



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

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Jamie Rogers, Board Chair

Susan Stetzer, District Manager

November 2016 Full Board Minutes

Meeting of Community Board 3 held on Tuesday, November 22, 2016 at 6:30pm at PS 20, 166 Essex Street.

Public Session:

Robyn Shapiro: Speaking on behalf of the Low Line, providing the community updated information on site, info is also on website. On December 5th there will be a community advisory meeting.

Harry Bubbins: Speaking on behalf of the Greenwich Village Society for Historic Preservation, provided updates on Astor Place reconstruction and Small Business Saturday. Advocating for rezoning that supports small businesses and prevents big box chains from pushing them out.

Vaylateena Jones: Speaking on behalf of the LES Power Partnership, advocating for NYU to accept Medicaid. Also advocating for Universal second grade literacy programming; many 2nd graders in community are not reading at the appropriate level.

Joyce Ravito: Speaking on behalf of Grand Street Settlement, Rod Rogers Organization sending supplies, clothes, and food to people suffering in Haiti. The organization is accepting donations of clothes and food.

Commissioner Julie Menin, Mayors Office of Media and Entertainment: Providing information to community about the role of the media and entertainment office. The office released 5 programs to increase opportunities for women in TV and Film industry. Provided info on NYC Film Green a grant for writers and a College savings account program.

Public Officials:

Mayor Bill de Blasio, Tommy Lin: Not Present

Public Advocate Letitia James, Adam Chen: The Public Advocate is advocating for the expanded the uses of DDT, an advance method to screening for breast cancer in light of breast cancer awareness month. Advocating for the tracking of youth after they age out of foster care. The city must be equipped to supply people aging out of foster care with opportunity to stand on their own.

Comptroller Scott Stringer, Anas Uddin: Elaine: Terrible conditions in the current housing environment for many people, full report and audit online.

Borough President Gale Brewer, Drew Lombardi: Jessica, Two Bridges Task Force working on tower development on waterfront in addition to Extell. Special environmental impact study for two bridges new development, city council denied ULURP process. The Borough President is working with community boards to mitigate development issues around community. Community should apply for capital funding for schools and non-profits, info session coming soon.

Congressmember Carolyn Maloney, Victor Montesinos: Not Present

Congressmember Nydia Velazquez, Iris Quinones: Not Present

Assemblymember Alice Cancel, Monica Guardiola: Not Present

Assemblymember Deborah J. Glick, Charlie Anderson: Updates on press conference with Department of Buildings on construction of Nike Flagship store on Broadway. DOB should enforce existing zoning laws before proposing new zoning laws. Reach out to Department of aging regarding landlord issues for seniors citizens.

Assemblymember Brian Kavanagh, Jill Schoenfeld: Not Present

State Senator Daniel L. Squadron, Mauricio Pazmino: The state senator wrote an open letter to president elect trump. A rally was held in playground where Swastikas were found.

State Senator Brad M. Hoylman: Not Present

Councilmember Margaret Chin, Vincent Fang: The Council Member is concerned with Department of Buildings and the construction of the Nike Flagstore. The Councilmember also denounce hate crimes.

Councilmember Rosie Mendez, Sheila Rodriguez: Rosie Mendez: Carmen Pabon, local activist passed away. Discussed the reopening of a community garden. The Councilmember is looking into the HDFC proposed regulatory agreements by HPD.

Members Present at First Vote:

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

Minutes:

Minutes of September 2016 were approved, as is.

37 YES 0 NO 1 ABS 0 PNV MOTION PASSED

Vice-chairperson, Alysha Coleman: Announce Holiday party at Donnybrook, asking members to donate \$15.

Board Chairperson's Report:

Chairperson Jamie Rogers

The Street Activity Permit Office proposed changes were rejected. Community Advisory Board position open for Bellevue Hospital, CB3 has 2 seats, David Ford holds 1, but another is open. Mae Lee is now the Health and Human Services Committee Chairperson. CB3 gets 2 seats for Macys day parade, CB will draw to see who will win tickets. Community Board member application will be on BP's website by end of November. CB members need to be informed of parliamentarian procedure. The Chairperson yielded the floor to the parliamentarian to inform the board what "Calling the Question" means and how it is used.

District Manager's Report:

District Manager Susan Stetzer

Office will be closed at 1pm tomorrow and reopening Monday morning. Drafted agenda for next month is not final. 3 reconstruction projects are done: Grand street, Houston Reconstruction. Call 311 for homeless people ask for homeless outreach not police unless there is a crime. Space for City Santa was not found in our district but in another. Urban fellow will study Environmental Impact Statement for two bridges Developments.

Committee Reports:

Executive Committee

VOTE: TITLE: Resolution Requesting Expedited Astor Plaza Design Changes to Address Noise and Safety Problems

Whereas, CB 3 worked together with CB 2 in a joint task force for several years on the design of redevelopment of Astor Place and the surrounding area. The redesign included several new public plazas. Both community boards were involved in the design, since its use impacts both districts. Reconstruction of Astor Place was recently completed according to the new design; and

Whereas, The southernmost plaza in the design is a new triangle formed by Fourth Ave, the Bowery and the street wall of buildings on the triangle's west side. This new triangle was approved and constructed without any permanent seating because CB 3 was concerned about nighttime noise problems. The triangular plaza is very near the JASA residence for mobility disabled clients, and also

very near liquor-licensed establishments. Therefore, permanent seating would likely act as a magnet for nighttime visitors gathering within a few hundred feet of a large building housing disabled and elderly residents; and

Whereas, Now that the new triangle plaza is open, it has become very popular for skateboarders, during the day and night. This skateboarding is causing noise problems for JASA residents, as well as other nearby residents and businesses. Skateboarding in a public plaza also causes safety problems and deters the general public from using the space; so

Therefore be it resolved that Community Boards 2 and 3 are requesting that the architect present revised plans to the community boards to mitigate the skateboarding problem that causes complaints regarding skateboarding noise both during the day and at night, and that these plans may include benches, textures in the ground, and other skateboarding mitigations and so

Therefore be it further resolved that any benches would be installed on a trial basis so that the community boards can confirm that there are not additional noise problems at night caused the installation of benches.

39 YES 0 NO 0 ABS 0 PNV MOTION PASSED

SLA & DCA Licensing Committee

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

Applications within Saturated Areas

2. Ludlow Coffee Supply (Ludlow Coffee Supply LLC), 176 Ludlow St btwn E Houston and Stanton Sts (wb)

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

WHEREAS, Ludlow Coffee Supply LLC appeared before Community Board 3 seeking a wine beer license for its coffee shop, doing business as Ludlow Coffee Supply, for the premises located at 176 Ludlow Street, between East Houston Street and Stanton Street; and

WHEREAS, this applicant is proposing to operate its coffee shop on the ground floor of this location, with a certificate of occupancy of two hundred (200) people which the applicant has stated that it would amend, a front room of approximately three hundred (300) square feet where the seating and service bar are located, a second room of approximately four hundred twenty (420) square feet with minimal lounge seating, hours operation of 7:00 A.M. to 12:00 A.M. all days, six (6) tables and thirty (30) seats, no kitchen, a minimal menu of breakfast foods, recorded background music and one promotional or corporate party per month; and

WHEREAS, this location has operated as a coffee shop in its front room and a barber shop in its second room, with hours of operation of 8:00 A.M. to 8:00 P.M., since March of 2016; and

WHEREAS, Community Board 3 is concerned about granting a wine beer license to this applicant with the existing maximum occupancy and with no resolution about its amendment and closing times of 12:00 A.M. all days when the existing business closes at 8:00 P.M. all days because 1) this location is currently unlicensed but shares its certificate of occupancy with the adjacent storefront, located at 178 Ludlow Street, 2) the applicant has a full on-premises liquor license for Sweet Chick, the existing business located at 178 Ludlow Street, which was denied by Community Board 3 in October of 2013, and for which residents of these and the surrounding buildings and the LES Dwellers, a local residents association, submitted letters of complaint and appeared in opposition to this application, stating that the business is noisy and its patrons block the sidewalk and stating that the applicant has violated its stipulations with residents and the SLA (hereto attached) by immediately installing accordion windows although it agreed that its façade would be fixed and by hosting DJs, 3) consistent with these complaints, the business at 178 Ludlow Street has received thirty-three (33) 311 commercial noise complaints between November 7, 2015 and October 11, 2016, between 8:30 P.M. and 12:30 A.M., half of which required police action to correct and its Facebook page and social media reflect DJs at this location on June 11, 2015, February 23, 2016 and June 27, 2016 (see printouts hereto attached), and 4) there are fifty-six (56) full on-premises liquor licenses within five hundred (500) of this location, including ten (10) full on-premises liquor licenses on this block of Ludlow Street, two (2) of which are hotel on-premises liquor licenses with multiple public venues, one (1) pending full on-premises liquor license and two (2) wine beer licenses, and residents have stated that there is no public convenience and advantage to the addition of another tavern serving alcohol of any type with minimal food in an area where they often observe the evidence of patrons being overserved at the other licensed

businesses, in that they observe patrons vomiting, urinating and passing out on Ludlow Street, a narrow street already overburdened by lines forming for the club No Fun, located at 161 Ludlow Street, between East Houston Street and Stanton Street, as well as congested sidewalks and street from the numerous other licensed businesses, including the two hotels located on the same block, and have asked that this application be denied or be approved with stipulations restricting its use; and

WHEREAS, although the applicant furnished evidence of some outreach to and support from the surrounding community for its business, in that it furnished one hundred thirty-nine (139) petition signatures, a review of these signatures revealed that approximately fifty (50) were written in the same handwriting, illegible or from area businesses; and

WHEREAS, given the conditions of the surrounding area, the complaints about how the applicant is operating its adjacent business and concerns regarding its violating stipulations agreed to with the SLA for that business, Community Board 3 determined that it could only approve this application with restrictions on its method of operation, hours of operation and ability to allow patrons to congregate outside; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for a wine beer license for Ludlow Coffee Supply LLC, doing business as Ludlow Coffee Supply, for the premises located at 176 Ludlow Street, between East Houston Street and Stanton Street, unless the applicant agrees to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a coffee shop, serving food during all hours of operation,
- 2) its hours of operation will be 7:00 A.M. to 11:00 P.M. all days,
- 3) it will not commercially operate any outdoor areas,
- 4) 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,
- 5) it will install soundproofing,
- 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 will have no more than six (6) private parties per year that will end no later than 8:00 P.M.,
- 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" 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,
- 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.

3. To be Determined, 120 Rivington St btwn Essex & Norfolk Sts (op)

VOTE: TITLE: Community Board 3 Recommendation To Deny

WHEREAS, a corporation to be determined, with principals Daniel Dabrowski, Rebecca Kush, Michael Maher and Jake Fontanilla, is applying for a full on-premises liquor license to operate a restaurant bar in the premises located at 120 Rivington Street, between Essex Street and Norfolk Street, New York, New York; and

WHEREAS, this applicant is proposing to operate a German American restaurant bar "with a Filipino flair," a basement cocktail bar lounge, hours of operation of 11:00 A.M. to 4:00 A.M. all days, seating for ninety (90) people, comprised of tables and chairs on the ground floor and lounge seating in the basement, a sixteen (16) foot standup bar with ten (10) stools on the ground floor, a thirteen (13) foot bar with seven (7) stools in the basement, a kitchen closing at 12:00 A.M., the service of bar snacks between 12:00 A.M. and 4:00 A.M. every night, an open façade, recorded background music, happy hours to 9:00 P.M. every night and security guards Thursdays through Saturdays from 5:00 P.M. to 4:00 A.M.; and

WHEREAS, based upon its positive history operating other businesses within this neighborhood, the previous licensee was denied by Community Board 3 for a full on-premises liquor license in June of 2011, unless it agreed to make as conditions of its license stipulations to 1) operate a full-service American restaurant, with a kitchen open and serving food to within one (1) hour of closing, 2) have hours of operation of 10:00 A.M. to 12:00 A.M. Sundays through Thursdays and 10:00 A.M. to 2:00

A.M. Fridays and Saturdays, 3) play recorded background music and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee would be charged, and 4) close any façade doors or windows at 10:00 P.M. every night; and

WHEREAS, the license for the previous licensee was issued by the SLA on December 28, 2012; and

WHEREAS, Community Board 3 then denied an application to alter the full on-premises liquor license for the previous licensee by extending its liquor license into its basement and extending its hours of operation provided that applicant agreed to make as conditions of its license stipulations to 1) operate a full-service American restaurant, with dining on both floors and with a kitchen open and serving food during all hours of operation, 2) have hours of operation of 10:00 A.M. to 4:00 A.M. all days, 3) play recorded background music and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee would be charged, 4) close any façade doors or windows at 10:00 P.M. every night, 5) not host pub crawls or party buses, 6) have happy between 5:00 P.M. and 7:00 P.M. each night, 6) not commercially operate any outdoor areas, and 8) provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

WHEREAS, although the applicant has stated in its application materials that there are twenty-nine (29) full on-premises liquor licenses within five hundred (500) feet of this location, with twelve (12) licensed businesses within one (1) block of this location, there are at least forty (40) full on-premises liquor licenses within five hundred (500) feet of this location; and

WHEREAS, the applicant has stated no public or community benefit for its proposed business; and

WHEREAS, notwithstanding that the principals for this application have stated that they have worked in and managed bars and clubs, they provided no documentation in support of their work history and none of them has experience as a license holder; and

WHEREAS, the applicant has furnished inadequate evidence of community support, in that it provided twenty-two (22) petition signatures purportedly from area residents in support of its application but a review of these signatures revealed that a number of them were from area businesses; and

WHEREAS, the LES Dwellers, a local residents association, and area residents appeared in opposition to this application stating that this applicant with this limited work experience operating late night bars and clubs is a poor risk for this area which is inundated with late night licensed businesses of a similar type to this proposed application, that quality of life conditions in this area are worse than they were when the previous licensee was issued its liquor license and both crime statistics and vehicular traffic congestion have also worsened; and

WHEREAS, the LES Dwellers also noted that there is no certificate of occupancy or letter of no objection allowing for commercial use of the basement and, consequently, the previous business owner was illegally operating the basement; and

WHEREAS, the applicant conceded that there is no certificate of occupancy or letter of no objection which would allow it to commercially operate the basement and stated that it is working with an expediter to address this issue with the Department of Buildings; and

WHEREAS, at the time that Community Board 3 approved the alteration to extend the liquor license of the previous licensee into the basement of this location, it was not aware that there was no certificate of occupancy or letter of no objection to provide for the commercial use of that floor; and

WHEREAS, there is no public or community benefit in the addition of a late night eating and drinking establishment with basement bar lounge, with the service of bar food and no open kitchen between the hours of 12:00 A.M. and 4:00 A.M. every night; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for a full on-premises liquor license for a corporation to be determined with principals Daniel Dabrowski, Rebecca Kush, Michael Maher and Jake Fontanilla, for the premises located at 120 Rivington Street, between Essex Street and Norfolk Street, New York, New York.

4. Paloma Rocket (Clinton Craft LLC), 1-7 Clinton St btwn E Houston & Stanton Sts (upgrade to op)

VOTE: TITLE: Community Board 3 Recommendation To Deny

WHEREAS, Clinton Craft LLC appeared before Community Board 3 seeking a change in class of its wine beer license to a full on-premises liquor license for its premises doing business as Paloma Rocket, located at 1-7 Clinton Street, between East Houston Street and Stanton Street; and

WHEREAS, the wine beer license for this applicant was administratively approved by Community Board 3 in November of 2014 with stipulations to 1) operate a beer store and wine and beer bar, serving food during all hours of operation, 2) have hours of operation of 12:00 P.M. to 12:00 A.M. all days, 3) not commercially operate any outdoor areas, 4) close any front or rear façade doors and windows at 10:00 P.M. every night or during any amplified performances, including but not limited to DJs, live music and live nonmusical performances, 5) play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee would be charged, 6) not apply for any alteration in its method of operation without first appearing before Community Board 3, 7) not seek a change in class to a full on-premises liquor license without first obtaining the approval of Community Board 3, 8) conspicuously post this stipulation form beside its liquor license inside of its business, and 13) provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

WHEREAS, although the wine beer license was issued by the SLA on July 16, 2015, this applicant had been open for approximately one (1) month in November of 2015, and has now only operated its business since March 31, 2016; and

WHEREAS, this applicant was then heard for an alteration of its full on-premises liquor license by Community Board 3 in June of 2016, to extend its closing times to 1:00 A.M. Sundays through Thursdays and 2:00 A.M. Fridays and Saturdays and to extend its liquor license to a sidewalk café and was approved for an extension of its hours to 6:00 P.M. to 12:00 A.M. Sundays through Thursdays and 6:00 P.M. to 2:00 A.M. Fridays and Saturdays given that it had only been operated for approximately three (3) months and given that the applicant represented that the business was not open all days of the week at the time that its alteration application was heard; and

WHEREAS, the applicant stated that the business operates as a self-serve beer store and bar which enables the patrons to pour any amount of different kinds of beers from self-serve taps and the applicant is planning to extend this self-serve tap service to offer patrons different types of New York craft liquor that they can pour utilizing small tasting glasses; and

WHEREAS, prior to the applicant being issued a wine beer license in July of 2015, there had never been a business with a liquor license at this location; and

WHEREAS, there are twenty (20) full on-premises liquor licenses within five hundred (500) feet of this location, six (6) of which the applicant has conceded are within one (1) block of this location; and

WHEREAS, the applicant has no experience operating a licensed or similar business; and

WHEREAS, the applicant has stated no public or community benefit for the granting of a full on-premises liquor license in an area with so many licensed businesses; and

WHEREAS, the applicant furnished insufficient evidence of outreach to and support from the surrounding community for its business, in that it furnished one hundred eighteen (118) petition signatures from area residents in support of its application but a review of these signatures revealed that a number were duplicate signatures while others were from area businesses; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for a change in class of the wine beer license to a full on-premises liquor license of Clinton Craft LLC, doing business as Paloma Rocket, for the premise located at 1-7 Clinton Street, between East Houston Street and Stanton Street.

Alterations

5. Saluggi's East (Saluggi's East Inc), 399 Grand St btwn Clinton & Essex Sts (alt/op/extend license to front space within building line)
withdrawn

New Liquor License Applications

6. Fire and Ice NYC Corp, 189 E 3rd St btwn Aves A & B (op)

VOTE: TITLE: Community Board 3 Recommendation To Deny

WHEREAS, Fire and Ice NYC Corp. is seeking a full on-premises liquor license for the premise located at 189 East 3rd Street, between Avenue A and Avenue B, New York, New York; and

WHEREAS, this applicant is proposing to operate a Middle Eastern restaurant with hours of operation of 3:00 P.M. to 3:00 A.M. Sundays through Wednesdays and 3:00 P.M to 4:00 A.M. Thursdays through Saturdays, fifteen (15) tables and sixty (60) seats, a thirteen (13) foot by seven (7) foot by six (6) foot standup bar with fourteen (14) stools, an open façade and recorded and live background music; and

WHEREAS, the previous licensee was denied by Community Board 3 for a full on-premises liquor license in June of 2013, unless it agreed to make as conditions of its license stipulations to 1) operate a full-service Mediterranean restaurant, with a kitchen open and serving food during all hours of operation, 2) have hours of operation of 3:00 P.M. to 3:00 A.M. Sundays through Wednesdays and 3:00 P.M to 4:00 A.M. Thursdays through Saturdays, 3) play recorded background music and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee would be charged, 4) close any façade doors or windows at 10:00 P.M. every night, 5) not commercially operate any outdoor space and 6) provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

WHEREAS, the previous licensee then operated a business known as Lumiere at this location, which opened in May of 2014, a business known as Casablanca, which opened in February of 2015, and a business known as Tut's, which opened in September of 2015 and which was closed when Marshalls seized the location in January of 2016; and

WHEREAS, per the district manager of Community Board 3, the 9th Precinct identified this location, in these three incarnations, as one of the biggest problems amongst nightlife businesses within the geographic boundaries of the precinct; and

WHEREAS, Amar Patel, one of the two principals of the subject corporation has stated that he is the son of one of the prior principals and that he managed both Lumiere and Casablanca but denied managing Tut's; and

WHEREAS, five (5) residents of the subject building and one (1) resident living directly across the street from this location appeared before Community Board 3 and stated that the prior three (3) businesses were operated as clubs with DJs, cover fees, loud music and after-hours activity and residents had been subjected to loud noise from music and patrons, as well as patrons vomiting and urinating on the street and vomiting inside of 189 East 3rd Street since the businesses opened in 2014, and at least one resident stated that she had made her complaints about all three businesses to Amar Patel, who was operating each business; and

WHEREAS, building residents also stated that Amar Patel had reconstructed the emergency exit for the residential portion of the building to allow patrons to access the residential portion of the building in order to enter the basement of the business which was being operated as a "speakeasy," and the ability of patrons to access the residential portion of the building created unsafe and unsanitary conditions for residents as patrons would wander around the building and vomit in the common residential areas; and

WHEREAS, the district manager stated that she had observed the service of alcohol to patrons at tables and chairs on the sidewalk in front of the previous businesses at this location, five (5) to ten (10) times since May of 2014, although none of the businesses had a sidewalk café permit or a liquor license that included the service of alcohol outside; and

WHEREAS, consistent with these complaints, this location has received forty-four (44) 311 commercial noise complaints between May of 2014 and January of 2016; and

WHEREAS, consistent with resident complaints and inconsistent from the stipulations agreed to in June of 2013, the Facebook page for Tut's includes a video of dancing at this location on November 15, 2015, and advertises an event with cover fees and DJs on December 3, 2015, and an event with DJs on December 17, 2015; and

WHEREAS, although the applicant has stated in its application materials that there are fourteen (14) full on-premises liquor licenses within five hundred (500) feet of this location, there are at least eighteen (18) full on-premises liquor licenses within five hundred (500) feet of this location; and

WHEREAS, the applicant has no stated public or community benefit for the granting of a full on-premises liquor license at this location and in an area with so many licensed businesses and given complaints about how the applicant operated the prior businesses at this location; and

WHEREAS, although three (3) people appeared in support of this application, two (2) of them were friends of the applicant and patrons of the former business and one (1) was a resident of the building who stated that the other tenants should address their safety concerns to the landlord, the storefront is an eyesore now that it is closed and this location is in New York City and people do not go to bed at 8:00 P.M.; and

WHEREAS, the applicant otherwise furnished inadequate documented evidence of outreach to and support from the surrounding community for its business, in that it furnished only twenty-five (25) petition signatures from area residents in support of its application; and

WHEREAS, the proposed method of operation as a restaurant with late night hours is inconsistent from this storefront being located midblock on a residentially zoned street, zoned R8B; and

WHEREAS, notwithstanding that Amar Patel has represented that he now wants to operate a hookah lounge and restaurant serving "calming teas," and has stated that he would not have DJs, live music or promoted events at this business, Community Board is greatly concerned that the representations of this applicant cannot be relied upon since he operated the prior three businesses at this location and operated those businesses inconsistent from stipulations and contrary to the safety and peace of mind of area residents and, consequently, will operate the proposed business as a club with cover fees, DJs, live music and dancing; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for a full on-premises liquor license for Fire and Ice NYC Corp., for the premise located at 189 East 3rd Street, between Avenue A and Avenue B, New York, New York.

7. 8 Centre Realty LLC, 67 1st Ave (op)
withdrawn

8. Big Ben Restaurant (Big Ben Restaurant Corp), 212 E 10th St btwn 1st & 2nd Aves (op)

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

WHEREAS, Big Ben Restaurant Corp. initially appeared before Community Board 3 seeking a full on-premises liquor license to operate a Vietnamese restaurant, in the premises located at 212 East 10th Street, between First Avenue and Second Avenue; and

WHEREAS, this applicant is proposing to operate a Vietnamese restaurant with hours of operation of 12:00 P.M. to 11:00 P.M. Sundays through Thursdays and 12:00 P.M. to 12:00 A.M. Fridays and Saturdays, twenty (20) tables and sixty (60) seats, a fifteen (15) foot stand up bar with eight (8) stools, an open façade and recorded background music; and

WHEREAS, the applicant has stated that it is seeking a full on-premises liquor license because it wants to pair specialty cocktails with its Vietnamese food; and

WHEREAS, 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 was previously operated as a restaurant with a wine beer license, a closed façade and hours of operation of 11:30 A.M. to 11:00 P.M. Mondays through Thursdays, 11:30 A.M. to 11:30 P.M. Fridays, 12:00 P.M. to 11:30 P.M. Saturdays and 12:00 P.M. to 11:00 P.M. Sundays, 2) the location is mid-block on a residentially zoned side street, zoned R8B, 3) the applicant is proposing to operate in a location which is within five hundred (500) feet of twenty-two (22) full on-premises liquor licenses, 4) although this applicant stated that it has ten (10) years' experience working in the restaurant industry, that experience has been working in its family operated sandwich shops which have operated with no liquor licenses, and in operating food trucks, and 5) this applicant has articulated an insufficient community benefit for granting it a full on-premises liquor license at this location; and

WHEREAS, residents of the adjacent building and the building behind this location appeared to complain about the noise from patrons and staff of the prior business in the backyard and from the air conditioning and venting systems located in the backyard; and

WHEREAS, the applicant was informed by Community Board 3 that, because of the location of this storefront midblock on a residentially zoned street, its zoning prohibits the expansion of the commercial space, including any commercial use of the backyard or sidewalk; and

WHEREAS, given the concerns of Community Board 3, the applicant has now stated that it will apply for a wine beer license for this business, will remove the venting system in the backyard and will address the noise from the air conditioning unit located in the backyard; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for a wine beer license for Big Ben Restaurant Corp., with a proposed business name of Big Ben Restaurant, for the premises located at 212 East 10th Street, between First Avenue and Second Avenue, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service Vietnamese restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 12:00 P.M. to 11:00 P.M. Sundays through Thursdays and 12:00 P.M. to 12:00 A.M. Fridays and Saturdays,
- 3) it will not commercially operate any outdoor areas,
- 4) it will install soundproofing,
- 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, but will keep any rear façade doors or windows closed at all times,
- 6) it will play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 7) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 8) it will not seek 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 will not have "happy hours,"
- 10) it will not host pub crawls or party buses,
- 11) it will not have unlimited drink specials with food,
- 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.

9. To be Determined, 163 Allen St btwn Stanton & Rivington Sts (op)
withdrawn

10. Martina (Martina East Village LLC), 55 3rd Ave a/k/a 200 E 11th St on E 11th St 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 Martina East Village LLC, with a proposed business name of Martina, for the premises located at 55 Third Avenue a/k/a 200 East 11th Street, on East 11th Street 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 full-service pizza restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 11:00 A.M. to 11:00 P.M. Sundays through Wednesdays and 11:00 A.M. to 1:00 A.M. Thursdays through Saturdays,
- 3) it will install additional soundproofing,
- 4) 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, but will keep any rear façade doors or windows closed at all times,
- 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 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,
- 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 have no more than one (1) television within its business provided its sound is turned off at all times,
- 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 will post signs on its façade asking its patrons to leave the premises quietly, and
- 14) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

Items not heard at Committee

- 11. New Arping Restaurant (New Arping Restaurant Inc), 45 Division St (corp change/wb)
no vote necessary
- 12. Edwin and Neal's LLC, 345 E 6th St (corp change/op)
no vote necessary
- 13. Clean Table LLC, 145 Ave A (wb)
no vote necessary
- 14. Shu Han Ju Restaurant (Shu Han Ju Restaurant II Corp), 58 3rd Ave (wb)
no vote necessary
- 15. Wild Project (Wild Project Productions Inc), 195 E 3rd St (wb)
no vote necessary
- 16. Gran Morsi East (Gran Morsi East LLC), 186 Ave A (wb)
no vote necessary
- 17. To be Determined, 437 E 9th St (wb)
no vote necessary

Hotel Applications

- 18. To be Determined, 150 Delancey @ Suffolk St (hotel op)
withdrawn
- 19. Orchard Street Hotel (Nadico Hotel LLC), 163 Orchard St btwn Stanton & Rivington Sts (hotel wb)

VOTE: TITLE: COMMUNITY BOARD RESOLUTION DENYING THE HOTEL TAVERN WINE LICENSE FOR NADICO HOTEL LLC LOCATED AT 163 ORCHARD STREET A/K/A 168 ALLEN STREET

WHEREAS, the applicant, Nadico Hotel LLC, by its qualified representative or principal, is seeking to obtain a hotel tavern wine license for the second story of an eleven (11) story hotel, doing business as The Orchard Hotel, located at 163 Orchard Street a/k/a 168 Allen Street, between Stanton Street and Rivington Street, New York, New York; and

WHEREAS, said applicant will maintain the primary method of operation of said location for lodging, with entrances on both Orchard Street and Allen Street, and will operate the following ancillary public uses:

- 1) an interior first floor lobby open all hours, with lounge seating and no alcohol or food service;
- 2) an outdoor second story open air lounge, of approximately one thousand (1,000) usable square feet, spanning the entire floor from Orchard Street to Allen Street with the facades on Orchard Street and Allen Street open from an approximate four (4) foot parapet to the ceiling, with a certificate of occupancy for fifty (50) people, twenty (20) tables and forty (40) seats consisting of lounge seating and seats at tables, an eight (8) foot bar with six (6) stools, a prep area serving a limited menu, hours of operation of 5:00 P.M. to 12:00 A.M. all days and recorded and live background music and DJs; and

WHEREAS, this applicant applied for a hotel liquor license before Community Board 3 in September of 2014, and was denied, in pertinent part, because 1) there was no public or community benefit in the addition of a hotel with a tavern in an area with forty-three (43) full on-premises liquor licenses within five hundred (500) feet of the applicant and given that the applicant stated that it intended to operate a travelers hotel for the "tech savvy traveler," and anticipated having hotel guests under the age of twenty-one (21) years, 2) its proposed point of sale for alcohol in its hotel was the open second floor, 3) its application materials were incomplete and without a description of its proposed public spaces, 4) it had failed to outreach to the local business improvement district, police precinct, community groups or residents about its proposed plan and failed to furnish an adequate demonstration of support for its application, and 5) it had failed to demonstrate that it had any experience operating a licensed business or operating any business within Community Board 3; and

WHEREAS, this applicant then applied for a full on-premises liquor license before Community Board 3 in December of 2014, and was denied, in pertinent part, because 1) there was no public or community benefit in the addition of a hotel with a tavern in an area with forty-three (43) full on-premises liquor licenses within five hundred (500) feet of the applicant and given that the applicant stated that it intended to operate a travelers hotel for the "tech savvy traveler," and anticipated having hotel guests under the age of twenty-one (21) years, 2) its proposed point of sale for alcohol in its hotel was the open second floor, 3) its application materials were incomplete and without a description of its

proposed public spaces, 4) it had failed to outreach to the local business improvement district, police precinct, community groups or residents about its proposed plan and failed to furnish an adequate demonstration of support for its application, and 5) it had failed to demonstrate that it had any experience operating a licensed business or operating any business within Community Board 3; and

WHEREAS, said hotel is located on Orchard Street and Allen Street, between Stanton Street and Rivington Street, with entrances on Orchard Street and Allen Street, in an approximate two (2) block area housing well over sixty (60) liquor licensed premises, including numerous hotels; and

WHEREAS, said hotel is located within one block of a twenty-one (21) story hotel and a twenty-four (24) story hotel, both with hotel liquor licenses, as well as on the same block as fifteen (15) licensed businesses; and

WHEREAS, as a consequence of the numerous licensed businesses within this small geographic area, including the numerous hotel licenses, the area is plagued by late night noise from businesses, from people on the sidewalks and street and from traffic, as well as from significant vehicular and pedestrian traffic congestion on the streets and sidewalks; and

WHEREAS, the proposed second floor open air tavern lounge is adjacent to residential apartment buildings on both Orchard Street and Allen Street and within feet of residential apartment windows (see photographs hereto attached); and

WHEREAS, although the applicant has informed the community board that it is willing to enclose this second floor arcade, per the applicant the building plans filed with the New York City Department of Buildings *required* that this floor be an open area to permit a building of this height, and the applicant as of now has not obtained any determination from the New York City Department of Buildings that its building plans can be altered to permit this area to be enclosed; and

WHEREAS, this applicant has provided no plan or diagram depicting how this second floor, which is currently utilized as a storage space, will be constructed, no photographs depicting how it is now constructed or used and no sound attenuation or soundproofing plan for its use; and

WHEREAS, the LES Dwellers, a local residents organization, and residents of adjacent buildings have repeatedly voiced their opposition to the construction and operation of outdoor areas serving alcohol within a few feet of residential apartment windows and the LES Dwellers have now submitted a statement and an online petition from sixty-eight (68) area residents regarding the instant application after having met with the applicant, both of which express concerns about the licensing of an open air floor through terrace in close proximity to apartment windows and asking that restrictive stipulations be placed on the tavern wine license it expects the applicant will receive for the SLA; and

WHEREAS, although the applicant furnished sixty-three (63) petition signatures in support of its application, the LES Dwellers telephoned the addresses listed on the petition and found that only six (6) of the signatures were from actual residents, while twenty-three (23) signatures were from the employees or owners of area businesses and fourteen (14) could not be confirmed as residents; and

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

WHEREAS, Community Board 3 had previously voiced its opposition to the sale or service of alcohol from the second story "arcade" as it is currently constructed since the second floor façade on both Orchard Street and Allen Street is open from a shallow parapet to the ceiling and it is within feet of residential apartment windows on both Orchard Street and Allen Street; and

WHEREAS, Community Board 3 has evaluated hotel and other applications for this area which have included proposals to serve alcohol in outdoor spaces within feet of residential apartment windows, as well as a hotel application at 50 Bowery which included a second story open air floor-through atrium or arcade abutting a residential building similar to the instant application, and considering these applications and the experiences of the impacted residents has informed community board decision making to restrict the use of open air areas within licensed premises by limiting their hours of operation and use and eliminating music from these areas; and

WHEREAS, for the foregoing reasons, Community Board 3 had great reservation about approving any liquor license for this outdoor space but, understanding that the applicant has applied for a tavern wine license for which the level of review is less strict, Community Board 3 would only approve this application with stipulations restricting the use of the area proposed to be licensed; and

WHEREAS, the applicant would not sign the proposed stipulations governing its method of operation; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application to obtain a hotel tavern wine license for Nadico Hotel LLC, for the second story of an eleven (11) story hotel, doing business as The Orchard Hotel, located at 163 Orchard Street a/k/a 168 Allen Street, between Stanton Street and Rivington Street, New York, New York, because the applicant would not agree to make as conditions of its license the following stipulations, that

- 1) it will operate a tavern lounge on its second floor open-air terrace arcade, with a prep area serving food during all hours of operation,
- 2) consistent with its operation of a tavern wine license, the applicant will not permit patrons to travel with alcohol from the second floor to other areas of the hotel and will confine the service and sale of alcohol to the second floor,
- 3) it will not install a kitchen on the second floor as long as the second floor is an unenclosed arcade or terrace;
- 4) its hours of operation on its second floor open-air terrace arcade will be 9:00 A.M. to 8:00 P.M. all days;
- 5) it will play no music of any type played on its second floor open-air terrace arcade at any time and will not have promoted events, scheduled performances or any event at which a cover fee will be charged,
- 6) it will not install or operate any speakers, televisions or monitors on its second floor open-air terrace arcade,
- 7) it will insure that soundproofing or sound baffling measures are constructed around the perimeter of this second floor open-air terrace arcade, consistent with the recommendations of a sound engineer,
- 8) given that both the Orchard Street and Allen Street façades of the second floor are open to the outside, with an approximate four (4) foot parapet along the length of its facades which separates this floor from the outside, the applicant will install soundproofed barriers and planters to baffle noise travelling to the adjacent residential buildings on Orchard Street and Allen Street and to prevent patrons from standing or sitting next to its open façades,
- 9) it may have "happy hours" between 5:00 P.M. and 8:00 P.M. each day on its second floor open-air terrace arcade ,
- 10) it will not host pub crawls or party buses at its business,
- 11) it will not have unlimited drink specials, with or without food at its business,
- 12) its entrance to the second floor tavern lounge will be through the stairs or elevator accessed by entering the hotel lobby through the hotel entrances on Orchard Street and Allen Street,
- 13) it will not add any exterior lighting to its façade and existing exterior lights will be at low levels and directed down or away from neighboring windows,
- 14) it will not have wait lines outside, including on any ground floor property within its building line on Orchard Street or Allen Street, and it will have staff people outside its business to insure that there is no loitering, crowds or noise outside,
- 15) it will not apply for an alteration in its method of operation without first appearing before Community Board 3,
- 16) it will not seek a change in class of its liquor license without first obtaining the approval of Community Board 3,
- 17) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 18) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

- Vote to adjourn
approved by committee

39 YES 0 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. Presentation on the renovation of the Baruch Playground comfort station

VOTE: TITLE: To support the Renovation of the Baruch Playground comfort station

WHEREAS, the Department of Parks and Recreation has presented a renovation plan for Baruch Comfort Station that will include: new plumbing fixtures, new water-efficient water fixtures, new heating system, new air filters, new partitions, new interior walls, new windows and doors with protective screens for window, new security lighting outside the building, new standing seam metal roofs, new asphalt around the building and a new concrete apron around the building, new resin rubber epoxy floors, new concrete curb to surround the asphalt for aesthetics, new water service, new electrical service to power the building, a new bulletin board and new ADA drinking fountain; and

WHEREAS, the Comfort Station will remain ADA accessible to the public by grading the asphalt and raising all mechanicals. Resiliency grading up to the building will be ADA accessible; and

WHEREAS, the renovation is designed to make the building flood resistant; and

WHEREAS, damaged bricks will be replaced and building will be repointed; and

WHEREAS, CB 3 supports gender-neutral bathrooms be incorporated into the design; so

THEREFORE BE IT RESOLVED, that CB 3 supports the reconstruction of the Baruch Comfort Station as presented.

3. Presentation of the design for the renovation of the Corlear's Hook comfort station and PEP headquarters

VOTE: TITLE: Renovation of the Corlears Hook comfort station

WHEREAS, the design and renovation of the Corlears Hook comfort station and Parks Enforcement Police Headquarters will bring the bathrooms and facility back into public use; and

WHEREAS, the renovation will include new walls, new water-efficient plumbing fixtures, new mechanical services; electrical, heating, air conditioning; and

WHEREAS, the exterior restoration will include new security lighting and replacement of any damaged materials on the exterior, a new PEP office door, new windows and window guards, new locker room and bathrooms for PEP officers; and

WHEREAS, the design locates the bathroom on the eastern side of the building but the most use of the bathroom will come from the western side where children use the sports field; and

WHEREAS, planned storage is located on the western side of the building; and

WHEREAS, CB 3 supports gender neutral bathrooms; and

WHEREAS, CB 3 and Friends of Corlears Hook Park are pleased that PEP Headquarters is being relocated to this facility but feel the amount of space allocated for PEP headquarters is excessive, especially considering that it is empty all day and used only for short periods at beginning and end of shifts at the expense of needed community space; so

THEREFORE BE IT RESOLVED, that CB 3 supports a redesign that would swap the bathroom to the western side and the storage area to the eastern side; and

THEREFORE BE IT FURTHER RESOLVED, that the PEP area be redesigned to accommodate PEP officers with less space to allow for more community use space; and

THEREFORE BE IT FURTHER RESOLVED, that the bathroom design should be gender neutral; and so

THEREFORE BE IT FURTHER RESOLVED, that CB 3 does not support the Corlears Hook Comfort Station design at this time but asks DPR to come back to CB 3 with a revised design for review.

4. Request for support for proposal to install table tennis in East River Park

VOTE: TITLE: To support the concept of concrete outdoor table tennis tables in East River Park

WHEREAS, free table tennis tables have been installed in CB 3 parks as well as on NYCHA grounds and on school grounds and the tables appear to be well used and appreciated; and

WHEREAS, East River Park has available space commonly known as the 'abandoned dance ground,' (North of the Williamsburg Bridge between the tennis courts and the baseball fields); and

WHEREAS, use of current tennis tables appear to show a need and demand for additional tables; so

THEREFORE BE IT RESOLVED, CB 3 supports the concept of concrete outdoor table tennis tables for East River Park north of the Williamsburg Bridge between the tennis courts and baseball fields.

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

39 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Landmarks

no meeting scheduled

Land Use, Zoning, Public & Private Housing Committee

1. Approval of previous month's minutes
approved by committee
2. HPD: presentation on proposed HDPC regulatory agreements
no vote necessary
3. BSA 2016-4267-BZ for a physical culture establishment at 145 Clinton Street

VOTE: TITLE: Approval of the BSA application for establishment of a Physical Culture Establishment (Planet Fitness) at 145 Clinton Street

WHEREAS, physical culture or health establishments require a BSA special permit pursuant to ZR 73-36; and

WHEREAS, the proposed use of a portion of the second floor of 145 Clinton Street by Planet Fitness will not impair the essential character or future use or development of the surrounding area; and

WHEREAS, the Club will provide an inexpensive facility, including classes and instruction; and

WHEREAS, the remainder of the building remains available for other use; and

WHEREAS, the PCE will be fully compliant with all ADA requirements, with access by an elevator from street level to the second floor; so

THEREFORE BE IT RESOLVED, Community Board 3 approves the BSA special permit application by Planet Fitness to operate a physical culture establishment on the second floor of 145 Clinton Street.

4. Vote to adjourn
approved by committee

39 YES 0 NO 0 ABS 0 PNV MOTION PASSED

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

no meeting scheduled

Economic Development Committee

Joint Economic Development/Transportation Committee

1. Proposed changes to Street Vendor bill

VOTE: TITLE: Support for Street Vendor Modernization Act with modifications and establishment of rules to limit impact on residents

WHEREAS, the Street Vendor Modernization Act (Intro 1303) will amend the NYC Charter and Administrative Code of the City of New York to expand the availability of food vendor permits, create an office of street vendor enforcement and establish a street vendor advisory board; and

WHEREAS, CB 3 has received complaints from residents living above parked street vendors because of fumes and smoke entering their apartments; and

WHEREAS, CB 3 has received resident complaints regarding late night loud crowds gathered around street vendors in nightlife areas that also have residences; and

WHEREAS, street vendors do not have the same economic strains of their brick and mortar counterparts and can therefore charge less for their product; and

WHEREAS, the Intra-Department study that Intro 1303 authorizes, that includes an analysis of the increased number of food vendors on sidewalk congestion, health of the restaurant industry, and health of the retail food industry, does not conclude until March 2025 after authorizing a further expansion of additional vending permits; so

THEREFORE BE IT RESOLVED, that CB 3 supports Intro 1303 which will expand the number of food vendor permits; and

THEREFORE BE IT FURTHER RESOLVED, that CB 3 calls on NYC Council to modify Intro 1303 to require a comprehensive upfront study including community input for siting criteria. This process should incorporate input from stakeholders including Community Boards and local BID's; and

THEREFORE BE IT FURTHER RESOLVED, that the office of Enforcement must be fully funded and a minimum number of agents set; and

THEREFORE BE IT FURTHER RESOLVED, that CB 3 asks that the City Council consider and establish rules and enforcement to prevent late night crowds from gathering around food vendors and creating noise quality of life issues for residents above who are no longer able to sleep; and

THEREFORE BE IT FURTHER RESOLVED, that CB 3 asks that the City Council consider rules and enforcement to prevent smoke and fumes impacting residents living above the food vendors locations.

Economic Development Committee

2. Approval of previous month's minutes
approved by committee
3. Formulating questions and next steps on local hiring initiative at Essex Crossing
no vote necessary
4. Continued discussion of special district
no vote necessary
5. Vote to adjourn
approved by committee

39 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Transportation & Public Safety and Environment Committee

1. Approval of previous month's minutes
approved by committee
2. DDC project to replace the distribution water mains: E 10th & 12 Sts from First Ave to Ave B, Ave A from E 11th St to E 12th St, First Ave from E 10th St to E 12th St. Additional areas that may be impacted: E 10th St from Second Ave to Ave B, East 11th and E 12th Sts from First Avenue to Ave B, First Ave from E 9th to East 13th St, Ave A from E 10th to E 14th St, Ave B from E 10th to E 12th St
no vote necessary
3. East Village Slow Zone: before and after data
no vote necessary
4. DOT: L&W Express Service, increase number of vans (commuter van application)

VOTE: TITLE: Support for Application by L&W Express Service to Increase Commuter Vans

WHEREAS, L&W Express Service has applied for a change to their TLC license for operating a commuter van service between Flushing, Queens and Chinatown; and

WHEREAS, L&W Express Service is currently allowed to operate 23 vans on this route and has requested they be allowed 15 additional vans, for a total of 38 vans; and

WHEREAS, CB 3 Manhattan understands the value of commuter vans to the community and demand for commuter van service is evident; and

WHEREAS, the commuter van operators have been assigned stops from which to conduct passenger drop-off and pick-up.

WHEREAS, The community also has concerns about impacts such as noise, idling, litter and sidewalk congestions; however, L&W Express Service management has agreed that they understand these issues and will comply with the rules of operation listed below; and

WHEREAS, although a significant safety problem is created if van drivers operate above the 20 passenger capacity that would be allowed by the TLC license, it is nonetheless a common practice for van operators to violate safety regulations and provide additional, unfixed seating for extra passengers; and

WHEREAS, L&W Express Service's van operators are contracted by L&W Express Service to operate under L&W Express Service's license, and therefore L&W Express Service has a duty to ensure its drivers adhere to the law and protect passenger safety, L&W Express Service has agreed to have a dispatcher present at assigned van stops who can observe attempts to use unfixed seating, to make all reasonable efforts to discourage and prevent drivers from engaging in this unsafe practice, and to institute incremental measures, up to and including the suspension of drivers, who repeatedly violate the vehicle seating limits; so

THEREFORE BE IT RESOLVED, that CB 3 Manhattan requests that L&W Express Service comply with the following operating rules, as agreed before the CB 3 Manhattan Transportation Committee at the November 2016 meeting:

- Clean litter at the assigned van stop.
- No idling of diesel engines.
- Orderly queuing of customers.
- Make reasonable efforts to enforce vehicle seating limits for all vans operating on their route.

THEREFORE BE IT FURTHER RESOLVED, that CB 3 Manhattan requests that DOT/TLC allow an increase of 15 vans for the TLC license granted to L&W Express Service, for a total of 38 commuter vans.

Bus Stop Permit Applications

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

VOTE: TITLE: Denial of Bus Permit for Yep Tours

WHEREAS, Yep Tours, Inc. applied to CB 3 for a permit for a designated bus stop in July 2015 and was denied for reasons including but not limited to operating contrary to New York City regulations for at least two years, and

WHEREAS, Yep Tours, Inc. continued to operate contrary to New York City regulations until the current application in September, 2016, and

WHEREAS, Yep Tours, Inc. has accrued \$300,000 in summons, which have not yet been adjudicated, according to the Department of Finance website, and

WHEREAS, at the July 2015 CB 3 Transportation Committee meeting, the owner of Yep Tours, Inc. stated that he had paid all outstanding summons, but according to information on the New York City Department of Finance website, which shows the company has \$300,000 in unpaid summonses, that statement was inaccurate; and

WHEREAS, the Fifth Precinct has communicated to CB3 that it finds Yep Tours, Inc. to be one of the most difficult bus companies to deal with in the Precinct; and

WHEREAS, Yep Tours, Inc. had parked its busses within no standing any time zones, construction site driveways, unpermitted bus stop locations, and left them un-occupied by an operator in most cases; and

WHEREAS, the issuance of summonses to Yep Tours, Inc. has been ineffective in deterring future violations, which undermines the primary objective behind the NYPD and Fifth Precinct's issuance of summons; to wit, to gain compliance and improve local quality of life, traffic flow, and safety; and

WHEREAS, Yep Tours, Inc. actions have demonstrated that they view enforcement actions by the NYPD and Fifth Precinct as a "cost of doing business," and that the company has a complete disregard for the concerns of the Police Department and its adverse impact on the community in which it operates; and

WHEREAS, The Fifth Precinct has communicated to CB 3 that it is concerned the authorization of the Pike Street stop for Yep Tours, Inc. would create additional issues for the community's quality of life, air quality, pedestrian safety, and traffic flow in its surrounding streets, and

WHEREAS, the community has regularly complained to 311, Community Board 3, and the Fifth Precinct with respect to its consistent illegal activities and has presented petitions and testified at the community board that Yep Tours, Inc. has been a bad neighbor in the community and disregarded safety and quality of life concerns and has accordingly asked the community board to recommend denial, and

WHEREAS, it would be inconsistent for Manhattan CB 3 to continue to request increased assistance from the NYPD in enforcing existing bus stop permitting and designation laws, which are regularly violated in our community, while approving the permit application of an operator who regularly violates the bus stop permitting and designation laws, and

WHEREAS, Yep Tours, Inc. past history of violating applicable laws with regularity and impunity strongly suggests this company would continue to do so in the future, so

THEREFORE BE IT RESOLVED, the Manhattan CB 3 recommends DOT reject the application of Yep Tours, Inc. in its entirety.

6. Vote to adjourn
approved by committee

39 YES 0 NO 0 ABS 0 PNV MOTION PASSED

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

Meeting Adjourned