



# THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

59 East 4th Street - New York, NY 10003  
Phone (212) 533-5300 - Fax (212) 533-3659  
www.cb3manhattan.org - info@cb3manhattan.org

Gigi Li, Board Chair

Susan Stetzer, District Manager

## July 2015 Full Board Minutes

Meeting of Community Board 3 held on Tuesday, July 28, 2015 at 6:30pm at Cooper Union Rose Auditorium, 41 Cooper Square.

### Public Session:

Anthony Harris: Speaking as a former resident of Alfred E. Smith, he spoke asking for the naming of the basketball court at Alfred E. Smith after Michael C. Williams, a basketball coach for young men in the area. There is community support from the Smith Houses Tenant's Association.

Daryl Cochrane: Speaking as the liaison to CB3 for the NYC Commission on Human Rights, he informed CB3 that he was available for any human rights' concerns.

Karen Loew: Speaking on behalf of the Greenwich Village Society for Historic Preservation, she advocated for the passage for Land Use #3, stating that the Mayor's plan for affordability is misguided and that there is no promise of affordable housing.

Mitchell Grubler: Speaking on behalf of Bowery Alliance of Neighbors, he said that the Mayor's affordability proposal is a thinly veiling plan to help big developers. There is no evidence that the quality or affordability of the housing will improve, but there will be a lowered quality of life by a loss of sunlight.

David Mulkins: Speaking on behalf of Bowery Alliance of Neighbors, he argued that the historic sense of place will be lost and there will be uneven developments if the Mayor's affordable housing plan is approved. The plan would increase the rate of gentrification.

Jean Standish: Speaking on behalf of the Lower East Side Preservation Initiative ("LESPI"), she stated that LESPI is opposed to the Mayor's affordable housing plan because it paints the city with too broad a brush. The Department of City Planning should review the plan on a neighborhood-by-neighborhood basis.

Rachel Ratner: Speaking on behalf of residents who live near 199 Bowery, the site of SLA Item 14, she asked the board to adopt the stipulations adopted by the SLA Committee.

Michele Campo: Speaking on behalf of the Bowery Block Association, she asked for CB3 to vote to approve the stipulations approved by the SLA Committee for SLA Item 14. She was concerned about ensuring that CB3 bar a dance floor.

Ben Gargano: Speaking on behalf of the Community Affairs Unit of the Office of the Mayor, he announced a sustainability workshop on August 5 for small businesses.

David Post: Speaking for CB3 to support Transportation Item 3 to make a no parking zone at 308 E. 8th Street, which is in front of the Casa Victoria senior housing.

Mae Lee: Speaking on behalf of the Chinese Progressive Association, she announced an event on August 6 to celebrate the enactment of the Voting Rights Act of 1965.

Ariel Palitz: Speaking as a former CB3 board member, she said thank you for her time on CB3.

### Public Officials:

Mayor's Office of Resiliency, Curtis Pravens: He introduced himself and gave an update on the state of the coastal resiliency project going on along the East River. There is \$6.5m for a study of coastal protection for an area from Montgomery Street south to the Battery. There will be community visioning sessions for this area soon.

Mayor Bill de Blasio, Alize Beal: Not present.

Public Advocate Letitia James, Adam Chen: The Public Advocate filed a complaint with ACS regarding conditions at a foster care agency.

Comptroller Scott Stringer, Anas Uddin: The Borough President is establishing a plan to help track open NYCHA work orders. A NYCHA audit revealed that half of vacant apartments were occupied and there was over \$7m in

uncollected rent roll. There is a new website called Takeittothebank.com to help New Yorkers find a bank for them.

Borough President Gale Brewer, Drew Lombardi: Introduced himself as the new representative for CB3. There is a neighborhood policing pilot ("Beat Cop") program being launched in East Harlem. There is an initiative to get wireless internet into all NYCHA development. There is an initiative to donate backpacks and school supplies for the City's homeless children.

Congressmember Carolyn Maloney, Victor Montesinos: Not present.

Congressmember Nydia Velazquez, Iris Quinones: Not present

Assemblymember Sheldon Silver Cora Coleman: The Assemblymember is looking into how to stem the increase in homelessness. The Assemblymember will continue to fight for a minimum wage for all industry. The Assemblymember helped secure funding for TAMI (Technology, Advertising, Media and Information) at 150 Broadway to help people in these industries have office space.

Assemblymember Deborah J. Glick, Charlie Anderson: The Assemblymember is working to having Christopher Park be designated as a national park. The Assemblymember is seeing an increase in the number of helicopter complaints to the office.

Assemblymember Brian Kavanagh, Anna Picior: The Assemblymember thanked the community for the annual book drive, for which they collected 2400 books. The Assemblymember is fighting for rent regulation laws to be read to preserve the highest number of affordable units. The Assemblymember has joined a law suit asking the New York State Board of Elections to close a loophole that allows large real estate companies to donate through LLCs.

State Senator Daniel L. Squadron, Mauricio Pazmino: The State Senator allocated funding for additional security cameras at Smith Houses. The State Senator is pushing for more resiliency research in lower Manhattan. The State Senator is asking for a study to be done regarding the traffic lights around Delancey Street. There is going to be a community event on August 5 regarding a media being put in on South Street south of Montgomery.

State Senator Brad M. Hoylman, Sejal Singh: She introduced herself as the new representative to CB3. The State Senator's bill to protect domestic violence victims passed both Assembly and Senate. The bill ensures that the police reports of domestic violence victims be translated and that all notices to them be given in their native language. The State Senator is very concerned with increasing the cleanliness of the Hudson River.

Councilmember Margaret Chin: The Councilmember \$20m money for the City's senior population, especially in neighborhoods with high concentrations of seniors. New York City is operating cooling stations in senior centers and libraries. The Councilmember's Community Day will be on Governor's Island soon.

Councilmember Rosie Mendez, Sheila Rodriguez: The Department of Buildings is going to revoke permits given to the owner of CHARAS (PS 64) pending further review. The Councilmember has looked into why a police watchtower was erected in Tompkins Square Park.

Members Present at First Vote:

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

Minutes:

Minutes of May 2015 were approved, as is.

**42 YES 0 NO 0 ABS 0 PNV MOTION PASSED**

Board Chairperson's Report:

Chairperson Gigi Li: Committees may not be meeting on the days on which they normally meet because of the holidays in September. The full board meeting will be on Thursday, September 24. Each committee will have at least one new member. Nancy Ortiz is now a Co-Chair of the CB3-CB6 Joint Waterfront Taskforce. There will be a newly formed CB1-CB3 Joint Waterfront Taskforce. Members interested in joining the taskforce should speak with the Chair. There will be a presentation from NYCHA at the next Public Housing Subcommittee of CB3.

Update from Second Vice Chair, Alysha Lewis-Coleman

Thursday, 6:30PM, there will be a training for new members on parliamentary procedure and how items appear before the community board. There will be another training for SLA procedures in the future. There will be other trainings in the fall.

District Manager's Report:

District Manager Susan Stetzer:

There were approximately 30 businesses impacted by the Second Avenue explosion. The fundraising goal was to help the most in need, such as those without private funding or insurance.

There was an article in the Post and the Observer about homeless in Tompkins Square Park and because these articles received a lot of attention, and the Mayor decided to put a skywatch tower in the park. There were complaints from concerned residents that this would cause an eruption of tension.

The District Needs Statement is an assessment of the prioritized needs of Community District 3. This documents helps CB3 obtain funding for addressing these needs through the Budget Priorities document. There will be a public hearing for budget priorities in September.

Last year, CB3 wrote a letter to the Department of Homeless Services asking for the yard by the Third Street Men's Shelter to be reconstructed so that it can be an amenity for the shelter residents. Both Council Member Rosie Mendez and Borough President Gale Brewer allocated to this project –so we are ready to finalize design. There is a Lower East Side Employment Network job training fair Thursday, July 30.

The negative incidents of use of K2 has increased. Legislation was passed by the state to add to the synthetic ingredients that are illegal. We still need more restrictions and legislation.

Committee Reports:

**Executive Committee**

1. Approval of previous month's minutes  
**VOTE:** June minutes approved with change
2. FY'17 District Needs Statement  
no vote necessary
3. 2015-16 Urban Planning Fellow Project  
no vote necessary

**42 YES 0 NO 1 ABS 0 PNV MOTION PASSED**

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

1. Approval of previous month's minutes  
**VOTE:** To approve previous month's minutes
2. FY'17 District Needs Statement  
**VOTE:** To approve updates to the Parks, Libraries, and Arts District Needs Statement
3. EDC: Update on Pier 35 construction  
no vote necessary
4. Report from Arts Subcommittee  
**VOTE:** To adopt Arts Subcommittee District Needs Amendments into the full Parks DNS section
5. CERT CB 3 Block Party, 8/30, E 7th St (1st-2nd Ave)  
**VOTE:** To approve CERT CB 3 Block Party, held 8/30, on E 7th St (1st-2nd Ave).
6. JUMPstart CHANGE Rally, 9/26, 80 Pitt St (Rivington St & Stanton St)  
**VOTE:** To approve JUMPstart CHANGE Rally, held 9/26, on 80 Pitt St (Rivington St & Stanton St).

**42 YES 0 NO 1 ABS 0 PNV MOTION PASSED**

**Landmarks Committee**

no meeting scheduled

**Ethics, By-laws & Procedures Task Force**

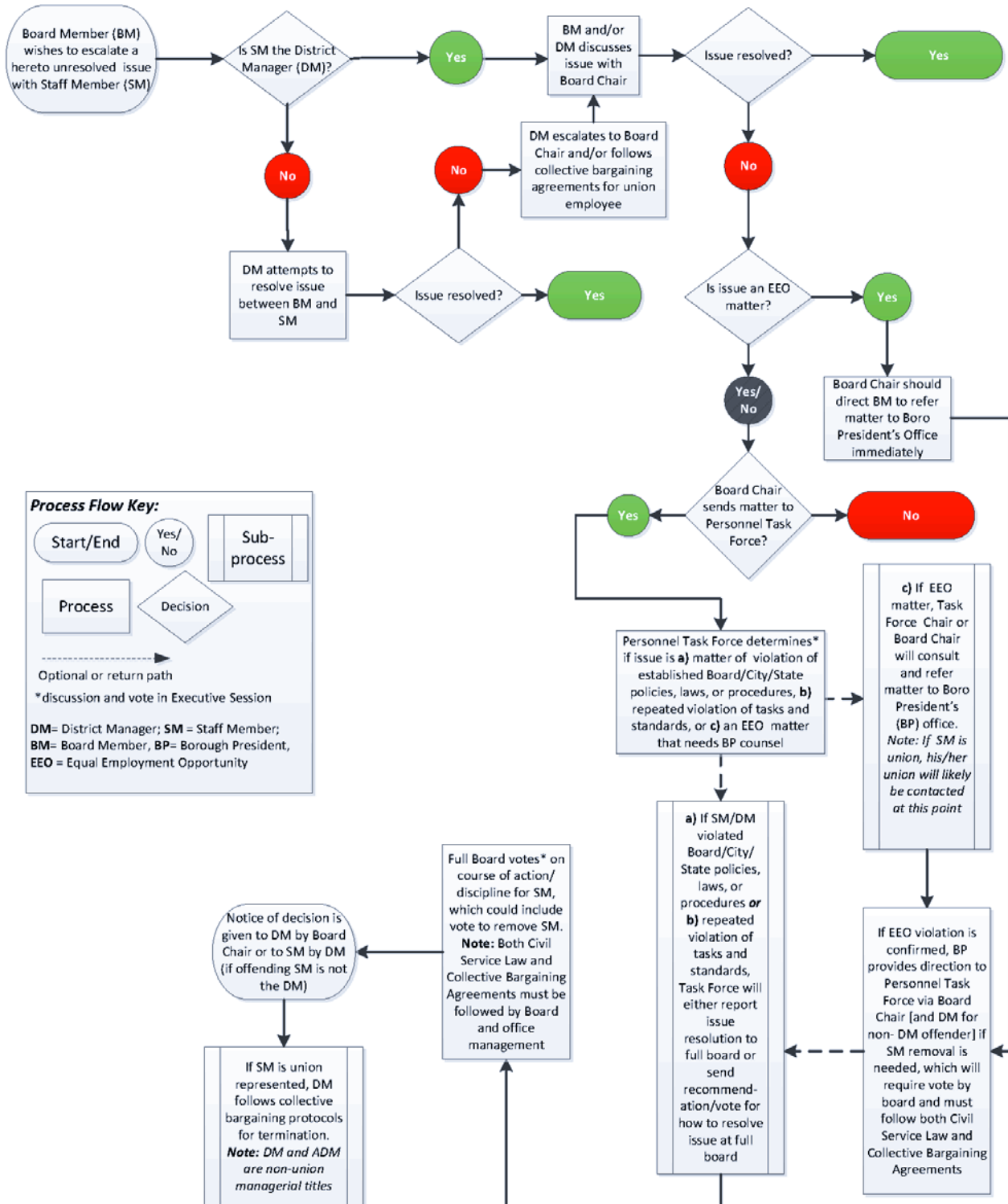
1. Approval of previous month's minutes  
**VOTE:** To approve June Bylaws and Ethics minutes
2. Discussion of Bylaw revision  
no vote necessary

**41 YES 0 NO 0 ABS 0 PNV MOTION PASSED**

**Personnel Task Force**

1. Approval of previous month's minutes  
**VOTE:** To approve minutes for May, 2015's Personnel Task Force meeting
2. Discuss and document grievance process for represented and professional staff in the Community Board office as well as process for grievances from board members with office staff  
**VOTE:** To approve two process flows delineating escalation procedures, one for a board member with a matter pertaining to a staff member and one for a staff member with a matter pertaining to a board member.

## Board Member Issue with Staff Member Escalation Process



**Process Flow Key:**

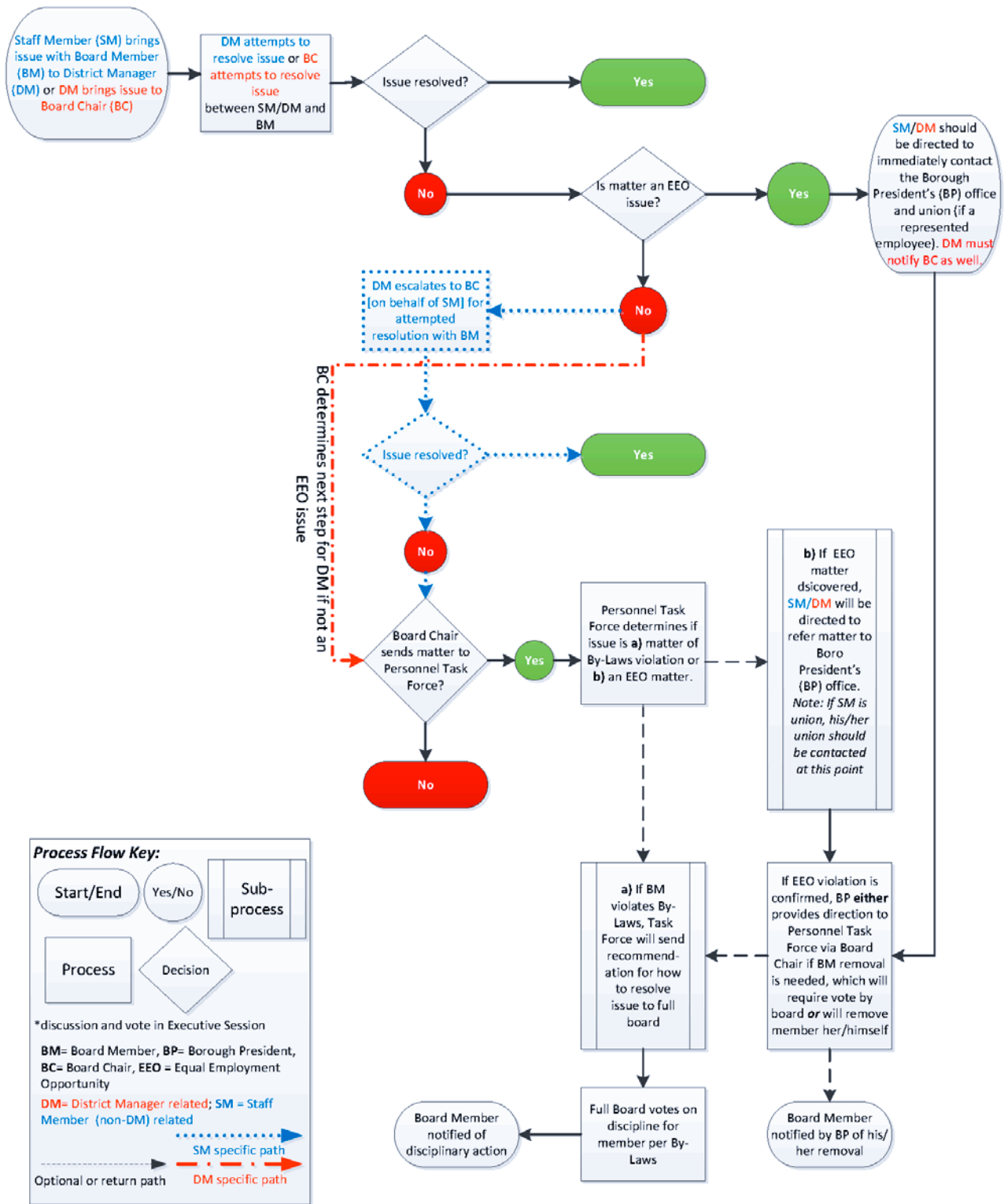
- Start/End (Oval)
- Yes/No (Circle)
- Sub-process (Rectangle with dashed border)
- Process (Rectangle)
- Decision (Diamond)

Optional or return path (Dashed arrow)

\*discussion and vote in Executive Session

DM= District Manager; SM = Staff Member; BM= Board Member, BP= Borough President, EEO = Equal Employment Opportunity

### Staff Member Issue with Board Member Escalation Process



42 YES 0 NO 1 ABS 0 PNV MOTION PASSED

### Land Use, Zoning, Public & Private Housing Committee

There was discussion on whether the resolutions in Item 3 backslide to allowing developers to build higher buildings. There was concern that this was counter to the East Village rezoning already agreed upon several years ago.

The Department of City Planning has not yet given CB3 their proposal on zoning proposal, and the resolution is a response to their initial outreach.

1. Approval of previous month's minutes  
**VOTE:** To approve minutes with amendment
2. Essex Crossing construction update  
no vote necessary
3. Discussion on Dept. of City Planning's Zoning for Quality & Affordability Text Amendment

**VOTE: TITLE: Resolution regarding Quality and Affordable Housing Proposal**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Therefore be it further resolved that CB 3 opposes height increases generally and certainly not in contextual zones and for Quality Housing developments in non-contextual zones and should always be contingent upon concrete statistical evidence which shows that such changes would actually increase the amount of affordable housing produced, and further should be the minimum amount necessary to produce such affordable housing, and lastly should only be applicable for developments which include more than 50% affordable housing in perpetuity, which is a greater public benefit for such a dramatic proposed giveaway of additional height and for loss of sky, light and air, and

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

4. 79-89 Ave D Inclusionary Housing Development

**VOTE: TITLE: Community Board 3 Recommendation that Inclusionary Housing Applicant for 79-89 Ave D Be Made to Follow Stipulations.**

Whereas 79-89 Avenue D will be a mixed-income, mixed-use 12-story building, and

Whereas this development will contain 110 units, of which 22 will be affordable in perpetuity at 60% AMI, and

Whereas the Rite-Aid store currently located on the site will be relocated during construction and returned to the site when the building is completed, and

Whereas all amenities will be available to all residents at no cost, and

Whereas HPD has already approved this plan, but Community Board 3 has requested an opportunity to submit comments, and

Whereas the development will allow use of the rooftop, and

Whereas late night noisy use of rooftops has been a growing complaint in the community and both the Council office and CB 3 office receive many complaints regarding rooftop use, and

Whereas the Councilmember has specifically expressed concern regarding late night use of the rooftop, so

Therefore be it resolved that Community Board 3 asks the developer to close access to the rooftop by 10:00 pm seven days a week and not allow use of speakers on the rooftop, and also

Therefore be it resolved that Community Board 3 asks the developer to make best faith efforts at local hiring.

Be it further resolved that, if the project is receiving tax benefits from the 421A program in addition to the inclusionary bonus, the percentage of affordable housing should be greater than 20%.

5. Use of Inclusionary Housing Bonus for rehabbing existing units in CD 3

**VOTE: TITLE: Community Board 3 Resolution to oppose the current proposal to utilize inclusionary housing bonus for 377 East 10th Street, 544 East 13th Street and 507 East 11th Street**



Whereas, HPD, UHAB, ANCP and BFC Partners were asked to return to Community Board 3 to further present and explain the whole project utilizing the Inclusionary Housing Program (Inclusionary Air Rights) to rehabilitate buildings: 377 East 10th Street, 544 East 13th Street and 507 East 11th Street; as well as build new buildings at 204 Avenue A and 535 East 12th Street which will undergo separate ULURP applications in the future, and

Whereas, there was not an official RFP process which would have created transparency regarding all aspects of the plan, and

Whereas, this plan allows the developer to sell the inclusionary bonus to another unknown developer to use in another building in an unknown location, and

Whereas, Community Board 3 has serious concerns that the inclusionary bonus will be sold to a developer with a history of tenant harassment and noncompliance, and

Whereas, UHAB has stated that HPD would not help the buildings get out of foreclosure and this inclusionary housing program is currently their preferred option,

Whereas, tenants of some of these five buildings were in attendance and wholeheartedly supported this proposal, and

Whereas, Community Board 3 supports the rights of the tenants to purchase their units, however,

Therefore, be it resolved that although CB3 vigorously supports the eventual conversion of these buildings into permanently affordable, tenant-owned co-ops, it opposes this inclusionary housing plan in its current form because of lack of transparency and concern regarding the unknown developer who will buy the inclusionary bonus and concern regarding the unknown location for developing the inclusionary bonus units.

6. Support for Citywide Anti-Harassment Legislation

**VOTE: TITLE: CB3 supports citywide anti-harassment provisions that would include and expand on the Special Clinton District's Anti-harassment provisions.**

Whereas CB3 believes that these proposed City Wide Anti-Harassment provisions are important first steps in protecting our community from overdevelopment, speculation, and displacement; and

Whereas CB3 believes that this plan incorporates a number important features enumerated in the board's Plan for preservation and allows for some development of affordable housing when harassment occurs; and

Whereas CB3 believes that Anti-Harassment provisions are just one tool which allows city government to protect its most vulnerable residents; and

Whereas CB3 believes that city government must do more to preserve our neighborhood character; so

Therefore, be it resolved that CB3 supports citywide anti-harassment provisions that would expand on the Special Clinton District's Anti-harassment provisions. This includes the Special Clinton District provisions:

- 1) Demolition of existing buildings containing residential uses (as defined terms in the New York City Zoning Resolution) shall be prohibited and or limited in manner similar to the requirements of 96-108 and 96-23 of the Clinton Special Zoning District text. Furthermore, a Certification of No Harassment shall be required for buildings for the purpose of obtaining a permit for alterations, enlargements or new construction. (Ref: 96-108 and 96-109 of the of the Clinton Special Zoning District text). The companion Cure for Harassment provision as outlined in 96-110 is an addition to anti-harassment tools.
- 2) Expansion of Anti-Harassment provision to all Alt 1 permits and some Alt 2 permits is an important expansion.
- 3) Creation of a fund by the City of New York so that low income tenants in any building facing the prospect of harassment and demolition have access to organizers as well as free legal counsel in order to adequately defend themselves from the threat of eviction. The funding can be made

available through a variety of funding methods to ensure long term support for the most vulnerable residents in our community.

- 4) Require building owners to provide information on existing and former tenants to enable City outreach to tenants who have potentially been harassed.
- 5) Prohibiting developers from double and triple dipping when they take the "cure" is critically important. Developers who take the Cure might be eligible for other tax incentive or forgiveness programs which should be prohibited.

7. Discussion of CD 3 rezoning based on CWG proposal  
no vote necessary

8. FY'17 District Needs Statement

**VOTE:** Approve statement of District Needs with the understanding that the NYCHA section will be added at either Executive Committee or Full Board

9. Public Housing Subcommittee report  
no meeting scheduled

**42 YES 0 NO 1 ABS 0 PNV MOTION PASSED (excluding Land Use item 3)**

**38 YES 1 NO 4 ABS 0 PNV MOTION PASSED (Land Use item 3)**

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

1. Approval of previous month's minutes

**VOTE:** To approve June minutes

2. PSA 4 Community Affairs: Uniting NYPD and Community Together  
no vote necessary

3. FY'17 District Needs Statement

**VOTE:** To approve the district needs statement with the two edits to the health segment, updated statistics by the CB3 office, and streamlining of education section.

4. Henry Street Settlement Request for Support for the New York Main Street (NYMS) Downtown Anchor Project

**VOTE: TITLE: Community Board 3 support for Henry Street Settlement's New York Main Street Downtown Anchor Project Grant Application**

Whereas, Henry Street Settlement desires to apply for \$500,000 in financial assistance through the 2015 Consolidated Funding Application (DFA) under the New York Main Street Program (NYMS); and

Whereas, the application proposes finding to Henry Street Settlement to complete building renovations to the Abrons Arts Center as a NYMS Downtown Anchor Project; and

Whereas, the proposed funding will contribute to ongoing community revitalization efforts; and

Whereas, the grand application requires that the applicant obtain the approval and endorsement of the governing body of the municipality in which the project will be located.

Now, Therefore, Be It Resolved, that the Community Board of Manhattan Community District 3 approves and endorses the 2015 New York Main Street Downtown Anchor Project application for assistance prepared and to be submitted by Henry Street Settlement.

5. NYCHA it is Disaster Preparedness for people with disabilities, health problems and Seniors  
no vote necessary

6. DHS Presentation on Citywide Programs and Facilities in CD 3  
no vote necessary

7. Discuss sending a letter to New York Presbyterian as follow-up to June presentation  
no vote necessary

8. Annual Agenda Items & Questions  
no vote necessary

9. CB 3 Representative to Hospital Community Advisory Board Report  
no vote necessary

**42 YES 0 NO 1 ABS 0 PNV MOTION PASSED**

#### **Economic Development Committee**

1. Approval of previous month's minutes

**VOTE:** To approve the June 2015 minutes as written.

2. FY'17 District Needs Statement

**VOTE:** To approve the FY2017 Economic Development Committee District Needs Statement as written, subject to the minor clarifications to be made by the CB3 District Office.

3. Continued discussion on potential Special District for CB 3  
no vote necessary

**42 YES 0 NO 1 ABS 0 PNV MOTION PASSED**

**Transportation & Public Safety and Environment Committee**

There was discussion on when the Ave A and Houston plaza and bus stand will be complete. There was discussion of the location the bus stop, the newsstand and the outdoor seating, respectively.

1. Approval of previous month's minutes

**VOTE:** Minutes approved

2. FY'17 District Needs Statement

**VOTE:** CDN approved

3. Request for a Pedestrian Ramp and No Parking zone for Casa Victoria, 308 East 8th Street

**VOTE: TITLE: Community Board 3 Resolution to the DOT Requesting a Pedestrian Ramp and 'No Parking Zone' In Front of Casa Victoria at 308 East 8th Street**

**WHEREAS** Casa Victoria, located at 308 East 8th Street, is a federally funded HUD senior citizen residence with 79 apartments housing approximately 103 residents; and

**WHEREAS** The average age of the resident population is 84 years and many of the residents have mobility challenges and utilize wheelchairs, walkers and canes for assistance; and

**WHEREAS** Many residents require daily transportation through a private car service or Access-a-Ride to and from medical appointments and daily life activity; collectively 15-20 times daily; and

**WHEREAS** At present, there is no safe access to the street so that the seniors can safely access their transportation vehicles; and

**WHEREAS** The senior generally needs to walk through an active driveway approximately 150 feet in order to gain street access; and

**WHEREAS** Walking through an active driveway can be dangerous, particularly for the seniors in bad weather and during the winter; and

**WHEREAS** The closest safe pedestrian ramps are at the corners of either Avenue B or Avenue C at a distance of more than 300 feet in either direction from the entrance to the building; and

**WHEREAS** MTA has determined there are too few seniors at Casa Victoria using the Access-a-Ride that the location does not warrant a formal stop; and

**WHEREAS** A 'No Parking Zone' plus a standard size pedestrian ramp for safe wheelchair and walker access to the street directly in front of the entrance to the building would satisfy a need for more than 100 community residents without taking away much of the available street parking; so

**THEREFORE BE IT RESOLVED** Community Board 3 requests that DOT install a pedestrian ramp and 'No Parking Zone' long enough to accommodate a rear loading ambulette with a sign in front of Casa Victoria.

4. [Proposed newsstand application for northeast corner of E Houston & Ave A](#) (click for info)

**VOTE: TITLE: Community Board 3 Recommendation to approve the Installation of a newsstand at Houston Street and Avenue A**

Whereas, Community Board 3 has asked the MTA to move the M21 bus to the northwest corner of Houston Street and Avenue A, and this will increase pedestrian traffic on this corner. There is an application for a newsstand on the northeast corner of Houston St and Ave A, adjacent to the existing bus stop. It would which will be beneficial to the proprietor and commuters if the newsstand were installed adjacent to the bus stop if it does get relocated to the northwest corner, as a new amenity to the plaza.

Therefore be it resolved, that Community Board 3 approves of the installation of a newsstand on the west side northeast corner of Houston Street, east of and Avenue A, approximately 21 feet east of the property line. The board also asks that DCA also examine the northwest corner of Houston Street and Avenue A for the installation of the newsstand, in case the bus stop is relocated.

**Bus Stop Permit Applications**

5. [Yep Tour Inc, opposite for 132 Madison St](#) (click for info)

**VOTE: TITLE: Denial of Bus Permit for Yep Tours Opposite 132 Madison Street**

WHEREAS Yep Tour, Inc. has been operating without a permit for at least two years, including after an earlier permit application it submitted to DOT was denied, and

WHEREAS it would be inconsistent for Manhattan CB3 to continue to request increased assistance from the NYPD in enforcing existing bus stop permitting and designation laws, which are regularly violated in our community, while approving the permit application of an operator who has admitted to regularly violating the bus stop permitting and designation laws, and claims it should be exonerated for its unlawful behavior because it has been paying its fines.

WHEREAS Yep tour inc buses were observed to be idling and laying over in Yo bus stops and to be impeding M15 bus operations on Pike Street between Madison Street and Henry Street.

THEREFORE BE IT RESOLVED, the Manhattan CB3 recommends DOT reject the application of Yep Tours, Inc. in its entirety.

**42 YES 0 NO 1 ABS 0 PNV MOTION PASSED (excluding Transportation items 3, 5)**

**39 YES 0 NO 3 ABS 1 PNV MOTION PASSED (Transportation item 3)**

**41 YES 1 NO 1 ABS 0 PNV MOTION PASSED (Transportation item 5)**

**SLA & DCA Licensing Committee**

1. Approval of previous month's minutes

**VOTE:** To approve the minutes of June 2015

2. FY'17 District Needs Statement

**VOTE:** To approve the Nightlife Section of the Needs Statement for Fiscal Year 2017

**Renewal with Complaint**

3. Poco (Becaf LLC), 33 Ave B @ E 3rd St (op)

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

WHEREAS, Becaf LLC, doing business as Poco, is seeking the renewal of its full on-premise liquor license, for the premise located at 33 Avenue B, at the corner of East 3rd Street and Avenue B, New York, New York; and

WHEREAS, this applicant was first heard by Community Board 3 in May of 2009 for a sidewalk café permit for twenty-two (22) tables and forty-four (44) seats and was denied because the applicant conceded at that time that it had already been operating a sidewalk café without a permit; and

WHEREAS, this applicant was then heard for an alteration to extend its liquor license to its sidewalk café in September of 2009 and withdrew its application before Community Board 3 to address ongoing complaints from residents of loud noise from people and music emanating from the business which was corroborated by the issuance of a police summons for unreasonable noise in August of 2009; and

WHEREAS, the applicant did not again appear before Community Board 3 for the alteration to extend its license to its sidewalk café; and

WHEREAS, Community Board 3 has now received complaints from residents from April of 2014 through July of 2015, about the failure of the business to oversee the sidewalk, unruly drunk patrons from the business blocking the sidewalk, excessive noise from patrons and music emanating from the sidewalk café, which has an open façade, all you can drink brunch specials, the sidewalk café operating past its permitted time of 10:00 P.M., the service of alcohol at the sidewalk café after its permitted closing time and the café taking up too much of the sidewalk; and

WHEREAS, in May of 2015, the Department of Consumer Affairs issued two (2) violations against this business for its sidewalk café exceeding its permitted footprint on the sidewalk and having ten (10) too many tables when it was permitted for ten (10) tables and twenty (20) seats with a closing time of 10:00 P.M. every day; and

WHEREAS, this business has received eight (8) 311 commercial noise complaints between April 13, 2014 and June 25, 2015, between 3:30 P.M. and 1:00 A.M., six (6) of which resulted in police reporting that they took action to correct a noncrime; and

WHEREAS, the website for this business advertises private parties with DJs and dancing and at least one (1) event, hosted on April 2, 2015, at which free shots, drinks and pitchers were offered as prizes; and

WHEREAS, the applicant has conceded that she has kept the sidewalk café open past her permitted closing time and was serving patrons food and drinks at the café after its permitted closing time, and at the additional ten (10) tables she was not permitted to have outside that she has unlimited drink specials served with meals at brunch and that she has hosted events which offer free drinks, pitchers and shots as prizes but denies that she permits dancing at her business although it is advertised for private parties on its website and also stated that she has addressed complaints about her sidewalk café and patrons on the sidewalk since first being calendared for a community board meeting in June of 2015; and

WHEREAS, neighboring residents have complained about observing the service of patrons at the sidewalk café during the unlimited drink brunch who look and act inebriated; and

WHEREAS, the service of unlimited drink specials at brunch and the illegal offering of free drinks, shots and pitchers as prizes on hosted game nights to target young people seeking to get drunk, as advertised on its website (see attached advertisements from its webpage) create a concern that this business is operating contrary to its stated method of operation as a restaurant; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application to renew the full on-premise liquor license for Becaf LLC, doing business as Poco, for the premise located at 33 Avenue B, at the corner of East 3rd Street and Avenue B, 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 restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation for its sidewalk café will be 5:00 P.M. to 10:00 P.M. Mondays through Thursdays and 11:00 A.M. to 10:00 P.M. Fridays through Sundays,
- 3) 3) it will close any front or rear façade doors and windows at 10:00 P.M. every night or during any amplified performances, including but not limited to DJs, live music and live nonmusical performances,
- 4) it will play ambient background music only, consisting of recorded music and DJs, which are permitted Fridays and Saturdays only, and will not have live music, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 5) it will not have any unlimited drink specials and will not offer free drinks, shots or pitchers, consistent with the law,
- 6) it will not apply for any alteration in its method of operation without first appearing before Community Board #3,
- 7) it will insure that there are no wait lines outside and will designate an employee to oversee patron crowds and noise on the sidewalk and insure that patrons are not blocking the sidewalk,
- 8) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 9) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

THEREFORE, BE IT FURTHER RESOLVED that Community Board 3 asks the SLA to conduct random inspections at this location for inebriated patrons to insure that the applicant is not serving all you can drink specials or free drinks, shots or pitchers which are resulting in inebriated patrons

**Applications within Saturated Areas**

4. Black Rose Hospitality Group LLC, 67 Clinton St btwn Stanton & Rivington Sts (op)

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

Understanding that this is a sale of assets of a business which has operated as a tavern with a full on-premise liquor license, Community Board 3 moves to deny the application for a full on-premise liquor license for Black Rose Hospitality Group LLC, for the premise located at 67 Clinton Street, between Stanton Street and 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, serving small plates during all hours of operation,
- 2) its hours of operation will be 12:00 P.M. to 4:00 A.M. all days,
- 3) it will not commercially operate any outdoor areas,
- 4) it will employ at least two (2) security guards Fridays and Saturdays and otherwise, as needed,
- 5) it will install additional soundproofing, if necessary,

- 6) it will close any front or rear façade doors and windows at 10:00 P.M. every night or during any amplified performances, including but not limited to DJs, live music and live nonmusical performances,
  - 7) 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,
  - 8) it will not apply for any alteration in its method of operation without first appearing before Community Board #3,
  - 9) it may have "happy hours" to 7:00 P.M. each night,
  - 10) it will not host pub crawls or party buses,
  - 11) it will insure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk, and
  - 12) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
  - 13) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints
5. Ivan Ramen (Ivan Ramen USA LLC), 25 Clinton St btwn E Houston & Stanton Sts (op)  
no vote necessary
  6. Babel Lounge (Bab Cafe LLC), 129-131 Ave C (op/alt/reduce location back to original size of 131 Ave C)  
withdrawn
  7. Soothsayer (Rice & Salt LLC), 171 Ave A btwn E 10th & E 11th Sts (op)  
no vote necessary
  8. Supermarket (Nova Era Inc), 43 Clinton St btwn Stanton & Rivington Sts (op)

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

WHEREAS, Nova Era Inc., is seeking a full on-premise liquor license to operate an eatery, art gallery and retail concept store, for the premise located at 43 Clinton Street, between Stanton Street and Rivington Street; and

WHEREAS, this applicant is proposing to operate an art gallery and retail store with a limited sandwich menu, hours operation of 8:00 A.M. to 12:00 A.M. all days, four (4) tables and seventeen (17) seats, a round bar with a diameter of eight (8) feet and five (5) stools, open windows and recorded background music, in a previously unlicensed location; and

WHEREAS, notwithstanding that that the applicant furnished ninety-four (94) petition signatures in support of its application, Community Board 3 was very concerned with the proposal for an art gallery with a full on-premise liquor license and limited menu in an area where there are numerous art galleries which operate without liquor licenses; and

WHEREAS, the applicant has conceded that there are fourteen (14) full on-premise liquor licenses within five hundred (500) feet of this location; and

WHEREAS, given the concerns of Community Board #3, the applicant has agreed to now apply for a beer wine license and to expand its menu to that of a full-service restaurant; now

THEREFORE, BE IT FURTHER RESOLVED THAT Community Board 3 moves to deny an application for beer wine license for Nova Era Inc., with a proposed business name of Galeria, for the premise located at 43 Clinton Street, between Stanton Street and 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 organic restaurant, serving vegan and vegetarian options, 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. all days,
- 3) it will not commercially operate any outdoor areas,
- 4) it will install soundproofing, if needed,
- 5) it will close any front or rear façade doors and windows at 10:00 P.M. every night or during any amplified performances, including but not limited to DJs, live music and live nonmusical performances,
- 6) 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,
- 7) it will not apply for any alteration in its method of operation without first appearing before Community Board #3,
- 8) it may have "happy hours" to 7:00 P.M. each night,
- 9) it will not host pub crawls or party buses,
- 10) it will insure that there are no wait lines outside and will designate an employee responsible to oversee patrons and noise on the sidewalk, and

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

9. Le Delice LLC, 70 Ave A (bw)  
no vote necessary

**Alterations**

10. Kiki's (Kiki's Plan A Group LLC), 130 Division St (bw/expand to neighboring storefront)  
no vote necessary

11. Boilermaker (Golden C Hospitality Inc), 13 1st Ave aka 72 E 1st St (op/open avenue side windows till 10pm)

**VOTE: TITLE: Community Board 3 Recommendation To Deny**

WHEREAS, Golden C Hospitality Inc, is seeking an alteration of its full on-premise liquor license, to wit opening its avenue side windows until 10:00 P.M. every night, for its restaurant bar, doing business as Boilermaker, for the premise located at 13 First Avenue a/k/a 72 East 1st Street, at the corner of East 1st Street and First Avenue; and

WHEREAS, this applicant was denied for a full on-premise liquor license by Community Board 3 in April of 2013 unless the applicant agreed before the SLA to make as conditions of its license the stipulation that it would 1) operate a full-service restaurant with expanded menu, with a kitchen open and serving food during all hours of operation, 2) have hours of operation of 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) play recorded background music and not have live music, DJs, promoted events, scheduled performances or events at which a cover fee would be charged, 4) have a closed fixed façade with no open doors or windows, 5) not commercially use any outdoor space, 6) employ at least one (1) security guard, and 7) not employ Giuseppe Gonzalez without the approval of the SLA; and

WHEREAS, the applicant was originally approved by Community Board 3 after it had entered into a memorandum of understanding about its method of operation with the East First Street Block Association which, in pertinent part, included an agreement to have a closed fixed façade and expand its proposed menu; and

WHEREAS, this applicant then changed its business name to Boilermaker and decreased its menu and eliminated its daytime weekend hours of operation, contrary to its agreement with the East First Street Block Association and contrary to its agreed upon stipulations the Community Board and the SLA; and

WHEREAS, this block of First Avenue, between East 1st Street and East 2nd Street, is already plagued with overwhelming noise and the approval of this alteration would contribute to increasing the existing noise problem by allowing the noise from this storefront, which has always had a fixed façade, to emanate to the street; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for an alteration of its full on-premise liquor license, to wit opening its avenue side windows until 10:00 P.M. every night, for Golden C Hospitality Inc., doing business as Boilermaker, for the premise located at 13 First Avenue a/k/a 72 East 1st Street, at the corner of East 1st Street and First Avenue

12. Cafe Petisco (Dishful Inc), 189 E B'way (op/extend hours to midnight all days)(ITEM NOT HEARD AT COMMITTEE)  
no vote necessary

13. Jeepney (Beep Beep NYC LLC), 201 1st Ave (op/extend hours and add occasional karaoke)  
no vote necessary

**New Liquor License Applications**

14. Bowery Hospitality Associates LLC, 199 Bowery @ Spring St (op)

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

WHEREAS, Bowery Hospitality Associates LLC is seeking a full on-premise liquor license to operate a restaurant lounge, on the ground floor and basement of the premise located at 199 Bowery, at the intersection of Bowery and Spring Street; and

WHEREAS, this is a new application for a full on-premise liquor license for multiethnic restaurant and lounge with a certificate of occupancy of nine hundred (900) people, with six hundred (600) people permitted on the ground floor and three hundred (300) people permitted in the basement, one hundred ten (110) tables and four hundred ten (410) seats, proposed hours of operation of 11:30 A.M.

to 2:00 A.M. all days on the ground floor and 5:00 P.M. to 4:00 A.M. all days in the basement a sidewalk café, a stand up bar on the ground floor and a stand up bar in the basement, open garage-style doors on the facade, recorded background music on the ground floor and recorded music and DJs in the basement, no promoted events, live music, scheduled performances or events with cover fees and seven (7) to twelve (12) security guards Wednesdays through Sundays from 9:00 P.M. to closing; and

WHEREAS, architectural diagrams submitted by the applicant depict seating comprised of eighty (80) seats in the ground floor front dining room, eighty-seven (87) seats and thirty-three (33) bar stools in the middle ground floor dining room where the standup bar is located, one hundred thirty-seven (137) seats located in the back ground floor dining room, including two (2) private dining rooms with fourteen (14) seats each and one hundred (100) seats and twenty-two (22) stools in the basement lounge; and

WHEREAS, both prior licensees at this location had long histories of numerous police and SLA violations and resident complaints of noise emanating from the business and excessive pedestrian and vehicular traffic and noise in front of the business; and

WHEREAS, this applicant consists of principals who have operated Stanton Social, located at 99 Stanton Street, and Beauty & Essex, located at 146 Essex Street, within this community board district, neither of which has any adverse history, and the Tau Group which operates large restaurants in other area of New York City and in other cities; and

WHEREAS, this applicant furnished documented support for its application, in that it provided a letter of support from a representative of the board of the building, as well as six (6) letters and eighty-five (85) petition signatures in support of its application; and

WHEREAS, consistent with its architectural diagrams and the representations of the applicant before Community Board 3, this location will not have a dance floor or dancing and the applicant will not apply for a cabaret permit, and

WHEREAS, a representative of the Bowery Block Association and the Bowery Alliance of Neighbors, a representative of 2 Spring Street and other area residents, including the representative of one of the building tenants, appeared before Community Board 3 to express concern about the proposed late night hours and another large scale licensed venue at this location, given their continued complaints about how the two prior businesses were operated; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for a full on-premise liquor license for Bowery Hospitality Associates LLC, for the premise located at 199 Bowery, at the intersection of Bowery and Spring 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 multiethnic restaurant and lounge, with a kitchen open and serving food during all hours of operation in the ground floor restaurant and serving food in the basement bar lounge while the kitchen is open,
- 2) it will operate the ground floor as a full-service restaurant with sit-down dining and one (1) stand up bar and will operate the basement as a tavern lounge with lounge seating and one (1) stand up bar; and
- 3) its hours of operation on the ground floor will be 11:30 A.M. to 1:00 A.M. Sundays through Wednesdays and 11:30 A.M. to 2:00 A.M. Thursdays through Saturdays and its hours of operation in the basement will be 5:00 P.M. to 3:00 A.M. all days,
- 4) it will operate a sidewalk café, consisting of twelve (12) tables and twenty-four (24) seats, no later than 10:00 P.M. Sundays through Thursdays and 11:00 P.M. Fridays and Saturdays and will erect barriers of a minimum of six (6) feet in height around the sidewalk café to minimize noise traveling to the public sidewalk,
- 5) it will employ security personnel all days, consisting of at least one (1) security guard Sundays through Wednesdays and at least two (2) security guards Thursdays through Saturdays, to monitor crowds, noise and vehicular and pedestrian traffic in front of the business; and
- 6) it will install soundproofing consistent with the recommendations of a sound engineer,
- 7) it will close any front or rear façade doors and windows at 10:00 P.M. Sundays through Thursdays and 11:00 P.M. Fridays and Saturdays while the sidewalk café is open and 10:00 P.M. when the sidewalk café is closed or it will close any front or rear façade doors and windows during any amplified performances, including but not limited to DJs, live music and live nonmusical performances,



- 8) it will not have live music, promoted events, scheduled performances or any event at which a cover fee will be charged and may have DJs in the basement level only,
  - 9) it will play ambient background music on the ground floor, consisting of recorded music only, and may have background and entertainment level music, consisting of recorded music and DJs, in the basement,
  - 10) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
  - 11) it will not have "happy hours,"
  - 12) it will not host pub crawls or party buses,
  - 13) it will insure that there are no wait lines outside and will designate an employee or employees whose responsibilities will include monitoring the sidewalk to insure that there are no crowds, loitering or noise in front of the business,
  - 14) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
  - 15) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints
15. The John Lamb (Delancey Square Hospitality LLC), 119 Orchard St (op)  
withdrawn
16. Lucky Bee, 252 Broome St btwn Orchard & Ludlow Sts (op)

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

Understanding that this is applicant has entered into a memorandum of understanding with the Orchard Street Block Association (attached hereto) regarding its method of operation, Community Board 3 moves to deny the application for a full on-premise liquor license for a corporation to be determined, with principals Rupert Noffs and Matthew Bennett, for the premise located at 252 Broome Street, between Orchard Street and Ludlow 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 Southeast 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. Sundays through Wednesdays and 12:00 P.M. to 1:00 A.M. Thursdays through Saturdays,
- 3) it will not commercially operate any outdoor areas,
- 4) it will install soundproofing consistent with the recommendation of a sound engineer,
- 5) it will close any front or rear façade doors and windows at 10:00 P.M. every night or during any amplified performances, including but not limited to DJs, live music and live nonmusical performances,
- 6) 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,
- 7) it will not apply for any alteration in its method of operation without first appearing before Community Board #3,
- 8) it may have "happy hours" to 7:00 P.M. each night,
- 9) it will not host pub crawls or party buses,
- 10) it will use its cellar ancillary to its restaurant, for e.g. for storage, and not for patron use,
- 11) it will insure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 12) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 13) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints

Community Board 3 is approving this application for 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 will operate a full-service restaurant with moderate hours similar to the restaurant which was previously operated at this location, 2) this applicant has entered into an agreement with the Orchard Street Block Association regarding its method of operation, and 3) the applicant furnished more than seven hundred (700) signatures in support of its application.

17. Edwin and Neil's LLC, 345 E 6th St (op)  
withdrawn
18. Samesa (Samesa Orchard LLC), 121 Orchard St (op)  
withdrawn
19. Kimlau Garden (Kimlau Garden LLC), 69 Mulberry St (op)  
withdrawn
20. Legit Café Inc, 99 Allen St btwn Delancey & Broome Sts (bw)  
no vote necessary

**Corporate Change with Complaint**

21. Fat Baby (NYCJB's LLC), 112 Rivington St btwn Ludlow & Essex Sts (op/corporate change)

**VOTE: TITLE: Community Board 3 Recommendation That Licensee Be Made To Operate Consistent With Its Method Of Operation**

WHEREAS, NYCJB's LLC, doing business as Fat Baby, is seeking a one hundred percent (100%) corporate change of its full on-premise liquor license, by replacing its present principal, Robert Shamlan, with new principal Sarid Drory, for the premise located at 112 Rivington Street, between Ludlow Street and Essex Street, New York, New York; and

WHEREAS, this applicant was originally issued a full on-premise liquor license on October 19, 2005; and

WHEREAS, Community Board 3 has received complaints from the LES Dwellers, a residents organization, that the present licensee is not operating consistent with its approved method of operation in that the licensee hosts scheduled performances, dancing without a cabaret license, events with ticket sales and cover fees, has not been serving food, has been illegally using a mezzanine and exceeding its maximum occupancy and has an emergency egress which illegally and unsafely leads into the hallway of the residential portion of 112 Rivington Street; and

WHEREAS, per the LES Dwellers who investigated the original method of operation of this applicant with the SLA, its original application averred that it would operate as a lounge with food service and DJs but would not have live music, scheduled performances, events with cover fees or dancing; and

WHEREAS, the zoning for this location does not permit schedule performances; and

WHEREAS, Community Board 3 has also received complaints from residents of surrounding buildings of loud music and noise, including noise from an emcee, comedy shows and an air horn, emanating from the propped open front door of this business until as late as 2:00 A.M.; and

WHEREAS, consistent with these complaints, this applicant has open Environmental Control Board violations from 2009 and 2013 for exceeding maximum occupancy, illegal cabaret and stage and improper emergency exit; and

WHEREAS, also consistent with these complaints, the present licensee has entered into a no contest plea before the SLA on May 4, 2007, for improper conduct and an unauthorized bar, a no contest plea on April 10, 2010, for failure to conform and an unauthorized trade name, a no contest plea on August 14, 2009, for unlicensed cabaret, a no contest plea on March 28, 2012, for failure to supervise and a no contest plea on May 17, 2013, for exceeding maximum occupancy and one (1) sale to a minor; and

WHEREAS, the business has received fifteen (15) 311 commercial noise complaints between August of 2014 and April of 2015, between 11:00 P.M. and 2:00 A.M.; and

WHEREAS, the proposed new licensee for this business failed to appear before Community Board 3 two months in a row to address these ongoing complaints and concerns before its assumes control and responsibility of this business; now

THEREFORE, BE IT RESOLVED that Community Board 3 asks that the SLA enforce the approved method of operation for NYCJB's LLC, doing business as Fat Baby, for the premise located at 112 Rivington Street, between Ludlow Street and Essex Street

**Items Not Heard at Committee**

22. Graffiti (Graffiti Bistro & Bakery Inc), 224 E 10th St (bw/corp change)

no vote necessary

23. Mangiami (Mangiami Inc), 9 Stanton St (op/corp change)

no vote necessary

24. Skal (Zvalt Inc), 37 Canal St (op/corp change)

no vote necessary

25. Cookie Lady Inc, 433 E 9th St (bw)

no vote necessary

26. Txipirou Inc, 102 E 7th St (bw)

no vote necessary

27. Mala Project (Mala Project Inc), 122 1st Ave (bw)

no vote necessary

28. Team 110 Inc, 110-112 St Marks Pl btwn 1st Ave & Ave A (bw) (ITEM WILL BE HEARD AT COMMITTEE)

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

To deny an application for beer wine license for Team 110 Inc., for the premise located at 110-112 St. Marks Place, 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 American French 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. Sundays through Thursdays and 11:00 A.M. to 1:00 A.M. Fridays and Saturdays,
- 3) it will not commercially operate any outdoor areas,
- 4) it will close any front or rear façade doors and windows at 10:00 P.M. every night or during any amplified performances, including but not limited to DJs, live music and live nonmusical performances,
- 5) it will play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 6) it will not apply for any alteration in its method of operation without first appearing before Community Board #3,
- 7) it may have "happy hours" to 7:30 P.M. each night,
- 8) it will not host pub crawls or party buses,
- 9) it will insure that there are no wait lines and will designate an employee responsible to oversee patrons and noise on the sidewalk, and
- 10) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 11) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints

Community Board 3 is approving this application for a beer wine license although this is a location in an area with numerous liquor licenses because 1) this location was previously operated as a full-service restaurant with a beer wine license, 2) this applicant consists of principals all of whom have worked in restaurants in this neighborhood for many years and one of whom has worked in a neighboring restaurant on this block for seventeen (17) years, and 3) the applicant furnished petition signatures in support of its application which were predominantly from this block.

29. Croissanteria (ZR Croissanteria LLC), 68 Ave A (bw)  
no vote necessary

**42 YES 0 NO 1 ABS 0 PNV MOTION PASSED (excluding SLA items 2-29)**  
**38 YES 0 NO 5 ABS 0 PNV MOTION PASSED (SLA items 2-29)**

**District Needs Statement**

**VOTE:** To approve the District Needs Statement as amended.

**37 YES 4 NO 0 ABS 0 PNV MOTION PASSED**

**Members Present at Last Vote:**

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

Meeting Adjourned