July 2016 Full Board Minutes

Meeting of Community Board 3 held on Tuesday, July 26, 2016 at 6:30pm at Cooper Union Rose Auditorium, 41 Cooper Square.

Public Session:
Robyn Shapiro, The Lowline: Reported that EDC announced conditional designation of the underground trolley terminal for use by The Lowline. Lowline launching young ambassadors program. Lowline is hiring a coordinator for the program. Application is online.

Hope Provost, resident of 14th Street: supported CB3’s Land Use committee decision to deny the variance request for 435 East 14th.

Martha Adams Sullivan: Gouverneur Health Center, spoke on the services Gouverneur provides, upcoming events and the upgrades after its major renovation. 2nd Annual Open House Sat Nov 12.

Mary Habstritt, Lilac Preservation Project: announced visit of historic ships to Pier 36 from Sept 9 – 19. Open to tour for free.

Vaylateena Jones, LES Power Partnership:
Asking CB3 to support literacy program DYCD Compass and DOE Universal 2nd Requesting 3rd Street Men’s Shelter to come speak to CB3
Asking CB3 to support Health and Hospital Corp and Bellevue now before its too late.

Adrienne Platch, resident of 14th Street: supported the Land Use Committee's decision to deny the variance at 435 East 14th Street. Urges the full board to do the same.

Agnes Warnielista: supported the Land Use Committee's decision to deny the variance at 435 East 14th Street. Urges the full board to do the same.

Harry Bubbins, resident of East 14th Street: supported the Land Use Committee's decision to deny the variance at 435 East 14th Street. Urges the full board to do the same.

Mae Lee, Chinese Progressive Association: Announced Candidate's Forum at CCBA, 62 MOTT Street Aug 14, 2016 2-4PM

Debra Glass: Announced a workshop entitled, "Wed Land, Money, Power", Tools to Take Action for your Park Wed July 27 at 6:30-9pm at BRC 30 Delancey Street in Sara Roosevelt Park

Rishi Sood, DOHMH: announced the limited enrollment program for Action Health NYC.

Public Officials:
Mayor Bill de Blasio, Tommy Lin:

Public Advocate Letitia James, Adam Chen:
Airbnb
Gun lobbying industry

Comptroller Scott Stringer, Anas Uddin:
Voted against legislation allowing more tourist helicopters in lower Manhattan. Parks and Beaches should have free sunscreen for public. Funding will come from private corps.

Borough President Gale Brewer, Drew Lombardi:
Requested DCP to call for ULURP process for developments in the Two Bridges Neighborhood. Capital Grants are listed on website. Expense grants opportunities will be on the website in the next week or two. Announced a cocktail reception for Dominican

Congressmember Carolyn Maloney, Victor Montesinos:

Congressmember Nydia Velazquez, Iris Quinones:
Letter to Police Commissioner about person attacking Asian women
Appointed Task force economic task force
Stonewall appointed National monument?

Assemblymember Alice Cancel, Monica Guardiola:

Assemblymember Deborah J. Glick, Charlie Anderson:
Investigating the crane collapse to ensure future safety.

Assemblymember Brian Kavanagh, Edward Cerna:
Planning a Comprehensive inter-agency response to homeless and drug issues in Thompkins Sq. Park changes to Beth Israel’s services.
Assemblymember attended L train meeting.

State Senator Daniel L. Squadron, Mauricio Pazmino:
South Street public art
Celebrated cross walk and street light on Clinton Street. Sen requested an inter-agency work group to address the shut down of the L train.
Sen still working on the Inter City bus issue.

State Senator Brad M. Hoylman, Sejal Singh:
Aug 4 6pm: "Making a Killing" showing on the NRA
Water contamination
L train- exploring creative options so everyone still has access to transportation

Assemblymember Alice Cancel:
Water front resiliency
Funds to non profits in the districts
Meet and greets with members of the community

Councilmember Margaret Chin, Vincent Fang:
Congratulated new CB3 exec members. Councilmember Chin inaugurated the new crosswalk and traffic light on Clinton
Coastal Resiliency meeting tomorrow Cherry Street
This Saturday celebrating "Community Day" on Governor's Island.

Councilmember Rosie Mendez, Sheila Rodriguez:
HPD proposed …HDFC
Pop Up site

Members Present at First Vote:

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Minutes:
Minutes of May 2016 were approved, as is.

33 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Board Chairperson’s Report:
Chairperson Jamie Rogers
Announced the resignation of member Dan Ping He.
Proposed the extension of former outreach committee. Encouraged committee chairs to appoint vice-chair positions. Chair like to be sure we have filled all of CB3’s community advisory roles. David Crane is stepping down as Parliamentarian. Chair would is announcing the opening of this position and the position of vice parliamentarian. Chair encourages all committees to be flexible in allowing

District Manager’s Report:
District Manager Susan Stetzer
Reported on purpose and scope of District Needs Statement.
Reminded members about the member resource section on CB3 website.
DM attended two meetings regarding homeless issues. There is a need for inter-agency coordination to provide better services for homeless.
DM reported on the L train shutdown. MTA will come to CB3 transportation committee meeting before any decisions are made regarding 14th street study to close 14th Street to other than public transportation vehicles. Announced that negotiations between Trader Joes and Extell broke down. There will be a Charter Mandated Public Hearing for budget priorities on September 19.

Committee Reports:
Executive Committee
no votes necessary
no report

Land Use, Zoning, Public & Private Housing Committee
1. Approval of previous month’s minutes
   no vote necessary / approved by committee
2. BSA: Presentation on assessment and approval of variance applications
   no vote necessary
3. FY’18 District Needs Statement
   VOTE: To approve the FY’18 District Needs Statement, including the statement by the Public Housing & Section 8 Housing Subcommittee.
4. Development team: Update on Essex Crossing
   no vote necessary
5. 421a application for 115 Delancey St: 195 newly constructed Class A residential rental units
   VOTE: TITLE: Resolution to Support the 421-A application for Preliminary Certificate of Eligibility for 115 Delancey Street at Essex Crossing Site 2
      WHEREAS, the building to be developed at 115 Delancey Street includes 195 residential units, of which 50% are permanently affordable, as well as three floors of commercial space to include the new Essex Street Market, a movie theater, and a portion of the “market line”; and
      WHEREAS, the affordable units will be distributed among all floors of the building, with the exception of 7 (the first residential floor); and
      WHEREAS, the in-building amenities available to market-rate tenants will also be affordable for those tenants in affordable units; and
      WHEREAS, during construction a liaison will be available for residents to contact to address issues; and
      WHEREAS, local hiring will be encouraged for positions made available during construction and in the building; and
      WHEREAS, in consideration of residents of neighboring buildings, all outdoor spaces will be closed by 10 pm; so
      THEREFORE BE IT RESOLVED that Community Board 3 approves the 421-A application for Preliminary Certificate of Eligibility for 115 Delancey Street at Essex Crossing Site 2
6. Certification of No Harassment – 104 E 10th St
   no vote necessary
7. EDC: Update on RFEI for Williamsburg Bridge Trolley Terminal (under Delancey Street by Delancey/Essex subway)
   no vote necessary
8. Request for BSA variance 2016-4183-BZ: to modify floor area, height, 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
VOTE: TITLE: To deny application for a 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

WHEREAS, the proposed project at 432-438 E 14th Street a/k/a 435-445 E 13th Street is a mixed-use residential and commercial building at 432 E 14 St, and

WHEREAS, the proposed project would contain 155 dwelling units (including 31 affordable units) and approximately 98,100 square feet of retail space on ground floor and cellar level, and

WHEREAS, the proposed project would utilize 3,970 square feet of air rights from 219 Avenue A, which is a 5-story residential building, and

WHEREAS, with the requested variance the E. 13 street portion of the building would be 8 stories in height and the E 14 portion of the building would be 12 stories in height, and

WHEREAS, this proposed use would include use of the roof by the residents and noise from the rooftops is an increasing problem in this neighborhood and the level of noise emanating from rooftops would alter an essential characteristic of our residential community,

WHEREAS, the applicant seeks to facilitate the project by seeking a bulk variance pursuant to Zoning Resolution Section 72-21 to waive the floor area requirements of ZR Section 23-145 and both the height and setback requirements of ZR Section 35-24, and

WHEREAS, the current site has FAR of 4.0, maximum street wall height of 65' and maximum building height of 80', while the proposed project would be developed to an FAR of 5.06, and the E 14 Street portion of the building would rise to a height of 124' with a partial setback at 103', and

WHEREAS, there is currently financing on the project implying that there was financial viability for the as of right option; and

WHEREAS, the proposed height increase from 8 stories to 12 stories on 14th Street would alter the essential character of the neighborhood; and

WHEREAS, though the applicant presented an alternate massing that shows a lesser variance, and claims this option as unfeasible, the CB remains unconvinced the proposed variance is the minimum required necessary to afford relief, due to the additional 20 feet available in the rear yard in their proposal, so

Therefore be it resolved, Community Board 3 denies the application 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, and

Be it further resolved, in order to protect the quality of life of the neighboring residents, CB 3 requests that the developer close the roof at 10 pm and enforce quiet hours in all outdoor spaces after 10 pm.

9. Chinatown/LES rezoning proposal update no vote necessary
10. Lowline Update: community engagement efforts and youth education/mentorship initiative no vote necessary
11. Strategies to address predatory equity in CD3 no vote necessary
12. Report from Public Housing Subcommittee no vote necessary

34 YES 0 NO 0 ABS 0 PNV MOTION PASSED

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

1. Approval of previous month's minutes (May & June) no vote necessary / approved by committee
2. FY'18 District Needs Statement

VOTE: To accept the district needs statement as amended.
3. Response to Beth Israel / Mount Sinai briefing on downsizing/relocation of hospital no vote necessary
4. Discussion of Committee members taking on "lead roles"
Economic Development Committee
1. Approval of previous month's minutes
   no vote necessary / approved by committee
2. FY'18 District Needs Statement
   VOTE: Approved with friendly Amendment – no quorum present
3. Special District: recap of proposed plan, efforts to date, and next steps
   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
   VOTE: To approve district needs statement with changes.
3. Hester Street / DOT public art installation at the South Street Greenway median project
   no vote necessary
4. Safety measures at Clinton & Broome intersection
   VOTE: TITLE: Support for Pedestrian Safety and Traffic Calming Measures at Intersection of Clinton and Broome Streets
   WHEREAS, the construction on site 5 of Essex Crossing has closed the west sidewalk on Clinton Street and pedestrians are walking in the two-way bike lane, which is an unsafe condition, and;
   WHEREAS, the construction is estimated to continue through February of 2018, and;
   WHEREAS, the installation of a crosswalk will help guide pedestrians across the street at Broome and Clinton streets on the south side of the intersection; so
   THEREFORE BE IT RESOLVED, the CB3 asks NYCDOT to conduct an expedited warrant analysis in order to determine if a traffic control device may be installed, and;
   FURTHER BE IT RESOLVED, that if the intersection does not meet the threshold for a traffic control device, CB3 strongly believes that some measures must be taken to protect pedestrians at that location, such as the installation of an enhanced crosswalk which does not require a warrant analysis.
   34 YES 0 NO 0 ABS 0 PNV  MOTION PASSED

SLA & DCA Licensing Committee
1. Approval of previous month's minutes
   no vote necessary / approved by committee
2. FY'18 District Needs Statement
   VOTE: To approve the SLA/DCA Licensing Committee section of the FY'18 District Needs Statement as amended.
3. Casual Hospitality LLC, 509 E 6th St btwn Aves A & B (op)
   VOTE: TITLE: Community Board 3 Recommendation To Deny Unless Stipulations Agreed To—Stipulations Attached
   To deny the application for a full on-premises liquor license for Casual Hospitality LLC, for the premise located at 509 East 6th Street, between Avenue A and Avenue B, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that
   1) it will operate as a full-service new American restaurant, with a kitchen open and serving food to within one (1) hour of closing and having food service during all hours of operation,
   2) its hours of operation will be 5:00 P.M. to 2:00 A.M. Mondays through Fridays and 11:00 to 2:00 A.M. Saturdays and Sundays,
   3) it will close any front 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, and it will keep any doors and windows in its rear enclosure closed at all times,
   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, and it may have private parties up to six (6) times per year,
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 responsible to oversee patrons on the sidewalk and ensure no crowds or noise 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

Community Board 3 is approving this application for a full on-premises liquor license although this is a location in an area with numerous full on-premises liquor licenses because 1) this applicant has experience operating numerous licensed businesses without complaints within this community board district, 2) the applicant has demonstrated support for this application, in that it has furnished fifty-two (52) signatures from area residents in support of its application, and 3) there is an existing restaurant at this location with a full on-premises liquor license.

4. 98 Favor Taste Restaurant Inc, 37 St Marks Pl btwn 2nd & 3rd Aves (wb)

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

To deny the application for a wine beer license for 98 Favor Taste Restaurant Inc., for the premise located at 37 Saint Marks Place, between Second Avenue and Third Avenue, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that
1) it will operate as a full-service Chinese and Korean restaurant, with a kitchen open and serving food during all hours of operation,
2) its hours of operation will be 11:00 A.M. to 12:00 A.M. all days,
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 seek a change in class of its liquor license to a full on-premise liquor license without first obtaining the approval of Community Board 3,
8) it will not have "happy hours,"
9) it will not host pub crawls or party buses,
10) it will not have unlimited drink specials with food,
11) it will not have any standup bar, service bar or televisions,
12) it will not have wait lines outside and will designate an employee responsible to oversee patrons on the sidewalk and ensure no crowds or noise outside,
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

Community Board 3 is approving this application for a wine beer license although this is a location in an area with numerous liquor licenses because 1) this applicant has experience operating two (2) licensed businesses with similar methods of operation, one (1) of which is within this community board district and has operated without complaints, and 2) the business will operate as a restaurant with early closing times.

Alterations
5. Vintage B Inc, 56-58 Ave B (aka: 235-237 E 4th St) (wb/alt/extend closing hours to 1am all days) withdrawn
6. Freedom for Ukraine LLC, 136 2nd Ave (op) withdrawn
7. To be Determined, 511 E 12th St btwn Aves A & B (op) withdrawn

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

WHEREAS, a corporation to be determined, with principal Edgar Villongco, initially appeared before Community Board 3 seeking a full on-premises liquor license to operate a French Swiss restaurant, with a proposed business name of La Vraie, in the premises located at 511 East 12th Street, between Avenue A and Avenue B; and
WHEREAS, Community Board 3 was concerned about granting a full on-premises liquor license to this applicant given that 1) this location is in the middle of a residentially zoned side street, 2) this location is within five hundred (500) feet of twelve (12) full on-premises liquor licenses, 3) the applicant has no experience operating a licensed business and limited experience operating a restaurant, in that he has operated a small unlicensed restaurant, located at 195 Avenue A, since February of 2015, 4) there was opposition from the East 12th Street Block Association and the North Avenue A Neighborhood Association to the granting of a full-liquor license for this location because of the number of other licensed businesses in the area, the lack of experience of this applicant in operating either a licensed or similar business and the lack of public benefit; and

WHEREAS, given the concerns of Community Board 3, the applicant has now agreed that it will apply for a wine beer license for this business; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for a wine beer license for a corporation to be determined, with principal Edgar Villongco, with a proposed business name of La Vraie, for the premises located at 511 East 12th Street, between Avenue A and Avenue B, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

1) it will operate as a full-service Swiss and French restaurant, with a kitchen open and serving food during all hours of operation,
2) its hours of operation will be 10:00 A.M. to 11:00 P.M. Mondays through Thursdays, 10:00 A.M. to 12:00 A.M. Fridays and Saturdays and 10:00 A.M. to 10:00 P.M. Sundays,
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 will not seek a change in class to a full on-premises liquor license without first obtaining the approval of Community Board 3,
8) it will not have happy hours,
9) it will not host pub crawls or party buses,
10) it will not have unlimited drink specials with food,
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.

8. The Katiroll Company (TKRC 5 LLC), 128 2nd Ave (wb)
   no vote necessary

   Items not heard at Committee
9. New Arping Restaurant Inc, 45 Division St (wb/corp change)
   no vote necessary
10. River Coyote LLC, 121 Ludlow St (wb)
    no vote necessary
11. Sushi Restaurant (Golden Dragon MIA 999 Inc), 109 Madison St (wb)
    no vote necessary
12. Dumpling Man (New Dumpling Man Inc), 100 St Marks Pl (wb)
    no vote necessary

33 YES  0 NO  1 ABS  0 PNV  MOTION PASSED (excluding SLA item 3)
31 YES  1 NO  2 ABS  0 PNV  MOTION PASSED (SLA item 3)

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
   VOTE: To approve the District Needs Statement
   3. Request for support by the LES Tenement Museum for the New York Main Street Program Downtown Anchor Project grant to further enhance the Visitors and Education Center.
VOTE: TITLE: Support for the Lower East Side Tenement Museum’s application to the New York Main Street Downtown Anchor Program

WHEREAS, the Lower East Side Tenement Museum desires to apply for $500,000 in financial assistance through the 2016 Consolidated Funding Application (CFA) under the New York Main Street Downtown Anchor Program; and

WHEREAS, the application proposes funding to conduct interior and exterior renovations of 103 Orchard Street, the Museum’s Visitor and Education Center; and

WHEREAS, the proposed funding will contribute to ongoing community revitalization efforts expanding the Lower East Side Tenement Museum’s capacity as a tourist organization and cultural anchor; and

WHEREAS, the grant 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 3 of New York City approves and endorses the 2016 New York Main Street Downtown Anchor Program for assistance prepared and to be submitted by the Lower East Side Tenement Museum.

4. Expansion of Tompkins Square Greenmarket

VOTE: TITLE: Support for Expansion of the Tompkins Square Greenmarket

WHEREAS, the Tompkins Square Farmer’s Greenmarket is a very busy market well used by the community and;

WHEREAS, the Greenmarket is proposing to expand by six more vendors at 8th St; so

THEREFORE BE IT RESOLVED, that Community Board 3 supports the expansion of the Tompkins Square Greenmarket that serves our community.

5. Construction of courts at Hamilton Fish Park

no vote necessary

6. Parks Manager report

no vote necessary

7. Report from Arts Subcommittee

no vote necessary

Block Party

8. Neighborhood Preservation Center, 8/14/2016, St. Mark’s Historic Landmark Fund, 11th Street (Second Avenue)

withdrawn

34 YES  0 NO  0 ABS  0 PNV  MOTION PASSED (excluding Parks item 3)
31 YES  3 NO  0 ABS  0 PNV  MOTION PASSED (Parks item 3)

FY 2018 District Needs Statement

VOTE: To approve the District Needs Statement as amended.

DM discussed the changes to the DNS that were added after committees met.

VOTE: To approve the District Needs Statement with

31 (YES) 0 (No) 3 (Abstain)

31 YES  0 NO  3 ABS  0 PNV  MOTION PASSED

Members Present at Last Vote:

David Crane  [P]  Sameh Jacob  [A]  Gigi Li  [P]
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Meeting Adjourned