



# THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

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Gigi Li, Board Chair

Susan Stetzer, District Manager

June 2016 Full Board Minutes

Meeting of Community Board 3 held on Tuesday, June 28, 2016 at 6:30pm at PS 20, 166 Essex Street.

Public Session:

Tamara Daley: Speaking as a resident, she spoke against SLA Item 13, stating that the establishment violated the 200-ft rule as well as had an entrance too close to an entrance to the East Broadway stop on the F train. Based on studies, the sidewalk is already narrow, making further congestion unsafe.

Jenny Yu: Speaking as a resident of Two Bridges neighborhood, she spoke against SLA Item 13 and the failure of CB3 to push for the plan passed by the Chinatown Working Group. She stated that the Community Board ignored the statements of residents to deny this application and that the Community Board is causing gentrification.

Chris Kacy: Speaking as a resident of Chinatown, he spoke against SLA Item 18, stating that the establishment lacks the proper number of egresses and was concerned of the safety of the residents.

Cor Hazel: Speaking as a resident of Chinatown, she spoke against SLA Item 18, stating that the signed petition the applicant gave to the board contained many invalid signatures and included signatures that looked like they were of the same handwriting and for non-existent addresses.

Courtney Surmanek & Justin Rivera: Speaking on behalf of the Lowline, she updated the community board on the community engagement meeting. She also announced upcoming events at the Lowline Lab.

Elleen Goris: Speaking as a resident of 82 Rutgers St., she spoke about her concern for the upcoming development of the waterfront, focusing in particular on the loss of services and small businesses, as well as strain on transportation.

Tony Queylin: Speaking as a resident of 82 Rutgers St., he was concerned about the shaking, vibrating and dust caused by the nearby construction and the upcoming development deals negotiated by the landlord of 82 Rutgers St.

Peter Mei: Speaking as a resident of Two Bridges, he stated he had concerns for his safety and the safety of his children and elderly relatives

Linda Matias: Speaking as a resident of 82 Rutgers, she asked the board to conduct studies to analyze the impact of development in the area.

Louise Velez: Speaking as a resident of Two Bridges, she urged the community to push for the Chinatown Working Group plan and felt that the board had not worked hard enough to push the plan. She also stated that the Chinatown Working Group plan was delayed because of the East Village rezoning and that now is the time.

Rob Hollander: Speaking as the secretary of the Chinatown Working Group, he announce that Councilmember Chin is working on a plan to help delay the development of the waterfront, and the community board will be working on this process. He announced that the Chinatown Working Group has new elected representative to the Department of City Planning.

Ben Rothenberg: Speaking as a resident, he asked for the community board to support the entire Chinatown Working Group plan.

Amelia Aviles: Speaking as a resident, she spoke about the need to include all the parts of the Chinatown Working Group plan and not to exclude parts, especially the portion covering Avenue D, because these parts were excluded in the 2008 East Village rezoning.

Irma Owens: Speaking as a long-term resident, she said that she no longer feels safe on the streets.

Norma Ramirez: Speaking as a resident, she asked that the board listen to the community to protect it.

Fun Mae Eng: Speaking as a resident of the community, her rent has increased to be beyond her ability to pay, and she believes the reason is because of luxury development.

Wendy Chung: Speaking as a former Community Board 3 member, she asked the board to honor their pledge to push for the Chinatown Working Group and to stop the development of high rises.

Nelson Mar: Speaking as a member of the Restaurant Workers Union, he stated that gentrification is causing the pricing out of local residents and urged CB3 to act now to protect the neighborhood.

Shuqing Wong: Speaking as a local resident, she stated that she is worried about displacement and urged the Community Board to help stop displacement.

Mei Rong Song: Speaking as a resident and local business owner, she spoke about her struggles having to close her flower shop and restaurant because of increasing rents. She spoke about the new development and hotels causing more expensive businesses to open in the neighborhood, which residents cannot afford. She urged the board to fight for the Chinatown Working Group plan.

Mary Habstritt: Speaking as president of the Lilac Preservation Project, she stated that two historic ships, the Lilac and the John W. Brown, will be docked at Pier 36 for public viewing from September 10-19.

Vaylateena Jones: Speaking on behalf of the Lower East Side Power Partnership (LESPP), she stated that the LESPP sent a letter to the mayor to only approve development plans that conform to the Chinatown Working Group plan, in particular Sub-District D.

Jeannette Aybar: Speaking as a former resident who can no longer afford to live in the neighborhood, she spoke about the proliferation of bars and the lack of the community participation.

Harry Bubbins: Speaking as president of the Greenwich Village Society for Historic Preservation, he spoke to commend the board on the work of the Landmarks Committee and support Landmarks Item 3. He stated that GVSHP stands for rezoning to protect the neighborhood.

Diem Boyd: Speaking as a member of the LES Dwellers, she stated that the SLA Committee process needs to be more community driven and asked the two members running for Chair to speak to this. She also asked the board apply the 200-foot rule.

Sara Romanoski: She spoke as a member of LES Dwellers, she asked the community board to be a leader to strengthen the SLA laws.

Francesca Benitez: Speaking as a local resident and artist, she asked the community board to strongly support the Chinatown Working Group plan.

The Chair thanked community members for speaking regarding the Chinatown Working Group plan and stated the Community Board's role in the Chinatown Working Group plan. She stated that in September, JDS, a developer seeking to build several large buildings in the Two Bridges area, elected officials and stakeholders will be meeting in September.

Nominating Committee:

Each candidate will have two minutes to speak. Board members may ask questions to the members running for contested positions by writing the question on an index card. Members of the Nominating Committee will read these questions and all four candidates will have an opportunity to answer the questions.

Public Officials:

Mayor Bill de Blasio, Tommy Lin: Not Present

Public Advocate Letitia James, Adam Chen: The Public Advocate is working to increase the number of speed cameras and defense of tenants against bad landlords.

Comptroller Scott Stringer, Elaine Fan: The Controller is conducting an audit of the Department of Health to determine whether they are enforcing the lead testing requirements for day care center certification.

Borough President Gale Brewer, Lucille Songhai: The Borough President will be holding a Pride dance and will be attending the Disability Pride parade on July 10th.

Congressmember Carolyn Maloney, Victor Montesinos: Not present.

Congressmember Nydia Velazquez, Iris Quinones: Not present.

Assemblymember Alice Cancel, Monica Guardiola: Not present.

Assemblymember Deborah J. Glick, Charlie Anderson: The Assemblymember acknowledged the rent freeze for one-year leases but was disappointed by the increase for two-year leases. The Assemblymember was excited that the Stonewall Inn became a National Landmark and will be protected by the National Parks Service.

Assemblymember Brian Kavanagh, Edward Cerna: The Assemblymember made ethics reform a top priority, in particular closing the LLC loophole. The bill was blocked in the State Senate. The Assemblymember is also hoping to pass legislation to better protect tenants, in particular, protection of tenants from absorbing the burden on Major Capital Improvements. The Assemblymember protested the Governor's attempts to change the Alcohol Beverage Control law because the Assemblymember did not feel there was sufficient public input.

State Senator Daniel L. Squadron, Mauricio Pazmino: The State Senator is working to create comprehensive legislation to regulate inter-city buses. The State Senator is concerned about the appointment of a new SLA Commissioner without appearing before the State Senate. The State Senator is seeking information from the State Department of Health regarding the Rivington House.

State Senator Brad M. Hoylman, Sejal Singh: The State Senator will continue to fight for legislation to give victims of child abuse an extended statute of limitations and a LGBT rights bill.

Councilmember Margaret Chin, Vincent Fang: The Councilmember has been working to increase jobs in the community and to streamline the Senior Citizen Rent Increase Exemption and Disability Rent Increase Exemption.

Councilmember Rosie Mendez: She stated that in 2008 she worked with the Community Board to pass a rezoning of the East Village and she will continue to fight for contextual zoning. She stated that the budget was passed early this year because the budget was decided by the Mayor and Speaker of the City Council. The Councilmember voted against the budget because of the lack of transparency. The Councilmember also voted against a bill that would create a short timeline for landmarking buildings. The Councilmember spoke at the Stonewall Inn at a rally to remember the shooting at Orlando. The Councilmember acknowledged that the Rent Guidelines Board voted to freeze rents. The Councilmember acknowledged school programs to promote LGBT rights historic events and also, separately, reduction of garbage in schools. The Councilmember is working with community boards to provide a public input into the reduction of services at Beth Israel. The Councilmember, and members of other offices of elected officials, presented the Chair with proclamation for her leadership.

The Chair thanked the elected officials for the acknowledgement. She stated the accomplishments of the board, including helping to push for the Chinatown Working Group, the development of Essex Crossing and resiliency work in the aftermath of Hurricane Sandy.

Members Present at First Vote:

David Adams	[P]	Luke Henry	[P]	Nancy Ortiz	[P]
Yaron Altman	[P]	Herman F. Hewitt	[P]	Carolyn Ratcliffe	[P]
Dominic Berg	[P]	Trever Holland	[P]	Joyce Ravitz	[P]
Karen Blatt	[P]	Sameh Jacob	[P]	Damaris Reyes	[P]
Lisa Burriss	[P]	Anne K. Johnson	[P]	James Rogers	[P]
Alan van Capelle	[P]	Linda Jones	[P]	Richard F. Ropiak	[P]
Melvin Cartegena	[A]	Vaylateena Jones	[P]	Christopher Santana	[P]
Karlin Chan	[A]	Meghan Joye	[P]	Robin Schatell	[P]
MyPhuong Chung	[P]	Lisa Kaplan	[P]	Susan Scheer	[P]
David Crane	[P]	Carol Kostik	[P]	Laryssa Shainberg	[P]
Enrique Cruz	[P]	Mae Lee	[P]	Wilson Soo	[P]
Christian De Leon	[P]	Veronica Leventhal	[P]	Nancy Sparrow-Bartow	[P]
Eric Diaz	[P]	Alysha Lewis-Coleman	[P]	Josephine Velez	[P]
Wilda Escarfuller	[P]	Gigi Li	[P]	Rodney Washington	[P]
David Ford	[P]	Chad Marlow	[P]	Kathleen Webster	[P]
Debra Glass	[P]	Alexandra Militano	[P]		
Dan Ping He	[P]	Chiun Ng	[P]		

Minutes:

Minutes of April 2016 were approved, as is.

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

Nominating Committee:

Distribution of ballots

Candidates made statements and answered questions

Board Chairperson's Report:

Chairperson Gigi Li: The Community Board held a meeting to discuss changes to the Alcohol Beverage Control Law. The Community Board was able to protect the 200-foot rule and made a compromise to the Sunday alcohol serving time to 10AM. The Chair noted that a member almost had a physical altercation with a community member during a meeting and reminded the members that board members are held to a higher standard. She also stated that it is not appropriate to criticize or dismiss CB3 staff members via emails to the entire board. The Chair encouraged members to review the Personnel Committee policies regarding grievances.

There was discussion on the work the district manager does for the board and discussions of how members should protect themselves from potential physical altercations from the public.

There was discussion of whether a committee member who works for Beth Israel can invite Beth Israel to appear before the committee and what the Conflict of Interest Board allows.

District Manager's Report:

District Manager Susan Stetzer: The District Manager thanked the Chair for her service and her hard work. There are free meals for kids being offered for the summer at schools and parks. Wednesday, June 29, the MTA will make a presentation on the L-Train closure to Community Boards 3 and 6.

Updates for all public construction in CB 3 is available on the CB 3 website and updated every week. Revised completion dates have recently been updated. On June 9 the police had a "drug takedown" and arrested a number of drug dealers. New members should be aware the agenda distributed at the full board (on yellow sheets) is draft and may have major changes when distributed the next day. The draft is distributed so that chairs can have a last check that the agendas are correct.

Homeless encampments are a growing issue and providing services to these populations can be difficult.

Committee Reports:

**Executive Committee**

There was discussion on encouraging better attendance and punctuality in the meetings by having committee chairs take attendance in the beginning of the meetings.

no vote necessary

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

**Joint CB 3 & CB 6 Human Services**

1. Beth Israel Hospital presentation on future plans

no vote necessary

**CB 3 Human Services Committee**

2. Approval of previous month's minutes  
no vote necessary
3. FY'18 District Needs Statement & Budget Consult Agenda  
no vote necessary
4. Discussion of committee members taking on "lead roles" for specific human services topics  
no vote necessary

**Economic Development Committee**

1. Approval of previous month's minutes  
no vote necessary
2. FY'18 District Needs Statement & Budget Consult Agenda  
no vote necessary
3. EVCC presentation: Preserving Local, Independent Retail: Recommendations for Formula Retail  
no vote necessary
4. Committee goals and objectives  
no vote necessary

**Transportation & Public Safety and Environment Committee**

1. Approval of previous month's minutes  
no vote necessary / approved by committee
2. FY'18 District Needs Statement & Budget Consult Agenda  
no vote necessary
3. Modification of bike lane - Fourth Avenue between 12th and 14th Streets  
no vote necessary

**SLA & DCA Licensing Committee**

The SLA Committee will ask the MTA and DOB to investigate the safety and legality of the proposed alteration of 162 East Broadway moving the front door because of its proximity to the F Train stop and the M9 bus stop.

1. Approval of previous month's minutes  
no vote necessary / approved by committee
2. FY'18 District Needs Statement & Budget Consult Agenda  
no vote necessary

**Renewal with Complaint**

3. Happy Ending, 302 Broome St btwn Forsyth & Eldridge Sts (op)

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

**WHEREAS**, 302 Broome Art Space LLC, doing business as Happy Endings, is seeking a renewal of its full on-premises liquor license, for the premises located at 302 Broome Street, between Forsyth Street and Eldridge Street, New York, New York; and

**WHEREAS**, this applicant was heard by Community Board 3 for its original full on-premises liquor license application in July of 2013, when it represented that it would operate as a restaurant with an art space and was denied unless it agreed to make as conditions of its license stipulations that it would 1) operate as a full-service restaurant and art space, with a kitchen open and serving food during all hours of operation, 2) have hours of operation for the art space of 1:00 P.M. to 2:00 A.M. Sundays and Mondays and 1:00 P.M. to 4:00 A.M. Tuesdays through Saturdays and have hours of operation for the restaurant of 5:00 P.M. to 2:00 A.M. Sundays and Mondays and 5:00 P.M. to 4:00 A.M. Tuesdays through Saturdays, 3) have a closed façade, 4) play ambient background music only, consisting of recorded music and DJs, and not have live music, promoted events, scheduled performances or any event at which a cover fee will be charged, 4) not have happy hours, 5) not host pub crawls or party buses, 6) not use outdoor space, and 7) have security guards Thursdays through Saturdays, from 10:00 P.M. to 4:00 A.M. (see Community Board 3 resolution hereto attached); and

**WHEREAS**, this applicant was originally issued a full on-premises liquor license by the SLA on October 30, 2014; and

**WHEREAS**, Community Board 3 has received complaints from residents living around this business that the present licensee is not operating consistent with its approved method of operation in that the licensee hosts scheduled performances, promoted events and live music, permits dancing without a cabaret license and has not been serving food; and

**WHEREAS**, residents who appeared before Community Board 3 also complained that, consistent with its unauthorized method of operation as a club, the applicant has erected velvet ropes on the sidewalk and has wait lines outside, its patrons block the sidewalk and street, the noise and smoke from patrons travel their apartments late at night and the applicant has been illegally using an apartment located above the business to cook and prepare food for events within the business; and

**WHEREAS**, this applicant does not have a cabaret license which would permit dancing; and

**WHEREAS**, this business is the #1 chronic noise complaint problem business in the 5th Precinct and the applicant has repeatedly failed to appear at precinct bar and community council meetings to address complaints and noise, although it has received in person invitations to attend; and

**WHEREAS**, there have been at least two (2) recent police summonses served on patrons drinking alcohol in front of the business; and

**WHEREAS**, consistent with these complaints, the business has received one hundred forty-four (144) 311 commercial noise complaints between June of 2015 and June of 2016, between 10:30 P.M. and 5:00 A.M., half of which required police action to correct; and

**WHEREAS**, in the short time that this business has been operating, it has proven to be a blight on the neighborhood, impacting the safety and quality of life of surrounding residents, and has failed to respond to residents or its local police precinct; and

**WHEREAS**, although the applicant confirmed its attendance with the Community Board 3 office, the attorney for the applicant attempted to withdraw its application the night before its community board

hearing and the applicant then failed to appear before Community Board 3 to address these ongoing complaints and concerns after being told that its renewal could not be withdrawn; and

**WHEREAS**, given that its license will expire in September of 2016, Community Board 3 is concerned that it would be unable to rescheduled this hearing to attempt to again obtain the presence of the applicant before its license is renewed; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the renewal of the full on-premises liquor license for 302 Broome Art Space LLC, doing business as Happy Endings, for the premises located at 302 Broome Street, between Forsyth Street and Eldridge Street, New York, New York; and

**THEREFORE BE IT FURTHER RESOLVED** that Community Board 3 asks that the SLA either revoke the full on-premises liquor license for this applicant or enforce the method of operation for this applicant that was approved by the SLA as a full-service restaurant and art space, with no live music, scheduled performances, promoted events, events with cover fees or dancing and, further, imposing closing hours of 12:00 A.M. Sundays through Thursdays and 1:00 A.M. Fridays and Saturdays, consistent with this method of operation.

**Applications within Saturated Areas**

4. French Headquarter LES (Wild East Corp), 51 Ave B (wb)  
withdrawn
5. Cholo Noir (Chicano Gotham LLC), 503 E 6th St btwn Aves A & B (op)

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

**WHEREAS**, Chicano Gotham LLC, is applying for a full on-premises liquor license to operate a restaurant bar and art gallery, with a proposed business name of Cholo Noir, in the premises located at 503 East 6th Street, between Avenue A and Avenue B, New York, New York; and

**WHEREAS**, this applicant is proposing to operate a Southern California-style Mexican restaurant with a bar and art gallery, reduced bar menu after 12:00 A.M. which can be prepared without a chef, hours of operation of 5:00 P.M. to 2:00 A.M. Mondays through Fridays and 12:00 P.M. to 2:00 A.M. Fridays and Saturdays, fifteen (15) tables and forty-five (45) seats, a twenty (20) foot stand up bar with twelve (12) stools, an open façade, recorded background music and gallery showings; and

**WHEREAS**, there has never been a business with a liquor license at this location, it was previously operated as a longtime gym and it is located on a residentially zoned side street, zoned R7A; and

**WHEREAS**, as conceded by the applicant, there are twenty-five (25) full on-premises liquor licenses within five hundred (500) feet of this location; and

**WHEREAS**, its stated public benefit is its operation as a Southern California-style Mexican restaurant with an art gallery; and

**WHEREAS**, its stated public benefit is insufficient in an area with so many licensed businesses given that there are numerous restaurants in the area that offer Southern California-style Mexican, Tex-Mex and Mexican cuisine, as well as numerous art galleries which operate with no liquor licenses, and its method of operation as a late night restaurant bar would not contribute to the stated public benefit of this community board of increasing retail diversity in an area overwhelmed by nightlife businesses; and

**WHEREAS**, the applicant furnished insufficient evidence of outreach to and support from the surrounding community for its business, in that it furnished seven (7) petition signatures from area residents in support of its application; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the application for a full on-premises liquor license for Chicano Gotham LLC, with a proposed business name of Cholo Noir, for the premises located at 503 East 6th Street, between Avenue A and Avenue B, New York, New York.

6. Timna (St Marks 6 LLC), 109 St Marks Pl btwn 1st Ave & Ave A (op) THIS IS AN UPGRADE APPLICATION  
no vote necessary
7. Orchard Street Hotel (Nadico Hotel LLC), 163 Orchard St (op)  
no vote necessary

**Sidewalk Cafe Application**

8. Cienfuegos (Cien Fuegos LLC), 95 Ave A @ E 6th St

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

To approve the application for a sidewalk café permit for ten (10) tables and twenty (20) seats for Cienfuegos LLC, doing business as Mother of Pearl Tiki Bar, Cienfuegos and Amor y Amargo, at the premises located at 95 Avenue A a/k/a 445 East 6th Street, at the corner of Avenue A and East 6th Street, because the applicant has signed a change agreement which will become part of its DCA license that

- 1) its café will consist of ten (10) tables and twenty (20) seats, to be located against the façade of the East 6th Street side of the business, running from Avenue A along East 6th Street,
- 2) its hours of operation will be 10:00 A.M. to 10:00 P.M. all days, and
- 3) seating at the café will be for patrons ordering brunch and dinner

**Alterations**

9. Paloma Rocket (Clinton Craft LLC), 7 Clinton St (wb/alt/extend hours Friday - Saturday hours till 2am, Sunday - Thursday hours till 1am)

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

**WHEREAS**, Clinton Craft LLC initially appeared before Community Board 3 seeking an alteration of its wine beer license for the premises located at 7 Clinton Street, between East Houston Street and Stanton Street, to wit extending its closing times to 1:00 A.M. Sundays through Thursdays and 2:00 A.M. Fridays and Saturdays and extending its liquor license to a sidewalk café; and

**WHEREAS**, the wine beer license for this applicant was administratively approved by Community Board 3 in November of 2014 with stipulations to 1) operate a beer store and wine bar, with a kitchen open and serving food during all hours of operation, 2) have hours of operation of 12:00 P.M. to 12:00 A.M. all days, 3) not commercially operate any outdoor areas, 4) 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) play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee would be charged, 6) not apply for any alteration in its method of operation without first appearing before Community Board 3, 7) not seek a change in class to a full on-premises liquor license without first obtaining the approval of Community Board 3, 8) conspicuously post this stipulation form beside its liquor license inside of its business, and 9) provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

**WHEREAS**, this applicant had been operating for approximately one (1) month in November of 2015 and has now only operated its business since March 31, 2016; and

**WHEREAS**, the applicant furnished eighty-three (83) petition signatures from area residents in support of its application;

**WHEREAS**, Community Board 3 has informed the applicant that it must first apply to the Department of Consumer Affairs for a sidewalk café permit which can be evaluated by the community board before it applies to extend its license to a sidewalk café and the applicant has agreed to withdraw this alteration; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the application for an alteration of the wine beer license for Clinton Craft LLC, doing business as Paloma Rocket, for the premise located at 7 Clinton Street, between East Houston Street and Stanton Street, to wit extend its closing times, unless the applicant agrees before the SLA to make as an amended condition of its license, with all other stipulations remaining the same, the following signed notarized stipulation that

- 1) its hours of operation will be 6:00 P.M. to 12:00 A.M. Sundays through Thursdays and 6:00 P.M. to 2:00 A.M. Fridays and Saturdays.

10. Holiday Inn (SC Delancey LLC), 148 Delancey St btwn Clinton & Suffolk Sts (op/alt/extend license to rooftop) no vote necessary

11. 00+Co (Plant-Based Pizza New York LLC), 65 2nd Ave (op/alt/extend Friday - Saturday hours till 2am & Sunday till 12am) withdrawn

12. The Cock (575 Pub on Second Inc), 93 2nd Ave btwn E 5th & E 6th Sts (op/alt/restructuring 2 licenses for 2 floors to 1 license)

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

**WHEREAS**, 575 Pub on Second Inc., is seeking an alteration of its full on-premises liquor license, to wit adding the cellar to its liquor license, for its basement tavern, doing business as The Cock, for the premises located at 93 Second Avenue, between East 5th Street and East 6th Street, New York, New York; and

**WHEREAS**, this applicant was heard and denied a full on-premises liquor license for this location by Community Board 3 in August of 2015 (see Community Board resolution and questionnaire from August of 2015 hereto attached); and

**WHEREAS**, at that time the applicant represented that it would be operating both the basement and cellar as a tavern, consistent with the method of operation of the previous business which had operated on both floors; and

**WHEREAS**, the applicant then applied to the SLA for a corporate change of the existing corporation located at this premises and, per the SLA website, its corporate change was effective on June 6, 2016; and

**WHEREAS**, given that the corporate change application for this applicant has been approved by the SLA and the existing business included both the basement and cellar, the present alteration application appears to be moot; and

**WHEREAS**, although the applicant confirmed its attendance with the Community Board 3 office, the applicant then failed to appear before Community Board 3 for review of this application or provide the community board with any materials regarding this application to review; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the application for an alteration of the full on-premises liquor license for 575 Pub on Second Inc., doing business as The Cock, to wit adding the cellar to its liquor license, for the premises located at 93 Second Avenue, between East 5th Street and East 6th Street, New York, New York.

13. Raise Hospitality LLC, 162 E Broadway @ Rutgers St (op/alt/moving door and removing seats from bar)

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

**WHEREAS**, Raise Hospitality LLC is seeking an alteration of its full on-premises liquor license for the premises located at 162 East Broadway, at the corner of East Broadway and Rutgers Street, to wit moving its front door and decreasing the size of its standup bar; and

**WHEREAS**, the full on-premises liquor license for this applicant was denied by Community Board 3 in March of 2016 unless it agreed to make as conditions of its license stipulations to 1) operate a full-service Mexican restaurant, with a kitchen open and serving food during all hours of operation, 2) have hours of operation of 7:00 A.M. to 12:00 A.M. Sundays through Wednesdays and 7:00 A.M. to 1:00 A.M. Thursdays through Saturdays, 3) 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) not commercially operate any outdoor areas, 5) play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee would be charged, 6) install soundproofing, 7) not apply for any alteration in its method of operation without first appearing before Community Board 3, 8) not have "happy hours," 9) not host pub crawls or party buses, 10) not have unlimited drink specials with food, 11) not have wait lines outside and designate an employee responsible to oversee patrons on the sidewalk and ensure no crowds or noise outside, including at its takeout window, 12) create a call back system for reaching waiting customers to minimize patrons waiting outside of the business, 13) conspicuously post this stipulation form beside its liquor license inside of its business, and 14) provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

**WHEREAS**, at that time, Community Board 3 also asked the SLA to investigate the proximity of this corner location to Saint Theresa Church, located at 141 Henry Street a/k/a 12 Rutgers Street; and

**WHEREAS**, in response to the concern raised by the community and Community Board 3 that it is located within two hundred (200) feet of a house of worship, as well as other community concerns, the applicant is seeking to make the present alterations; and

**WHEREAS**, although Community Board 3 believes that the applicant should not be permitted to move the entrance door of its corner location to a place it more than two hundred (200) feet from the



entrance to a house of worship or school located within this area to circumvent the law, given that the applicant is also now agreeing to remove its takeout window and move its takeout service to reduce congestion and waiting patrons on the sidewalk; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the application for an alteration of the full on-premises liquor license for raise Hospitality LLC, for the premise located at 162 East Broadway, at the corner of East Broadway and Rutgers Street, to wit moving its front door and reducing its standup bar to sixteen (16) feet with eight (8) fixed stools, unless the applicant agrees before the SLA to make as additional conditions of its license, with all other stipulations remaining the same, the following signed notarized stipulations that

- 1) its standup bar will be sixteen (16) feet in length with eight (8) fixed stools, and
- 2) it will not have a takeout window and will have any takeout service located within the restaurant.

**New Liquor License Applications**

14. To be Determined, 308 E 6th St btwn 1st & 2nd Aves (op)

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

**WHEREAS**, Fun Hat LLC, is applying for a full on-premises liquor license to operate a restaurant, already doing business as Beetle House, in the premises located at 308 East 6th Street, between First Avenue and Second Avenue, New York, New York; and

**WHEREAS**, this applicant is proposing to operate a theme restaurant based upon the movie Beetlejuice with nine (9) tables and twenty-four (24) seats, hours of operation of 4:00 P.M. to 12:00 A.M. Mondays through Wednesdays, 4:00 P.M. to 2:00 A.M. Thursdays and Fridays, 11:00 A.M. to 2:00 A.M. Saturdays and 11:00 A.M. to 12:00 A.M. Sundays, a twelve (12) foot bar with eighteen (18) stools, a kitchen open all hours serving a limited menu of American comfort food and recorded background music; and

**WHEREAS**, this location was denied by Community Board 3 for a full on-premises liquor license in September of 2013 unless it agreed to make as conditions of its license stipulations to 1) operate a full-service Latin American restaurant, with a kitchen open and serving food during all hours of operation, 2) have hours of operation of 3:00 P.M. to 12:00 A.M. Mondays through Wednesdays, 3:00 P.M. to 2:00 A.M. Thursdays and Fridays, 11:00 A.M. to 2:00 A.M. Saturdays and 11:00 A.M. to 12:00 A.M. Sundays, 3) play recorded background music and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged, 4) not commercially use any outdoor areas, 5) have a closed fixed façade with no open doors or windows, 6) not apply for an alteration without first appearing before the community board, 7) not have happy hours, 8) not host pub crawls or party buses, and 9) provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

**WHEREAS**, the license was issued for that applicant by the SLA on November 25, 2013; and

**WHEREAS**, the present applicant consists of the principle of the previous business and a new principle; and

**WHEREAS**, the proposed business opened in April of 2016 and is doing business as Beetle House; and

**WHEREAS**, a theme restaurant bar of this type is inappropriate for the present location, in that it is located on a residentially zoned side street, zoned R8B; and

**WHEREAS**, despite its location on a residentially zoned street and consistent with existing stipulations for this location, the applicant failed to confirm in its application materials that it would not have DJs, promoted events, scheduled performances or events with cover fees, participate in pub crawls or host party buses or wait lines outside; and

**WHEREAS**, its public benefit as a restaurant bar with a limited menu of American comfort food is insufficient in an area with so many licensed businesses given that there are numerous restaurant bars in the area that offer limited and full menus of American, American comfort and modern American cuisine and given its location on a residentially zoned street; and

**WHEREAS**, although the applicant has stated in its application materials that there are only eight (8) full on-premises liquor licenses within five hundred (500) feet of this location, there are at least thirty-five (35) full on-premises liquor licenses within five hundred (500) feet of this location; and

**WHEREAS**, the applicant furnished insufficient evidence of outreach to and support from the surrounding community for its business, in that it furnished twelve (12) petition signatures from area residents in support of its application on a sheet of paper with no heading or information about its business when a form for petition signatures with a section to fill in the business name, method of operation, location and hours of operation is provided to the applicant by Community Board 3; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the application for a full on-premises liquor license for Fun Hat LLC, doing business as Beetle House, for the premises located at 308 East 6th Street, between First Avenue and Second Avenue, New York, New York.

15. Comfort Inn Financial District (Manhattan Hotel Management LLC), 154 Madison St btwn Manhattan Bridge & Pike St (op)

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

**WHEREAS**, the applicant, Manhattan Hotel Management LLC, by its qualified representative or principal, was initially seeking a full on premises liquor license for its seven (7) story hotel located at 154 Madison Street, New York, New York, between the Manhattan Bridge and Pike Street; and

**WHEREAS**, this applicant is now appearing before Community Board 3 seeking a hotel wine beer license and proposing to operate a hotel with the primary method of operation of offering rooms for lodging and the following public spaces:

- 1) a basement level restaurant of eight (800) square feet, with seven (7) tables and twenty-five (25) seats, hours of operation of 7:00 A.M. to 12:00 A.M. all days, a service bar and recorded background music;
- 2) a rooftop bar of thirteen hundred (1,300) square feet, with six (6) tables and thirty-three (33) seats, hours of operation of 6:00 P.M. to 12:00 A.M. all days, a standup bar with six (6) stools and recorded background music; and

**WHEREAS**, residents of the surrounding residential apartment buildings have voiced their opposition to the operation of a rooftop bar with a closing time of 12:00 A.M. all days; and

**WHEREAS**, the SLA has also previously recognized that this above ground outdoor amenity to the operation of a licensed premises should not be at the expense of nearby apartment dwellers and that the addition of alcohol to such an amenity will increase the volume of noise heard by nearby residents;

**WHEREAS**, because of concerns raised by the community board and community residents regarding its proposed rooftop use, the applicant has agreed that it will not seek to operate its rooftop at this time; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the application to obtain a wine beer license for Manhattan Hotel Management LLC, for a seven (7) story hotel with basement restaurant, located at 154 Madison Street, between the Manhattan Bridge and Pike Street, New York, New York unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations, that

**Generally**, 1) the primary method of operation of this hotel will be offering forty-four (44) rooms for lodging; 2) the entrance to the hotel which is located on Madison Street, between the Manhattan Bridge and Pike Street, will be its primary entrance, 3) all loading and unloading of guests and garbage pickups will be effected on Madison Street; 4) there will be recorded background music only in the first floor lobby and basement interior restaurant; 5) it will not apply for any alteration in its method of operation without first appearing before Community Board 3; 6) it will not host pub crawls or party buses; 7) it will not commercially operate any outdoor areas, 8) it will utilize staff from the hotel to insure that there are no wait lines outside and that there are no patrons loitering or making noise outside its entrance and will maintain an interior wait area for guests; 9) it will close any front or rear façade entrance doors at 10:00 P.M. every night and will otherwise have a closed fixed facade with no open doors or windows; 10) it will conspicuously post this stipulation form beside its liquor license inside of its business; 11) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

**Specifically**

**With respect to the basement restaurant,** 12) it will operate as a full-service restaurant, with a kitchen open and serving food during all hours of operation; 13) its hours of operation will be 6:00 A.M. to 12:00 A.M. all days; 14) it will play ambient background music only, consisting of recorded music, and will not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged; 15) it will not have "happy hours;" 16) it will not have unlimited drink specials with food; 17) it will close any front or rear façade entrance doors at 10:00 P.M. every night and will otherwise have a closed fixed facade with no open doors or windows; 18) it will be accessed through the hotel lobby entrance only; and

**With respect to the first floor lobby,** 19) it will operate as a check in check out area and seating area for lodgers; 20) there will be no food or alcohol service in the lobby; and 21) only ambient background music, consisting of recorded music, will be played in the lobby and there will not be live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged.

16. Abraco (Jamie Coffee LLC), 81 E 7th St btwn 1st & 2nd Aves (op)

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

**WHEREAS,** Jamie Coffee LLC, is applying for a full on-premises liquor license to operate a restaurant, with a proposed business name of Abraco, in the premises located at 81 East 7th Street, between First Avenue and Second Avenue, New York, New York; and

**WHEREAS,** this applicant is proposing to operate a Mediterranean restaurant with hours of operation of 8:00 A.M. to 12:00 A.M. all days, eleven (11) tables and eighteen (18) seats, a fifteen (15) foot stand up bar, food and coffee counter with no stools, an open façade and recorded background music; and

**WHEREAS,** the applicant has asserted that this location has been continuously licensed since prior to 1993 and, consequently, not subject to a 500 foot hearing; and

**WHEREAS,** the applicant lives on the block and has operated a coffee shop, doing business as Abraco, at 86 East 7th Street, for a number of years; and

**WHEREAS,** the applicant has furnished evidence of substantial community support, in that it provided one hundred twenty-four (124) petition signatures from area residents in support of its application; and

**WHEREAS,** although the applicant indicated in its SLA notice that it was seeking to operate the patio or deck in front of this proposed business, Community Board 3 informed the applicant that it could not extend the commercial use of its business outdoors given that the location is grandfathered noncompliant in a residentially zoned area, zoned R8B; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the application for a full on-premises liquor license for Jamie Coffee LLC, with a proposed business name of Abraco, for the premises located at 81 East 7th 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 stipulations that

- 1) it will operate as a full-service Mediterranean restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 8:00 A.M. to 12:00 A.M. all days,
- 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 not commercially operate any outdoor areas because it is illegal to extend commercial use outdoors in this grandfathered noncompliant commercial location which is residentially zoned,
- 5) it will play ambient background music only, consisting of recorded music, and will not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 6) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 7) it will not have "happy hours,"
- 8) it will not host pub crawls or party buses,
- 9) it will not have unlimited drink specials with food,
- 10) it will not have wait lines outside,
- 11) it will conspicuously post this stipulation form beside its liquor license inside of its business, and

12) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

17. Les Junction, 155 Rivington St btwn Suffolk & Clinton Sts (op)

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

**WHEREAS**, LES Junction LLC, is applying for a full on-premises liquor license for the premises located at 155 Rivington Street, between Suffolk Street and Clinton Street, New York, New York; and

**WHEREAS**, this applicant is proposing to operate a tavern serving a menu consisting of "bar food and snacks" and have an occupancy of one hundred thirty-eight (138) people, hours of operation of 3:00 P.M. to 4:00 A.M. all days, a twenty-five (25) foot stand up bar and a nine (9) foot standup bar with a total of twenty-one (21) stools, an open façade, two (2) televisions, entertainment level recorded music and DJs, promoted events and events with cover fees, happy hours to 9:00 P.M., security and has not confirmed that it would have no wait lines outside; and

**WHEREAS**, although this location has previously housed a business with a full on-premises liquor license, this application should be evaluated as an application for a new full on-premises liquor license; and

**WHEREAS**, this applicant confirmed that it would attend its hearing before Community Board 3 and then attempted to withdraw its application in an untimely manner, in that it notified the community board office of its intention to withdraw at 3:30 P.M. on the day that it was being heard by the community board at 6:30 P.M.; and

**WHEREAS**, this applicant failed to appear before Community Board 3 for review of application after being notified that its application could not be withdrawn; and

**WHEREAS**, this applicant cannot legally operate a business with its proposed method of operation because the subject location is located on a residentially zoned side street, zoned R7A and, consequently, it is not legally zoned to permit promoted events, scheduled performances and events for which a cover fee would be charged; and

**WHEREAS**, the applicant has indicated in its community board application that it has no experience as a license holder; and

**WHEREAS**, there are twenty-two (22) full on-premises liquor licenses within five hundred (500) feet of this location;

**WHEREAS**, the LES Dwellers, a local residents association, appeared in opposition to this application and submitted a petition with twenty-four (24) signatures from area residents opposed to this application and letters from five (5) area residents were also submitted in opposition to this application and the residents who appeared or submitted letters complained that there are too many licensed businesses of a similar type to this proposed application within the surrounding area, another bar will contribute to the already reduced quality of life of residents in this area and the approval of another bar will impact the growing lack of retail diversity in this area; and

**WHEREAS**, there were fifty-seven (57) 311 calls for this location, from March 20, 2014 to April 10, 2015, twenty-five (25) of which required police action to correct; and

**WHEREAS**, there is no public benefit to the granting of a late night bar with minimal food service, entertainment level music, security, wait lines and the proposed illegal methods of operation of scheduled performances and events with cover fees in an area with so many late night licensed businesses of a similar type which are already contributing to the pedestrian and vehicular congestion, horn honking and noise from music and people and its proposed method of operation would not contribute to the stated public benefit of this community board of increasing retail diversity in an area overwhelmed by nightlife businesses; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the application for a full on-premises liquor license for LES Junction LLC, for the premises located at 155 Rivington Street, between Suffolk Street and Clinton Street, New York, New York.

18. MJK Foods LLC, 32 Mulberry St btwn Mosco & Bayard Sts (op)

**VOTE: TITLE: Community Board 3 Recommendation To Deny Because Stipulations Not Agreed to -**

**WHEREAS**, MJK Foods LLC, is applying for a full on-premises liquor license to operate a restaurant in the premises located at 32 Mulberry Street, between Mosco Street and Bayard Street, New York, New York; and

**WHEREAS**, this applicant is proposing to operate a Japanese sushi and omikase restaurant with hours of operation of 5:00 P.M. to 4:00 A.M. all days, thirty-five (35) tables and one hundred four (104) seats on two (2) floors and a mezzanine level, a nine (9) foot stand up bar with seven (7) stools on the ground floor and a fourteen (14) foot bar with seven (7) stools in the cellar and recorded background music and DJs; and

**WHEREAS**, this location was denied by Community Board 3 for a full on-premises liquor license in September of 2009 unless it agreed to make as conditions of its license stipulations to 1) operate a tavern, serving food to within one (1) hour of closing, 2) designate an employee to control crowds and noise in front of the business, 3) have a closed fixed façade with no open doors or windows, and 4) install additional soundproofing, if necessary; and

**WHEREAS**, the previous applicant, Bon LLC, opened its business as a music venue, doing business as Le Baron; and

**WHEREAS**, the present applicant consists of the principle of the previous business and two (2) new principles; and

**WHEREAS**, the applicant has asserted that this location has been continuously licensed since prior to 1993 and, consequently, not subject to a 500 foot hearing; and

**WHEREAS**, the applicant provided ninety-three (93) petition signatures from area residents in support of its application, however, residents of surrounding buildings complained of no outreach by the application with respect to this application and submitted a study of petition signatures indicating only 49 signatures are valid (see study attached hereto); and

**WHEREAS**, at its May of 2016 and June of 2016 hearing of this application, Community Board 3 heard numerous complaints from residents of Mulberry Street and Mosco Street that Bon LLC, doing business as Le Baron, had failed to control crowds and noise in front of its business by allowing vehicles and patrons to line up outside its business on narrow Mulberry Street, which blocked the sidewalk and street and created substantial noise, consisting of horn honking and loud patrons, late into the night and had allowed bass from the sound system inside of its business to travel into residential apartment buildings and, further that residents would routinely find drunk patrons from the business stumbling in front of their buildings and urinating and vomiting on the sidewalk and buildings; and

**WHEREAS**, residents expressed great concern that the proposed business would operate in the same manner given that Ron Castellanos, the principle of Bon LLC, is also a principle of MJK Foods LLC; and

**WHEREAS**, more than ten (10) residents appeared each month to voice their complaints and produced approximately one hundred fifty (150) petition signatures from residents of the surrounding buildings in opposition to this application; and

**WHEREAS**, there have been significant complaints about the operation of the previous business and its lack of crowd and noise management, and given that the applicant has refused to sign stipulations which would become conditions of its license memorializing the material differences in the proposed method of operation from the previous business and the reduction of operating hour called for by Community board 3; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the application for a full on-premises liquor license for MJK Foods LLC, for the premises located at 32 Mulberry Street, between Mosco Street and Bayard Street, because the applicant will not agree to make as conditions of its license the following stipulations that

- 1) it will operate as a full-service Japanese 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 12:00 A.M. Sundays through Wednesdays and 5:00 P.M. to 2:00 A.M. Thursdays through Saturdays,
- 3) it will close any front or rear façade entrance doors at 10:00 P.M. every night and will otherwise have a closed fixed facade with no open doors or windows,
- 4) it will not commercially operate any outdoor areas,

- 5) it will play ambient background music only, consisting of recorded music, and will not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 6) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 7) it will not have "happy hours,"
- 8) it will not host pub crawls or party buses,
- 9) it will not have unlimited drink specials with food,
- 10) it will not have wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 11) it will operate all floors of the business as dining rooms only,
- 12) it will have a certificate of occupancy or maximum occupancy of no more than one hundred twenty (120) people,
- 13) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 14) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

**Items not heard at Committee**

19. Cocoron (Shinon Inc), 16 Delancey St (wb)  
no vote necessary
20. Brud (Brudspace LLC), 200 E 6th St (wb)  
no vote necessary
21. Xi'an Famous Foods (Chang An Shen Inc), 67 Bayard St (wb)  
no vote necessary
22. Xi'an Famous Foods (Xi'an Famous Foods Inc), 81 St Marks Pl (wb)  
no vote necessary
23. Melt Shop (MS 135 Fourth Avenue LLC), 135 4th Ave (wb)  
no vote necessary
24. Downtown Cafe LLC, 70 Forsyth St (wb)  
no vote necessary
25. Mamak (Love Mamak Corp), 174 2nd Ave (wb)  
no vote necessary
26. Imperial Ballroom Dance Studio Inc, 27 Division St (wb)  
no vote necessary
27. Uogashi LLC, 188 1st Ave (wb)  
no vote necessary

**46 YES 0 NO 1 ABS 0 PNV MOTION PASSED (excluding SLA items 13, 18)**

**42 YES 4 NO 1 ABS 0 PNV MOTION PASSED (SLA item 13)**

**45 YES 1 NO 1 ABS 0 PNV MOTION PASSED (SLA item 18)**

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

1. Approval of previous month's minutes  
no vote necessary / approved by committee
2. FY'18 District Needs Statement & Budget Consult Agenda  
no vote necessary
3. Informational presentation: South Street East River Community Development Corporation  
no vote necessary
4. EDC presentation: full Esplanade project  
no vote necessary
5. Report from Arts Subcommittee

**VOTE: TITLE: Support for Arts and Culture Subcommittee Survey Letter**

To approve the Arts and Culture Subcommittee Survey Letter.

Dear -----,

On behalf of Community Board 3 and its Arts and Culture Subcommittee, we are reaching out to you to ask your help in gathering information about the needs of artists and arts organizations to support our contention that artists and culture are a major component and economic driver in the CB 3 Community.

The survey is anonymous but your comments will provide us with the necessary information to make the case for artists and arts organizations who make our neighborhood a vibrant, multicultural powerhouse in NYC. The data gathered from your survey will be compiled into an annual report

presented to CB 3 and elected officials and will be made available to the public in the form of a downloadable PDF from CB 3's website.

As the Arts and Culture Subcommittee of Community Board 3, we encourage you to attend our monthly meetings -time and date can be found on the CB3 calendar on the website.

Thank you for your participation and for helping to build our local Arts and Culture capacity.

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

**Landmarks Committee**

1. Approval of previous meeting minutes  
no vote necessary / approved by committee
2. FY'18 District Needs Statement & Budget Consult Agenda  
no vote necessary
3. Certificate of Appropriateness application for 4 St Marks Place for a renovation of existing street and rear facade, interior alterations, modifications of existing windows, roof and rear yard addition

**VOTE: TITLE: Recommendation to Partially Support Certificate of Appropriateness Application for 4 St Marks Place**

**WHEREAS**, 4 St. Mark's Place was built by developer Thomas E. Davis and is a large, Federal-style town house constructed in 1831, characterized and made notable by its unusual 26-foot width and 3 ½ story height; and

**WHEREAS**, it is further characterized by Flemish-bond brickwork, a high stoop, long parlor-floor windows, Gibbs surround entrance with triple keystone and vermiculated blocks, white marble base with openings also with Gibbs surrounds, molded pediment lintels, peaked roof, and double segmental dormers; and

**WHEREAS**, the proposal is to renovate the existing street and rear façade, modify existing windows, and add roof and rear-yard additions, as well as make interior modifications; and

**WHEREAS**, the *2004 Designation Report* noted that 4 St. Mark's Place is among the rare surviving and significantly intact large Manhattan town houses of the Federal Style with a 3 ½ -story, dormered peaked-roof; and

**WHEREAS**, we commend the stated intention to restore the Flemish bond brickwork, the maintenance and restoration of the stone trim on the parlor, second, and third floors, and most especially the doorway Gibbs surround and its details; and

**WHEREAS**, we commend the preservation of the Bombay style wrought iron fire escapes and the replication of the cornice; and

**WHEREAS**, while it is commendable that there is an intention to return the double doors to their appropriate historical appearance, we recommend that the replacement doors be modeled on existing examples such as those at the historic Delroy House at 20 St. Mark's Place; and

**WHEREAS**, we are most especially delighted to learn that the windows and double door will be wooden sash and fenestration in keeping with the historic appearance of the building; and

**WHEREAS**, for such a rare Federal building, we find the wide shop window at the basement level out of keeping for this row house, unnecessarily destroying historic fabric; a more sympathetic treatment would be to take a cue from 20 St. Mark's Place, maintaining the proportions of the historic openings, including their Gibbs surrounds; and

**WHEREAS**, given the rarity of this important example of Federal architecture, we cannot condone compromising the gable roof, which retains intact segmental arched roof dormers on both the front and the rear of the roof; we therefore find the proposed roof top addition unacceptable, regardless of its lack of visibility from the street (which we could not determine); and

**WHEREAS**, we find the rear-yard addition un-objectionable to the extent that it does not compromise the rear gable; so

**THEREFORE BE IT RESOLVED**, CB 3 finds most of the proposal for façade restoration acceptable, with the comments noted above regarding the basement-level storefront. However, we find the rooftop and rear-yard addition above the third floor, which compromise the rare, historic gable roof, unacceptable.

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

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

1. Approval of previous month's minutes  
no vote necessary / approved by committee
2. FY'18 District Needs Statement & Budget Consult Agenda  
no vote necessary
3. Development team: Update on Essex Crossing  
no vote necessary
- ~~4. District Needs Statement and budget consult agenda~~
5. Update from Essex St Market Vendors Association regarding planning and transition to new facility  
no vote necessary
6. Update on Chinatown and Lower East Side rezoning proposals  
no vote necessary
7. Request for BSA variance 2016-4183-BZ: to modify floor area, height, and setback of proposed construction of a mixed residential and commercial building at 432-438 E 14th Street a/k/a 435-445 E 13th Street  
withdrawn
8. Request for BSA special permit 2016-4184-BZ: to permit an Equinox physical culture establishment within a new mixed-use building at 194 Orchard Street

**VOTE: TITLE: Denial of request for BSA special permit 2016-4184-BZ: to permit an Equinox physical culture establishment within a new mixed-use building at 194 Orchard Street**

**WHEREAS** a physical culture or health establishment is not permitted as of right and requires a BSA special permit pursuant to ZR 73-76; and

**WHEREAS** CB 3 understands that this BSA permit may not (1) alter the essential character of the surrounding neighborhood; (2) impair the use or development of adjacent properties; nor (3) be detrimental to the public welfare; and

**WHEREAS** the history of CB 3 with this developer includes the following incidents and activities that have harmed the community:

- In 2001, while renovating the building on Elizabeth Street, he sued several of its rent-regulated Latino and Chinese tenants, accusing them of running rooming houses out of their apartments. Other tenants said that he had harassed them in an effort to make them leave and that he turned off the building's gas for four months. Mr. Shaoul also sued the Committee against Anti-Asian Violence for \$20 million for "severe emotional distress" after it organized protests against him, and in turn, a dozen tenants brought three suits of their own against him in housing court. The suits were eventually settled after Mr. Shaoul made repairs and restored the gas.
- In March 2006, he bought out members of an artists' squat on St. Marks Place in order to turn the building into rental apartments. A neighborhood photographer snapped Mr. Shaoul, accompanied by sledgehammer- and crowbar-wielding construction workers, as he confronted some of the squatters. At some point the police were called in; the photographs soon circulated around the neighborhood.
- Also in 2006, 515 East Fifth Street and 514-516 East Sixth Street. Mr. Shaoul put rooftop additions on both buildings, provoking an outcry from tenants and local politicians who said the construction violated the Multiple Dwelling Law. In 2010, the Board of Standards and Appeals ruled that the East Sixth Street building's seventh story must be torn down
- In September 2011, he booted the much-loved Bean coffee shop from its First Avenue home to rent the space to Starbucks.
- In November 2011 he bought the Cabrini Center for Nursing and Rehabilitation, a residence for low-income seniors on East Fifth Street, for \$25.5 million with the stated intention of converting it to market-rate apartments.
- In December 2011, he purchased the former Educational Alliance building on East 10th Street and, hours before the Landmarks Preservation Commission voted to landmark the building and its block, secured permits to build a rooftop addition that incensed critics already unhappy about his other rooftop additions in the neighborhood.
- And in April 2012, the Fire Department had to use a cherry-picker to rescue a tenant from one of Mr. Shaoul's buildings after a construction crew removed part of the staircase during renovations.



And following the staircase episode at 435 East 12th Street, the Buildings Department discovered no permits had been filed for the job and issued a stop-work order.

- Construction of this specific property has had significant negative impact to adjacent properties, merchants, and residents.
- Beginning around 2006 he harassed and forced out many long-term tenants at 515 East Fifth Street and 514 and 516 East Sixth Street and began construction on the buildings in a manner which violated NYS fire safety code requirements and constructed additions which exceeded zoning requirements. The Board of Standards and Appeals ruled that the additions were unlawfully permitted and ultimately ordered that the 7th floor "penthouse" to 515 East 5th Street be removed in its entirety. Although the 514-516 East 6th Street additions were legalized by the BSA after the fact, they have been continuously occupied even though he still has not obtained a Certificate of Occupancy for the building, far past the BSA's September 2014 deadline. In addition, he has leased the ground floor "community facility" spaces that justified the additions to each of these three buildings to be occupied by non-conforming commercial uses, contrary to the DOB and BSA approvals, and the Zoning Resolution.
- In approximately 2005 he harassed and forced out tenants at 636 E. 11th Street and reconstructed and reconfigured this and the adjoining building, claiming that certain floors of the building, which were actually occupied as apartments, were doctor's offices thereby erroneously claiming a higher FAR. These residentially occupied units lacked safe fire egress.

**WHEREAS** CB 3 has had a long history with the developer seeking the permit and this history has not been satisfactory or of benefit to the community; so

**THEREFORE BE IT RESOLVED** that Community Board 3 finds that it cannot support any permit for this developer based on the history of negative impact on the community by this developer.

9. Report from Public Housing Subcommittee  
no vote necessary

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

**Nominating Committee**

The following members were elected to the following positions:

- Chair: James Rogers
- First Vice Chair: Alysha Lewish-Coleman
- Second Vice Chair: Herman Hewitt
- Secretary: Meghan Joye
- Assistant Secretary: Christian De Leon
- Treasurer: David Crane

**Members Present at Last Vote:**

David Adams	[P]	Luke Henry	[P]	Nancy Ortiz	[P]
Yaron Altman	[P]	Herman F. Hewitt	[P]	Carolyn Ratcliffe	[P]
Dominic Berg	[P]	Trever Holland	[P]	Joyce Ravitz	[A]
Karen Blatt	[A]	Sameh Jacob	[P]	Damaris Reyes	[P]
Lisa Burriss	[P]	Anne K. Johnson	[P]	James Rogers	[P]
Alan van Capelle	[P]	Linda Jones	[P]	Richard F. Ropiak	[P]
Melvin Cartegena	[A]	Vaylateena Jones	[P]	Christopher Santana	[P]
Karlin Chan	[A]	Meghan Joye	[P]	Robin Schatell	[P]
MyPhuong Chung	[P]	Lisa Kaplan	[P]	Susan Scheer	[A]
David Crane	[P]	Carol Kostik	[P]	Laryssa Shainberg	[P]
Enrique Cruz	[P]	Mae Lee	[P]	Wilson Soo	[P]
Christian De Leon	[P]	Veronica Leventhal	[P]	Nancy Sparrow-Bartow	[A]
Eric Diaz	[P]	Alysha Lewis-Coleman	[P]	Josephine Velez	[P]
Wilda Escarfuller	[P]	Gigi Li	[P]	Rodney Washington	[P]
David Ford	[P]	Chad Marlow	[P]	Kathleen Webster	[P]
Debra Glass	[P]	Alexandra Militano	[P]		
Dan Ping He	[P]	Chiun Ng	[A]		

Meeting Adjourned