st Street and First Avenue, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that

- 1) it will operate as a full-service restaurant, with a kitchen open and serving food during all hours of operation and will provide an expanded dinner menu,
 - 2) its hours of operation will be 12:00 P.M. to 2:00 A.M. Sundays, 5:00 P.M. to 2:00 A.M. Mondays through Wednesdays, 5:00 P.M. to 4:00 A.M. Thursdays and Fridays and 12:00 P.M. to 4:00 A.M. Saturdays,
 - 3) it will play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
 - 4) it will have a closed fixed façade with no open doors or windows,
 - 5) it will not commercially use any outdoor areas,
 - 6) it will employ at least one (1) security guard every night to control crowds and noise on the sidewalk, and
 - 7) it will not employ Giuseppe Gonzalez unless it first obtains approval to do so from the SLA.
5. Bibi, 211 E 4th St btwn Aves A & B (wb)

VOTE: WHEREAS, Bibi Wine Bar LLC is seeking a beer wine license to operate a wine bar café at the premise located at 211 East 4th Street, between Avenues A and B; and

WHEREAS, although this proposed business would be located on a residential side street, it would be located in a premise which was previously a tea lounge with a beer wine license; and

WHEREAS, understanding that this applicant has entered into a Memorandum of Understanding with the East 4th Street A to B Block Association and agreed to stipulations regarding its method of operation but refused to sign those stipulations; and

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the application for a beer wine license for Bibi Wine Bar LLC, with a proposed business name of Bibi, for the premise located at 211 East 4th Street, between Avenues A and B, because the applicant failed to provide the required signed notarized stipulation, which would become conditions of its liquor license, that

- 1) it will operate as a full-service restaurant, specifically a wine bar and café, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 8:00 A.M. to 12:00 A.M. Mondays through Thursdays, 8:00 A.M. to 1:00 A.M. Fridays, 11:00 A.M. to 1:00 A.M. Saturdays and 11:00 A.M. to 12:00 A.M. Sundays,
- 3) it will play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 4) it will close any façade doors and windows by 10:00 P.M. every night,
- 5) it will not commercially use any outdoor areas, including not seeking to obtain a sidewalk café permit or use its backyard,
- 6) it will not have "happy hours" past 7:00 P.M.,
- 7) it will not host pub crawls or party buses, and
- 8) it will designate an employee to minimize patron congestion and noise on the sidewalk.

Sidewalk Cafe Application

6. Dudley's (Two Bikes LLC), 85 Orchard St at Broome St (unenclosed)

VOTE: To approve the application for a sidewalk café permit for four (4) tables and eight (8) seats for Two Bikes LLC, doing business as Dudley's, 85 Orchard Street, at the corner of Orchard and Broome Streets, because the applicant has signed a change agreement which will become part of its DCA license that 1) its hours of operation will be 9:00 A.M. to 10:00 P.M. all days, and 2) it will extend an awning over its façade while its sidewalk café is operating.

Alterations

7. Hong Kong Station (Lamma Island Inc), 45 Division St btwn Bayard & Market Sts (alt/wb/change of hours)

VOTE: To deny the application for an alteration of the beer wine license of Lamma Island Inc., doing business as Hong Kong Station, for the premise located at 45 Division Street, between Bayard and Market Streets, to wit amending its hours of operation to 7:30 A.M. to 12:00 A.M. Sundays through Thursdays and 7:30 A.M. to 2:00 A.M. Fridays and Saturdays, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that

- 1) it will operate as a full-service Chinese restaurant, serving food during all hours of operation,
 - 2) its hours of operation will be 7:30 A.M. to 12:00 A.M. Sundays through Thursdays and 7:30 A.M. to 2:00 A.M. Fridays and Saturdays,
 - 3) it will close any façade doors and windows at 10:00 P.M. every night, and
 - 4) it will play ambient background music only, consisting of recorded music, and will not have DJs, live music, promoted events or any event at which a cover fee will be charged.
8. Sapphire Lounge (Saff Inc), 249 Eldridge St btwn E Houston & Stanton Sts (alt/op/various physical alterations)

VOTE: WHEREAS, Saff Inc. is seeking an alteration of its full on-premise liquor license for its tavern lounge, doing business as Sapphire Lounge, for the premise located at 249 Eldridge Street, between East

Houston and Stanton Streets, to wit 1) changing its façade, 2) moving its front door, 3) adding a service bar, 4) converting its rear storage room into a lounge, 5) installing additional soundproofing to respond to resident complaints, and 6) reshaping the existing bar into a horseshoe shape; and

WHEREAS, the Eldridge Street Block Association has engaged in extensive discussions with the applicant to construct a as yet unsigned Memorandum of Understanding (attached hereto) to address these alteration and insure that resident complaints about noise coming from this establishment are also addressed; now

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the application for an alteration of the full on-premise liquor license for Saff Inc, doing business as Sapphire Lounge, for the premise located at 249 Eldridge Street, between East Houston and Stanton Streets, to wit 1) changing its façade, 2) moving its front door, 3) adding a service bar, 4) converting its rear storage room into a lounge, 5) installing additional soundproofing to respond to resident complaints, and 6) reshaping the existing bar into a horseshoe shape, because the applicant failed to provide the required signed notarized stipulation, which would become conditions of its liquor license, that

- 1) it will install soundproofing consistent with the attached plan,
- 2) it will install a new sound system and will conduct sound testing in apartments at 249 Eldridge Street to insure that its sound system is not audible to its neighbors,
- 3) it will have a closed fixed façade with no open doors or windows,
- 4) it will create a vestibule at its entrance to minimize noise emanating from its business to the street,
- 5) it will designate at least two (2) employees to disperse patrons and vehicles from in front of the business,
- 6) it will not have outside promoters or promoted events,
- 7) it will not host pub crawls or party buses,
- 8) it will post signs on its façade asking its patrons to be quiet, and
- 9) it will not expand its business into its basement.

9. The Third Man (116 Ave C Rest LLC), 116 Ave C btwn E 7th & E 8th Sts (alt/op/change stip to allow opening of front windows)

VOTE: To deny the application for an alteration of the full on-premise liquor license for 116 Avenue C Restaurant LLC, doing business as The Third Man, for the premise located at 116 Avenue C, between East 7th Street and East 8th Street, to wit amending its stipulations to allow for the opening of façade doors and windows and extending its license to the service of alcohol to three (3) table with six (6) seats in front of its business within its building line, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that

- 1) it will operate a tavern, with a prep area open and serving food during all hours of operation,
- 2) it will play ambient background music only, consisting of recorded music, and not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 3) it will close any façade doors or windows at 10:00 P.M. every night, and
- 4) it may have three (3) tables with six (6) seats in front of it business within its building line, provided it closes this area at 10:00 P.M. every night.

10. Tiny Fork (Project 6 LLC), 167 Orchard St at Stanton St (alt/op/additional bar in basement)

VOTE: WHEREAS, Project 6 LLC is seeking an alteration of the full on-premise liquor license of a seafood restaurant, with a proposed business name of Tiny Fork, for the premise located at 167 Orchard Street a/k/a 87 Stanton Street, to wit adding a standup bar and DJs in its basement; and

WHEREAS, the applicant was originally denied as 87 Stanton Street in October of 2010 unless the applicant agreed before the SLA to make as conditions of its license a signed notarized stipulation that 1) it would operate a full-service seafood restaurant and oyster bar, serving food to within one (1) hour of closing, 2) its hours of operation would be from 12:00 P.M. to 4:00 A.M. all days, 3) it would play ambient background music, consisting of recorded music only, 4) it would close any façade doors and windows by 10:00 P.M. every night, and 5) it would install adequate soundproofing; and

WHEREAS, the original application, which was for a business opening onto Stanton Street, proposed a seafood restaurant and raw bar with a certificate of occupancy of one hundred fifty (150) people, seating for seventy (70) people, a twenty-five (25) bar with fourteen (14) stools, soundproofing and background music; and

WHEREAS, although this is an as yet unopened business, the applicant is now stating that its projected certificate of occupancy will be greater than one hundred fifty (150) people and its entrance is now on Orchard Street, and, further, it intends to add a standup bar and DJs to its basement level and Community Board #3 consequently has concerns that its proposed method of operation will be altered to conform to a bar tavern; and

WHEREAS, residents appeared before Community Board #3 to complain that 1) there had been no community outreach by this applicant in this area which is already overwhelmed with forty-one (41) locations with liquor licenses within a two (2) block radius, 2) this area is already overwhelmed with traffic and people congestion from the existing late night businesses and they are concerned that this business will exacerbate these already prevalent issues, 3) they have concerns that the licensing history of this applicant who has had police summons, SLA reports and nuisance abatements at his other locations in the same neighborhood, make him a bad risk for compliance with the law at this location, and 4) they are concerned that the addition of a standup bar and DJs to the basement is more consistent with a method of operation as a bar than as a restaurant; and

WHEREAS, ninety-six (96) signatures from area residents in opposition to this application were also submitted; and

WHEREAS, the applicant submitted only eighteen (18) signatures from area residents in support of its application; now

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the alteration of the full on-premise liquor license for Project 6 LLC, for the premise located at 167 Orchard Street a/k/a 87 Stanton Street.

New Liquor License Applications

11. Edible Analytics LLC, 177 Chrystie St at Rivington St (op)

VOTE: WHEREAS, Edible Analytics LLC is seeking a full on-premise liquor license to operate a tavern in the basement of the premise located at 177 Chrystie Street, at the corner of Rivington Street; and

WHEREAS, this location is commercially zoned; now

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the application for a full on-premise liquor license for Edible Analytics LLC, with a proposed business name of Mimi's, for the premise located at 177 Chrystie Street, basement level, at the corner of Rivington Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that

- 1) it will operate as a tavern, with a prep area open and serving food during all hours of operation,
- 2) its hours of operation will be 12:00 P.M. to 2:00 A.M. Sundays through Tuesdays and 12:00 P.M. to 3:30 A.M. Wednesdays through Saturdays,
- 3) it will have a closed fixed façade with no open doors or windows,
- 4) 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,
- 5) it will not commercially use any outdoor areas,
- 6) it will employ security, if needed, and
- 7) it will not host pub crawls or party buses.

12. Azize Cafe & Lounge (45 First Ave Corp), 45 1st Ave btwn E 2nd & E 3rd Sts (wb)

VOTE: To deny the application for a tavern wine license for 45 First Avenue Corp., doing business as Azize Café & Lounge, for the premise located at 45 First Avenue, between East 2nd and East 3rd Streets, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that

- 1) it will operate as a café and hookah lounge, with a prep area open and serving food during all hours of operation,
- 2) its hours of operation will be 4:30 P.M. to 3:00 A.M. Sundays through Thursdays and 4:30 P.M. to 4:00 A.M. Friday and Saturdays,
- 3) it will have a closed fixed façade with no open doors or windows, and
- 4) 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.

Ropiak: Asked that a new stipulation be added that the sidewalk shall not be used for commercial purposes.

Alexandra Militano: We would need applicant re-sign the application with these new stipulations. We would have to hear the sidewalk café application before we would grant that.

Ropiak: Moved to add this to the stipulations

Chad Marlow: Second

McWaters: This is a small item.

Motion fails.

13. Empanada Mama Express, 189 E Houston St btwn Orchard & Ludlow Sts (op)

- VOTE:** To deny the application for a beer wine license for a corporation to be determined, with principle Socrates Nanas, with a proposed business name of Empanada Mama Express, for the premise located at 189 East Houston Street, between Orchard and Ludlow Streets, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that
- 1) it will operate as a South American fast food empanada restaurant, with a kitchen open and serving food during all hours of operation,
 - 2) it will stop serving beer and wine at 12:00 A.M. all days,
 - 3) it will have a closed fixed façade with no open doors or windows,
 - 4) 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,
 - 5) it will have an employee stationed on the floor of the restaurant, one of whose responsibilities will be to insure that no patrons leave the business with any alcohol, and
 - 6) it will not seek an upgrade in class of its liquor license.
14. Bar Chevere (O & O Wine Corp), 181 Essex St (op)
withdrawn
15. NYC Billiards Club Inc, 250 E Houston St btwn Aves A & B (op)
VOTE: To deny the application for a full on-premise liquor license for NYC Billiards Club Inc., for the premise located at 250 East Houston Street, between Avenue A and B, because the applicant did not appear before Community Board #3 for review of its application or provide any application materials for review.
16. Yeah Shanghai Deluxe (50 Mott Street Inc), 50 Mott St btwn Bowery & Forsyth St (wb)
VOTE: Understanding that this is a sale of assets of a preexisting restaurant, Community Board #3 moves to deny the application for a beer wine license for 50 Mott Street Inc., with a proposed business name of Yeah Shanghai Deluxe, for the premise located at 50 Mott Street, between Bowery and Forsyth Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that
- 1) it will operate as a full-service Chinese restaurant, with a kitchen open and serving food during all hours of operation,
 - 2) its hours of operation will be 11:00 A.M. to 10:00 P.M. all days,
 - 3) it will have a closed fixed façade with no open doors or windows, and
 - 4) 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.
17. 31 Division Restaurant Inc, 31 Division St at Bayard St (wb)
VOTE: To deny the application for a beer wine license for 31 Division Restaurant Inc. Inc., for the premise located at 31 Division Street, at Bayard Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that
- 1) it will operate as a full-service Chinese hot pot restaurant, with a kitchen open and serving food during all hours of operation,
 - 2) its hours of operation will be 11:00 A.M. to 12:00 A.M. all days,
 - 3) it will have a closed fixed façade with no open doors or windows, and
 - 4) 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.
18. El Diablito Taqueria, 60 E 3rd St btwn 1st & 2nd Aves (wb)
VOTE: To deny the beer wine license for El Diablito Taqueria Inc., for the premise located at 60 East 3rd Street, between First and Second Avenues, because 1) this location is a grandfathered noncompliant commercial use on a side street which is zoned residential and such use was permitted to serve local retail needs and, as such, Community Board #3 believes that the City should not permit eating and drinking establishments on side streets where they are not permitted under existing zoning or to extend noncompliant use to eating and drinking establishments, and 2) this is an as yet unopened business with a proposed method of operation as a fast food restaurant.
19. The Living Room (ACP Project), 173 E 2nd St (op)
withdrawn
20. To be Determined, 76 Clinton St at Rivington St (op)
VOTE: Understanding that this is a sale of assets of a preexisting restaurant, Community Board #3 moves to deny the application for a full on-premise liquor license for a corporation to be determined, with principal Richard Martin, for the premise located at 76 Clinton Street, at Rivington Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that
- 1) it will operate as a full-service seafood tapas restaurant, with a kitchen open and serving food during all hours of operation,
 - 2) its hours of operation will be 4:00 P.M. to 2:00 A.M. Mondays through Wednesdays, 4:00 P.M. to 4:00 A.M. Thursdays and Fridays and 12:00 P.M. to 4:00 A.M. Saturdays and 12:00 P.M. to 2:00 A.M. Sundays,
 - 3) it will have a closed fixed façade with no open doors or windows, and
 - 4) 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,

- 5) it may have "happy hours" of 4:00 P.M. to 7:00 P.M. Mondays through Fridays and 2:00 P.M. to 6:00 P.M. Saturdays and Sundays, and
 - 6) it will not host pub crawls or party buses.
21. Heart N Soul (Mama Bar LLC), 200 E 3rd St btwn Aves A & B (wb)
- VOTE:** Understanding that this applicant has entered into a Memorandum of Understanding with the East 4th Street A to B Block Association, Community Board #3 moves to deny the application for a beer wine license for Mama Bar LLC, with a proposed business name of Heart N Soul, for the premise located at 200 East 3rd Street, between Avenues A and B, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that
- 1) it will operate as a full-service restaurant, specifically a soul food restaurant, with a kitchen open and serving food during all hours of operation,
 - 2) its hours of operation will be 8:00 A.M. to 12:00 A.M. Mondays through Thursdays, 8:00 A.M. to 2:00 A.M. Fridays, 11:00 A.M. to 2:00 A.M. Saturdays and 11:00 A.M. to 12:00 A.M. Sundays, but it may have its takeout section open to 2:00 A.M. Sundays through Thursdays and 4:00 A.M. Fridays and Saturdays,
 - 3) it will stop serving beer and wine at 12:00 A.M. Sundays through Thursdays and 1:00 A.M. Fridays and Saturdays,
 - 4) 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,
 - 5) it will have a closed fixed façade with no open doors or windows,
 - 6) it will not commercially use any outdoor areas, including not seeking to obtain a sidewalk café permit or use its backyard,
 - 7) it will have no standup bar,
 - 8) it will not host pub crawls or party buses, and
 - 9) it will designate an employee whose responsibilities will include minimizing patron congestion and noise on the sidewalk.
22. One 55 Rivington Parlor Inc, 155 Rivington St (op)
withdrawn
23. Cagen Japanese LLC, 412-414 E 9th St btwn 1st Ave & Ave A (wb)
- VOTE:** As this applicant has entered into a Memorandum of Understanding with the 9th Street A-1 Block Association (attached hereto), Community Board #3 moves to deny the application for beer wine license for Cagen Japanese LLC, for the premise located at 412-414 East 9th Street, between First Avenue and Avenue A, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that
- 1) it will operate as a full-service Japanese restaurant, with a kitchen open and serving food during all hours of operation,
 - 2) its hours of operation will be from 5:30 P.M. to 11:30 P.M. all days,
 - 3) there will be no standing bar or bar with stools,
 - 4) it will have a closed fixed façade with no open doors or windows,
 - 5) it will play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
 - 6) it will designate an employee or employees whose responsibilities will include monitoring the sidewalk in front of the business to deter noise and congestion from patrons,
 - 7) it will not commercially operate any outdoor areas, including a sidewalk café or backyard,
 - 8) it will not seek an upgrade in class of its liquor license, and
 - 9) it will not seek to physically expand its business.
24. Goats (Goat Brothers Inc), 213 2nd Ave (op)
withdrawn
25. The Nugget Spot (Uncle J's Inc), 230 E 14th St btwn 2nd & 3rd Aves (wb)
- VOTE:** To deny the application for a beer wine license for Uncle J's Inc., with a proposed business name of The Nugget Spot, for the premise located at 230 East 14th Street, between Second and Third Avenues, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that
- 1) it will operate as a fast food nugget restaurant, with a kitchen open and serving food during all hours of operation,
 - 2) it will serve beer and wine only from 11:30 A.M. to 12:00 A.M. Mondays through Wednesdays and 11:30 A.M. to 2:00 A.M. Thursdays through Saturdays,
 - 3) it will close any façade doors or windows at 10:00 P.M. every night,
 - 4) 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, and
 - 5) it will not host pub crawls or party buses.
26. To be Determined, 269 E Houston St (aka 188 Suffolk St) (op)
- VOTE:** To deny the application for a full on-premise liquor license for a corporation to be determined, with principal Eugene Fernandez, for the premise located at 269 East Houston Street a/k/a 188 Suffolk Street,

because the applicant did not appear before Community Board #3 for review of its application or provide any application materials for review.

27. East Broadway Tower Corp, 95 Henry St at Pike St (wb)

VOTE: To deny the application for hotel wine license for East Broadway Tower Corp., with a proposed business name of The Marriott Hotel, for the premise located at 95 Henry Street, at Pike Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that

- 1) it will operate as a seven (7) story hotel with twenty-four (24) hour room service and a ground floor full-service restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation for its ground floor restaurant will be 7:00 A.M. to 11:00 P.M. all days,
- 3) there will be no standing bar or bar with stools,
- 4) it will have a closed fixed façade with no open doors or windows, and
- 5) it will have no music in the commons areas.

28. Tab Corp, 49 Clinton St (op)

withdrawn

Corporate Change with Complaint History

29. Cafe 81 (81 E 7th Pastry Shop Corp), 81 E 7th St btwn 1st & 2nd Aves (op)

VOTE: WHEREAS, 81 East 7th Pastry Shop Corp. is seeking a renewal of its full on-premise liquor license for its restaurant tavern, doing business as Café 81, located at 81 East 7th Street, between First and Second Avenues; and

WHEREAS, this applicant was originally approved in March of 2005 with the understanding that the applicant would provide a signed notarized stipulation that it would 1) install soundproofing consistent with an attached plan, 2) not use its backyard, 3) serve food to within one (1) hour of closing every night for the life of the license, and 4) not use the recessed area in front of its front doorway other than as an entrance and egress for patrons; and

WHEREAS, this applicant was then heard as a renewal with outstanding resident complaints against it in September of 2009, principally regarding noise emanating from the front of its business and from patrons using its front patio, and was approved provided the applicant agreed before the SLA to make as conditions of its license the following signed notarized stipulation that it would 1) never commercially use the backyard, 2) serve food to within one (1) hour of closing every night for the life of the license, 3) not use the recessed area in front of its front doorway other than as an entrance and egress for patrons and not have patrons waiting or seated in said area, 4) designate an employee one of whose responsibilities would be to monitor the front of the establishment and insure patrons are quiet, and 5) post a sign on its façade asking that patrons be quiet; and

WHEREAS, this applicant has since entered into a stipulation of settlement on November 1, 2011, after a nuisance abatement action against it, in which it agreed, in pertinent part, that it would 1) only have hours of operation of 4:00 P.M. to 2:00 A.M. Tuesdays through Fridays and 11:30 A.M. to 2:00 A.M. Saturdays and Sundays, 2) employ a licensed security guard Fridays and Saturdays, from 10:00 P.M. to closing, who would be stationed at its front door to oversee its outside area and insure that it was clear of patrons and noise, and 3) prohibit alcohol service or consumption in any outside area (see stipulation of settlement appended hereto); and

WHEREAS, there are new outstanding complaints from residents against this applicant requiring that this application now be heard by Community Board #3 and said complaints include loud noise emanating from this location and its front patio late at night, lack of responsiveness by the applicant to address these noise complaints and observations of the applicant serving alcohol to patrons in its front outdoor patio in 2012, subsequent to its stipulation of settlement of no outdoor service and contrary to its liquor license which does not include any outdoor areas; and

WHEREAS, ***this applicant has failed to appear to address these complaints or the operation of its business***; and

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the renewal of the full on-premise liquor license for 81 East 7th Pastry Shop Corp., doing business as Café 81 for the premise located at 81 East 7th Street, between First and Second Avenues, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that

- 1) it will not commercially operate any outdoor areas, including its backyard and recessed outdoor area in front of its front entrance,
- 2) its hours of operation will be from 4:00 P.M. to 2:00 A.M. Tuesdays through Fridays and 11:30 A.M. to 2:00 A.M. Saturdays and Sundays,

- 3) it will employ at least one (1) security guard at its front door Fridays and Saturdays, from 10:00 P.M. to closing, who will minimize patron congestion and noise in front of the business,
- 4) it will not have pub crawls or have party buses come to its business,
- 5) it will maintain a closed fixed façade with no open doors or windows, including its front facade,
- 6) it will serve food to within one (1) hour of closing every night for the life of the license,
- 7) it will post signs on its façade asking that patrons be quiet, and
- 8) it will not allow alcohol service to or consumption by its patrons in its outdoor areas, including its patio in front of its front doorway, consistent with its stipulation of settlement and its liquor license.

Marlow: Why are we renewing this license when the applicant has not complied with its existing stipulations. Moves to strike language that tells the story of the violations without denying the license.

Jones: Second

Stetzer: Unless there is a pending violation, SLA cannot deny renewal.

Crane: We should vote for the renewal

Li: Item pulled.

Marlow: This applicant has a blatant disregard for the community and its stipulations. We need to send a message to this applicant that if you lie to the community board, you do not get a renewal.

Militano: The residents have asked us to impose stipulations on application to reduce noise complaints.

Stetzer: The residents of the block were at the meeting and asked for those stipulations.

McWaters: This amendment would eliminate ten years of work to be heard by the SLA.

Berg: Because this is not a friendly amendment, we would have to vote the entire motion down.

Marlow: These stipulations are duplicative and unnecessary.

Berg: Call the question.

Li: Vote for yes – the motion as is. Vote for no – voting the motion down.

41 YES 0 NO 0 ABS 0 PNV MOTION PASSED (all SLA except 12 and 29)

40 YES 1 NO 0 ABS 0 PNV MOTION PASSED (SLA 12)

39 YES 2 NO 0 ABS 0 PNV MOTION PASSED (SLA 29)

New Business

VOTE: Whereas Community Boards are the most local government structure for communities to have input into decision making for their districts, and

Whereas Community Board 3 posts specific agenda items on the distributed calendar of meetings each month to give full, transparent notice to the community for public input, and

Whereas Community Boards must post meeting calendars one full week before the first meeting to comply with the Open Meeting Law, and

Whereas a minimum of 45 days is necessary to ensure that an item will not miss one monthly meeting and not be too late for the next monthly meeting, and

Whereas Community Board 3, especially through its Economic Development Committee strives to support and retain our local small businesses, and strongly supports City efforts to help small businesses, and

Whereas Community Board 3 believes that support of small businesses should not come at the expense of the community and is not necessary to come at the expense of the community, so

Therefore be it resolved that Community Board 3 supports retaining the 45-day notification period for sidewalk cafes to Community Boards and strongly urges the rejection of any attempt to reduce this period.

41 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Members Present at Last Vote:

David Adams	[P]	David Crane	[P]	Herman Hewitt	[P]
Dominic Berg	[P]	Morris Fajtelewicz	[P]	Anne Johnson	[P]
Karen Blatt	[P]	Flora Ferng	[P]	Linda Jones	[P]
Justin Carroll	[P]	Shoshannah Frydman	[P]	Vaylateena Jones	[P]
Jimmy Cheng	[A]	Gloria Goldenberg	[P]	Meghan Joye	[A]
MyPhuong Chung	[P]	Jan Hanvik	[P]	Lisa Kaplan	[P]
David Conn	[A]	Ayo Harrington	[P]	Carol Kostik	[P]

Ben Landy	[P]	Alexandra Militano	[P]	Susan Scheer	[P]
John Leo	[P]	Chiun Ng	[P]	Nancy Sparrow-Bartow	[P]
Ricky Leung	[P]	Ariel Palitz	[P]	Wilson Tang	[P]
Gigi Li	[P]	Thomas Parker	[P]	Elinor Tatum	[A]
Alysha Lewis-Coleman	[P]	Teresa Pedroza	[P]	Rodney Washington	[A]
William LoSasso	[P]	Carolyn Ratcliffe	[P]	Julie Ulmet	[P]
Chad Marlow	[P]	Joyce Ravitz	[P]	Josephine Velez	[P]
Bernard Marti	[A]	Carlina Rivera	[P]	Justin Yu	[A]
David McWater	[P]	Jamie Rogers	[P]	Thomas Yu	[A]
Penina Mezei	[A]	Richard Ropiak	[P]		

Meeting Adjourned