



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

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Gigi Li, Board Chair

Susan Stetzer, District Manager

June 2014 Full Board Minutes

Meeting of Community Board #3 held on Tuesday, June 24, 2014 at 6:30pm at Cooper Union Rose Auditorium, 41 Cooper Square.

Public Session:

Drohan DiSanto: Spoke on behalf of GrowNYC, advertising new green markets in the East Village and Lower East Side.

Marilyn Louie: Spoke asking for community board support of the location of her newsstand at 18 Bowery because the new location she was given was not large enough to sell all the goods she needs to sell and have proper air conditioning. She had been in her original newsstand for 37 years. She was asked to move because her newsstand blocked a stoop.

Don Lee: Spoke in support of giving Marilyn Louie a larger stand to accommodate the goods she needs to sell in which she can fit. The newsstand needs one extra foot of space on the front and on the side. The current newsstand is not large enough for her to fit air-conditioning.

Speakers on behalf of the Derby (Opposed to SLA Item 22):

Emily Shamlian: Spoke as one of the owners of the Derby stating that the alternation is necessary for operating a profitable business.

Flora Theden: Spoke as a resident and employee of the Derby, stating it was a good place to go for a meal and drink, not a binge-drinking location.

David Moon: Spoke as General Manager of Spitzer's Corner and investor in the Derby in support of the Derby, stating the Derby is a serious restaurant.

Ravi Sharma: Spoke as the attorney for the Derby explaining the nature of the alteration and reiterating the community support.

Bradford Gonzalez-Sussman: Spoke as an individual that works with the Derby and stated that a denial of the application would be inconsistent and a denial of due process.

Robert Shamlian: Spoke as one of the owners of the Derby and stated that the SLA violations attributed to him were inaccurate or mis-attributed. He noted that these violations were over ten years at six locations, which meant he had committed a half of a violation per location per year.

Speakers against the Derby (Supporting SLA Item 22)

Emily Armstrong: Spoke against the Derby stating that it was loud and questioned the veracity of the signatures.

Sara Romanoski: Spoke against the Derby stating that the basement was being used as an illegal nightclub at which a waitress was tethered to the bar to maintain the claim it was a service bar.

General Speaking:

Jose Gonzales: Spoke as a longtime-resident of the community and spoke about landlords that are doing a lot of construction and development and have a lot of development. He spoke about the demolition of the Pathmark supermarket on South St and the negative impact of the loss of an affordable grocery store in our community. He asked the board to take a stand against this.

Vaylateena Jones: Spoke about the LES Power Partnership and an event at the Primitive Christian Church on CPR and First Aid training.

Michael Ladin: Spoke against increase in high rise buildings in our neighborhood, especially plans to put a garage on 1st Street and 2nd Ave., suggesting a limit of seven floors.

Amit Bagga, Deputy Commissioner, External Affairs, Department of Consumer Affairs: Spoke about new Paid Sick Leave law and a paid sick leave day of action. He clarified that paid sick leave is not retroactive.

Liam Lynch, Outreach Coordinator for Safety and Health Department of DC37: Spoke about World Trade Center disaster finance program to help cover medical costs associated with the disaster and who is eligible. He clarified who would qualify as a first responder.

Ramona Ponce, Office of Emergency Management CERT (OEM): Spoke about hurricane evacuation zones that were redrawn by NOAA and OEM and explained ways in which people could access the information.

Erick Bergquist, NYC Department of Education: Spoke on Universal Pre-Kindergarten (UPK) outreach and on locations for the UPK programs. The priority deadline to register is Thursday June 26.

Public Officials:

Mayor Bill de Blasio, Tommy Lin: Reviewed the Paid Sick Leave and UPK.

Public Advocate Letitia James, Adam Chen: Spoke about ways to combat sex assault on college campuses in New York City, ways to make school lunch program universal and reviewed the constituent services process and outcomes.

Comptroller Scott Stringer, Crystal Feng: Spoke about ensuring flex time for workers to have more time with their children.

Borough President Gale Brewer, Patricia Ceccarelli: Spoke about Borough President community board trainings, as well as program to provide free breakfasts for low-income families in schools around the borough.

Congressmember Carolyn Maloney, Victor Montesinos: Not present.

Congressmember Nydia Velazquez, Iris Quinones: Not present.

Assembly Speaker Sheldon Silver, Zach Bommer: Spoke about the end of the legislative session, including home-rule law to allow for 25 mile-per-hour speed limit and approval of medical marijuana. The Speaker made an agreement with the Mayor to provide parents who have children with special needs fewer obstacles to giving their children services, shortening the time it takes for a review of the need of the child.

Assemblymember Deborah J. Glick, Sarah Sanchala: Spoke about the Assemblymember's testimony before the Rent Guidelines Board and that the Assemblymember asks for a rent freeze every year.

Assemblymember Brian Kavanagh, Marcela Medina: Spoke about the Assemblymember's book drive.

State Senator Daniel L. Squadron, Mauricio Pazmino: Spoke about requiring the School Construction Authority to utilize information from agencies other than the Office of City Planning. He spoke about improvement of East Broadway subway station to eliminate ponding of water on the floor and to fix the escalator. He spoke about the Senator's push for full-line reviews of the F line.

State Senator Brad M. Hoylman, Maya Kurien: Spoke about a bill that passed that would require the Port Authority must comply with Freedom of Information Act requests. She spoke about a bill that passed that would require that college campuses report missing persons to the police within 24 hours. She stated the bill banning state funding of sexual orientation conversion therapy by a licensed professional did not pass.

Councilmember Margaret Chin, Patricia Olan: Spoke about passage of increase of minimum income required to qualify for Senior Citizen Rent Increase Exemption. He spoke about the street co-naming of Kenmare and Elizabeth Streets as Janet Freeman Way.

Councilmember Rosie Mendez, Rosemarie Diaz: Spoke about ribbon-cutting ceremony of Phipps housing, new affordable housing units which will include units dedicated to children who have aged out of foster care. She spoke about Pride month, the Pride Parade and prevention of violence in the LGBTQ community.

Members Present at First Vote:

David Adams	[P]	David Crane	[P]	Anne K. Johnson	[P]
Dominic Berg	[P]	Enrique Cruz	[P]	Linda Jones	[P]
Karen Blatt	[P]	Morris Fajtelewicz	[P]	Vaylateena Jones	[P]
Lisa Burriss	[P]	Flora Ferng	[P]	Meghan Joye	[P]
Justin Carroll	[P]	Gloria Goldenberg	[P]	Lisa Kaplan	[P]
Karlin Chan	[P]	Jan Hanvik	[P]	Carol Kostik	[P]
Jimmy Cheng	[P]	Ayo Harrington	[P]	Ben Landy	[P]
MyPhuong Chung	[P]	Herman F. Hewitt	[P]	Mae Lee	[P]

John Leo	[P]	Ariel Palitz	[P]	Nancy Sparrow-Bartow	[P]
Ricky Leung	[P]	Teresa Pedroza	[A]	Julie Ulmet	[A]
Alysha Lewis-Coleman	[P]	Carolyn Ratcliffe	[P]	Josephine Velez	[P]
Gigi Li	[P]	Joyce Ravitz	[P]	Rodney Washington	[P]
William LoSasso	[P]	Carlina Rivera	[P]	Kathleen Webster	[P]
Chad Marlow	[P]	James Rogers	[P]	Justin Yu	[P]
Penina Mezei	[A]	Richard F. Ropiak	[P]	Thomas Yu	[P]
Alexandra Militano	[P]	Christopher Santana	[P]	Zulma Zayas	[A]
Chiun Ng	[P]	Susan Scheer	[P]		

Minutes:

Minutes of April 2014 were approved, as is.

46 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Nominating Committee:

Treasurer, Assistant Secretary, Secretary, Second Vice Chairperson, First Vice Chairperson each spoke about their qualifications and added commentary about how much they enjoyed their service and working with the board. There was discussion of ensuring that minutes were taken accurately and approved in each committee.

Chairperson: Each candidate spoke. There were questions on SLA process, transparency and meeting efficiency.

Election Results:

Treasurer: William LoSasso (43)
 Assistant Secretary: Jamie Rogers (43)
 Secretary: Carlina Rivera (43)
 Second Vice Chair: Ricky Leung (43)
 First Vice Chair: Herman Hewitt (44)
 Chair: Chad Marlow (15); Gigi Li (31)

Board Chairperson's Report:

Chairperson Gigi Li: Reported that there was information distributed on the rationale for 14th Street Synagogue. Discussion was had on whether the report should have been made public earlier.

District Manager's Report:

District Manager Susan Stetzer: No present.

Committee Reports:

Executive Committee

No report

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

District Needs Statement was reviewed and revised.

No Quorum at Committee - Recommendation Only

1. FY'16 District Needs Statement & Budget Consult Agenda
no vote necessary
2. Request for support for Housing Works' addition of OASAS outpatient substance-abuse services at Cylar House at 743-749 East 9th Street

VOTE: Title: Community Board 3 Resolution to Support Housing Works Application to the New York State Office of Alcoholism and Substance Abuse Services ("OASAS") to provide licensed outpatient substance-abuse services at Cylar House at 743-749 East 9th Street

WHEREAS, Housing Works, Inc. ("HW") which operates the Keith D. Cylar Residence and Health Center at 743-749 East 9th Street, under contracts with the New York City HIV/AIDS Services ("HASA"), New York State Department of Health ("DOH") and the US Department of Housing and Urban Development ("HUD") since 1996; and

WHEREAS, HW mission is to provide housing, healthcare, mental health, substance-abuse, job-training and other life-saving services to homeless NYers living with HIV/AIDS;

WHEREAS, HW has served residents of the Lower East Side living with HIV/AIDS since 1991;

WHEREAS, HW has successfully operated this 36 Unit Residence and HealthCare Center and has offered substance-abuse services at this location since 1996 and must submit a proposal to OASAS in order to be able to receive separate reimbursement for such services;

THEREFORE BE IT RESOLVED that Community Board 3 Manhattan, fully supports HW's proposal to OASAS to provide licensed substance-abuse services at the Keith D. Cylar Residence and Health Center at 743-749 East 9th Street.

3. NYC Office of Human Rights presentation on equal access for the disabled
no vote necessary

44 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Economic Development

No Report

1. FY'16 District Needs Statement & Budget Consult Agenda
no vote necessary
2. Dept. of City Planning: Resilient Neighborhoods Study in the EV, LES & Two Bridges
no vote necessary

Con Ed Task Force

Ryan-Neena application was put on hold for a month.

1. Follow up on previously approved projects
no vote necessary
2. Final review of Spring 2014 Funding Cycle Applicant (Ryan-NENA Asthma Care Team Program Extension)
no vote necessary

Ethics, By-laws & Procedures Task Force

Reviewed removal for cause and attendance provisions and removal procedure.

May 29th Meeting

- Review of bylaws
no vote necessary

June 23rd Meeting

- Review of bylaws
no vote necessary

Transportation & Public Safety and Environment Committee

There was discussion on street naming guidelines. There was discussion on the requirement of a two-year moratorium after a death of a candidate for a street naming. The chair stated that the revised guidelines, which would require that only community members qualify for street co-naming, would not include a group like the Beastie Boys.

There was discussion on whether to encourage other buses to use city bus stops.

1. FY'16 District Needs Statement & Budget Consult Agenda
no vote necessary
2. Rivington Street Bike Lane-consideration of changing lane from south side to north side of street
VOTE: Title: Community board 3 request for DOT to consider feasibility of changing the Rivington Bike Lane from the south side of the street to the north side of the street

WHEREAS, it has been observed by the community board and residents that there is noncompliance of vehicles standing in the Rivington Street bike lane, and

WHEREAS, residents and the Seventh Precinct and community members have reported that there appears to be more commercial use on the south side of Rivington Street and more residential use on the north side of Rivington Street, and

WHEREAS, the Seventh Precinct, in response to community complaints, has recommended to The Hotel on Rivington, on the south side of Rivington Street, that they have car service ready at the curb to pick up customers to help manage the large and loud sidewalk crowds leaving the hotel, and

WHEREAS, changing the bike lane from the south side to the north side might benefit the businesses who need loading and unloading and allow them to be compliant and not block the bike lane, now

THEREFORE BE IT RESOLVED, that Community Board 3 requests that the Department of Transportation investigate the feasibility of moving the Rivington Street Bike Lane from the south side to the north side of the street and the feasibility of moving the parking to the south side of the street so the bike lane will be adjacent to the curb, which is safer for cyclists.

3. NYCDOT Presentation on Tompkins Square Park Neighborhood Slow Zone
no vote necessary
4. Consideration of temporary moratorium on siting new intercity bus stops on Canal Street
no vote necessary
5. DEP presentation: overview of the scope of work, schedule, impacts of Grand Street reconstruction and community outreach process
no vote necessary
6. Revise Street Co-naming Guidelines

VOTE: Title: Resolution to Amend the "CB 3 Guidelines for Street Co-naming" Petition Requirements

WHEREAS, Community Board 3 Manhattan (CB 3) adopted our "CB 3 Guidelines for Street Co-naming" in May 2006, and amended the petition signature requirements in January 2014; and

WHEREAS, CB 3 has approved ten and rejected three street co-naming applications under the original guidelines. It has become evident that parts of the existing application are confusing, ambiguous, and vague. Most importantly, the guidelines should more accurately explain the subjective criteria that CB 3 will use to evaluate the merit of a proposed co-naming honoree – to wit, members of the community who have made a significant contribution to this community; now

THEREFORE, BE IT RESOLVED, that the "CB 3 Guidelines for Street Co-naming" shall be revised (see attached) in order to provide clear and accurate guidance to applicants. Overall, the organization and language of the entire application has been simplified. The main substantive change is to use one concise phrase for the criteria CB 3 will use to evaluate proposed street co-naming honorees: "members of the community who had demonstrated an extraordinary and consistent long-term commitment to benefit the community."

- The new phrase is a clearer, slightly more permissive version of the following criteria from the original application: "Prospective honorees should have a minimum of 15 years community involvement for individuals and should have demonstrated an extraordinary and consistent voluntary commitment and dedication to the community."
- The new phrase would also replace the vague, separate criteria from the original application: "The Board may also approve applications outside of these guidelines when there is exceptional and highly acclaimed accomplishment or involvement linked to Manhattan Community Board 3." Such accomplishment or involvement would need to be made by a "member of the community ... to benefit the community" to qualify under the new criteria.

Bus Stop Permit Applications

7. Classic Coach & Tours Inc., 45 Allen Street (west side of street between Grand and Hester Streets)

VOTE: Title: Community Board 3 Resolution to Approve a Curbside Bus Stop for Classic Coach & Tours Inc. at 45 Allen Street

WHEREAS, Classic Coach & Tours Inc has applied for a designated bus stop for curb-side loading/unloading operations located at 45 Allen Street, in a stop shared with the M15, in part of a 106' stop also used by the M15-SBS. The buses will operate under the Classic Coach & Tours brand name, providing service between New York and destinations in Virginia with up to 3 arrivals/departures between 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; and

THEREFORE, BE IT RESOLVED, that CB 3 Manhattan recommends that DOT issue a permit for Classic Coach & Tours Inc. to operate their bus service at a designated curbside bus stop at 45 Allen Street, and requests that the preceding list of stipulations agreed between the applicant and CB3 will be attached to the DOT permit.

8. Rockledge Bus Tour Inc., 160 East Broadway

VOTE: Title: Community Board 3 Resolution to Approve a Curbside Bus Stop for Rockledge Inc. near (but not at) 160 E Broadway

WHEREAS, Rockledge Inc. has applied for a designated bus stop for curb-side loading/unloading operations located at 160 E Broadway. The buses will be providing service between New York and cities in Delaware, Maryland and Virginia with up to 3 arrivals/departures daily between the hours of 4:30 pm and 8:30 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 use the restroom facilities; and

WHEREAS, CB 3 has a serious pedestrian safety concern about the precise location at 160 East Broadway, which is the northwest corner of East Broadway and Rutgers Street. CB 3 pointed out our concerns about a "No Standing" zone in October 2013, when DOT proposed and approved an intercity bus operator (AA Bus) for this location. We believe that the designated "No Standing" zone at 158 East Broadway was part of the installation of Safe Routes to Schools safety improvements near Mesivtha Tifereth Jerusalem located at 141-145 E Broadway. Those improvements were approved by CB 3 in May 2011. CB 3 is also concerned about this location because many children cross at this corner to get to local schools and parks, and most of the Rockledge arrivals/departures are at peak hours when children using the crosswalks at the intersection. CB 3 recommends that DOT consider an alternate location further west on this block, not directly at the corner; and

WHEREAS, CB 3 has an addition serious traffic flow concern about the precise location at 160 East Broadway. DOT has explained that the primary reason for the "No Standing" regulation was to allow sufficient room for turning motions by large vehicles, including busses, and DOT believes there is sufficient room for those turning motions even with a designated bus stop at 160 E Broadway. However, CB 3 disagrees, since there is a traffic pattern caused by other bus operators with designated stops at 59 Canal St, 14-18 Allen St, and 3 Pike St. There are a total of 60 of arrivals/departures at those other stops, and all of those buses are travelling eastbound on E Broadway, making the tight left turns onto Essex St and immediately onto Canal St. In the interest of protecting traffic flow, CB 3 does not want additional designated bus arrivals/departures at this corner. That traffic congestion will only compound the pedestrian safety issues. CB 3 recommends that DOT consider an alternate location further west on this block, not directly at the corner; now

THEREFORE, BE IT RESOLVED, that CB 3 Manhattan recommends that DOT issue a permit for Rockledge Inc. to operate their bus service at a designated curbside bus stop near 160 E Broadway, at an alternate location further west on this block, not directly at the corner because of the pedestrian

safety and traffic flows, provided that the preceding list of stipulations agreed between the applicant and CB 3 will be attached to the DOT permit.

44 YES 0 NO 0 ABS 0 PNV MOTION PASSED (all excluding Transportation Items 6 & 7 & 8)
39 YES 4 NO 1 ABS 0 PNV MOTION PASSED (Transportation Item 7)
43 YES 1 NO 0 ABS 0 PNV MOTION PASSED (Transportation Item 8)
37 YES 7 NO 0 ABS 0 PNV MOTION PASSED (Transportation Item 6)

SLA & DCA Licensing Committee

There was discussion on SLA Item 22 and why the committee denied the alteration. There were questions on the bar's violation history.

Renewal with Complaint

1. The Cardinal, 234 E 4th St btwn Aves A & B (op)

VOTE: TITLE: Community Board #3 Recommendation Memorializing Violations of Stipulations At The Time of Renewal

WHEREAS, The Cardinal Restaurant 1 Inc., doing business as The Cardinal, is seeking the renewal of its full on-premise liquor license, for the premise located at 234 East 4th Street, between Avenue A and Avenue B, New York, New York; and

WHEREAS, this applicant was heard for an upgrade in class of its liquor license by Community Board #3 in June of 2012 and denied unless the applicant agreed to make as conditions of its license a stipulation that 1) it would operate as a full-service Southern American restaurant, serving food during all hours of operation, 2) its hours of operation would be 6:00 P.M. to 12:00 A.M. Mondays through Fridays and 10:00 A.M. to 1:00 Saturdays and Sundays, 3) it would close any façade doors and windows at 10:00 P.M. every night, 4) it would play ambient background music only, consisting of recorded music, and would not have DJs, live music, promoted events or events at which a cover fee would be charged, 5) it would designate an employee to monitor crowds and noise from patrons on the sidewalk, and 7) it would maintain an area inside to house waiting patrons; and

WHEREAS, this applicant has now been heard for a renewal of its full on-premise liquor license because of repeated complaints from residents of 1) late night noise and vibrations from music and bass emanating from its business from 11:00 P.M. and 4:00 A.M., and 2) façade doors and windows being open past 10:00 P.M. in violation of its the agreed upon stipulation: and

WHEREAS, the renewal of this license is also now being heard because Community Board #3 has repeatedly notified this applicant that the business has been observed with tables and chairs on the sidewalk in violation of zoning restrictions and serving alcohol at those outside tables in violation of its liquor license; and

WHEREAS, these conditions and complaints remain unresolved although Community Board #3 has repeatedly notified the applicant of them; and

WHEREAS, the applicant failed to appear at the June 2014 hearing of these complaints by Community Board #3 although it was repeatedly notified of the hearing; now

THEREFORE, BE IT RESOLVED that Community Board #3 is now memorializing these complaints and violations of the stipulations of its liquor license in anticipation of the renewal the full on-premise liquor license for The Cardinal Restaurant 1 Inc. doing business as The Cardinal, for the premise located at 234 East 4th Street, between Avenue A and Avenue B, and

BE IT FURTHER RESOLVED that Community Board #3 asks the New York State Liquor Authority to require that the applicant adhere to its agreed upon stipulations, as well as adhering to its liquor license by ceasing to place tables and chairs outside and ceasing the service of alcohol outside of its business.

2. The 13th Step (149 Second Ave Rest Inc), 149 2nd Ave btwn E 9th & E 10th Sts (op)

VOTE: TITLE: Community Board #3 Recommendation To Deny Because Stipulations Were Not Agreed To

WHEREAS, 149 Second Ave Rest Inc., doing business as The 13th Step, is seeking the renewal of its full on-premise liquor license, for the premise located at 149 Second Avenue, between East 9th Street and East 10th Street, New York, New York; and

WHEREAS, this applicant was originally denied for a full on-premise liquor license by Community Board #3 in December of 2009 unless the applicant agreed to make as conditions of its license a

stipulation that 1) it would operate as a tavern, serving food during its hours of operation, 2) its hours of operation would be from 11:30 A.M. to 4:00 A.M. all days, and 3) it would close any façade windows and doors at 10:00 P.M. every night; and

WHEREAS, this applicant was heard for a renewal of its full on-premise liquor license in May of 2012, because of complaints from residents of noise and overcrowding from patrons on the sidewalk in front of the business and music emanating from the business and was denied unless the applicant agreed to make as an additional condition of its license a stipulation that it would employ doormen or security personnel all days, but particularly Thursdays through Saturdays from 10:00 P.M. to 4:00 A.M., to be located on the sidewalk outside of its establishment to mitigate noise and congestion; and

WHEREAS, despite the applicant having an extensive security plan, residents are still complaining about noise from patrons on the sidewalk, lines of up to one hundred (100) waiting patrons on the sidewalk at night, often times wrapping around to East 10th Street, a residential side street, noise from large numbers of people exiting the business at closing and noise from music emanating from the business; and

WHEREAS, the applicant has stated that its interior maximum occupancy is two hundred seventy-five (275) people and has conceded that at times there have been up to one hundred (100) people waiting in line outside to enter the business; now

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the application to renew the full on-premise liquor license for 149 Second Ave Rest Inc., doing business as The 13th Step, for the premise located at 149 Second Avenue, between East 9th Street and East 10th Street, because the applicant has not agreed to make as additional conditions of its license the following signed notarized stipulation that

- 1) it will employ at least three (3) security guards outside all days and have security personnel and a manager outside between the hours of 4:00 A.M. and 4:30 P.M. to disperse crowds and oversee noise and crowds on the sidewalk,
- 2) it will devise a system with its security team or company to reduce outside lines to no more than thirty (30) waiting patrons outside of its establishment at any given time, and
- 3) it will install a double door at its entrance to minimize noise and music from travelling outside.

Applications within Saturated Areas

3. Lucha Inc, 147 Ave A btwn E 8th & E 10th Sts (wb)

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

To deny the application for a wine beer license for Lucha Inc., with a proposed business name of La Lucha, for the premise located at 147 Avenue A, between East 9th Street and East 10th Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that

- 1) it will operate as a full-service Mexican restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 11:00 A.M. to 11:59 P.M. Sundays through Thursdays and 11:00 A.M. to 2:00 A.M. Fridays and 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 operate any outdoor areas,
- 6) it will not apply for an alteration of its method of operation without first appearing before Community Board #3,
- 7) it will not host pub crawls or party buses,
- 8) it may have "happy hours" to 7:00 P.M. each night,
- 9) it will insure that there are no wait lines outside, and
- 10) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints

Community Board #3 is approving this application for a wine beer license although this is a location in an area with numerous liquor licenses because 1) this is a full-service restaurant with a full kitchen which has been operating since 2009, and 2) the applicant is one of the original principals of the existing business and will operate it with the same business name and method of operation.

4. Barcade (Barcade Downtown LLC), 6 St Marks Pl btwn 2nd & 3rd Aves (op)

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

To deny the application for a wine beer license for Barcade Downtown LLC, with a proposed business name of Barcade, for the premise located at 6 St. Marks Place, between Second Avenue and Third 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 tavern arcade, with a kitchen open and serving food to within one (1) hour of closing,
- 2) its hours of operation will be 12:00 P.M. to 2:00 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 have a closed fixed façade with no open doors or windows,
- 5) it will not commercially operate any outdoor areas,
- 6) it will employ at least one (1) security guard Sundays through Wednesdays, at least two (2) security guards Thursdays through Saturdays and more when necessary,
- 7) it will install soundproofing, if necessary, in consultation and testing with affected residents,
- 8) it will not apply for an alteration of its method of operation without first appearing before Community Board #3,
- 9) it will not host pub crawls or party buses,
- 10) it may have "happy hours" to 7:00 P.M.,
- 11) it will insure that there are no wait lines outside and designate an employee to oversee patrons and noise on the sidewalk, and
- 12) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints

Community Board #3 is approving this application for a wine beer license although this block of St. Marks Place between Second and Third Avenues is an area with numerous liquor licenses because 1) after meeting with Community Board #3 and given that there are ten (10) full on-premise liquor licenses on this block, this applicant has agreed to apply for wine beer license rather than a full on-premise liquor license, 2) this applicant has also agreed to close earlier than originally proposed, and 3) this is a location with a preexisting wine beer license.

5. Restaurant Han Joo (12 St Marks Place LLC), 12 St Marks Pl btwn 2nd & 3rd Aves (op/extend hours to 2am Sunday-Thursday, 4am Friday-Saturday/extend license to front outdoor space)

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

To deny the application for an alteration of the wine beer license for 12 St Marks Place LLC, doing business as Restaurant Han Joo, for the premise located at 12 St. Marks Place, between Second Avenue and Third Avenue, to wit extending its closing hours and extending its liquor license to allow service to the outdoor area within its building line in front of the business, unless the applicant agrees before the SLA to make as conditions of its license the following additional signed notarized stipulation that

- 1) it will operate as a full-service Korean 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 2:00 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 any façade doors and windows at 10:00 P.M. every night,
- 5) it will operate the outdoor area within its building line in front of its business until no later than 10:00 P.M. every night,
- 6) it will not apply for an alteration of its method of operation without first appearing before Community Board #3,
- 7) it will not host pub crawls or party buses,
- 8) it may have "happy hours" to 7:00 P.M.,
- 9) it will insure that there are no wait lines, and
- 10) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

Sidewalk Cafe Application

6. Near & Far (Miller's Near & Far LLC), 65 Rivington St btwn Eldridge & Allen Sts

VOTE: TITLE: Community Board #3 Recommendation To Approve—Change Order Attached

To approve the application for a sidewalk café permit for five (5) tables and ten (10) seats for Miller's Near & Far LLC, doing business as Near & Far, 65 Rivington Street, between Eldridge Street and Allen Street, because the applicant has signed a change agreement which will become part of its DCA license that

- 1) its hours of operation will be 11:00 A.M. to 11:00 P.M. all days.

Alterations

7. Epsteins (Stanton Restaurant Corp), 82 Stanton St (op/adding 2nd and 3rd Fl space)
withdrawn

New Liquor License Applications

8. 217 Bar Corp, 217 E 3rd St btwn Aves B & C (op)

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

Understanding that this is a sale of assets of a preexisting tavern with a full on-premise liquor license, the applicant managed a previous tavern business at this location from 1997 through 2004 and it furnished one hundred five (105) signatures from area residents in support of its application, Community Board #3 moves to deny the application for a full on-premise liquor license for 217 Bar Corp., for the premise located at 217 East 3rd Street, between Avenue B and Avenue C, 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 art space, with a prep area open and serving to within one (1) hour of closing,
- 2) its hours of operation will be 4:00 P.M. to 4:00 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 not commercially use any outdoor areas,
- 5) it will have a closed fixed façade with no open doors or windows,
- 6) it will not apply for any alteration in its method of operation without first appearing before Community Board #3,
- 7) it may have "happy hours" to 6:00 P.M. each night,
- 8) it will not host pub crawls or party buses,
- 9) it will insure that there are no wait lines outside and designate an employee to oversee patrons and noise on the sidewalk,
- 10) it will employ a security guard during all hours of operation, and
- 11) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

9. Noreetuh Restaurant LLC, 128 1st Ave btwn E 7th St and St Marks Pl (op)

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

To deny the application for a wine beer license for Noreetuh Restaurant LLC, for the premise located at 128 First Avenue, between East 7th Street and St. Marks Place, 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 Modern Asian 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. Mondays through Fridays and 11:00 A.M. to 12:00 A.M. Saturdays and 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 have a closed fixed façade with no open doors or windows,
- 5) it will not commercially operate any outdoor areas,
- 6) it will not apply for an alteration of its method of operation without first appearing before Community Board #3,
- 7) it will not host pub crawls or party buses,
- 8) it may have "happy hours" to 7:00 P.M.,
- 9) it will insure that there are no wait lines outside, and
- 10) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints

Community Board #3 is approving this application for a wine beer license although this location is in an area with numerous liquor licenses because 1) after meeting with Community Board #3 and given that by its own count there are thirty-two (32) full on-premise liquor licenses within five hundred (500) feet of this location, this applicant has agreed to apply for wine beer license rather than a full on-premise liquor license, 2) this applicant will operate as a full-service restaurant, serving food during all hours of operation and have early closing hours, 3) this is a location with a preexisting wine beer license, and 4) this applicant demonstrated community support for its proposed business, in that it furnished ninety (90) signatures from area residents in support of its application.

10. Birds & Bubbles (Birds & Bubbles NYC LLC), 100B Forsyth St btwn Catherine & Market Sts (op)

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

Understanding that this is a sale of assets of a preexisting restaurant with a full on-premise liquor license, Community Board #3 moves to deny the application for a full on-premise liquor license for Birds & Bubbles NYC LLC, with a proposed business name of Birds & Bubbles, for the premise located at 100B Forsyth Street, between Broome Street and Grand 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 Southern inspired 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 1:00 A.M. Sundays, 5:00 P.M. to 1:00 A.M. Mondays through Wednesdays, 5:00 P.M. to 2:00 A.M. Thursdays and Fridays and 11:00 A.M. to 2:00 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 close its backyard no later than 10:00 P.M. all days and will operate its backyard for sit down dining only, consisting of nine (9) tables and eighteen (18) seats,
- 5) it will have a closed fixed façade with no open doors or windows,
- 6) it will not apply for any alteration in its method of operation without first appearing before Community Board #3,
- 7) it will not have "happy hours,"
- 8) it will not host pub crawls or party buses,
- 9) it will insure that there are no wait lines outside and designate an employee to oversee patrons and noise on the sidewalk, and
- 10) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints

11. The Izakaya (Shiwase Factory Ltd), 326 E 6th St btwn 1st & 2nd Aves (wb)

VOTE: TITLE: Community Board #3 Recommendation To Deny Because Stipulations Were Not Agreed To—Stipulations Attached

To deny the application for a wine beer license for Shiwase Factory Ltd., with a proposed business name of The Izakaya, for the premise located at 326 East 6th Street, between First Avenue and Second Avenue, because the applicant has not agreed to make as conditions of its license the following signed notarized stipulation that

- 1) it will operate as a full-service Japanese Izakaya restaurant, with a kitchen open and serving food to within one (1) hour of closing,
- 2) its hours of operation will be 12:00 P.M. to 12:00 A.M. Sundays through Thursdays and 12:00 P.M. to 1:00 A.M. Fridays and 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 not commercially use any outdoor areas,
- 5) it will have a closed fixed façade with no open doors or windows,
- 6) it will not apply for any alteration in its method of operation without first appearing before Community Board #3,
- 7) it will not have "happy hours,"
- 8) it will not host pub crawls or party buses,
- 9) it will not seek an upgrade in class of its liquor license to a full on-premise liquor license,
- 10) it will designate an employee to oversee patrons and noise on the sidewalk, and
- 11) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

12. To be Determined, 115 Madison St (op) (aka 35-37 Market St)
withdrawn

13. Gnocco (Food in Italy LLC), 337 E 10th St btwn Aves A & B (upgrade to op)

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

To deny the application for a change in class of the existing wine beer license to a full on-premise liquor license for Food in Italy LLC, doing business as Gnocco, for the premise located at 337 East 10th Street, between Avenue A and Avenue B, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service Italian restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 5:00 P.M. to 11:00 P.M. Mondays through Thursdays, 5:00 P.M. to 12:00 A.M. Fridays, 12:00 P.M. to 12:00 A.M. Saturdays and 12:00 P.M. to 11:00 P.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 post signs in its backyard asking its patrons to be quiet, use wait staff and management to encourage quiet conduct in the backyard and install a sound baffling awning to be extended over the backyard, particularly in the evenings between 9:00 P.M. and 12:00 A.M.,
- 5) it will not apply for an alteration of its method of operation without first appearing before Community Board #3,
- 6) it will not host pub crawls or party buses,
- 7) it may have "happy hours" to 8:00 P.M. each night,
- 8) it will insure that there are no wait lines outside, and
- 9) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints

Community Board #3 is approving this application to upgrade to a full on-premise liquor license although this is a location in an area with numerous full on-premise liquor licenses because 1) this applicant has been operating at this location for fifteen (15) years, and 2) it has demonstrated community support by providing twenty-nine (29) signatures from area residents and two (2) letters in support of its application.

14. AAJ Hospitality, 112 Stanton St (op)

no vote necessary

15. Big Pink (Pink Hospitality Group LLC), 242 E 10th St btwn 1st & 2nd Aves (op)

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

Understanding that this is a sale of assets of a preexisting tavern with a full on-premise liquor license, Community Board #3 moves to deny the application for a full on-premise liquor license for Pink Hospitality Group LLC, with a proposed business name of Big Pink, for the premise located at 242 East 10th Street, between First Avenue and Second 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 tavern, with a kitchen open and serving food to within one (1) hour of closing,
- 2) its hours of operation will be 12:00 P.M. to 4:00 A.M. all days
- 3) it will play ambient background music only, consisting of recorded and live acoustic music, and not have DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 4) it will not commercially use any outdoor areas,
- 5) it will close any façade doors and windows at 10:00 P.M. every night,
- 6) it will not apply for any alteration in its method of operation without first appearing before Community Board #3,
- 7) it may have "happy hours" to 8:00 P.M. each night,
- 8) it will not host pub crawls or party buses,
- 9) it will insure that there are no wait lines outside and designate an employee to oversee patrons and noise on the sidewalk, and
- 10) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

16. Chinolita LLC, 107 Eldridge St btwn Grand and Broome Sts (op)

VOTE: TITLE: Community Board #3 Recommendation To Deny

WHEREAS, Chinolita LLC is seeking a full on-premise liquor license to operate a restaurant, for the premise located at 107 Eldridge Street, between Broome Street and Grand Street; and

WHEREAS, this is an application for a restaurant with a certificate of occupancy of one hundred eleven (111) people on two (2) floors, hours of operation of 9:00 A.M. to 2:00 A.M. Sundays through Wednesdays and 9:00 A.M. to 4:00 A.M. Thursdays through Saturdays, a kitchen closing three (3) hours before closing Thursdays through Saturdays, a twelve (12) foot bar on the ground floor, an eighteen (18) foot bar in the basement and one (1) to two (2) security guards five (5) nights a week; and

WHEREAS, the previous business at this location held a wine beer license and had a method of operation of a Korean restaurant, with a kitchen open and serving food to within one (1) hour of closing, no stand up bars and closing hours no later than 2:00 A.M. all nights; and

WHEREAS, the applicant has conceded that there are at least ten (10) full on-premise liquor licenses within five hundred (500) feet of this location; and

WHEREAS, although the applicant stated that it wanted to provide patrons with a fine dining experience, it also stated that it was closing its kitchen three (3) hours before closing and limiting its

menu to cold food three (3) nights a week to provide an after work drinking spot for nightlife industry workers; and

WHEREAS, the applicant has failed to provide Community Board #3 with documentation of community support for its proposed business in that this applicant only furnished Community Board #3 with twenty-five (25) petition signatures in support of its application; and

WHEREAS, although the applicant has stated that it has eleven (11) years' experience working in the nightlife industry as a manager and bar manager, this is outweighed by the lack of community support and failure of the applicant to state any public or community benefit for the granting of this full on-premise liquor license; now

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the application for a full on-premise liquor license for Chinolita LLC, for the premise located at 107 Eldridge Street, between Broome Street and Grand Street.

17. To be Determined, 199 Chrystie St (op)

withdrawn

18. G & Nishi Inc, 56 3rd Ave (op)

withdrawn

19. 78 Second Ave Sandwich Shop Inc, 78 2nd Ave btwn E 4th & E 5th Sts (upgrade to op)

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

Provided this location is not within two hundred (200) feet of the Iglesia Alianza Cristiana y Misionera a/k/a The Spanish Evangelical Church, located at 76 Second Avenue, between East 4th Street and East 5th Street, Community Board #3 moves to deny the application for a change in class of the existing wine beer license to a full on-premise liquor license for 78 Second Ave Sandwich Shop Inc., doing business as Nomad Restaurant, for the premise located at 78 Second Avenue, between East 4th Street and East 5th Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service North African Mediterranean restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 12:00 P.M. to 10:30 P.M. Sundays, 12:00 P.M. to 11:00 P.M. Mondays through Thursdays and 12:00 P.M. to 11:30 P.M. Fridays and 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 close any façade doors and windows at 10:00 P.M. every night,
- 5) it will close its backyard to patrons no later than 9:00 P.M. all days and will close it entirely, including to staff, by 9:30 P.M. every night,
- 6) it will not apply for an alteration of its method of operation without first appearing before Community Board #3,
- 7) it will not host pub crawls or party buses,
- 8) it may have "happy hours" to 7:00 P.M. each night,
- 9) it will designate an employee to oversee patron congestion and noise on the sidewalk, and
- 10) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints

Community Board #3 is approving this application to upgrade to a full on-premise liquor license although this is a location in an area with numerous full on-premise liquor licenses because this applicant has been operating at this location for twelve (12) years.

20. Vietnam Mess Kitchen Inc, 86 Mulberry St (wb)

withdrawn

21. Paolo Rico Sarthou Tagatac, 116 Madison St btwn Catherine & Market Sts (b)

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

To deny the application for a beer license for a corporation to be determined, with principal Paolo Rico Sarthou Tagatac, for the premise located at 116 Madison Street, between Market Street and Catherine 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 brew pub,
- 2) its hours of operation will be 12:00 P.M. to 8:00 P.M. all days,
- 3) it will play ambient background music only, consisting of recorded and live acoustic music, and not have DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,

- 4) it will not commercially use any outdoor areas,
- 5) it will have a closed fixed façade with no open doors or windows,
- 6) it will not apply for any alteration in its method of operation without first appearing before Community Board #3,
- 7) it will not have "happy hours,"
- 8) it will not host pub crawls or party buses,
- 9) it will insure that there are no wait lines outside, and
- 10) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints

Community Board #3 is approving this application for a beer license although this location is grandfathered noncompliant commercial on a residentially zoned street because of its limited service of beer only and its limited hours of operation.

22. The Derby (Project 6 LLC), 167 Orchard St (op/alt/additional bar in basement, dba change from Tiny Fork)

VOTE: TITLE: Community Board #3 Recommendation To Deny

WHEREAS, Project 6 LLC is seeking an alteration of the full on-premise liquor license of a seafood restaurant, previously doing business as Tiny Fork, for the premise located at 167 Orchard Street a/k/a 87 Stanton Street, at the corner of Stanton Street and Orchard Street, to wit adding a standup bar in the basement and changing its menu to Sothern food and its business name to The Derby; and

WHEREAS, although not included in the list of proposed alterations submitted by the applicant, the application now before Community Board #3 also includes an intention to have DJs in its basement, a shortening of its daytime hours from 12:00 P.M. to 4:00 A.M. all days to 5:00 P.M. to 4:00 A.M. Mondays through Fridays and 11:00 A.M. to 4:00 A.M. Saturdays and Sundays, and a reconfiguration of its basement; and

WHEREAS, the applicant was originally denied as 87 Stanton Street in October of 2010 unless it agreed before the SLA to make as conditions of its license a 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, this applicant was originally approved by Community Board #3 in October of 2010 in pertinent part because, although this business was seeking a full on-premise liquor license in a newly constructed building, it was proposing to operate as a full-service restaurant with daytime hours, soundproofing and recorded background music only; and

WHEREAS, consistent with its original intention to play recorded background music only, it submitted a community board application in October of 2010 in which it wrote "iPod background" for type of music and did not check off "live DJs" although that option was provided (see 2010 Community Board #3 application attached hereto) and, further, it submitted a SLA Notice to Community Board #3 in September of 2010 in which it did not check off "will have DJs" (see notice attached hereto); and

WHEREAS, in April of 2013, the applicant appeared before Community Board #3 to request an alteration of its full on-premise liquor license, to wit adding a stand up bar and DJs to its basement, and was denied because Community Board #3 was concerned that the method of operation for this as yet unopened business would alter from a full-service restaurant to include a tavern or lounge and because of the history of violations this applicant had at its four (4) other licensed businesses within this community; and

WHEREAS, in an October 8, 2013 decision, the New York State Liquor Authority, having viewed videotaped footage of the use of the basement at this location and having listened to the statements of this applicant, denied the previous alteration application to add a stand up bar to its basement because 1) it believed that the applicant was using its basement for patron use, contrary to its original application which stated that it would be used for storage and bathrooms, 2) it believed that the applicant was already using its basement as a bar, contrary to its stated method of operation, 3) the applicant had a bad operating history at each of its other businesses in the same area, and 3) Community Board #3 had approved this applicant as a full-service restaurant in a location which was subject to the five hundred (500) foot rule and was opposed to an alteration which might alter its use; and

WHEREAS, although the applicant has represented to community board that it and the New York State Liquor Authority were aware that the basement of this business would be used by patrons, the

applicant had included in its original October 2010 application to Community Board #3 a diagram which depicted the basement level having a kitchen, bathrooms and an area for storage (see 2010 application); and

WHEREAS, there is now a pending revocation proceeding filed by the New York State Liquor Authority on April 30, 2014, against the applicant based upon four (4) violations of its method of operation on December 31, 2013, for operating inconsistent from its application; and

WHEREAS, although at its May 2014 community board hearing, the applicant demonstrated community support for its application by submitting three hundred eleven (311) petition signatures from area residents in support of its application, ten (10) letters in its supports from schools and churches to whom it has made donations and had approximately ten (10) residents appear to speak on its behalf, residents appeared in opposition to this application in both May and June of 2014, stating that they had observed the applicant operating inconsistently from a full-service restaurant, in that they had made video recordings showing that prior to the business closing and reopening as The Derby, the basement was being operated as a bar, lounge and party space with a stand up bar (these video recording were provided to the New York State Liquor Authority prior to the October 8, 2013 hearing) and they had observed the business using ropes to cordon off patrons consistent with the method of operation as a bar lounge, and, further, they furnished one hundred twenty-three (123) petition signatures in opposition to this application from residents living within two (2) blocks of this business; and

WHEREAS, consistent with the observations of residents, Community Board #3 believes that this applicant had already been operating its basement as a bar lounge, in that the business website included photographs of the basement showing a substantial bar and semicircular couch seating with low tables rimming a large open area in the center of the room, its attorney represented at its community board hearing in May of 2014 that the proposed reconfiguration of seating in the basement would make this area into less of a "large party space," and the applicant stated at its community board hearing in April of 2014, that it was using the basement bar only as a service bar having a waitress stationed at the bar who received drinks from the bartender and handed them to patrons standing behind a velvet rope running along the length of the bar; and

WHEREAS, Community Board #3 cannot credit that this applicant made inadvertent errors or omissions to its original application, such as failing to include its desire to have DJs and its intended use of the basement, as this applicant is an experienced nightlife operator who has operated seven (7) licensed businesses within New York City, with four (4) open licensed businesses, including the subject business, within the same two (2) block area, as well as a prior licensed business within that area; and

WHEREAS, the three (3) operating licensed businesses in this area have a total of fifty-two (52) violations before the New York State Liquor Authority, in that 1) NY CJB S LLC, doing business as Fat Baby, 112 Rivington Street, between Ludlow Street and Essex Street, has had five (5) no contest pleas on May 4, 2007, August 14, 2009, April 2, 2010, March 28,, 2012, and May 17, 2013, collectively for improper conduct, unauthorized additional bars, unlicensed cabaret, failures to conform to its application, failure to supervise, unauthorized trade name, exceeding maximum occupancy and sale to a minor, 2) MPDRAW LLC, doing business as Los Feliz, 109 Ludlow Street, between Delancey Street and Rivington Street, has had a settlement on August 29, 2010, of its violations for illegally extending its premise, exceeding its maximum occupancy, unlicensed cabaret, unlicensed security and sales to minors, and 3) NY LA Café LLC, doing business as Spitzer's Corner, 101 Rivington Street, at the corner of Rivington Street and Ludlow Street, has had four no contest pleas on August 14, 2009, June 28, 2010, April 22, 2011 and April 30, 2012, collectively for sales to minors, unlicensed security, unauthorized trade name disorderly premise noise and failure to supervise, as well as sustained charges on October 23, 2009, for sales to minors; and

WHEREAS, three (3) of its four (4) licensed businesses including two (2) of the aforementioned businesses, as well as the now defunct Evanford LLC, doing business as Mason Dixon, 133 Essex Street, between Stanton Street and Rivington Street, have been closed by the New York Police Department through nuisance abatement for, among other violations, sales to minors; and

WHEREAS, Community Board #3 believes that the approval of a stand up bar and DJs in its basement would be an endorsement of conduct the applicant was already engaging in and which was contrary to its liquor license and method of operation and would not be well advised given its bad operating history at this and its other businesses; 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, to wit adding a stand up bar and DJs to its basement for the premise located at 167 Orchard Street a/k/a 87 Stanton; and

THEREFORE, BE IT FURTHER RESOLVED, that Community Board #3 takes no position on the proposed alteration to change its business name to The Derby or its menu to serve Sothern food.

FY 2016 District Needs Statement

23. FY'16 District Needs Statement
no vote necessary

Items not heard at Committee

24. La Flaca (Bo Shea Grand LLC), 384 Grand St (op/corp change)
no vote necessary

25. Famous Sichuan (Famous Sichuan New York Inc), 10 Pell St (op/new/change in corporate name)
no vote necessary

44 YES 0 NO 0 ABS 0 PNV MOTION PASSED (all except SLA Item 22)

34 YES 10 NO 0 ABS 0 PNV MOTION PASSED (SLA Item 22)

Arts Task Force

Discussion of the Arts Task Force will become a permanent subcommittee of the Parks, Recreation, Cultural Affairs, Landmarks, & Waterfront Committee and will become the Arts Subcommittee.

1. FAB Update re: effort to obtain economic data from Pew Charitable Trust's Cultural Data Project
withdrawn
2. Art Space presentation on the development of PS 109 as artist housing with gallery and non-profit space as a possible model for artists in Lower East Side
withdrawn
3. Update on Arts & Cultural Affairs organization database
no vote necessary

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

1. FY'16 District Needs Statement & Budget Consult Agenda
no vote necessary
2. Hester Street Fair: report from Parks re notification procedures and discussion of expansion to Seward Park
no vote necessary
3. Report from Landmarks Subcommittee
no vote necessary

Block Party

4. CERT CB 3 Block Party, 8/24, Stuyvesant Street (E 9th Street & E 10 St)
no vote necessary

Land Use, Zoning, Public & Private Housing Committee

Discussion on the Extel project on South St.

1. FY'16 District Needs Statement & Budget Consult Agenda
no vote necessary
2. Dept of City Planning: presentation on Resilient Neighborhoods Study in the E V, LES, & Two Bridges
no vote necessary
3. Extell presentation on Cherry Street development
no vote necessary
4. Status of 400 Grand Street tenant relocation plans
no vote necessary
5. Chinatown Working Group update
withdrawn

Members Present at Last Vote:

David Adams	[P]	Morris Fajtelewicz	[P]	Lisa Kaplan	[P]
Dominic Berg	[P]	Flora Ferng	[P]	Carol Kostik	[P]
Karen Blatt	[P]	Gloria Goldenberg	[P]	Ben Landy	[P]
Lisa Burriss	[A]	Jan Hanvik	[P]	Mae Lee	[P]
Justin Carroll	[P]	Ayo Harrington	[P]	John Leo	[P]
Karlin Chan	[P]	Herman F. Hewitt	[P]	Ricky Leung	[P]
Jimmy Cheng	[P]	Anne K. Johnson	[P]	Alysha Lewis-Coleman	[A]
MyPhuong Chung	[P]	Linda Jones	[P]	Gigi Li	[P]
David Crane	[P]	Vaylateena Jones	[P]	William LoSasso	[P]
Enrique Cruz	[P]	Meghan Joye	[P]	Chad Marlow	[P]

Penina Mezei	[A]	Carlina Rivera	[P]	Josephine Velez	[P]
Alexandra Militano	[P]	James Rogers	[P]	Rodney Washington	[P]
Chiun Ng	[P]	Richard F. Ropiak	[P]	Kathleen Webster	[P]
Ariel Palitz	[P]	Christopher Santana	[P]	Justin Yu	[P]
Teresa Pedroza	[A]	Susan Scheer	[P]	Thomas Yu	[P]
Carolyn Ratcliffe	[P]	Nancy Sparrow-Bartow	[P]	Zulma Zayas	[A]
Joyce Ravitz	[P]	Julie Ulmet	[A]		

Meeting Adjourned



THE CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD 3
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Gigi Li, Board Chair

Susan Stetzer, District Manager

Community Board 3 Guidelines for Street Co-naming

Streets located within the boundaries of Manhattan Community Board 3 will be considered for co-naming in honor of members of the community who have made a significant contribution to this community. An application to co-name a street for community members already honored in a similar fashion will not be considered. CB 3 would consider a street co-naming at a location associated with the honoree for the following reasons:

- **Accomplishment during lifetime.** An individual who had demonstrated an extraordinary and consistent long-term commitment to benefit the community. The individual's accomplishments would not be considered if done in connection with the operation of a commercial enterprise. The individual must have been deceased for at least 2 years.
- **Untimely but meaningful death.** An individual who died an untimely death that led to a greater awareness of the cause of death and a concerted effort to address that problem. The individual must have been deceased for at least 2 years.
- **Non-profit community organization.** An organization that has demonstrated a minimum of 30 years of extraordinary and consistent commitment to benefit this community. A commercial enterprise will not be considered.

Street Co-Naming Request Instructions

Street co-naming requires organizing in the community to show community support. The first step is to gather signatures on a petition. When the required number of petition signatures have been gathered, email the CB 3 office to request being added to the Transportation Committee agenda. Please supply the following information:

- Exact name and location for the street co-naming designation. For example: a "Frieda Zames Way" sign beneath the E 4 St sign on the south-east corner of 1 Ave.
- Explain how the proposed honoree has made a significant contribution to the community, and establish a meaningful connection with the proposed street.

A draft resolution should be sent to the office with the agenda request. If the Committee and the full Board pass your resolution, it would be sent to the office of the local Councilmember requesting that the NY City Council enact legislation to establish the street co-naming. You would need to work with the Councilmember's office during their legislative street co-naming process.

The petition must include a few sentences that explain reasons for the street co-naming. For example, petition language similar to the following was used to support a street co-naming application in September 2007:

We, the neighbors of Frieda Zames, support a "Frieda Zames Way" sign beneath the E 4 St sign on the south-east corner of First Ave, in honor of an outstanding New Yorker, Frieda Zames, former President of Disabled in Action and a civil rights leader, who lived on E 4 St between First Ave and Ave A, and who, through her advocacy and leadership, has improved the quality of life for people with disabilities and all New Yorkers.

CB 3 will consider a petition as evidence that there is substantial support from the local community who believe there is a strong connection between the proposed co-naming and the proposed location. Depending on the size of the blocks surrounding the proposed street co-naming, between 150 and 500 signatures will be required. The petition signatures must meet one of the following thresholds

- If there are more than 200 residential units on the immediately affected blocks, a petition must have signatures representing 75% of all residential units and businesses on the blocks.
- If the immediately affected blocks are so large that the 75% threshold would be more than 500 residents, a petition with 500 signatures of residents and 75% of the businesses of the blocks will be sufficient.
- If the immediately affected blocks are so small that there are fewer than 200 residential units, a petition must have signatures from 150 residents and 75% of the businesses of those blocks or adjacent surrounding blocks.

When the petition is ready, please prepare the following for consideration by the CB 3 Transportation Committee:

- A cover letter summarizing your petition. Please include your count of the total number of residences and businesses on the blocks, as well as the number of signatures collected for the petition.
- Several paragraphs explaining the reasons for the proposed street co-naming, to be submitted as a draft resolution. This should contain more detail than the petition. A CB 3 resolution supporting a street co-naming typically contains 200-400 words.