



# THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

59 East 4th Street - New York, NY 10003

Phone (212) 533-5300

[www.cb3manhattan.org](http://www.cb3manhattan.org) - [info@cb3manhattan.org](mailto:info@cb3manhattan.org)

Jamie Rogers, Board Chair

Susan Stetzer, District Manager

July 2017 Full Board Minutes

Meeting of Community Board 3 held on Tuesday, July 25, 2017 at 6:30pm at Cooper Union Rose Auditorium, 41 Cooper Square.

Public Session:

Mary Fran Loftus Resident against the support of the Tech Hub Zoning.

Dan Barasch Rep of the Lowline sharing the Young Ambassadors program

Nellie Hernandez provide information for new federal health program FIDA for those who are Medicare and Medicaid. Every private insurance has FIDA insurance coverage.

Rana Saab and Diana Paulino providing details about Starbucks opening on St. Marks and Avenue A and general information regarding Starbucks. [rsaab@starbucks.com](mailto:rsaab@starbucks.com) 818 437 4892

Harry Bubbins on behalf of GVSHP supporting Special District on 3rd-4th avenue rezoning.

Ariel Palitz former CB 3 member, advocate for First Hospitality LLC to operate for an extra hour.

Chase White Operating Partner for First Hospitality, LLC in support of an extra hour for operation.

Michael Lederman in support of the extra hour of operation for First Hospitality, LLC

Theodore Price is a tenant of building where First Hospitality, LLC will be built

William Wyatt tenant in unit directly above the First Hospitality, LLC in support of the #11 item of SLA

Bob Perl is in support of the #11 item of SLA

Nancy Ortiz Resident leader of Vladecks Housing representing over 9000 units is in support of more policing in land use/public housing subcommittee district needs statement

Public Officials:

Mayor Bill de Blasio, Paola Ruiz:

Public Advocate Letitia James, Adam Chen:

Comptroller Scott Stringer, Elaine Fan:

Survey regarding MTA service reveals a C, D and F grade for subway service- 3.5 million dollar bond back

Borough President Gale Brewer, Drew Lombardi:

Farewell speech of Drew Lombardi

Gale Brewers website

Congressmember Nydia Velazquez, Iris Quinones:

Congresswoman calls for wetland designation for ridgewood reservoir

Supports work to ensure cybersecurity for small businesses

Congressmember Carolyn Maloney, Victor Montesinos:

Assemblymember Yuh-Line Niou, Rebecca Ou:

Update on Assemblymember Yuh-Line including rally of MTA to improve accessibility and other items

Assemblymember Deborah J. Glick, Charlie Anderson:

Update on Assemblymember Deborah Glick office

Assemblymember Brian Kavanagh, Venus Galarza-Mullins:

NYCHA Family Days announcement with encouraging push to contact Resident leaders  
Information on free school meals and cooling centers throughout the summer  
Fire Safety event announcement to increase fire education

State Senator Daniel L. Squadron, Fendi Linan:

Updates on Daniel

State Senator Brad M. Hoylman, Caroline Wekselbaum:

Mayoral Control update  
Ethics reform update  
Slow bus service update - Senate district has the slowest bus service in NYS  
Update on the 30 Day report from MTA chair to update our transit service  
Update on statute of limitations regarding Child sexual abuse – NYS has the most repressive and aggressive child abuse laws (up to 23 yrs old to file a claim, 47 states have much longer periods of time)

Councilmember Margaret Chin, Vincent Fang:

Introduction of communication director  
Met with Mayor and Councilmember Mendez to reduce rats  
Councilwoman wrote letter to hold accountable the Basketball Ball City  
Invitation to Councilwoman community event

Councilmember Rosie Mendez, Jorge Jimenez:

Councilmember attended Tech Hub CB 3 Land Use meeting.  
Met with Deputy commissioner regarding deaf pilot program  
Met with mayor regarding rat reduction program  
Support laws to promote recycling

Members Present at First Vote:

David Adams	[P]	Ryan Gilliam	[P]	Jeremy Markman	[P]
Yaron Altman	[P]	Debra Glass	[A]	Chad Marlow	[P]
Dominic Berg	[P]	Herman F. Hewitt	[P]	Alexandra Militano	[P]
Lee Berman	[P]	Trever Holland	[P]	Nancy Ortiz	[P]
Karen Blatt	[P]	Linda Jones	[A]	Carolyn Ratcliffe	[P]
Lisa Burriss	[P]	Vaylateena Jones	[P]	Joyce Ravitz	[P]
Alan van Capelle	[A]	Marnie Ann Joyce	[A]	Damaris Reyes	[A]
Karlin Chan	[A]	Meghan Joye	[A]	James Rogers	[P]
Jonathan Chu	[P]	Lisa Kaplan	[P]	Richard F. Ropiak	[P]
MyPhuong Chung	[P]	Carol Kostik	[P]	Robin Schatell	[P]
David Crane	[P]	Mae Lee	[P]	Laryssa Shainberg	[P]
Enrique Cruz	[A]	Veronica Leventhal	[A]	Clint Smeltzer	[P]
Eric Diaz	[P]	Alysha Lewis-Coleman	[P]	Nancy Sparrow-Bartow	[P]
Dean Diongson	[P]	Gigi Li	[P]	Josephine Velez	[P]
Wilda Escarfuller	[A]	Luis Lopez	[P]	Rodney Washington	[P]
Shirley Fennessey	[A]	Mei Lum	[P]	Kathleen Webster	[P]
David Ford	[P]	Robert Magliaro	[P]		

Minutes:

Minutes of May 2017 were approved, as is.

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

Board Chairperson's Report:

Chairperson Jamie Rogers

Reminder regarding new committees sign up and vacancy for economic committee chair

District Manager's Report:

District Manager Susan Stetzer

Tips for new members: sign up for emails on the CB 3 website, check location of meeting, supporting material is attached to the agenda item on the website, members are eyes and ears of the board-please call 311 to report problems and email complaint number to the office, read Member Resources on the website.

The Hope Count for street homeless was just published. Street homeless increased 39% in the last year. This corroborates what we have been seeing in CB 3.

CB 3 is one of the districts picked for the \$32 million neighborhood rat reduction plan. It cover most of CB 3, some of 10002 is excluded, and includes NYCHA. It is an interagency plan: HPD, Parks, DOH, DSNY, DOE, NYCHA.

Committee Reports:

Executive Committee

no vote necessary

Transportation, Public Safety, & Environment Committee

1. Approval of previous month's minutes  
approved by committee
2. Informational: PSA 4 application to DOT for additional 9 parking spaces on 8th St (C & D)  
no vote necessary
3. Senator Squadron's office: Update on requests for improved M14A bus service  
no vote necessary
4. Request for 30-foot hotel loading zone at The Allen Hotel, 88 Allen Street

**VOTE: TITLE: Resolution in support of 30 foot hotel loading/unloading zone at The Allen Hotel, 88 Allen Street**

WHEREAS, The Allen Hotel at 88 Allen Street has requested a 30 foot defined loading and unloading zone; and

WHEREAS, any hotel with less than 100 rooms must receive support from the community board for a loading zone – the Allen Hotel will have 41 rooms; and

WHEREAS, the proposed length of the hotel loading zone is two 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 would also provide space for daily deliveries; and

WHEREAS, the loading zone would replace metered parking currently at 88 Allen Street, near the southeast corner of Broome Street; and

WHEREAS, Allen Street is very congested and the loading zone will increase safety and prevent double parking, which would otherwise adversely impact traffic and the bike lane on Allen Street; so

THEREFORE BE IT RESOLVED, Community Board 3 supports a loading and unloading zone of 30 feet for The Allen Hotel at 88 Allen Street.

5. Request for hotel loading zone at Hotel 50 Bowery: 6 additional spaces and also shift existing loading zone to adjacent to new loading spaces-span 40-48 Bowery

**VOTE: TITLE: Resolution in support of extended hotel loading zone at Hotel 50 Bowery, 50 Bowery**

WHEREAS, applicants at 50 Bowery are requesting an extended hotel loading zone to accommodate Hotel 50 Bowery, located on the Bowery between Canal Street and Bayard Street; and

WHEREAS, the hotel is entitled to an 'as of right' hotel loading zone of 40' based on the number of rooms it contains, which is 229 rooms; and

WHEREAS, the hotel also hosts events and commercial activity that generates additional guests at the hotel; 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 total proposed length of the hotel loading zone is approximately 110' (8 vehicle spaces, of which 6 would be additional vehicle spaces) and it would be used to accommodate guest pick-up/drop-off activity and deliveries; and

WHEREAS, the applicants are also requesting that the loading zone be extended to span the length of 40-48 Bowery to avoid fire hydrants; and

WHEREAS, the additional 6 parking spaces are metered parking but are frequently used for placard police parking by the Fifth Precinct, and the police have endorsed this use by the hotel; and

WHEREAS, Hotel 50 Bowery has promised to allow commercial vehicles to use the loading zones to make local deliveries during times of low demand for usage by the hotel; 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; so

THEREFORE BE IT RESOLVED, Community Board 3 supports an extended hotel loading zone totaling 8 vehicle spaces at 40-48 Bowery for Hotel 50 Bowery.

6. Request for loading zone Mon-Fri 8 am – 6 pm except Sun, 179-181 Chrystie St btwn Stanton/Rivington Sts  
no vote necessary
7. FY'19 District Needs Statement  
**VOTE:** To approve FY 2019 District Needs Statement.
8. Update on graffiti complaint procedures and current status in CB 3  
no vote necessary

**Old Business**

9. CB 3 position regarding nighttime use of DOT trucks with backup alerts under the Williamsburg Bridge  
**VOTE: TITLE: Resolution Requesting DOT Reduce Nighttime Noise Generated by its Use of DOT Lots at Base of Williamsburg Bridge.**

WHEREAS, numerous lots under the Williamsburg Bridge are owned and operated by the New York City Department of Transportation (DOT) and are presently used as staging and storage areas for trucks and other heavy equipment and vehicles; and

WHEREAS, the neighborhood next to these Williamsburg Bridge lots is a densely residential area including the Grand Street Co-ops, NYCHA developments, and tenements that are greatly impacted by the activity at the base of the bridge, in particular the loud, piercing back up beeps from trucks that continue throughout the night while residents are trying to sleep; so

THEREFORE BE IT RESOLVED, that CB 3 requests that DOT take immediate steps to reduce the noise generated by its nighttime use of the DOT lots at the base of the Williamsburg Bridge, including but not limited to discontinuing the use of trucks with back up beeps, as such noise has a significant adverse impact on local residents' quality of life and ability to sleep.

**Block Party/Street Event**

10. Eat Drink Love Under the Full Moon, 10/4, 1 Ave (btwn E 7 St & E 8 St)  
no vote necessary
11. Vote to adjourn  
approved by committee

**40 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding Transportation item 5)**

**39 YES 0 NO 0 ABS 1 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. The Black Rose (Odessa Restaurant Inc), 93 Ave A (removal/op from 117 Ave A)  
withdrawn
3. Borton and Horton LLC, 195 Ave A btwn E 12th & E 13th Sts (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 Borton and Horton LLC, for the premises located at 195 Avenue A, between East 12th Street and East 13th Street, 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 café and retail store selling dog merchandise, with the cafe serving food during all hours of operation,
- 2) its hours of operation will be 7:00 A.M. to 12:00 A.M. all days,

- 3) it will install soundproofing,
  - 4) it will close any front or rear façade entrance doors on the café side of the business 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 and it will have a closed fixed facade with no open doors or windows on the retail store side of the business,
  - 5) it will play ambient background music only, consisting of recorded music, and will not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
  - 6) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
  - 7) it will not seek a change in class of its liquor license to a full on-premises liquor license without first appearing before Community Board 3,
  - 8) it may have "happy hours" to 7:00 P.M. each night,
  - 9) it will not host pub crawls or party buses,
  - 10) it will not have unlimited drink specials with food,
  - 11) ) it will insure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk and monitor noise from dogs emanating from the business and in front of the business,
  - 12) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
  - 13) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.
4. An entity to be formed by Michael Auerbach, 162 Orchard St (op) withdrawn

**Alteration**

5. Set BBQ Bistro (JMDR 127 Ludlow LLC), 127 Ludlow St btwn Rivington & Delancey Sts (op/extend Mon-Wed to 2am, Thurs-Sat to 4am)

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

**WHEREAS**, JMDR 127 Ludlow LLC, doing business as SET Barbeque, is seeking an alteration of its full on-premises liquor license for the premises located at 127 Ludlow Street, between Rivington Street and Delancey Street, to wit extending its closing times to 2:00 A.M. Mondays through Wednesdays and 4:00 A.M. Thursdays through Saturdays; and

**WHEREAS**, this applicant was denied a full on-premises liquor license by Community Board 3 in November of 2013 unless it agreed to make as conditions of its license stipulations that it would 1) operate a full-service Asian fusion restaurant, with a kitchen open and serving food during all hours of operation, 2) have hours of operation of 5:00 P.M. to 1:00 A.M. Mondays through Wednesdays, 5:00 P.M. to 2:00 A.M. Thursdays and Fridays, 1:00 P.M. to 2:00 A.M. Saturdays and 1:00 P.M. to 1:00 A.M. Sundays, 3) close any front or rear façade doors and windows at 10:00 P.M. every night, 4) 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, 5) not apply for any alteration in its method of operation without first appearing before Community Board 3, 6) not host pub crawls or party buses, 7) have happy hours to 7:00 P.M. each night, 8) not commercially operate any outdoor areas, 9) insure that there are no wait lines outside and designate an employee to oversee patrons and noise on the sidewalk, 10) not have more than two (2) televisions or monitors within the business, and 11) provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

**WHEREAS**, the full on-premises liquor license for this applicant was then issued by the SLA on April 27, 2015; and

**WHEREAS**, although the applicant furnished twenty-four (24) signatures from area residents in support of its application, the LES Dwellers, a local residents organization, submitted a letter in opposition to this application and appeared in opposition to this application, stating that this applicant misrepresented its method of operation when it first appeared before Community Board 3 in that it stated that it would be an Asian fusion restaurant but is, in fact, a sports bar and, further that the area around this location has the greatest density of liquor licenses in the city and is heavily served by late night businesses serving liquor, noise complaints have tripled between 2011 and 2015, crime has increased exponentially and that, in addition to the increased crime, conditions in the area which is made up of small narrow one-way streets have otherwise deteriorated, in that sidewalks are crowded with patrons between the hours of 10:00 P.M. and 5:00 A.M. and during weekend brunch and there is existing heavy vehicular traffic causing dangerous and deadly conditions in this area; and

**WHEREAS**, a resident of 87 Rivington Street also submitted a letter in opposition to this application stating that when this applicant first applied before Community Board 3 it stated that it would operate a full-service high-end Asian fusion restaurant and instead is now operating a sports bar with promoted sports events, high-top tables, food served in baskets and tin takeout containers and illegal all-you-can drink specials; and

**WHEREAS**, as corroboration of these complaints, the business has received six (6) 311 commercial noise complaints in the past year, three (3) of which have required a police response to correct; and

**WHEREAS**, given the change in method of operation of this business and the degradation in late night conditions in the immediate area since its opening, Community Board 3 find no benefit in extending the hours of operation of this bar; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the application for an alteration of the full on-premises liquor license for JM DR 127 Ludlow LLC, doing business as SET Barbeque, for the premises located at 127 Ludlow Street, between Rivington Street and Delancey Street, to wit extending its closing times to 2:00 A.M. Mondays through Wednesdays and 4:00 A.M. Thursdays through Saturdays.

#### **New Liquor License Applications**

6. Pourt (Brudspace LLC), 35 Cooper Sq a/k/a 200 E 6th St btwn E 5th & E 6th Sts (upgrade to op, new happy hours ending at 11:59pm)

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

**WHEREAS**, Brudspace LLC is applying for a change in class of its wine beer license to a full on-premises liquor license for its café co-work space, doing business as Pourt, at the premises located at 35 Cooper Square a/k/a 200 East 6th Street, between East 6th Street and East 7th Street; and

**WHEREAS**, this applicant was administratively approved a wine beer license by Community Board 3 in June of 2016 because it agreed to make as conditions of its license stipulations that it would 1) serve food during all hours of operation, 2) have hours of operation of 7:00 A.M. to 12:00 A.M. all days, 3) not commercially use any outdoor space, 4) close any 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 recorded background 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 of its liquor license to a full on-premises liquor license without first obtaining the approval of Community Board 3, 8) not host pub crawls or party buses, 9) not have happy hours, 10) not have wait lines outside, 11) conspicuously post its stipulation form beside its liquor license inside its business, and 12) provide contact information for resident complaints and immediately respond to any resident complaints; and

**WHEREAS**, the wine beer license for this applicant was issued by the SLA on March 31, 2017; and

**WHEREAS**, there are nineteen (19) full on-premises liquor licenses within five hundred (500) feet of this location; and

**WHEREAS**, prior to the issuance of its wine beer license, this was a location that had not been previously licensed; and

**WHEREAS**, the applicant has limited experience operating a licensed business in that it has only had a wine beer license at this location for four (4) months and has had no other experience operating a similar business; and

**WHEREAS**, the applicant has failed to provide any public benefit for the approval of a full on-premises liquor license, in that it has stated that it is applying for a full on-premises liquor license because its customers have asked for liquor; and

**WHEREAS**, notwithstanding that the applicant provided forty (40) petition signatures from area residents in support of its application, eight (8) of those signatures were from students residing in the dormitory also located in this building; and

**WHEREAS**, eleven (11) residents of the immediate area appeared in opposition to this application, five (5) of whom spoke and stated that this location is failing and always empty, it is located in close proximity to a school, a dormitory, a senior center and numerous churches and nightlife businesses

located along Bowery within a block of this location and the adjacent Standard Hotel which has already created incredible congestion and noise in the area, and

**WHEREAS**, given that the applicant has limited experience operating a licensed business, is occupying a previously unlicensed location, failed to provide any public benefit for the granting of a full on-premises liquor license and is within numerous existing full on-premises liquor licenses; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the application for a change in class of its wine beer license to a full on-premises liquor license for Brudspace LLC, doing business as Pourt, at the premises located at 35 Cooper Square a/k/a 200 East 6th Street, between East 6th Street and East 7th Street.

7. Cafe Henrie (Downtown Cafe LLC), 110 Forsyth St a/k/a 114 Forsyth St btwn Broome & Delancey Sts (upgrade to op)

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

**WHEREAS**, Downtown Cafe LLC is applying for a change in class of its wine beer license to a full on-premises liquor license for its café, doing business as Café Henrie, at the premises located at 110 Forsyth Street, a/k/a 114 Forsyth Street a/k/a 110-114 Forsyth Street, between Broome Street and Delancey Street; and

**WHEREAS**, although not part of its notice to the SLA or Community Board 3, this applicant is also seeking to extend its closing times to 2:00 A.M. all days; and

**WHEREAS**, this applicant was administratively approved a wine beer license by Community Board 3 in October of 2015 because it agreed to make as conditions of its license stipulations that it would 1) operate a French café with a kitchen open and serving food during all hours of operation, 2) have hours of operation of 7:00 A.M. to 12:00 A.M. all days, 3) not commercially use any outdoor areas, 4) close any 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 recorded background 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 an alteration without first appearing before Community Board 3, 7) not host pub crawls or party buses 8) not have wait lines outside, 9) conspicuously post its stipulation form beside its liquor license inside its business, and 11) provide contact information for resident complaints and immediately respond to any resident complaints; and

**WHEREAS**, the wine beer license for this applicant was issued by the SLA on March 11, 2016; and

**WHEREAS**, per the applicant, there are twelve (12) full on-premises liquor licenses within five hundred (500) feet of this location; and

**WHEREAS**, prior to the issuance of its wine beer license, this was a location that had not been previously licensed; and

**WHEREAS**, the applicant has only had a wine beer license at this location for fourteen (14) months; and

**WHEREAS**, the applicant has failed to provide any public benefit for the approval of a full on-premises liquor license; and

**WHEREAS**, notwithstanding that the applicant provided eighty-five (85) petition signatures from area residents in support of its application, six (6) residents of the immediate area appeared in opposition to this application, three (3) of whom spoke and stated that there are already too many licensed businesses in the area, the existing licensed businesses have created issues of noise and congestion, another late night licensed business will contribute to these conditions, Forsyth Street is a small street sandwiched between an area with the densest saturation of licensed businesses and an area with numerous hotels, the business is within two hundred (200) feet of a church, to wit the Delancey Seventh Day Adventist Church, located at 126 Forsyth Street, at the corner of Delancey Street and Forsyth Street, and the business is illegally serving patrons at outdoor tables without a sidewalk café permit, as documented in photographs and contrary to the conditions of its existing license; and

**WHEREAS**, there have been fifty-eight (58) 311 commercial noise complaints for this location within the past year, thirty-four (34) of which required noncriminal police action to correct; and

**WHEREAS**, given that the applicant is occupying a previously unlicensed location, failed to provide any public benefit for the granting of a full on-premises liquor license, is serving outside without a permit and is within numerous existing full on-premises liquor licenses; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the application for a change in class of its wine beer license to a full on-premises liquor license for Downtown Cafe LLC, doing business as Café Henrie, at the premises located at 110 Forsyth Street, a/k/a 114 Forsyth Street a/k/a 110-114 Forsyth Street, between Broome Street and Delancey Street.

8. Seoul Garden (Seoul Garden Bowery Inc), 26 Bowery btwn Pell & Bayard Sts (op)

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

To deny the application for a full on-premises liquor license for Seoul Garden Bowery Inc., with a proposed business name of Seoul Garden, for the premises located at 26 Bowery, between Pell Street and Bayard Street, 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 Korean 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 1:00 A.M. Sundays through Thursdays and 12:00 P.M. to 2:00 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 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,
- 6) 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,
- 7) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 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 "happy hours,"
- 11) it will insure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 12) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 13) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints

Community Board 3 is approving this application for a full on-premises liquor license although this previously unlicensed location is in an area with numerous full on-premises liquor licenses because 1) the applicant has a collective fifteen (15) years' experience operating licensed businesses within New York City, including within Community Board 3, 2) this location is located along Bowery which is a large commercial avenue, and 3) the applicant furnished sixty (60) signatures from area residents in support of its application.

9. Joe & Pats Pizza Cafe (CGJC Holdings LLC), 168 1st Ave btwn E 10th & E 11th Sts (op)

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

**WHEREAS**, CGJC Holdings LLC is applying for a full on-premises liquor license for an Italian restaurant, with a proposed business name of Joe & Pat's Pizza, at the premises located at 168 First Avenue, between East 10th Street and East 11th Street; and

**WHEREAS**, this is an application for a restaurant with a certificate of occupancy of fifty (50) people, fifteen (15) tables and twenty-eight (28) seats, a fourteen (14) foot standup bar with no stools, a backyard garden with ten (10) tables and twenty (20) seats, hours of operation of 11:00 A.M. to 2:00 A.M. Sundays through Thursdays and 11:00 A.M. to 4:00 A.M. Fridays and Saturdays inside and 11:00 A.M. to 12:30 A.M. Sundays through Wednesdays and 11:00 A.M. to 2:00 A.M. Thursdays through Saturdays outside, a kitchen open all hours, a closed facade, no televisions, recorded background music, no soundproofing, no pub crawls or party buses, no happy hours and no wait lines; and

**WHEREAS**, although this location was previously licensed by a business that operated as an Italian restaurant with a full on-premises liquor license prior to 1993, it was not been continuously licensed because its license expired in May of 2014, it stopped operating in July of 2016, its assets were sold at auction on January 5, 2017, and the location has not been occupied for approximately one (1) year; and

**WHEREAS**, there are ten (10) full on-premises liquor licenses and five (5) pending full on-premises liquor licenses within five hundred (500) feet of this location; and

**WHEREAS**, the applicant was informed by Community Board 3 that it could not commercially operate the backyard without a certificate of occupancy for the backyard; and

**WHEREAS**, the applicant has a collective sixty (60) years' experience working in and operating two family-owned Italian restaurants in Staten Island, New York, one located at 1758 Victory Boulevard and the other located at 862 Huguenot Avenue; and

**WHEREAS**, given the experience of the applicant and its intention to operate a business similar to what was previously operated at this location, Community Board 3 will approve this application with certain stipulations, including restrictions on its indoor and outdoor hours of operation; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the application for a full on-premises liquor license for CGJC Holdings LLC, with a proposed business name of Joe & Pat's Pizza, for the premises located at 168 First Avenue, between East 10th Street and East 11th Street, 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 Italian 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 2:00 A.M. all days,
- 3) provided that it has obtained a certified of occupancy for the backyard, its hours of operation for its backyard garden will be 11:00 A.M. to 9:00 P.M. all days, it will extend an awning over its backyard during its hours of operation and the backyard will only be used for sit down dining,
- 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 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, however, no music may be played in the backyard,
- 6) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 7) it will not host pub crawls or party buses,
- 8) it will not have unlimited drink specials with food,
- 9) it will not have "happy hours,"
- 10) it will insure that there are no wait lines outside 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.

10. Luzzo's (First EV Pizza Inc), 211 1st Ave a/k/a 211-213 First Ave btwn E 12th & E 13th Sts (op)

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

Understanding that this a sale of assets of an existing Italian restaurant with a full on-premises liquor license and that the applicant will maintain its method of operation and business name, Community Board 3 moves to deny the application for a full on-premises liquor license for First EV Pizza Inc., with a proposed business name of Luzzo's, for the premises located at 211 First Avenue a/k/a 211-213 First Avenue, between East 12th Street and East 13th Street, 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 Italian 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 Thursdays and 11:00 A.M. to 12:00 A.M. Fridays and Saturdays,
- 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 play ambient background music only, consisting of recorded music, and will not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 6) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 7) it will not have "happy hours,"

- 8) it will not host pub crawls or party buses,
- 9) it will not have unlimited drink specials with food,
- 10) it will insure that there are no wait lines outside,
- 11) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 12) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

11. First Hospitality LLC, 105 1st Ave btwn E 6th & E 7th Sts (op)

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

**WHEREAS**, First Hospitality LLC has applied for a full on-premises liquor license for the premises located at 105 First Avenue, between East 6th Street and East 7th Street, New York, New York; and

**WHEREAS**, this applicant is proposing to operate a contemporary American restaurant with a certificate of occupancy of seventy-four (74) people, (14) tables and forty-four (44) seats, a seventeen (17) foot bar with ten (10) stools, hours of operation of 4:00 P.M. to 2:00 A.M. Mondays through Thursdays 4:00 P.M. to 3:00 A.M. Fridays, 11:00 A.M. to 3:00 A.M. Saturdays and 11:00 A.M. to 2:00 A.M. Sundays, a kitchen open all hours, accordion doors, recorded background music and happy hours; and

**WHEREAS**, the applicant has stated that it is purchasing the assets of the existing business with a full on-premises liquor license; and

**WHEREAS**, the existing licensee was denied a full on-premises liquor license by Community Board 3 in November of 2010, unless it agreed to make as conditions of its license stipulations that it would 1) operate as a full-service Mexican restaurant serving food to within one (1) hour of closing, 2) have hours of operation of 11:00 A.M. to 1:00 A.M. all days, 3) close its façade at 10:00 P.M., 4) play recorded background music and not have DJs, live music, promoted events, scheduled performances or events with cover fees, and 5) not commercially operate any outdoor space; and

**WHEREAS**, the existing licensee was issued a full on-premises liquor license by the SLA on November 23, 2011; and

**WHEREAS**, per the applicant, there are twenty-three (23) full on-premises liquor licenses within five hundred (500) feet of this location; and

**WHEREAS**, the public benefit proffered by the applicant is the experience of one of its principals as a bar owner within this community board district and the affordability of its menu; and

**WHEREAS**, notwithstanding that the applicant furnished more than one hundred (100) signatures in support of its application and had two (2) residents of the building who appeared on its behalf, given the public benefit offered for an additional full on-premises liquor license in an area with so many full on-premises liquor licenses, many of which offer an affordable menu, Community Board 3 would only approve this application with stipulations decreasing its hours of operation to be consistent with the existing restaurant; and

**WHEREAS**, this applicant will not sign the proposed stipulations; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the application for a full on-premises liquor license for First Hospitality LLC, for the premises located at 105 First Avenue, between East 6th Street and East 7th Street, because the applicant will not agree to make as conditions of its license the following stipulations that

- 1) it will operate as a full-service contemporary American restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 4:00 P.M. to 1:00 A.M. Mondays through Fridays and 11:00 A.M. to 1:00 A.M. Saturdays and Sundays,
- 3) it will not commercially operate any outdoor areas,
- 4) it will install soundproofing,
- 5) it will close any front or rear 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 DJs, live music, promoted events, scheduled performances or any event at which a cover fee will be charged,

- 7) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 8) it may have "happy hours" to 7:00 P.M. each night,
- 9) it will not host pub crawls or party buses,
- 10) it will not have unlimited drink specials with food,
- 11) it will insure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 12) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 13) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

Motion to pull for discussion

Member asked "what constitutes a public benefit to SLA committee?"

Chair of SLA made certain definitions such as employment opportunities

VOTE:

12. Bytelogics Inc, 304 E 6th St btwn 1st & 2nd Aves (op)

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

To deny the application for a full on-premises liquor license for Bytelogics Inc., for the premises located at 304 East 6th 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 Moroccan and Mexican fusion 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 2:00 A.M. all days,
- 3) it will commercially operate an existing enclosed sidewalk café as part of its business,
- 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 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 may have "happy hours" to 8:00 P.M. each night,
- 8) it will not host pub crawls or party buses,
- 9) it will not have unlimited drink specials with food,
- 10) it will insure that there are no wait lines outside 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 full on-premises liquor license although this location is in an area with numerous full on-premises liquor licenses because 1) this a sale of assets of an existing restaurant with a full on-premises liquor license, 2) the applicant is comprised of the landlord of the building and a principal who operated a longstanding restaurant at this location until 2008, as well as on this street.

13. Hi Collar (Sobaya Restaurant Inc), 214 E 10th St btwn 1st & 2nd Aves (upgrade to op)

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

To deny the application for a change in class of the wine beer license for Sobaya Restaurant Inc., doing business a Hi Collar, for the premises located at 214 East 10th Street, between First Avenue and Second Avenue, to a full on-premises liquor license 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 Japanese 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 1:00 A.M. all days,
- 3) it will not commercially operate any outdoor areas,
- 4) it will close any 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,

- 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 host pub crawls or party buses,
- 8) it will not have unlimited drink specials with food,
- 9) it will not have "happy hours,"
- 10) it will insure that there are no wait lines outside 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 change in class of a wine beer license to a full on-premises liquor license although this location is on a residentially zoned street and in an area with numerous full on-premises liquor licenses because 1) this applicant has operated numerous businesses in this community since 1980 and currently operates ten (10) businesses on this block and East 9th Street, between Third Avenue and Fourth Avenue, two (2) of which have full on-premises liquor licenses and six (6) of which have wine beer licenses, 2) this applicant has operated its business without complaints during its history of operation, and 3) the applicant furnished one hundred two (102) signatures, most of which are from block residents, in support of its application and no one appeared in opposition to this application.

14. Space Mabi (Soko Group LLC), 67 1st Ave @ E 4th St (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 Soko Group LLC, with a proposed business name of Space Mabi, for the premises located at 67 First Avenue, at the corner of First Avenue and East 4th Street, 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 Korean tapas restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 8:00 A.M. to 1:00 A.M. all days,
- 3) it will not commercially operate any outdoor areas,
- 4) it will install soundproofing,
- 5) 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,
- 6) 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,
- 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,
- 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.

15. Greyhound (J & J V2 LLC), 131 Orchard St btwn Rivington & Delancey Sts (op)

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

**WHEREAS**, J&J V2 LLC has applied for a full on-premises liquor license for the premises located at 131 Orchard Street, between Rivington Street and Delancey Street, New York, New York; and

**WHEREAS**, this applicant is proposing to operate a restaurant and cocktail bar with a certificate of occupancy of seventy-four (74) people, two (2) tables and sixteen (16) seats, twelve (12) counter seats, a thirty-five (35) foot bar with twenty-two (22) stools, hours of operation of 12:00 P.M. to 3:00 A.M. all days, a kitchen open all hours serving a "raw seafood bar" and "American alternatives," open

windows, a sidewalk café, recorded and live acoustic background music, security over time, three (3) private parties per month and happy hours; and

**WHEREAS**, this applicant has stated that it will only have a cold kitchen; and

**WHEREAS**, the prior applicant was originally denied a full on-premises liquor license by Community Board 3 in November of 2012, unless it agreed to make as conditions of its license stipulations that it would 1) operate as a full-service restaurant, specifically a sandwich shop, with a kitchen open and serving food during all hours of operation, 2) have hours of operation of 11:00 A.M. to 12:00 A.M. Sundays through Thursdays and 11:00 A.M. to 2:00 A.M. Fridays and Saturdays, 3) play ambient recorded background music and not have DJs, live music, promoted events, scheduled performances or any events at which a cover fee would be charged, and 4) have a closed fixed façade with no open doors or windows; and

**WHEREAS**, the prior applicant was then issued a full on-premises liquor license by the SLA on April 29, 2013; and

**WHEREAS**, the existing licensee was then denied by Community Board 3 in May of 2014, for an alteration to extend its hours unless it agreed to make as conditions of its license stipulations that it would 1) operate as a full-service sandwich and farm-to-table restaurant, with a kitchen open and serving food during all hours of operation, 2) have hours of operation of 12:00 P.M. to 2:00 A.M. all days, 3) 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, 4) close any façade doors and windows at 10:00 P.M. every night, 5) not commercially use any outdoor areas, 6) not apply for an alteration of its method of operation without first appearing before Community Board 3, 7) not host pub crawls or party buses, 8) have "happy hours" to 8:00 P.M., 9) insure that there were no wait lines outside and designate an employee to oversee patron noise and crowds on the sidewalk, and 10) provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

**WHEREAS**, the LES Dwellers, a local residents organization, submitted a letter in opposition to this application and appeared in opposition to this application, stating that the prior license at this location had expired on March 31, 2017, so this is an unlicensed location, there is no public benefit in approving a cocktail bar in an area overserved by late night bars, this area has the highest concentration of liquor licenses in New York City, noise complaints in the immediate area have tripled between 2011 and 2015, crime has increase exponentially and that, in addition to the increased crime, conditions in the area which is made up of small narrow one-way streets have otherwise deteriorated, in that sidewalks are crowded with patrons between the hours of 10:00 P.M. and 5:00 A.M. and during weekend brunch and there is existing heavy vehicular traffic causing dangerous and deadly conditions in this area; and

**WHEREAS**, per the applicant, there are thirty-two (32) full on-premises liquor licenses within five hundred (500) feet of this location but Community Board 3 counted forty-three (43) full on-premises liquor licenses within five hundred (500) feet of this location per the LAMP map; and

**WHEREAS**, the public benefit proffered by the applicant is its experience as a restaurant and bar owner in another community board district and its intention to offer the community a high scale venue in an area which it perceives lack high end eating and drinking establishments; and

**WHEREAS**, although this applicant furnished seventy-six (76) signatures from area residents, given the noise complaints, deteriorating conditions of this area and lack of public benefit in opening what is essentially a late night cocktail bar with bar seating, a cold kitchen with a limited menu, live music and security in an area with the greatest density of liquor licenses in New York City, most of which are late night venues, now

**THEREFORE BE IT RESOLVED** that Community Board 3 moves to deny the application for a full on-premises liquor license for J&J V2 LLC, with a proposed business name of Greyhound, for the premises located at 131 Orchard Street, between Rivington Street and Delancey Street, New York, New York.

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

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

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

**WHEREAS**, this applicant is proposing to operate a Japanese restaurant and bar with a certificate of occupancy of one hundred fifty (150) people, forty (40) tables and one hundred four (104) seats with eighteen (18) tables and thirty-six (36) seats on the ground floor, twenty-two (22) tables and forty-four (44) seats in the cellar and twelve (12) seats at a counter on a mezzanine level, a thirteen (13) foot by six (6) foot bar with six (6) stools on the ground floor and twenty (20) foot by six (6) foot bar with six (6) stools in the cellar, hours of operation of 10:00 A.M. to 2:00 A.M. Sundays through Wednesdays and 10:00 A.M. to 3:00 A.M. Thursdays through Saturdays, a kitchen open all hours serving sushi and Omakase sushi, a closed façade, no televisions, recorded background music, no promoted events, scheduled performances or events with cover fees, no security, an intent to install additional soundproofing, no pub crawls or party buses, forty (40) private parties per year, no happy hours and no wait lines; and

**WHEREAS**, this applicant was heard by Community Board 3 in May of 2016 and June of 2016 and denied a full on-premises liquor license by Community Board 3 in June of 2016, unless it agreed to make as conditions of its license stipulations that it would 1) operate as a full-service Japanese restaurant, with a kitchen open and serving food during all hours of operation, 2) have hours of operation of 5:00 P.M. to 12:00 A.M. Sundays through Wednesdays and 5:00 P.M. to 2:00 A.M. Thursdays through Saturdays, 3) close any front or rear façade entrance doors at 10:00 P.M. every night and will otherwise have a closed fixed facade with no open doors or windows, 4) not commercially operate any outdoor areas, 5) 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 would be charged, 6) not apply for any alteration in its method of operation without first appearing before Community Board 3, 7) not have "happy hours," 8) not host pub crawls or party buses, 9) not have unlimited drink specials with food, 10) not have wait lines outside and designate an employee to oversee patrons and noise on the sidewalk, 11) operate all floors of the business as dining rooms only, 12) have a certificate of occupancy or maximum occupancy of no more than one hundred twenty (120) people, 13) conspicuously post this stipulation form beside its liquor license inside of its business, and 14) provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

**WHEREAS**, the applicant has asserted that this location has been continuously licensed since prior to 1993 but residents have asserted that the previous license was cancelled by the SLA on June 15, 2017, and have asked that the applicant be reheard by Community Board 3; and

**WHEREAS**, there are five (5) full on-premises liquor licenses within five hundred (500) feet of this location; and

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

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

**WHEREAS**, at its May of 2016, June of 2016 and July of 2017 hearings of this application, Community Board 3 heard numerous complaints from residents of Mulberry Street and Mosco Street, including seventeen (17) residents who appeared and forty-seven (47) residents who signed a petition in July of 2017, that the previous business had failed to control crowds and noise in front of its business by allowing vehicles and patrons to line up outside its business on Mulberry Street, which blocked the narrow sidewalks and street and created substantial noise late into the night consisting of horn honking and loud patrons, had allowed bass from the sound system inside of its business travel into residential apartment buildings and had allowed patrons to throw garbage on the streets and sidewalks outside of the business; and

**WHEREAS**, residents have previously complained that they would routinely find drunk patrons from the business stumbling in front of their buildings, urinating and vomiting on the sidewalk and buildings and in the once publicly accessible basketball courts and park that have since been closed because of misuse by patrons; and

**WHEREAS**, given these complaints, residents have expressed concerns that the narrow streets where they live and where this business would be located cannot accommodate another business of the size or scale of the previous business; and

**WHEREAS**, the principal appearing on behalf of this application before Community Board 3 has no license or similar experience; and

**WHEREAS**, Max Levai, another principal, previously operated Happy Ending, a nightclub located at 302 Broome Street, New York, New York, which had the highest number of noise complaints in the 5th Precinct during its history of operation and was denied for renewal by Community Board 3 in June of 2016, because of noise complaints from residents, police summonses and operating inconsistent from the law and its approved method of operation; and

**WHEREAS**, given that the applicant has furnished evidence of substantial community support, in that it provided eighty-four (84) petition signatures from area residents in support of its application and has worked with community residents to agree to a method of operation that will not disrupt its neighbors with the outstanding issue being its hours of operation, Community Board 3 only approve this application with stipulations decreasing its hours of operation; and

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the application for a full on-premises liquor license for MJK Foods LLC, for the premises located at 32 Mulberry Street, between Mosco Street and Bayard Street, 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 Japanese sushi and sushi Omakase 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 through Wednesdays and 10:00 A.M. to 2:00 A.M. Thursdays through Saturdays,
- 3) it will close any front or rear façade entrance doors at 10:00 P.M. every night and will otherwise have a closed fixed facade with no open doors or windows,
- 4) it will not commercially operate any outdoor areas,
- 5) it will play ambient background music only, consisting of recorded music, and will not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged, and will have no more than forty (40) private parties per year provided they consist of prepaid dinners not open to the public,
- 6) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 7) it will not have "happy hours,"
- 8) it will not host pub crawls or party buses,
- 9) it will not have unlimited drink specials with food,
- 10) it will not have wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk to discourage customers from loitering on Mulberry Street and Nosco Street and ensure that vehicles are not blocking the streets and sidewalks around the business, and will designate an employee to ensure this by going outside every hour after 9:00pm all days
- 11) it will operate all floors of the business as dining rooms only,
- 12) it will limit seating within its business to one hundred four (104) people,
- 13) it will not apply for a cabaret license,
- 14) It will replace the center entrance door with a door mold of transparent safety glass
- 15) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 16) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

Motion to amend language approved.

17. Baohaus Bowery LLC, 48 Bowery (op)  
withdrawn

18. The Ainsworth (AinsPH LLC), 64 3rd Ave @ E 11th St (op)

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

To deny the application for a full on-premises liquor license for AinsPH LLC, with a proposed business name of The Ainsworth, for the premises located at 64 Third Avenue, at the corner of East 11th Street and Third Avenue, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service contemporary American 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 2:00 A.M. all days,
- 3) it will employ at least one (1) security guard Thursdays through Saturdays, from 6:00 P.M. to 2:00 A.M., and as needed other days,
- 4) it will close any 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, as well as during any advertised or major sports events,
- 5) it will play ambient background music only, consisting of recorded music, and will not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged, and will have no more than thirty (30) private parties or corporate events per year for which it may have DJs provided it have them no later than 10:00 P.M. during any event,
- 6) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 7) it may have "happy hours" to 7:00 P.M. each night,
- 8) it will not host pub crawls or party buses,
- 9) it will not have unlimited drink specials with food,
- 10) it will insure that there are no wait lines outside 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 full on-premises liquor license although this location is in an area with numerous full on-premises liquor licenses because 1) this a sale of assets of an existing restaurant bar with a full on-premises liquor license, 2) this applicant has operated numerous businesses with the same business name or method of operation, and 3) the applicant furnished sixty-five (65) signatures from area residents in support of its application and no one appeared in opposition to this application.

#### **Hotel Application**

19. The Allen Hotel Inc, 88 Allen St (wb)  
withdrawn

20. FY'19 District Needs Statement

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

To approve the FY '19 District Needs Statement section pertaining to the SLA/DCA Licensing Committee.

21. CB 3 Position Regarding Nightlife Taskforce

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

**WHEREAS**, Community Board 3 supports more Community Board representation in Intro No. 1648 and for all Community Boards to be included in communications regarding Intro No. 1648; and

**WHEREAS**, in a meeting of the Committee On Consumer Affairs held on June 19, 2017, the City Council introduced and heard testimony on Intro No. 1648, a local law to amend the New York City Administrative Code to establish an Office Of Nightlife and a Nightlife Taskforce; and

**WHEREAS**, those people invited to testify regarding this amendment included the City Administration, representatives and advocates of the nightlife industry and other interested parties, but did not include residents concerned with quality of life issues, summonses and licensing recommendations, such as civic associations and, especially, Community Boards; and

**WHEREAS**, Community Boards are governmental participants in the licensing recommendation process because the New York State Charter mandates that New York State Liquor Authority consult with municipalities, such as Community Boards, for licensing determinations; and

**WHEREAS**, Community Boards are generally the front line in receiving complaints resulting from nightlife establishments and work with city agencies, such as the New York Police Department, Department of Buildings, Department of Environmental Protection and the New York State Liquor Authority; and

**WHEREAS**, Community Boards work with nightlife applicants and communities to create stipulations that allow businesses to be licensed and operated without being in conflict with the surrounding community; and

**WHEREAS**, the proposed Office Of Nightlife would establish a taskforce to address issues relating to the nightlife industry; and

**WHEREAS**, the proposed taskforce would be composed of nine members, five of whom would be appointed by the Mayor and four by the Speaker of the Council, which would be comprised of two advocates from nonprofit or academic sectors, two representatives from the nightlife industry, one community board member and four public members, each of whom would have at least five years' experience in one or more of the following areas: i) the New York City Fire Code and Fire Department rules; ii) the New York City Building Code; iii) the New York City zoning resolutions; iv) public safety and nightlife establishment security management; and v) urban planning and development; so

**THEREFOE, BE IT RESOLVED** that Community Board 3 believes that the experience Community Boards offer from working with communities and city and state agencies, and in making recommendations to the New York State Liquor Authority *requires* that Community Boards have more representation on the Nightlife Taskforce and in participation with the Office of Nightlife; and

**BE IT FURTHER RESOLVED** that Community Board 3 believes that currently all the representation, discussion and outreach by the City Council has only been made to the nightlife industry and its advocates and that there has been complete lack of outreach to or representation by Community Boards, who provide the structure for communities to have input into decision making for their communities, and this should be remedied by inclusion of all Community Boards in further communication, discussion and action pertaining to Intro No. 1648.

**Items not heard at Committee**

- 22. The Tang (MT Noodle LLC and New Fu Xing Trading Inc), 120 1st Ave (wb)  
no vote necessary
- 23. Hi Thai (Luck Chok Tawee Inc), 123 Ludlow St (wb)  
no vote necessary
- 24. Tai Thai (Mee Larp Inc), 78 E 1st St (wb)  
no vote necessary
- 25. Amano Sushi (Amano Sushi Inc), 50 Eldridge St (wb)  
no vote necessary
- 26. Cafe Buon Gusto (Ave B Buon Gusto Corp), 76 Ave B (wb/corp change)  
no vote necessary
- 27. La Gamelle (241 Bowery Corp), 241 Bowery (op/corp change)  
no vote necessary
- 28. El Castillo De Manhattan Rest Corp, 207 Madison St (wb)  
no vote necessary
- 29. TD AB LLC, 29 Ave B (wb)  
no vote necessary
- 30. Jun Guan Hospitality Management LLC, 125 Canal St (wb)  
no vote necessary
- 31. Vote to adjourn  
approved by committee

**39 YES 0 NO 1 ABS 0 PNV MOTION PASSED (excluding SLA item 11)**

**29 YES 5 NO 6 ABS 0 PNV MOTION PASSED (SLA item 11)**

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

- 1. Approval of previous month's minutes  
approved by committee
- 2. EDC: Update on Pier 42 design

**VOTE: TITLE: To Support the Addition of a Comfort Station and Playground to Phase 1 of the Pier 42 Plan**

Support for the Addition of a Comfort Station and Playground to Phase 1 of the Pier 42 Plan

**WHEREAS**, EDC is in the process of designing Phase 1 of the Pier 42 reconstruction plan; and

**WHEREAS**, a comfort station will be added to the plan and will be located above the 100-year flood plan; and

**WHEREAS**, a new playground is additionally being added to Phase 1 of the plan and will be within a one-minute walk of the comfort station; and

**WHEREAS**, EDC will return to CB 3 in the fall of 2017 with conceptual designs for both amenities for community input; so

**THEREFORE BE IT RESOLVED**, that CB 3 supports the additional amenities of a comfort station and a playground to the Pier 42 Phase 1 plan.

3. CB 3 position regarding redesign of Stanton Street Park Building causing comfort station to be inaccessible within building

**VOTE TITLE: To Deny Support for the Stanton Street Park Building Bathroom without Interior Access to the Bathroom**

Deny Support for the Stanton Street Park Building Bathroom without Interior Access to the Bathroom

**WHEREAS**, the Stanton Park House in SDR park was a community center until the 1970's when the city was no longer financially able to maintain the center; and

**WHEREAS**, the park house has been promised to be returned to use as a community center since 1994 by then Manhattan Borough Park Commissioner Patrick V. Pomposello; and

**WHEREAS**, Community Board 3 and community groups have advocated for funding and return of the Park house as a community center as a priority need for the community; and

**WHEREAS**, the reconstruction/design of the bathroom in the Stanton Street Park House is now a funded parks capital project; and

**WHEREAS**, at a public meeting on March 16, 2017, Parks presented a design plan for the bathroom reconstruction that clearly showed the access doors to the interior of the building, and it was further agreed that there should be an entrance into the bathrooms from the interior of the building with agreement with the Park Manager that the door would always be locked into the interior unless the exterior doors were locked for cleaning; and

**WHEREAS**, at the same meeting the Park Manager requested interior door access as a safety measure for her crew to enable them to lock the doors to the bathroom exterior (to the public) while they cleaned to ensure their safety; and

**WHEREAS**, CB 3 voted to support the design with the interior doors; and

**WHEREAS**, we have recently been told by Parks staff that there will not be an interior door, the bathroom will be accessed only from the outside; and

**WHEREAS**, lack of interior doors will obstruct CB 3's goal of restoring this facility into a community center with bathroom access from the building interior; and

**WHEREAS**, CB 3 did not vote to support a design without interior access; so

**THEREFORE BE IT RESOLVED**, that CB 3 does not support the Stanton Street Park building bathroom without interior access to the bathroom.

4. Creation of new Community Garden at 281 E 4th St, site of former Sage Garden

**VOTE TITLE: To Support the Establishment of Sage's Garden and the Transfer of the Property from DCAS to The Department of Parks and Recreation to be used as a Community Garden Under the Jurisdiction of GreenThumb.**

Support for the Establishment of Sage's Garden and the Transfer of the Property from DCAS to The Department of Parks and Recreation to be used as a Community Garden Under the Jurisdiction of GreenThumb.

**WHEREAS**, 281 East 4th Street is city-owned property formerly leased to NYCHA by the Department of CityWide Administrative Services to be used as a public, open space; and

**WHEREAS**, longtime community member Sage Peyton led the effort to turn the lot into a thriving community garden enjoyed by the public at large; and

**WHEREAS**, garden founder Sage Peyton became seriously ill leading to lack of leadership, activity and disrepair of the garden, resulting in the lot remaining inactive for many years; and

WHEREAS, approximately two dozen community members have expressed an interest in continuing Sage's legacy by reestablishing the lot as a community garden; and

WHEREAS, these community members have held four planning meetings since Spring 2017 with GreenThumb for this purpose; and

WHEREAS, these community members have established a membership, bylaws and organizational structure along with future meeting dates and work days; and

WHEREAS, cleanup and maintenance of existing trees, plants and shrubs is now occurring; and

WHEREAS, the membership has named the garden "Sage's Garden" in honor of its founder; and

WHEREAS, the membership has been in ongoing contact with GreenThumb for guidance and received their tentative support; and

WHEREAS, GreenThumb has requested that Sage's Garden be transferred from NYCHA to the Department of Parks and Recreation which currently oversees three hundred and seventy-three other City owned community gardens; and

WHEREAS, Sage's Garden has received letters of support from the Community Garden District and Loisaia United Neighbor Gardens; and

WHEREAS, Sage's Garden plans to join related organizations in support of a broader effort to develop and maintain public, green spaces; so

THEREFORE BE IT RESOLVED, that Community Board 3 supports the establishment of Sage's Garden; and

THEREFORE BE IT FURTHER RESOLVED, that CB 3 supports the transfer of the property from DCAS to the Department of Parks and Recreation to be used as a community garden under the jurisdiction of GreenThumb.

5. FY'19 District Needs Statement

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

6. Process to equalize access for Basketball City donations to community nonprofits

no vote necessary

7. Report from Arts & Culture Subcommittee

no vote necessary

8. Vote to adjourn

approved by committee

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

**Landmarks Committee**

1. Approval of previous month's minutes

no vote necessary

2. Certificate of Appropriateness, 225 E 5th St: HVAC upgrades to replace existing thru-wall gas fired furnaces with new thru-wall heat pump units in all residential units on all floors, not including commercial spaces on first floor of the front building

**VOTE: TITLE: Motion to Approve Application for Certificate of Appropriateness for 225 East 5th Street for upgrades to HVAC thru-wall units to replace existing gas fired furnaces with new Thru-wall heat pump units in all residential units on all floors, not including commercial spaces on the first floor of the building.**

To support Certificate of Appropriateness application for 225 E 5th St: HVAC upgrades to replace existing thru-wall gas fired furnaces with new thru-wall heat pump units in all residential units on all floors, not including commercial spaces on first floor of the front building.

**WHEREAS**, 225 East 5th Street is a five-story apartment building, constructed ca. 1870-71 by W. J. Gessner in the Italianate style; and

**WHEREAS**, significant architectural features include paneled cast-iron columns at the first story, molded crown above the first story, paneled wood-and-glass door to east storefront; bracketed window sills, molded lintels, and bracketed roof cornice with frieze panels; and

**WHEREAS**, alterations were made in 1887, most significantly additional windows at newly-created center bays; and

**WHEREAS**, the application is to install HVAC upgrades to replace existing thru-wall gas fired furnaces with new thru-wall heat pump units in all residential units on all floors as apartments become vacant, of which there are 2 at present, not including commercial spaces on first floor of the front building; and

**WHEREAS**, no new thru-wall penetrations are proposed at Principal Façade; and

**WHEREAS**, the proposed installations shall preserve and improve the look of the existing historic facade by regularizing penetrations/thru-wall pattern and making them less visible by coloring the proposed louver grilles to match the existing surrounding historic brick masonry; and

**WHEREAS**, the proposed penetrations are larger than the existing openings and in order to respect the historic bracketed sills, where possible the new louvre grills should be noticeably separated from the existing window sill; so

**THEREFORE BE IT RESOLVED**, CB 3 approves the Certificate of Appropriateness application to replace existing thru-wall gas fired furnaces with new thru-wall heat pump units in all residential units on all floors, not including commercial spaces on first floor of the front building.

3. FY'19 District Needs Statement

**VOTE:** To approve Landmarks District Needs Statement 2019.

4. Vote to adjourn  
approved by committee

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

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

1. Approval of previous month's minutes  
approved by committee
2. FY'19 District Needs Statement  
**VOTE:** To support the district needs as amended.
3. Certification of No Harassment - 241 Bowery  
no vote necessary
4. Chinatown Subcommittee Report  
no vote necessary
5. Vote to adjourn  
approved by committee

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

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

1. Approval of previous month's minutes  
approved by committee
2. FY'19 District Needs Statement  
**VOTE:** To approve Human Services District Needs statement; to be revised as discussed during committee meeting.
3. Vote to adjourn  
approved by committee

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

**Economic Development Committee**

1. Approval of previous month's minutes  
approved by committee
2. Informational Presentation from EDC on Structure and Management of New Essex Street Market  
no vote necessary
3. FY'19 District Needs Statement  
**VOTE:** To adopt the Economic Development portion of the CB 3 District Needs Statement as amended.
4. Special District-- Next Steps  
no vote necessary
5. Support for Commercial Rent Tax reform

**VOTE: TITLE: Support for Commercial Rent Tax Reform Bill Package**

**WHEREAS**, CB 3 has an ongoing problem with losing small businesses due to rising costs associated with running businesses in New York City, most significantly rising rents; and

**WHEREAS**, when annual rents for businesses below 96th Street reach \$250,000 the businesses are subject to NYC Commercial Rent Tax, resulting in an additional burden; and

**WHEREAS**, rising business costs have led to the closure of many small businesses that have been replaced with formula retail and chain stores which have increased 20% in recent years; and

**WHEREAS**, the closures of such businesses diminish retail diversity in our neighborhood and force residents to spend their money outside of their community; and

**WHEREAS**, arts and theaters that are part of the unique fabric of our neighborhood, as well as billboards and advertising signs including those that advertise for theatrical productions, are considered taxable premises for purposes of the Commercial Rent Tax and the rent paid to advertise on those spaces is subject to the tax; and

**WHEREAS**, Nearly 30% of CB 3 residents live at or below the poverty rate. Supermarkets provide a necessary community service and keeping them affordable is important to our community, yet most supermarkets are also subject to the Commercial Rent Tax due to their size; and

**WHEREAS**, the original Commercial Rent Tax law introduced in 1963 was designed to address the need for revenue at a time when the city was nearing its constitutional limits on property taxes; and

**WHEREAS**, the property tax limits have since risen since 1963, yet the rent threshold for the tax has not been raised since 2001; and

**WHEREAS**, most small businesses already pay a portion of their building's real estate taxes passed down by the landlord. Many landlords include such taxes when calculating their "rent", charging Commercial Rent Tax could be considered double taxation; and

**WHEREAS**, the proposed Commercial Rent Tax Reform Bill package includes Intro 799-A that would relieve approximately 3,300 businesses from the tax; and

**WHEREAS**, the subsequent \$50 million tax loss to New York City could be offset by resulting job and business growth; and

**WHEREAS**, Intro 799-A requests raising the commercial rent tax threshold from \$250,000 annually to \$500,000 annually, and further requests that commercial tenants paying between \$500,000 and \$550,000 per year in rent receive a sliding scale credit against the tax owed; and

**WHEREAS**, a subsequent bill, Intro 1472, would seek to exclude the Commercial Rent Tax for certified supermarkets; and

**WHEREAS**, another subsequent bill, Intro 1107, would extend the Commercial Rent Tax exemption to include the rents paid for billboards and advertising signs that advertise theatrical productions; so

**THEREFORE BE IT RESOLVED**, that Community Board 3 supports the Commercial Rent Tax reform bill package and urges Mayor Bill de Blasio and the New York City Council to include action on Intro 799-A and its subsequent bills in the Fiscal Year 2018 city budget.

6. Vote to adjourn  
approved by committee

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

**FY 2019 District Needs Statement**

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

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

Vote to adjourn

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

Members Present at Last Vote:

David Adams	[P]	Ryan Gilliam	[P]	Jeremy Markman	[P]
Yaron Altman	[P]	Debra Glass	[A]	Chad Marlow	[P]
Dominic Berg	[P]	Herman F. Hewitt	[P]	Alexandra Militano	[P]
Lee Berman	[P]	Trever Holland	[P]	Nancy Ortiz	[P]
Karen Blatt	[P]	Linda Jones	[A]	Carolyn Ratcliffe	[P]
Lisa Burriss	[P]	Vaylateena Jones	[P]	Joyce Ravitz	[P]
Alan van Capelle	[A]	Marnie Ann Joyce	[A]	Damaris Reyes	[P]
Karlin Chan	[A]	Meghan Joye	[A]	James Rogers	[P]
Jonathan Chu	[P]	Lisa Kaplan	[P]	Richard F. Ropiak	[P]
MyPhuong Chung	[P]	Carol Kostik	[P]	Robin Schatell	[P]
David Crane	[P]	Mae Lee	[P]	Laryssa Shainberg	[P]
Enrique Cruz	[A]	Veronica Leventhal	[A]	Clint Smeltzer	[P]
Eric Diaz	[P]	Alysha Lewis-Coleman	[P]	Nancy Sparrow-Bartow	[P]
Dean Diongson	[P]	Gigi Li	[P]	Josephine Velez	[P]
Wilda Escarfuller	[A]	Luis Lopez	[P]	Rodney Washington	[P]
Shirley Fennessey	[A]	Mei Lum	[P]	Kathleen Webster	[P]
David Ford	[P]	Robert Magliaro	[P]		

Meeting Adjourned