



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

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Jamie Rogers, Board Chair

Susan Stetzer, District Manager

October 2016 Full Board Minutes

Meeting of Community Board 3 held on Monday, October 31, 2016 at 6:30pm at PS 20, 166 Essex Street.

Public Session:

Robyn Shapiro, The Lowline: Community Engagement process underway. Announcing schedule at next Community Advisory Board, Dec 5 at Lowline Lab.

Harry Bubbins, 232 East 11th Street: Spoke regarding Mayor's reversal of commitments made in 2008 about landmark eligible buildings at East 11th St and 264 East 7th Street.

Vaylateena Jones, 675 Water Street: LES Power Partnership. Asking the Urgent Care Facility planned at Essex Crossing Development to make preparations to accept Medicaid patients.

Francine Gorres, Two Bridges Neighborhood Council: spoke about Parks item # 5, wants Community Board to reconsider.

Public Officials:

Mayor Bill de Blasio, Tommy Lin: Not Present

Public Advocate Letitia James, Adam Chen: Bill was signed into law expanding pedestrians rights when crossing the street.

Comptroller Scott Stringer, Elaine: Press conference today , announce a report that was released about the allocation of

Borough President Gale Brewer, Drew Lombardi: The Borough President held a hearing on Rivington Houses last month, many community leaders testified to advocate to pass bill to a create public database of deed restrictions for the city and to provide advance notification to communities in the event of deed restriction changes. The Borough Presidents office will be hosting Community board leadership training series.

Congressmember Carolyn Maloney, Victor Montesinos: Congressmember Maloney, released statement concerning the resignation of John Stumpf, the CEO of Well Fargo, more information can be found in the Congressmembers report.

Congressmember Nydia Velazquez, Iris Quinones: Not Present

Assemblymember Alice Cancel, Monica Guardiola: Not Present

Assemblymember Deborah J. Glick, Charlie Anderson: Not Present

Assemblymember Brian Kavanagh, Edward Cerna: Not Present

State Senator Daniel L. Squadron, Mauricio Pazmino: Updates on Rivington House and Introduced the Rivington Act. Unveiled Public Art Installation on South St. Announced Town Hall Nov 16.

State Senator Brad M. Hoylman: Not Present

Councilmember Margaret Chin, Vincent Fang: Discussed the Intro 1303 Street Vendor Pilot Program, on October 27, the Councilmember testified on the Street Festival changes.

Councilmember Rosie Mendez, Sheila Rodriguez: HPD Proposed changes to HDFC Regulatory agreement. Councilmember Mendez is reviewing proposed changes and will meet with HPD to discuss further. The Council member introduced intro 96, a bill that will provide legal assistance and protection from landlords.

Members Present at First Vote:

David Adams	[P]	Lisa Burriss	[P]	MyPhuong Chung	[P]
Yaron Altman	[P]	Alan van Capelle	[A]	David Crane	[P]
Dominic Berg	[A]	Melvin Cartegena	[A]	Enrique Cruz	[P]
Karen Blatt	[A]	Karlin Chan	[P]	Christian De Leon	[P]

Eric Diaz	[P]	Carol Kostik	[P]	Damaris Reyes	[A]
Wilda Escarfuller	[A]	Mae Lee	[P]	James Rogers	[P]
Shirley Fennessey	[P]	Veronica Leventhal	[P]	Richard F. Ropiak	[P]
David Ford	[A]	Alysha Lewis-Coleman	[P]	Robin Schatell	[A]
Debra Glass	[P]	Gigi Li	[P]	Susan Scheer	[P]
Herman F. Hewitt	[P]	Jeremy Markman	[A]	Laryssa Shainberg	[A]
Trever Holland	[P]	Chad Marlow	[A]	Wilson Soo	[A]
Anne K. Johnson	[A]	Alexandra Militano	[P]	Nancy Sparrow-Bartow	[P]
Linda Jones	[P]	Chiun Ng	[P]	Josephine Velez	[P]
Vaylateena Jones	[P]	Nancy Ortiz	[P]	Rodney Washington	[P]
Meghan Joye	[P]	Carolyn Ratcliffe	[A]	Kathleen Webster	[P]
Lisa Kaplan	[P]	Joyce Ravitz	[P]		

Minutes:

Minutes of July 2016 were approved, as is.

32 YES 0 NO 1 ABS 0 PNV MOTION PASSED

Board Chairperson's Report:

Chairperson Jamie Rogers

The Board Chair thanked Vaylateena Jones for her services as the Health and Human Service Committee Chairperson. The Health and Human Services Committee Chair position is open. Those who are interested, please send Board Chair an email stating interest and qualifications. Luke Henry, Chris Santana and Sam Jacobs have resigned as Board Members. Mount Sinai held forum concerning changes to their service and buildings after they have sold parcels of land. New Mount Sinai facilities will be located in our district. The Board will be voting on budget priorities later today, The District Manager will explain the budget Priority process in depth for all members to understand.

District Manager's Report:

District Manager Susan Stetzer

The District Manager is asking for assistance with City Santa, an organization that provides holiday gifts to children suffering from domestic violence. This year, City Santa will have to cut back services because they cannot find adequate space to operate. The organization is looking for adequate space to provide their services through early January. There has been a lot of public construction in our community district; Grand St, Astor Place and Houston Street are almost completed, except for Houston Street and Bowery section which will take a little more time. All 12 Manhattan community boards met with DOB to discuss budget priorities. DOB sent aid who was not well informed and could not supply answers to many of the boards questions. The Community Boards have sent letter to DOB explaining their concerns. The Executive Committee voted on a resolution last month to extend the Street Activity Permit's deadline. There have been many questions about inter-city buses, The District Manager gave description on what is being done to mitigate the issues.

The District Manager explained to board how the budget priorities are created and the process in which they go through. The Budget Priorities are not a list of important funding projects but a list of projects that must be advocated for. Research before voting on Budget Priorities is necessary in order to ensure we are not advocating for projects that have already been funded. The Budget Priority process starts June every year. All committees have voted on priorities and have been ordered. NYCHA and DOE participated in the process this year.

Capital & Expense Budget Priorities Discussion:

Redundancy found on expense priority list, priority 18 and 21 are the same. Board moved to get rid of priority 21 and keep 18. The board asked if sourcing information could be added to capitol priority 3, 4 and 5. District Manager said she would add information.

VOTE: To approve FY'18 Capital & Expense Budget Priorities

32 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Committee Reports:

Executive Committee

VOTE: TITLE: Community Board 3 is opposed to elements of Street Activity Permit Office rule changes

WHEREAS, new regulations to the Street Activity Permit Office rules propose the following changes:

Street Fairs will be capped at 10 festivals per community board and there will be a requirement that 50% of the vendors must have a business or presence in the community board,

Single Street Festivals will be capped at 20 per Community Board and have a requirement that 50% of the vendors must have a business or presence in the community board,

Health Fairs are now a new category and require 30 days notice,

Plaza events are a new category and require 14-60 days notice

WHEREAS, these types of events can result in closures and obstructions that significantly impact the community; and

WHEREAS, notice less than 60 days from date of the event does not allow time for Community Board comment; and

WHEREAS, the goals cited by SAPO in the rule change include increased notifications regarding events and transparency for community boards; so

THEREFORE BE IT RESOLVED, that although CB 3 agrees to the general cap on the number of street festivals and 1-block street festivals, CB 3 believes that community boards should have the ability to issue a waiver to the cap for an event that the board deems in the best interest of the community; and

THEREFORE BE IT FURTHER RESOLVED, that because the CB is the platform for the community to give input and be involved in decision making for the community, community boards need a minimum of 60 days' notice for all events, including Plaza events, to schedule and post the event for public notice; and

THEREFORE BE IT FURTHER RESOLVED, that CB 3 believes the requirement to have 50 percent of vendors at street festivals have a business or presence in the community board is an impossible goal as many local businesses in CB 3 have very few employees and do not have staff or resources for a second business opportunity and would be currently participating in street festivals if they wanted to take this opportunity and believes creating an incentive for local vendors would be more productive; and

THEREFORE BE IT FURTHER RESOLVED, that CB 3 believes that fees collected from vendors should remain the same as the current fee structure as they would otherwise place an unfair burden on nonprofits who dedicate a block to local artists and performances and who donate free tables to local civic organizations; and

THEREFORE BE IT FURTHER RESOLVED, that CB 3 believes that requiring a 30 –day notice for finalized street fair vendor's lists is unrealistic given that most vendors wait until shortly before the event for the weather report and other events that may conflict.

31 YES 1 NO 0 ABS 0 PNV MOTION PASSED

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

1. Approval of previous month's minutes
approved by committee
2. EDC: Esplanade update
no vote necessary
3. Office of Community Outreach + Notification Coastal Resiliency: Update on the Waterfront conceptual design
no vote necessary
4. FY'2018 Capital & Expense Priorities
VOTE: To approve of Parks, Recreation, Cultural Affairs, & Waterfront Committee's FY2017 Budget Priorities as prioritized.
5. Request DOT plan Weekend Walks on non-bus route streets
VOTE: TITLE: Community Board 3 opposed to Weekend Walks on bus route streets

WHEREAS, the Department of Transportation partners with community groups to present Weekend Walks – multi-block neighborhood events on commercial streets temporarily closed to vehicles and opened to walking and other activities; and

WHEREAS, business improvement districts, cultural organizations, local merchants' associations and community groups host Weekend Walks as a fun way to highlight local businesses and neighborhood resources; and

WHEREAS, Weekend Walks promote local businesses and create high-quality public space; and

WHEREAS, many residents must utilize Saturdays for the many personal activities that cannot be accomplished during the work week, such as medical appointments, shopping, recreation, etc, that must be accessed by buses; and

WHEREAS, Weekend Walks can be planned for streets that are not on bus routes so that residents and businesses can profit from the events without having necessary activities disrupted by lack of public transportation, which would be a benefit to those participating in the event as well as residents who must access buses in addition to enjoying the Weekend Walks; so

THEREFORE BE IT RESOLVED, that Community Board 3 acknowledges the benefit of Weekend Walks but supports these events only on streets that are not used for buses.

6. Analysis of new Street Activity Permit rules re: street fairs, block parties, & other street events

VOTE: TITLE: Community Board 3 is opposed to elements of Street Activity Permit Office rule changes

WHEREAS, new regulations to the Street Activity Permit Office rules propose the following changes:

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Single Street Festivals will be capped at 20 per Community Board and have a requirement that 50% of the vendors must have a business or presence in the community board,

Health Fairs are now a new category and require 30 days notice,

Plaza events are a new category and require 14-60 days notice

WHEREAS, these types of events can result in closures and obstructions that significantly impact the community; and

WHEREAS, notice less than 60 days from date of the event does not allow time for Community Board comment; and

WHEREAS, the goals cited by SAPO in the rule change include increased notifications regarding events and transparency for community boards; so

THEREFORE BE IT RESOLVED, that although CB 3 agrees to the general cap on the number of street festivals and 1-block street festivals, CB 3 believes that community boards should have the ability to issue a waiver to the cap for an event that the board deems in the best interest of the community; and

THEREFORE BE IT FURTHER RESOLVED, that because the CB is the platform for the community to give input and be involved in decision making for the community, community boards need a minimum of 60 days' notice for all events, including Plaza events, to schedule and post the event for public notice; and

THEREFORE BE IT FURTHER RESOLVED, that CB 3 believes the requirement to have 50 percent of vendors at street festivals have a business or presence in the community board is an impossible goal as many local businesses in CB 3 have very few employees and do not have staff or resources for a second business opportunity and would be currently participating in street festivals if they wanted to take this opportunity and believes creating an incentive for local vendors would be more productive; and

THEREFORE BE IT FURTHER RESOLVED, that CB 3 believes that fees collected from vendors should remain the same as the current fee structure as they would otherwise place an unfair burden on nonprofits who dedicate a block to local artists and performances and who donate free tables to local civic organizations; and

THEREFORE BE IT FURTHER RESOLVED, that CB 3 believes that requiring a 30 –day notice for finalized street fair vendor's lists is unrealistic given that most vendors wait until shortly before the event for the weather report and other events that may conflict.

7. Report from Park Manager
no vote necessary
8. Report from Arts Subcommittee
no vote necessary
9. Vote to adjourn
approved by committee

Discussion:

Enrique requests to pull item 5 from parks. Community Board should not pick and choose which street activities to move because they are on bus routes. Community board needs to be uniform in the decisions they make concerning street activities and their impact on bus routes in the community. Other members are advocating for seniors and other residents who rely on these bus routes on are heavily inconvenienced due to bus route closers due to street activities.

31 YES 1 NO 0 ABS 0 PNV MOTION PASSED (Parks excluding item 5)
31 YES 1 NO 0 ABS 0 PNV MOTION PASSED (Parks item 5)

Landmarks

meeting canceled - no agenda items

Land Use, Zoning, Public & Private Housing Committee (09/29 Meeting)

1. Next steps for Chinatown Rezoning process
no vote necessary

Land Use, Zoning, Public & Private Housing Committee (10/19 Meeting)

1. Joint committee agenda items: Public Housing: FY'2018 Capital & Expense Priorities
VOTE: To approve.

Land Use

2. Approval of previous month's minutes
approved by committee
3. FY'2018 Capital & Expense Priorities
VOTE: To approve.
4. Notice of Affordable Housing Plan application pursuant to Inclusionary Housing Program for 255 East Houston

VOTE: TITLE: To deny the application for Inclusionary Housing at 255 East Houston Street

WHEREAS, the proposed 14-story residential building to be constructed at 255 East Houston Street (Manhattan Block 355, Lot 54) includes 88 residential rental units (65,108 square feet), of which 18 (10,685 square feet) would be affordable at 60% of AMI using the Inclusionary Housing program; and

WHEREAS, all of the Inclusionary bonus would be used onsite; and

WHEREAS, in-building amenities, including a gym and a lounge for which there would be no charge to any tenants, would be available to market-rate tenants and those tenants in affordable units; and

WHEREAS, affordable units would have the same finishes as the market-rate units; and

WHEREAS, there would be approximately 4500 square feet of community facility space, as commercial space is not allowed by zoning; and

WHEREAS, the application indicates that the property is owned by Sassan (Samy) Mahfar and his family; and

WHEREAS, the applicant Samy Mahfar has a well-documented history of illegal construction and construction harassment at sites including but not limited to 210 Rivington Street, 22 Spring Street, and 102 Norfolk Street; and

WHEREAS, in March 2016, Mr. Mahfar (after being taken to housing court) settled lawsuits with tenants at 22 Spring Street, 210 Rivington Street, 102 Norfolk Street, and 113 Stanton Street for \$205,000 in rent abatements intended as reimbursement of past rent paid based on demolition and

construction conditions in the buildings that allegedly deprived tenants of full use and occupancy of their apartments; and

WHEREAS, while the Inclusionary Housing program was developed to incentivize developers to build affordable housing, the proposed project at 255 East Houston Street is already using the 421a tax abatement; and

WHEREAS, the applicant would not commit to refraining from resubmitting the previous rezoning application, which was denied by CB3 and subsequently withdrawn by the applicant; and

WHEREAS, the applicant would not agree to increase the number of affordable units even though the project would be more lucrative based on the changes made since the implementation of Zoning for Quality and Affordability (ZQA), including an additional story and 8 additional apartments; and

WHEREAS, the applicant's representative stated there were no plans yet for the use of the rooftops, though the drawings indicated there would be outdoor recreation space, and hence would not agree to closing the rooftop and terrace areas at night to alleviate noise to neighboring residents; so

THEREFORE BE IT RESOLVED, that Community Board 3 denies the Inclusionary Housing Program application for 255 East Houston Street.

5. Development Team: Essex Crossing commercial tenant update + upcoming job info session
no vote necessary
6. Haven Plaza – Storm Recovery and Resiliency Improvements, HPD - Multifamily Build it Back

VOTE: TITLE: Support for Storm Recovery and Resilience Improvements at Haven Plaza

To approve application (M 170118ZAM) submitted by Haven Square LLC and the NYC Department of Housing Preservation and Development for a modification to the previously approved authorization (CP-19170) to update the previously approved plans and zoning calculations to reflect changes involving the updating of the boundary of the LSRD to remove Parcel "C" (Block 380, Lot 50) and to reflect the proposed mechanical building on Parcel "A".

WHEREAS, Haven Square LLC, an affordable housing development with four residential buildings containing 371 units, experienced severe flooding during Hurricane Sandy which destroyed and disabled steam, heat, and electrical systems that left residents without heat and power for days; and

WHEREAS, Haven Square LLC is a participant in "Build it Back", New York City's housing recovery program funded by United States Housing and Urban Development Community Development Block Grants for Disaster Recovery; and

WHEREAS, in addition to receiving assistance to repair damages caused by Hurricane Sandy, Haven Square is receiving additional assistance to increase the long-term resiliency and sustainability of the housing complex through the development of new mechanical systems in a new building; and

WHEREAS, the proposed application by Haven Plaza LLC, Housing Development Corporation, and HPD will modify the existing boundaries of the Tompkins Square Large Scale Residential Development (LSRD) to properly reflect the existence since 1967 of the mapped public park, Dry Dock Playground, on the northerly side of East 10th Street between Szold Place and Avenue D; and

WHEREAS, the proposed application also facilitates the development of a 3,120 square foot two-story mechanical building at the underutilized southeast corner of East 13th Street and Avenue C within the LSRD; and

WHEREAS, the mechanical building will be L-shaped with approximately 35 feet of frontage on East 13th Street and approximately 42 feet of frontage on Avenue C; and

WHEREAS, the proposed mechanical building will contain, among others things, fuel storage, boilers, hot water heaters, and water and gas booster pumps and will prevent future damage and disruption to heat and power services at Haven Plaza; and

WHEREAS, the mechanical building will protect against future flooding due to its location above the design flood elevation; and

WHEREAS, the mechanical building will not displace amenities on any portion of the zoning lot used or enjoyed by residents, nor will it block any residential windows; and

WHEREAS, tenant outreach was conducted and members of the tenant association stated that they are satisfied that the project will not add to their costs; so

THEREFORE BE IT RESOLVED, CB 3 supports modifications to the boundaries of the LSRD that will allow for construction of the new mechanical building that will provide necessary storm recovery and resiliency improvements to benefit the residents of Haven Plaza.

7. Certification of No Harassment – 20 St Marks Place

VOTE: TITLE: CB3 declines to support the Certification of No Harassment at 20 St. Mark's Place

WHEREAS, the applicant for a Certification of No Harassment did not appear; and

WHEREAS, the one resident of the building stated that he had no information about the plan for the building; and

WHEREAS, his experience is that when he had complaints about building services, the landlord has been unresponsive; so

THEREFORE BE IT RESOLVED, CB3 cannot support approval of the Certification of No Harassment at this time.

8. LESPMHA Notice of Affordable Housing Plan application pursuant to Inclusionary Housing Program for 419 E 12 St

VOTE: TITLE: To support the application for the Inclusionary Housing Program for 419 East 12th Street

Whereas, 419 East 12th Street is a six-story building with 11 affordable units (100% Low Income); and

Whereas, Lower East Side People's Mutual Housing Association has been providing low income and affordable housing to our community for almost 30 years; and

Whereas, LESPMHA is a non-profit organization that provides 100% low income housing; and

Whereas, Because LESPMHA provides 100% low income housing with average rents of \$759.44 for 575 low income families, it does not have the resources to update its aging systems; and

Whereas, LESPMHA is not able to upgrade its aging systems through conventional funding; and

Whereas, LESPMHA is not able to utilize or satisfy other loan programs which would require repayment of said loans; and

Whereas, CB3 supports LESPMHA's mission to provide low income housing in our community; and

Whereas, LESPMHA has agreed that development rights will not be sold to individuals or corporations that have had a negative impact on the community, including but not limited to tenant harassment; so

Therefore be it resolved, Community Board 3 supports Lower East Side People's Mutual Housing Association's Inclusionary Housing Program applications for 419 East 12th Street.

9. LESPMHA Notice of Affordable Housing Plan application pursuant to Inclusionary Housing Program for 166 E 2nd St

VOTE: TITLE: To support the application for the Inclusionary Housing Program for 166 East 2nd Street

Whereas, 166 East 2nd Street is a five-story building with 25 units of affordable housing (100% Low Income); and

Whereas, Lower East Side People's Mutual Housing Association has been providing low income and affordable housing to our community for almost 30 years; and

Whereas, LESPMHA is a non-profit organization that provides 100% low income housing; and

Whereas, Because LESPMHA provides 100% low income housing with average rents of \$759.44 for 575 low income families, it does not have the resources to update its aging systems; and

Whereas, LESPMHA is not able to upgrade its aging systems through conventional funding; and

Whereas, LESPMHA is not able to utilize or satisfy other loan programs which would require repayment of said loans; and

Whereas, CB3 supports LESPMHA's mission to provide low income housing in our community; and

Whereas, LESPMHA has agreed that development rights will not be sold to individuals or corporations that have had a negative impact on the community, including but not limited to tenant harassment; so

Therefore be it resolved, Community Board 3 supports Lower East Side People's Mutual Housing Association's Inclusionary Housing Program applications for 166 East 2nd Street.

10. LESPMHA Notice of Affordable Housing Plan application pursuant to Inclusionary Housing Program for 327-329 E 8th St

VOTE: TITLE: To support the application for the Inclusionary Housing Program for 327-329 E 8th St

Whereas, 327-329 E 8th St is a five-story building with 12 units of affordable housing (100% Low Income); and

Whereas, Lower East Side People's Mutual Housing Association has been providing low income and affordable housing to our community for almost 30 years; and

Whereas, LESPMHA is a non-profit organization that provides 100% low income housing; and

Whereas, Because LESPMHA provides 100% low income housing with average rents of \$759.44 for 575 low income families, it does not have the resources to update its aging systems; and

Whereas, LESPMHA is not able to upgrade its aging systems through conventional funding; and

Whereas, LESPMHA is not able to utilize or satisfy other loan programs which would require repayment of said loans; and

Whereas, CB3 supports LESPMHA's mission to provide low income housing in our community; and

Whereas, LESPMHA has agreed that development rights will not be sold to individuals or corporations that have had a negative impact on the community, including but not limited to tenant harassment; so

Therefore be it resolved, Community Board 3 supports Lower East Side People's Mutual Housing Association's Inclusionary Housing Program applications for 327-329 E 8th St.

11. LESPMHA Notice of Affordable Housing Plan application pursuant to Inclusionary Housing Program for 539-541 E 11th St

VOTE: TITLE: To support the application for the Inclusionary Housing Program for 539-541 E 11th St

Whereas, 539-541 E 11th St is a five-story building with 15 units of affordable housing (100% Low Income); and

Whereas, Lower East Side People's Mutual Housing Association has been providing low income and affordable housing to our community for almost 30 years; and

Whereas, LESPMHA is a non-profit organization that provides 100% low income housing; and

Whereas, Because LESPMHA provides 100% low income housing with average rents of \$759.44 for 575 low income families, it does not have the resources to update its aging systems; and

Whereas, LESPMHA is not able to upgrade its aging systems through conventional funding; and

Whereas, LESPMHA is not able to utilize or satisfy other loan programs which would require repayment of said loans; and

Whereas, CB3 supports LESPMHA's mission to provide low income housing in our community; and

Whereas, LESPMHA has agreed that development rights will not be sold to individuals or corporations that have had a negative impact on the community, including but not limited to tenant harassment; so

Therefore be it resolved, Community Board 3 supports Lower East Side People's Mutual Housing Association's Inclusionary Housing Program applications for 539-541 E 11th St.

12. LESPMHA Notice of Affordable Housing Plan application pursuant to Inclusionary Housing Program for 165-167 Suffolk St

VOTE: TITLE: To support the application for the Inclusionary Housing Program for 165-167 Suffolk St.

Whereas, 165-167 Suffolk St. is a six-story building with 26 units of affordable housing (100% Low Income); and

Whereas, Lower East Side People's Mutual Housing Association has been providing low income and affordable housing to our community for almost 30 years; and

Whereas, LESPMHA is a non-profit organization that provides 100% low income housing; and

Whereas, Because LESPMHA provides 100% low income housing with average rents of \$759.44 for 575 low income families, it does not have the resources to update its aging systems; and

Whereas, LESPMHA is not able to upgrade its aging systems through conventional funding; and

Whereas, LESPMHA is not able to utilize or satisfy other loan programs which would require repayment of said loans; and

Whereas, CB3 supports LESPMHA's mission to provide low income housing in our community; and

Whereas, LESPMHA has agreed that development rights will not be sold to individuals or corporations that have had a negative impact on the community, including but not limited to tenant harassment; so

Therefore be it resolved, Community Board 3 supports Lower East Side People's Mutual Housing Association's Inclusionary Housing Program applications for 165-167 Suffolk St.

13. Vote to adjourn
approved by committee

31 YES 1 NO 0 ABS 0 PNV MOTION PASSED

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

1. Approval of previous month's minutes
approved by committee
2. Request for support for Mesivtha Tifereth Jerusalem of America school grant for Substance Abuse Prevention

VOTE: TITLE: Support for Mesivtha Tifereth Jerusalem of America school grant for Substance Abuse Prevention

WHEREAS, Mesivtha Tifereth Jerusalem of America at 145 East Broadway is a longstanding Jewish school on the Lower East side; and

WHEREAS, in 2015 the school received a grant to start a Substance Abuse Prevention program and it proved successful for the student body; and

WHEREAS, community board support is required to renew the grant for the school to hire a social worker to lead group and individual sessions at the school ; and

WHEREAS, CB 3 has previously supported other schools to receive Substance Abuse Prevention programs; so

THEREFORE BE IT RESOLVED, CB 3 supports reissuance of the grant for Substance Abuse Prevention for Mesivtha Tifereth Jerusalem of America school.

3. FY'2018 Capital & Expense Priorities
VOTE: To approve.
4. Selection of new Committee Vice Chair
no vote necessary
5. Committee Chair report:
no vote necessary
6. Vote to adjourn
approved by committee

31 YES 1 NO 0 ABS 0 PNV MOTION PASSED

Economic Development Committee

no minutes submitted

Transportation & Public Safety and Environment Committee

1. Approval of previous month's minutes
approved by committee
2. FY'2018 Capital & Expense Priorities
VOTE: To approve.
3. Request for 'no left turn' sign at 9th Street and 3rd Avenue

VOTE: TITLE: Support for pedestrian safety improvements at 3rd Avenue and 9th Street

WHEREAS, residents reported safety issues at 3rd avenue and E. 9th street to CB 3 in December 2015; and

WHEREAS, the residents specifically noted safety concerns when crossing north/south on the west side of 9th Street along 3rd Avenue due to cars turning left on 3rd Avenue during the light against oncoming traffic and becoming stuck in the intersection, which prevents the southbound 3rd Avenue traffic from flowing through; and

WHEREAS, In January 2016, NYPD 9th Precinct Highway Safety Division submitted a request to DOT for installation of a 'no left turn' sign at the intersection of 3rd Avenue and 9th Street; and

WHEREAS, After review, DOT denied the requests stating that the Astor Place construction was believed to be the main cause of the accidents reported, and DOT would not install a sign that might be unnecessary post-construction; and

WHEREAS, NYPD reports that From January to May, there were 52 accidents in that location and neighboring Astor Place and Cooper Square. Sixteen of those accidents occurred on 3rd Avenue and 9th Street and five occurred on 4th Avenue and 9th Street – 21 total accidents on one block; and

WHEREAS, E. 9th Street between 3rd and 4th Avenues was not the main area of construction, yet it accounted for nearly half of all accidents in the area; and

WHEREAS, a subsequent request for a 'no left turn' sign at 3rd Avenue and 9th Street was sent to DOT in June and was also denied; and

WHEREAS, although the number of accidents in the area has declined, as reported by NYPD, the percentage of those accidents occurring at 9th Street and 3rd Avenue have remained nearly constant although the construction is almost complete; and

WHEREAS, The number of accidents at 3rd Avenue and 9th street is highly concerning to CB 3 and we want to ensure safety in our community; so

THEREFORE BE IT RESOLVED, CB 3 asks that DOT do a full review of the intersection for the possibility of a left turn signal or other options to improve pedestrian safety after the completion of the Astor Place project.

4. Request for street seats at 69 Clinton St

VOTE: TITLE: Support for "Street Seats" installation at 69 Clinton Street with 8 pm seat removal

WHEREAS, an applicant has proposed installing a Street Seats in the parking lane in front of 69 Clinton Street, between Rivington and Stanton Streets, where it will open and operate a Mexican restaurant in early 2017; and

WHEREAS, the building is a mixed-use property comprised of 16 apartments and 2 retail stores; and

WHEREAS, the Street Seats would provide free public seating in an area that is currently occupied by a 'no standing anytime' temporary construction regulation; and

WHEREAS, DOT would only install the Street Seats after street encroachment in front of the 50 Clinton Street construction site is removed (estimated May 2017); and

WHEREAS, the applicant would preserve the same standard design features that adhere to the DOT guidelines, which limits the Street Seats' depth to 6' feet; is ADA compliant; includes DOT's signage

indicating the area is open to the public, and that alcohol and smoking are prohibited; includes furniture that is removed before 8 pm each evening; is cleaned and maintained by applicant's building personnel; and includes DOT's safety features; and

WHEREAS, CB 3 recognizes the benefit of Street Seats and has supported the installation of Street Seats in the past; and

WHEREAS, the applicant is considering whether to apply for a liquor license for the Mexican restaurant to be opened at this location, Taqueria Diana, which will dramatically change the method of operation from its current use; now

THEREFORE BE IT RESOLVED, CB 3 approves the application for Street Seats at 69 Clinton Street, provided that the seating will be removed by 8 pm each evening. CB 3 also asks that the applicant reappear at the Board for re-approval before the renewal for the 2018 Street Seats season.

5. Request for Public Hotel loading zone (Chrystie and Houston Sts)

TITLE: Support for 65' hotel loading zone at Public Hotel, 215 Chrystie Street

WHEREAS, applicants at 215 Chrystie St are requesting an extended hotel loading zone to accommodate the 27-story, 367 room Public Hotel currently under construction on the west side of Chrystie Street between Houston and Stanton Streets; and

WHEREAS, the hotel is entitled to an 'as of right' hotel loading zone of 40' (two vehicle spaces) based on the number of rooms it contains; and

WHEREAS, the hotel will also house two event spaces and restaurant/bar spaces that would generate extra activity as well; and

WHEREAS, the applicants want to minimize the possibility of any building-generated vehicle activity overflowing into the adjacent travel lane and are subsequently requesting a larger loading zone; and

WHEREAS, the proposed length of the hotel loading zone is 65 feet (3 vehicle spaces) and it would be used to accommodate pick-up/drop-off activity for hotel guests and patrons at the building's entrance; and

WHEREAS, the area directly in front of the hotel is currently regulated as a 140' 'no standing anytime' temporary construction space; and

WHEREAS, a 65' hotel loading zone will still allow for 89' of night regulation parking, so there will be limited, negative commercial impact; and

WHEREAS, a designated hotel loading zone will help ensure the safety of hotel guests as well as members of the local community, and will allow for better traffic flow; now

THEREFORE BE IT RESOLVED, Community Board 3 supports a hotel loading zone of 65 feet for Public Hotel at 215 Chrystie Street.

6. Bike Corral application at Taberna, 97 St Mark's Place

no vote necessary

7. Transportation Alternatives: Proposal for 14th Street "People Way," which would refigure street space away from private car traffic

no vote necessary

8. MTA: Proposed M1 bus route extension

no vote necessary

9. Newsstand Application: 51 Astor Pl, Northeast Corner 4th Ave & Astor Pl

VOTE: TITLE: Recommendation to Ask DOT to Work with Applicant to Find Suitable Newsstand Location

WHEREAS, there is an application for a newsstand on the Northeast corner of 4th Avenue and Astor Place at the recently completed 51 Astor Place office tower; and

WHEREAS, Village Alliance has informed CB 3 that this site has already been approved by the Public Design Commission to have a permanent kiosk that will help cover maintenance at Astor Place; and

WHEREAS, the Department of Design and Construction contractor has built vaults underground that hold electric conduit and plumbing to be used for the permanent kiosk once a final design is decided; and

WHEREAS, installation of a newsstand would not only eliminate usable space for the kiosk, but could also destroy the underground pipes that were placed there specifically for the kiosk; and

WHEREAS, it is evident that installation of a newsstand here is probably conflicting with the approved use for the kiosk; now

THEREFORE BE IT RESOLVED, Community Board 3 does not approve the installation of a newsstand on the Northeast corner of 4th Avenue and Astor Place at this time. CB 3 asks that DOT work with this applicant to find a newsstand location that is suitable. The applicant should reappear at the Board for approval if the newly proposed location is within the CB 3 district.

10. Safety issues at Madison St and Grand St pedestrian crossing

VOTE: TITLE: Support for safety improvements at Madison and Grand Sts

WHEREAS, residents of East River Housing Corporation have expressed concern regarding safety at the pedestrian crossing located at the intersection of Madison and Grand Sts; and

WHEREAS, the crosswalk on the south side of Grand St is relatively long, since it crosses diagonally across Madison St, which intersects with Grand St at a sharp angle. The light signal cycle doesn't provide enough pedestrian crossing time for pedestrians to cross the entire distance. This creates an unsafe condition, because the safety-striped area painted at mid-crossing is not a protected pedestrian island; and

WHEREAS, there are two traffic signals at this location, the first being a standing light and the second an overhanging light about 200 feet away; and

WHEREAS, residents note that cars driving East on Madison pass through the first traffic signal and come to a stop under the second traffic signal, which puts the vehicles in the middle of the crosswalk used by residents at 573-577 Grand Street; and

WHEREAS, the M22 bus line terminates near this location, but the bus often inappropriately parks at the intersection. When a bus is parked there, it blocks the view of the first traffic signal for drivers as it is less prominent; and

WHEREAS, when a bus is parked it also makes pedestrians invisible to drivers and vice-versa. A parked bus also blocks the crosswalk, preventing anyone using a walker/wheelchair or with a stroller from being able to use the curb cut and cross safely; and

WHEREAS, this area is a NORC, so there are many seniors who have to cross this intersection, which is particularly dangerous for them; and

WHEREAS, blocked crosswalks and obstructed views pose a danger to pedestrians; so

THEREFORE BE IT RESOLVED, CB 3 asks that DOT study the area at Madison and Grand Streets and suggest safety improvements at the intersection.

Bus Stop Permit Applications

11. Yep Tour Inc – median, west of Pike Street from Division to East Broadway
withdrawn

12. Vote to adjourn
approved by committee

31 YES 1 NO 0 ABS 0 PNV MOTION PASSED (excluding Transportation item 5)

28 YES 4 NO 0 ABS 0 PNV MOTION PASSED (Transportation item 5)

SLA & DCA Licensing Committee

1. Approval of previous month's minutes
approved by committee

Applications within Saturated Areas

2. Soothsayer (Rice & Salt LLC), 171 Ave A btwn E 10th & E 11th Sts (upgrade/op)

VOTE: TITLE: Community Board 3 Recommendation To Deny

WHEREAS, Rice & Salt LLC, doing business as Soothsayer, is seeking a change in class of its wine beer license to a full on-premises liquor license for its restaurant located at 171 Avenue A, between East 10th Street and East 11th Street; and

WHEREAS, based upon the questionnaire submitted by the applicant to Community Board 3 and the statements of the applicant to the community board, it is also seeking to alter its method of operation by extending its closing hours to 2:00 A.M. all days, extending its operation and the sale of alcohol into its backyard and adding happy hours; and

WHEREAS, this applicant was initially heard by Community Board 3 in July of 2015 for a full on-premises liquor license for this previously unlicensed location and withdrew its application after hearing community and community board concerns that 1) this application was for a full on-premises liquor license for a Vietnamese restaurant with a limited menu and hours of operation of 5:30 P.M. to 12:00 A.M. Mondays through Thursdays, 5:30 P.M. to 1:00 Fridays, 12:00 P.M. to 1:00 A.M. Saturdays and 12:00 P.M. to 11:00 P.M. Sundays, in a location which had previously operated as a restaurant without any liquor license, 2) this location is across the street from the Iglesia De Dios Pentecostal Alpha Y Omega Church located at 168 Avenue A, between East 10th Street and East 11th Street, 3) this location is in close proximity to numerous businesses with full on-premises liquor licenses, 4) the applicant proposed using the backyard area for dining, although no certificate of occupancy was provided to demonstrate the legality of the commercial use of the backyard and there had been numerous complaints from residents regarding commercial use of backyards in this neighborhood, and 5) there was substantial opposition from area residents, the 182-184 Avenue A Tenants Association and the North Avenue A Neighborhood Association to the granting of a full on-premises liquor license for this location because of the number of other licensed businesses, its proximity to a church, its lack of experience and its method of operation which included its limited menu, hours of operation and proposed use of the backyard; and

WHEREAS, this applicant then entered into an agreement with the North Avenue A Neighborhood Association regarding its method of operation and the class of license it would seek and then applied to Community Board 3 for a wine beer license in August of 2015 and was denied unless it agreed to make as conditions of its license stipulations to 1) operate a full-service Vietnamese restaurant, with a kitchen open and serving food during all hours of operation, 2) have hours of operation of 5:30 P.M. to 12:00 A.M. Mondays through Fridays and 12:00 P.M. to 12:00 A.M. Saturdays and Sundays, 3) not commercially operate any outdoor areas, including its backyard area, 4) 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 have a closed fixed rear facade with no open doors or windows, 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) insure that there are no wait lines outside and designate an employee to oversee patrons and noise on the sidewalk as needed, 11) conspicuously post its stipulation form beside its liquor license inside of its business, and 12) provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

WHEREAS, the wine beer license for this applicant was then issued by the SLA on December 31, 2015, and the applicant has been operating its business for eight (8) months; and

WHEREAS, there are eight (8) to eleven (11) full on-premises liquor licenses within five hundred (500) feet of this location; and

WHEREAS, this location was unlicensed until the issuance of the wine beer license to this applicant on December 3, 2015; and

WHEREAS, the applicant has failed to articulate a sufficient community or public benefit for the approval of a full on-premises liquor license in an area with numerous full on-premises liquor licenses within five hundred (500) feet of this location, in that the applicant stated that its public benefit is its history as a resident in this neighborhood, its lack of noise complaints during less than one (1) year of operation and given the type of Vietnamese cuisine it offers but failed to distinguish its cuisine from any other Vietnamese restaurant in the area; and

WHEREAS, notwithstanding that the applicant has argued that 168 Avenue A, between East 10th Street and East 11th Street, is not exclusively used as a house of worship because it has listed an apartment for rent (see advertisement hereto attached), Community Board 3 believes that this has been a longstanding house of worship, doing business as Iglesia De Dios Pentecostal Alpha Y Omega Church, and is well within two hundred (200) feet of 171 Avenue A (see supporting documents hereto attached), given that it is directly across the street from this location; and

WHEREAS, while the applicant has stated that it recently closed its business to upgrade its kitchen and conduct repairs to its gas lines, the business is currently not being operated and has its windows papered over; and

WHEREAS, there is no certificate of occupancy or letter of no objection which would permit the applicant to legally use the backyard as part of its commercial space; and

WHEREAS, although a representative of the applicant met with the North Avenue A Neighborhood Association last month regarding the possibility of applying for a change in class of its liquor license, it did not provide the North Avenue A Neighborhood Association with any notice that it intended to alter the operating agreement it had constructed with this organization by actually applying for a change in class of its license or by applying to otherwise change its method of operation, to wit extending its business to its backyard, extending its closing hours and adding happy hours; and

WHEREAS, the representative of the applicant also stated to representatives of the North Avenue A Neighborhood Association that the applicant was seeking a change in class of its liquor license because its business was failing; and

WHEREAS, representatives of the North Avenue A Neighborhood Association appeared in opposition to this application because 1) the Iglesia De Dios Pentecostal Alpha Y Omega Church, located at 168 Avenue A, is within two hundred (200) feet of this location, 2) there are numerous liquor licenses within two (2) blocks of this location, 3) there is no certificate of occupancy for the backyard, 4) this business has only been operating for eight (8) months and is currently closed, 5) long standing businesses in this neighborhood have operated for some time before seeking to obtain a full on-premises liquor license, 6) the existing Vietnamese restaurant within one (1) block of this business operates with only a wine beer license, 7) this location was not previously licensed and community residents and the community board have long opposed applications for full on-premises liquor license for this storefront, 8) ***the applicant has violated its operating agreement with this organization by seeking without notice to expand its hours, seeking to use the backyard, adding happy hours and constructing its bar within inches of its front windows***, 9) six (6) of nine (9) storefronts on this block are businesses with liquor licenses and the approval of this application would make this the seventh, and 10) the addition of another full on-premises liquor license in this area would not contribute to retail diversity which has been a stated community board and community goal and benefit for this area; and

WHEREAS, while the applicant has cited its lack of noise complaints as part of the public or community benefit in the approval of its application for a full on-premises liquor license, the applicant has conceded that, although it entered into an agreement regarding its method of operation with the North Avenue A Neighborhood Association in July of 2015 to engage its support for the application of a wine beer license, it has not adhered to the letter of that agreement; and

WHEREAS, although six (6) people appeared in support of its application, nine (9) residents living within one (1) block of this location, including a representative of the 182-184 Avenue A Tenants Association, appeared in opposition to this application, all stating that they were concerned about the addition of a full on-premises liquor license in a previously unlicensed location in an area with numerous licensed businesses and with the proposed changes in method of operation to add late night hours and extend the business outside which they believed would disrupt their quality of life; and

WHEREAS, representatives of the Ninth Street A-1 Block Association appeared in opposition to this application for the same reasons and in support of abiding by the operating agreements between businesses and resident organization; and

WHEREAS, notwithstanding that it submitted one hundred twenty-nine (129) petition signatures in support of its application, two (2) signatures were apparently from area businesses and the applicant could not distinguish the number of signatures of area residents from the number of signatures of area business owners and employees; and

WHEREAS, while Community Board 3 supports a family operated business with a wine beer license at 171 Avenue A, between East 10th Street and East 11th Street, for all of the aforementioned reasons, it cannot support a change in class of the liquor license at this location; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for a change in class of a wine beer license to a full on-premises liquor license for Rice & Salt LLC, doing business as Soothsayer, for the premises located at 171 Avenue A, between East 10th Street and East 11th Street.

3. Ludlow Coffee Supply (Ludlow Coffee Supply LLC), 176 Ludlow St btwn East Houston & Stanton Sts (wb)
no vote necessary

Alterations

4. AGN Restaurant LLC, 166 1st Ave btwn E 10th & E 11th Sts (alt/op/addition of tables, reduction of seats)
no vote necessary

New Liquor License Applications

5. To be Determined, 175 E Houston St @ Allen St (op)
withdrawn
6. Invite Only LLC, 105 Eldridge St btwn Broome & Grand Sts (op)
withdrawn
7. Charrua (Bistro Uruguay Inc), 131 Essex St btwn Rivington & Stanton Sts (upgrade/op)
withdrawn
8. The Immigrant NYC (Immigrant Wine Bar LLC), 341 E 9th St btwn 1st & 2nd Aves (upgrade/op)

VOTE: To deny the application for a change in class of its wine beer license to a full on-premises liquor license for Immigrant Wine Bar LLC, doing business as The Immigrant NYC, for the premises located at 341 East 9th 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 tavern wine bar, serving food during all hours of operation,
- 2) its hours of operation will be 5:00 P.M. to 12:00 A.M. Mondays through Thursdays, 3:00 P.M. to 2:00 A.M. Fridays, 12:00 P.M. to 2:00 A.M. Saturdays and 12:00 P.M. to 12:00 A.M. Sundays,
- 3) it will close any front or rear façade entrance doors at 10:00 P.M. every night or when amplified sound is playing 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, scheduled performances or any event at which a cover fee will be charged,
- 6) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 7) it may have "happy hours" to 6:30 P.M.,
- 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 and will designate an employee to oversee patrons and noise on the sidewalk,
- 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 change in class to a full on-premises liquor license although this is a location in an area with numerous full on-premises liquor licenses within five hundred (500) feet of this location because 1) the applicant has been operating without complaints for six (6) years, 2) it provided substantial support for its application, in that it furnished eighty-four (84) petition signatures and nine (9) letters from area residents and one (1) resident appeared in support of its application, 3) it has renewed its commitment to operating its business in this community by recently signing a ten (10) year lease, and 4) although located on a residentially zoned street, its storefront is located in close proximity to First Avenue.

9. To be Determined, 163 Allen St (op)
withdrawn
10. Fire and Ice NYC Corp, 189 E 3rd St (op)
withdrawn
16. Get 1 Awesome LLC, 29 2nd Ave btwn E 1st & E 2nd Sts (op)
no vote necessary

Items not heard at Committee

11. Zaabver (Chada LLC), 75 2nd Ave (wb)
no vote necessary
12. Clean Table LLC, 145 Ave A (wb)
no vote necessary
13. Yokoya Sushi (Yokoya Inc), 201 Allen St (wb)
no vote necessary
- Vote to adjourn
approved by committee

Hotel Applications

14. To be Determined, 150 Delancey St (hotel op)
withdrawn

15. Orchard Street Hotel (Nadico Hotel LLC), 163 Orchard St (hotel wb)
withdrawn
- Vote to adjourn
approved by committee

Old Business

17. Bazar (Anguima 4 Inc), 215 E 4th St btwn Aves A & B (op)

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

WHEREAS, Anguima 4 Inc. initially appeared before Community Board 3 seeking a full on-premises liquor license to operate a French Mediterranean restaurant, in the premises located at 215 East 4th Street, between Avenue A and Avenue B; and

WHEREAS, this applicant is proposing to operate a French Mediterranean restaurant with hours of operation of 5:00 P.M. to 4:00 A.M. all days, eighteen (18) tables and thirty-six (36) seats, a nine (9) foot by four (4) foot stand up bar with six (6) stools, an open façade, recorded background music, happy hours and twelve (12) private parties per year; and

WHEREAS, the applicant has stated that it is seeking a full on-premises liquor license because it wants the proposed business to operate consistent with its other businesses, one of which is doing business as Pardon My French, located at 103-105 Avenue B, which it has operated for fifteen (15) years; and

WHEREAS, notwithstanding that the applicant has operated a restaurant bar at 103-105 Avenue B since 2005, Community Board 3 was concerned about granting a full on-premises liquor license to this applicant given that 1) this application is for a full on-premises liquor license for a restaurant in a location which has never housed a business with a full on-premises liquor license and which was previously operated as a wine bar with fewer hours of operation, those being 5:00 P.M. to 11:00 P.M. Sundays through Thursdays and 5:00 P.M. to 12:00 A.M. Fridays and Saturdays, 2) the location is mid-block on a residentially zoned side street, zoned R7B, 3) the applicant is proposing to operate in a location which is within five hundred (500) feet of eighteen (18) full on-premises liquor licenses and three (3) pending full on-premises liquor licenses, and 4) this applicant has articulated no community benefit for granting it a full on-premises liquor license at this location other than its history as a restaurant bar owner in this neighborhood; and

WHEREAS, the East 4th Street A to B/Lower Avenue B Block Association and residents surrounding this location met with the applicant and appeared before Community Board 3 to state that they are opposed to the granting of a full on-premises liquor license in this location because of the residential zoning and character of this street and because of the lack of articulated community benefit for this full on-premises liquor license and are opposed to the approval of any liquor license with hours of operation greater than those of the previous business because of the concerns of surrounding residents about increased late night noise and patron congestion on this residentially zoned street which has already suffered from these conditions as a result of the existing eating and drinking establishments; and

WHEREAS, the applicant furnished fifty-five (55) petition signatures from area residents in support of its application, although only six (6) signatures were from residents of this block of East 4th Street, between Avenue A and Avenue B; and

WHEREAS, given the concerns of Community Board 3, the East 4th Street A to B/Lower Avenue B Block Association and community residents, the applicant has now stated that it will apply for a wine beer license for this business and will arrange garbage pickups so that residents are not disturbed but is seeking to close at 2:00 A.M. all nights; and

WHEREAS, given the concerns of Community Board 3, the East 4th Street A to B/Lower Avenue B Block Association and community residents, Community Board 3 would approve a wine beer application only with earlier closing times; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for a wine beer license for Anguima 4 Inc., with a proposed business name of Bazar, for the premises located at 215 East 4th 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 French Mediterranean 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. Mondays through Fridays and 10:00 A.M. to 12:00 A.M. Saturdays and Sundays,
- 3) it will not commercially operate any outdoor areas,
- 4) it will install soundproofing, if necessary,
- 5) it will close any front façade doors and windows at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances,
- 6) it will play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged, and may have twelve (12) in-house private parties per year,
- 7) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 8) it will not seek a change in class of its liquor license to a full on-premises liquor license without first obtaining the approval of Community Board 3,
- 9) it may have "happy hours" to 7:00 P.M. each night,
- 10) it will not host pub crawls or party buses,
- 11) it will not have unlimited drink specials with food, or offer shots or large format beverages,
- 12) it will insure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 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.

18. Nobody is Perfect (235 East 4th Inc), 235 E 4th St btwn Aves A & B (op)

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

WHEREAS, 235 E 4th Inc. appeared before Community Board 3 seeking a full on-premises liquor license to operate a French tapas restaurant, with a proposed business name of Nobody Is Perfect, in the premises located at 215 East 4th Street, between Avenue A and Avenue B; and

WHEREAS, this applicant is proposing to operate a French tapas restaurant with hours of operation of 5:00 P.M. to 4:00 A.M. Mondays through Fridays and 10:00 A.M. to 4:00 A.M. Saturdays and Sundays, thirty (30) tables and seventy (70) seats, a fourteen (14) foot by three (3) foot stand up bar with eight (8) stools, an eight (8) foot stand up bar with four (4) stools, an open façade, recorded background music, happy hours and twelve (12) private parties per year; and

WHEREAS, the applicant has stated that it is seeking a full on-premises liquor license because it wants the proposed business to operate consistent with its other businesses, one of which is doing business as Pardon My French, located at 103-105 Avenue B, which it has operated for fifteen (15) years and the applicant has further proposed offering free cooking classes once or twice a month to neighboring residents; and

WHEREAS, Community Board 3 was concerned about granting a full on-premises liquor license with closing times of 4:00 A.M. all days given that 1) this application is for a full on-premises liquor license for a restaurant in a location which has housed licensed restaurants with closing hours not later than 12:00 A.M. Sundays through Thursdays and 1:00 A.M. Fridays and Saturdays, 2) that the original liquor license for this location was denied by the SLA and that applicant and all subsequent applicants had worked with the local block association, the Est 4th Street A to B Block Association, to enter into agreements regarding their method of operation, including hours of operation, 3) the location is on a residentially zoned side street, zoned R7B, 4) the applicant is proposing to operate in a location which is within five hundred (500) feet of eighteen (18) full on-premises liquor licenses and three (3) pending full on-premises liquor licenses, and 5) the community benefit for granting a full on-premises liquor license at this location is that the applicant has a longstanding restaurant bar in this neighborhood and will offer free cooking classes to residents; and

WHEREAS, the East 4th Street A to B/Lower Avenue B Block Association and residents surrounding this location met with the applicant and appeared before Community Board 3 to state that they would support the granting of a full on-premises liquor license in this location which has had businesses with full on-premises liquor licenses for the past eight (8) years given that the applicant is a longtime community business owner only if the applicant agreed to closing times no later than the previous business, however, the applicant is still seeking to close at 4:00 A.M. all days; and

WHEREAS, the applicant furnished fifty-six (56) petition signatures from area residents in support of its application, although only six (6) signatures were from residents of this block of East 4th Street, between Avenue A and Avenue B; and

WHEREAS, given the concerns of Community Board 3, the East 4th Street A to B/Lower Avenue B Block Association and community residents, Community Board 3 would approve this application only with earlier closing times consistent with the previous licensed businesses at this location; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for a full on-premises liquor license for 235 East 4th Inc., with a proposed business name of Nobody Is Perfect, for the premises located at 235 East 4th 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 French tapas 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 12:00 A.M. Sundays, 5:00 P.M. to 12:00 A.M. Mondays through Thursdays, 5:00 P.M. to 1:00 A.M. Fridays and 10:00 A.M. to 1:00 A.M. Saturdays,
- 3) it will close any front façade doors and windows at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances,
- 4) it will play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged, and may have twelve (12) in-house private parties per year,
- 5) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 6) it may have "happy hours" to 7:00 P.M. each night,
- 7) it will not host pub crawls or party buses,
- 8) it will not have unlimited drink specials with food, or offer shots or large format beverages,
- 9) it will insure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 10) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 11) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

30 YES 1 NO 1 ABS 0 PNV MOTION PASSED (excluding SLA items Not Heard at Committee)

31 YES 1 NO 0 ABS 0 PNV MOTION PASSED (SLA items Not Heard at Committee)

Vote to adjourn

Members Present at Last Vote:

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

Meeting Adjourned