



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

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Jamie Rogers, Board Chair

Susan Stetzer, District Manager

September 2017 Full Board Minutes

Meeting of Community Board 3 held on Tuesday, September 26, 2017 at 6:30pm at PS 20, 166 Essex Street.

Public Session:

1. Kim Neu – Cooper Program and environmental comments.
2. Carol Rabinowitz – Community Access-Housing agency for mental illness and low-income residents. Spoke about 13th annual Film festival.
3. Blaze Jones-Yellin – New rep at the Lowline for youth department. Spoke about Lowline Community Advisory Board meeting occurring at Grand Street Settlement.
4. Rosemarie Figueroa Hameed – Resident and member of An American Citizen. Spoke about the need to be informed of community board decisions regarding Land Use issues.
5. Harry Bubbins – Supporting 3rd & 4th avenue Rezoning proposal. Advocate for the ULURP process for the community input.
6. Vaylateena Jones – Member of Lower East Side Power Partnership to discuss Mount Sinai Beth Israel & DOCK NYC.
7. Michaela Oconnell – Works with NYCHA Hurricane Sandy Continuation.
8. Lei Yang – Member of GVSHIP to support 3rd and 4th avenue Rezoning.
9. Laura Sewell – Exec Director of East Village Community Coalition. Is against Community Board 3 SLA committee supporting liquor licenses.
10. Ryan Gillam – Exec Director of Downtown Art Sept 28th 12pm-3pm.

Public Officials:

Mayor Bill de Blasio, Paola Ruiz:

Public Advocate Letitia James, Adam Chen:

Comptroller Scott Stringer, Elaine Fan:

Borough President Gale Brewer, Drew Lombardi:

New CB3 Rep. Announced the open data portal training for tomorrow at Harlem.

Stanton Building – Gale is creating legislation to get the building to be open to the public.

Cultural tourism grant recipient announcement which includes Clemente and Lower East Side tenement Museums.

Congressmember Nydia Velazquez, Iris Quinones:

Andrew Roth is Congressmember's representative.

Update on Puerto Rico crisis.

Congressmember Carolyn Maloney, Victor Montesinos:

Assemblymember Yuh-Line Niou, Rebecca Ou:

Free Flu shot event and reduced metrocard event.

Addressing the issue of noise complaints for the hotel.

Assemblymember Deborah J. Glick, Charlie Anderson:

October 18th at Free Flu shot event at La Guardia Place in NYU

Assemblymember Brian Kavanaugh, Venus Galarza-Mullins:

Provided updates on Brian Kavanaugh office.

State Senator Brad M. Hoylman, Caroline Wechselbaum:

Creating new legislation for LLC creation to be more transparent and eliminate shell organizations

Councilmember Margaret Chin, Vincent Fang:

Announcement of Ribbon Cutting at Sol Lain Playground today - \$6,000 of funding came directly from Councilmember Chin.

Councilwoman partnered with Smith Development Tenant Association to rename Basketball Court after Michael Williams to solidify his positive youth legacy in the community.

Councilmember Rosie Mendez, Alaysia Martin:
Street Corner name designation for East Village gas explosion victims near the site.

Members Present at First Vote:

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

Minutes:

Minutes of June 2017 were approved, as is.

37 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Board Chairperson's Report:

Chairperson Jamie Rogers

Spoke about Budget Priorities meeting that convened yesterday for FY '19.

Spoke on executive committee vacancy of Secretary. All interested were given the deadline of October 22nd to express interest.

Board members asked to sit as CB3 rep for the Essex Street Market Vendor Association.

Chair announced Board members personal information will not be given out.

Board members are asked to respect the committee leaders and members outside of their committee.

Reviewed protocol when speaking with press- state clearly and explicitly when speaking on behalf of the board, and is only approved to speak on behalf of the board when cleared with the Board Chair.

District Manager's Report:

District Manager Susan Stetzer

The District Manager spoke with the board regarding budget priorities – defined the intent and boundaries of the Budget priorities list. She also updated the Board regarding construction work noise across the district and explained that the Board was voting to request a Construction Command Center to help resolve construction issues. She also spoke about the increase in calls regarding street homeless and encampments and asked people to always call 311 and ask for Homeless Outreach.

7th Precinct NCO's program beginning next week in October.

Committee Reports:

Executive Committee

no vote necessary

Announcement that Full board meeting for October will take place November 1st Wednesday

Economic Development Committee

1. Approval of previous month's minutes
approved by committee
2. Presentation by Manhattan Chamber of Commerce: Help Desk and small business assistance
no vote necessary
3. Request for support for East Village Independent Merchant Association Support Services

VOTE: TITLE: Support for Support Services Partnership between the East Village Independent Merchant Association (EVIMA) and the Lower East Side Partnership (LESP)

WHEREAS, EVIMA has established itself as an independent 501(c)(6) not for profit organization; and

WHEREAS, a defined need exists for additional support services to assist the East Village small business community; and

WHEREAS, EVIMA has sought the support of Community Board 3 in establishing an operating partnership with LESP based on the successful model employed by the organization in support of the Essex Street Market and its diverse small vendor community; and

WHEREAS, funding opportunities exist that can provide critical services in support of the East Village small business community and application deadlines are fast approaching; so

THEREFORE BE IT RESOLVED, Community Board 3 supports the establishment of an operational partnership between EVIMA and LESP; and

THEREFORE BE IT FURTHER RESOLVED, Community Board 3 supports grant funding for the provision of services from any and all appropriate sources, including but not limited to, NYCC discretionary initiative funding, AvenueNYC grants and NYS Regional Economic Development funding; and

THEREFORE BE IT FURTHER RESOLVED, Community Board 3 is eager to improve quality of life and conditions for economic growth of the East Village's small business community furthered through the proposed operational partnership between EVIMA and LESP.

4. Special District: Review of Public Forum and next steps
no vote necessary
5. Vote to adjourn
approved by committee

39 YES 0 NO 1 ABS 0 PNV MOTION PASSED

Transportation, Public Safety, & Environment Committee

1. Approval of previous month's minutes
approved by committee
2. Newsstand: Bowery just north of NE corner E 4th St

VOTE: TITLE: Support for a newsstand on the Bowery / East 4th Street

WHEREAS, there is an application for a newsstand on Bowery just north of the northeast corner of East 4th Street; and

WHEREAS, the proposed newsstand measures 12 feet long by 5 feet wide and will operate from 9:00 A.M. to 12:00 A.M. Monday through Friday and 9 A.M. to 2 A.M. Saturday through Sunday; and

WHEREAS, it is evident that there is sufficient sidewalk space, so there should be no pedestrian impact; and

WHEREAS, the applicant has agreed to meet with management of JASA, home to seniors and others with mobility impairments, to ensure there are no negative impacts on residents; so

THEREFORE BE IT RESOLVED, Manhattan Community Board 3 supports the installation of a newsstand on Bowery just north of the northeast corner of East 4th Street.

3. Link between alcohol outlet density and public health/safety
no vote necessary
4. DOT Presentation: Proposal for Park Row Access & Connections
no vote necessary - **item moved to executive committee**
5. DOT Presentation: Manhattan Bridge Contract 15
no vote necessary
6. M14 bus, consideration of CB 3 position

VOTE: TITLE: Request for the MTA Take Immediate Steps To Improve The Frequency and Reliability of Buses on the M14A Bus Route and Appear Before Manhattan Community Board 3 To Discuss Related Issues

WHEREAS, the residents of the Lower East Side and East Village and their elected representatives have been requesting the MTA improve the frequency and reliability of M14A bus service for more than a decade; and

WHEREAS, Manhattan Community Board 3 has heard from thousands of local residents, either directly or through their representatives, who have uniformly and overwhelmingly expressed

dissatisfaction with the frequency and reliability of the M14A bus service they rely upon to get to work, to school, and for other essential transportation needs; and

WHEREAS, representatives of the 5,000+ residents at the Seward Co-Op and the 5,000+ residents at East River Houses each reported that the poor frequency and reliability of the M14A bus is one of their residents' most significant concerns, with the latter group saying poor M14A bus service was their residents' top complaint; and

IMPORTANCE OF ROUTE (NEIGHBORHOOD)

WHEREAS, the M14A bus serves as the only convenient public transportation option for the residents of the Lower East Side in the vicinity of far-eastern Grand Street; and

IMPORTANCE OF ROUTE (SCHOOL CHILDREN & TEACHERS)

WHEREAS, the M14A bus serves as a school bus for hundreds of children who live in the East Village and Lower East Side, and who are subject to immediate and long term disciplinary consequences – such as being denied entrance to more selective junior high schools – if they are regularly late to school; and

WHEREAS, the poor frequency and reliability of the M14A bus commonly forces young children to give up waiting for the bus and walk significant distances to school because they otherwise will be late for school; and

WHEREAS, reliable M14A bus service is also essential for the teachers and staff who work at the numerous public schools throughout Lower East Side and East Village; and

WHEREAS, the MTA's failure to provide frequent and reliable service to school children, teachers, and staff who rely on the M14A bus was exemplified on September 7, 2017 – the first day of public school in New York City – when at 7:48 a.m., which is at the height of the school morning rush period, there was only one active bus on the entire southwest M14A route (see Appendix A); and

IMPORTANCE OF ROUTE (SENIORS)

WHEREAS, many elderly residents who live in the naturally occurring retirement communities (NORCs) in the vicinity of far-eastern Grand Street are unable to walk to the subway stop on Essex Street, and therefore must exclusively rely on the M14A bus to get to the subway as well as for their other public transportation needs; and

IMPORTANCE OF ROUTE (OTHERS)

WHEREAS, in the warm weather months, the M14A bus serves as essential public transportation for the numerous youth and adult sports teams that play in the East River Park; and

UNDERCOUNT OF RIDERSHIP / IMPACTS OF UNDERCOUNT

WHEREAS, the ridership of the M14A bus is dramatically undercounted by the MTA on weekdays from 7:30 am to 8:30 am and from 2:00 pm to 3:15 pm because bus drivers (appropriately) do not require elementary school age children to swipe MetroCards or otherwise pay when boarding buses; and

WHEREAS, the ridership of the M14A bus is dramatically undercounted by the MTA because many riders feel compelled to use the more frequent M14D bus and walk a significant distance to their final destinations rather than wait for the unreliable M14A bus, and the MTA counts those riders as M14D riders instead of M14A riders; and

WHEREAS, the poor reliability of M14A buses leads to decreased ridership on the line, which lowers the MTA's rider-demand count, and which then traditionally and inexplicably results in the MTA cutting service and further erodes ridership, rather than improving service and restoring demand for service; and

BUS RATIO ISSUES / INCONSISTENCY WITH MTA SCHEDULE

WHEREAS, although the two bus routes are not and should not be viewed as competing with each other for service, it has been consistently and convincingly reported that M14D buses outnumber

M14A buses on both weekdays and weekends by an unjustified margin of at least 2-to-1, and sometimes 3-to-1 or more, despite such a disparity not being reflected on MTA's bus schedule;

WHEREAS, on both weekdays and weekends, numerous community members opined that the MTA runs far fewer buses on the M14A route than is indicated on the MTA's service schedule; and

BUNCHING / GAPS / WAITING TIME / OVERCROWDING

WHEREAS, tracking of M14A buses using the MTA's "Bus Time" app has revealed that the M14A bus route commonly suffers from bus bunching, large gaps of more than 10 bus stops between buses – which translates to substantial wait time – and having three or less buses running on the entire M14A route in one direction, even during high demand daytime hours; and

WHEREAS, numerous riders reported waiting times for M14A buses regularly exceeds twice the printed times on the MTA's bus schedule, and that wait times are even worse during winter months and in inclement weather when long waiting times are particularly difficult; and

WHEREAS, due to inadequate bus frequency and reliability on the route, M14A buses are frequently overcrowded, occasionally to the point where they need to skip bus stops because they cannot accommodate additional passengers; and

QUEUING

WHEREAS, two or three buses have been regularly viewed queued up at the end of the eastbound M14A route (at Grand Street and FDR Drive) for extended periods of time by frustrated riders who have been waiting more than 30 minutes for a bus to arrive at an early bus stop (e.g. Grand Street and Columba Street a/k/a Abraham Kazan Street) on the westbound M14A route, which suggests a dispatcher or other corrective measures are needed at that location; and

PROBLEMS LIKELY TO WORSEN

WHEREAS, the bus unreliability and bunching that plagues the M14A route has been worsened by recently commenced subway construction work at 14th Street and Avenue A, and will be made dramatically worse by the planned 15 month L train shutdown beginning in April 2019; and

WHEREAS, demand for what is already insufficient M14A bus service will significantly increase as the massive Essex Crossing residential development – which roughly extends from Grand Street on its south, Essex Street on its west, Delancey Street on its north, and Clinton Street on its east – is completed between 2018 and 2024; and

WHEREAS, demand for what is already insufficient M14A bus service will increase with the growing use of commuter ferries on the East River; and

MTA RESISTANCE TO PROVIDING ROUTE DATA & CONDUCTING RESEARCH

WHEREAS, the MTA failed to comply with former State Senator Daniel Squadron's request for adequate data with which to analyze the sufficiency of existing M14A bus service; and

WHEREAS, the M14A data provided to former State Senator Daniel Squadron by the MTA is widely inconsistent with the testimony M14A bus riders provided to Community Board 3; and

WHEREAS, the MTA did not grant the request of former State Senator Daniel Squadron for a full line review of the M14A bus route, which was aimed at developing more data upon which to judge the sufficiency of the route's existing service; so

THEREFORE BE IT RESOLVED, that Manhattan Community Board 3 calls upon the MTA, as its highest priority, to immediately increase bus service on the M14A bus route during the peak hours in which our residents rely on the M14A bus to get to and from work and school, namely weekdays from 7:30 am to 9:00 am and from 2:00 pm to 6:00 pm; and

THEREFORE BE IT FURTHER RESOLVED, that Manhattan Community Board 3 calls upon the MTA to take measures to improve the frequency of buses on the M14A bus route for all riders at all times so as to reduce the long waiting times that plague the route; and

THEREFORE BE IT FURTHER RESOLVED, that Manhattan Community Board 3 calls upon the MTA to take measures to improve the reliability of buses on the M14A bus route, including but not limited to undertaking stronger efforts to prevent bus bunching and to ensure that the number of buses on the route is adequate to meet M14A demand, including the demand from undercounted schoolchildren and riders forced to take the M14D bus; and

THEREFORE BE IT FURTHER RESOLVED, that Manhattan Community Board 3 calls upon the MTA to conduct a full line review of the M14A bus route to determine where additional increases in M14A service and reliability measures are needed, and to share the collected data with Community Board 3; and

THEREFORE BE IT FURTHER RESOLVED, that Manhattan Community Board 3 calls upon the MTA to address the aforementioned problems with the M14A bus without doing so at the expense of the M14D bus route, which also serves an area with very limited mass transit options; and

THEREFORE BE IT FURTHER RESOLVED, that Manhattan Community Board 3 calls upon the MTA to appear before CB 3's Transportation, Public Safety & Environment Committee to deliver its response to this resolution and the requests contained herein and to discuss the discrepancies between the MTA's analysis of the M14A bus line – including its apparent conclusion that the current frequency and reliability of bus service on the M14A bus route is adequate – and the public's overwhelming conclusion to the contrary; and

THEREFORE BE IT FURTHER RESOLVED, that Manhattan Community Board 3 calls upon our elected representatives, including Governor Andrew Cuomo and Mayor Bill de Blasio, to take all appropriate actions to encourage the MTA to improve the frequency and reliability of M14A bus service to the Lower East Side and East Village.

APPENDIX A

M14A Southwest Bus Route, September 7, 2017, 7:48 a.m. (first day of public school in NYC)



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7. CB 3 request for construction command center

VOTE: TITLE: Need for a construction command center for the Lower East Side of Manhattan

WHEREAS, the Lower East Side of Manhattan is experiencing a transformative and significant period of development and growth, especially in the vicinities of the Seward Park Extension Urban Renewal Area (a/k/a Essex Crossing) and the Two Bridges waterfront, where both city and non-city projects are planned and under construction; and

WHEREAS, each of these areas have large scale, multi-site construction projects that are independently managed by an array of development teams and individual contractors; and

WHEREAS, the extensive construction projects in both of these areas have impacted neighborhood quality of life and have been the cause of many complaints from tenant groups, residential management companies, and local businesses; and

WHEREAS, such large scale construction is unprecedented for our community. Narrow streets, limited public transportation options, and the need to coordinate many stakeholders working in close proximity requires a multi-agency response to a complex set of challenges; and

WHEREAS, unlike with most single development construction projects, a strategy to both coordinate activities and mitigate impacts resulting from these multiple development construction projects is needed; and

WHEREAS, a command center modeled after the successful command center launched in Lower Manhattan following 9/11 would allow for considerably better coordination between the many construction activities and in efforts to mitigate quality of life impacts; so

THEREFORE BE IT RESOLVED that Community Board 3 requests that the needs of local residents, local businesses, and developers be met by establishing a command center for the Lower East Side of Manhattan based upon the model of the former Lower Manhattan Command Center.

Bus Stop Permit Applications

8. Morning Sun Bus Company Inc, 51 Chrystie St (btwn Canal St and Hester St)

VOTE: TITLE: Support of a Curbside Bus Stop for Morning Sun Bus Company, Inc. at 51 Chrystie Street

WHEREAS, Morning Sun Bus Company, Inc. has applied for a designated bus stop for curb-side loading/unloading operations located at 51 Chrystie Street, which is located on the west side of the street between Hester Street and Canal Street;

WHEREAS, the buses will operate under the Morning Sun Bus Company brand name, providing service between New York City and Washington, D.C. with up to two arrivals and two departures daily between the hours of 7:00 a.m. and 8:00 p.m.;

WHEREAS, Morning Sun Bus Company, Inc. will maintain a storefront for waiting passengers with restroom facilities at 47 Chrystie Street; and

WHEREAS, the applicant has entered into an agreement with CB 3 to adhere to the following stipulations:

- A storefront will be provided for the use of customers during all hours of operation, so they may wait to board their bus and use the restroom facilities.
- Tickets will be sold only online or at a designated ticket agency, and not on the street.
- Tickets will be sold only for specific boarding times and will not be oversold.
- Tickets will be sold in assigned boarding order system so that customers will not need to arrive early to jockey for positions.
- Sidewalk lines will be single file, and only for the next assigned bus.
- There will be a staff person on duty for every arrival and departure to guide loading / unloading, to have direct contact to dispatch to inform passengers of delays, and to engage in crowd and noise control.
- Trash bags will be used to collect litter and will be kept in storefront, or will leave with the bus.
- Staff will routinely clean up the sidewalk by bus stop.
- Buses will keep to schedules, which will be published online or printed, as much as possible.
- The number of buses at this stop will not exceed the stated number of buses per hour/per day.
- All buses purchased in the future will be equipped with diesel particulate filters and use ultra-low sulfur fuels, and will also be equipped with exhaust gas recirculation emission control technology; so

THEREFORE BE IT RESOLVED, that CB 3 Manhattan recommends that DOT issue a permit for Morning Sun Bus Company, Inc. to operate their bus service at a designated curbside bus stop located at 51 Chrystie Street, provided that the preceding list of stipulations agreed between the applicant and CB 3 will be attached to the DOT permit.

Block Party

9. Project Renewal 50th Anniversary Block Party, 10/25, E 3rd St (Bowery & 2nd Ave)

VOTE: TITLE: Support for Project Renewal 50th Anniversary Block Party to be held October 25, 2017 on East 3rd Street between the Bowery and 2nd Avenue

The above titled application is approved.

10. Vote to adjourn
approved by committee

39 YES 0 NO 1 ABS 0 PNV MOTION PASSED (excluding Transportation item 8)

34 YES 0 NO 6 ABS 0 PNV MOTION PASSED (Transportation item 8)

Parks, Recreation, Cultural Affairs, & Waterfront Committee

1. Approval of previous month's minutes
approved by committee
2. EDC / Mathews Nielsen Landscape Architects: update on Pier 42 Conceptual Design
no vote necessary
3. NYC Parks – Allen Street Mall Concession: presentation for input regarding, but not limited to the following: Food Options & Misc Services, Public Programming, Community Engagement. Also next steps to share and discuss designs
no vote necessary
4. DOCKNYC: Presentation of new vessel operation guidelines for Pier 36
no vote necessary
5. Increase in homelessness in CB 3 parks
no vote necessary
6. Parks Dept presentation on programming: Ideas, timeline, and application process of movie nights, recreation programming, It's My Park events, and other general public programming in CB3 parks
no vote necessary
7. Vote to adjourn
approved by committee

39 YES 0 NO 1 ABS 0 PNV MOTION PASSED

Landmarks Committee

meeting canceled

Land Use, Zoning, Public & Private Housing Committee

1. Approval of previous month's minutes
approved by committee
2. Update on the development and financing of 204 Ave A and 535 E 12th St by SMJ Development/BFC Partners
no vote necessary
3. Proposed mixed use development by Chinatown Planning Council Housing Development Fund Company including significant additional affordable senior housing on parking lot adjoining Hong Ning senior residence at 50 Norfolk St incorporating 60 Norfolk St, (Beth Hamedrash Hagadol Synagogue remaining structure)
withdrawn
4. GVSHP Informational Presentation: Proposed Rezoning of 3rd & 4th Aves to limit large-scale commercial development, reinforce residential character, and encourage affordable housing (Please note: this is not a public hearing--this is an informational presentation that will include questions from committee to presenters. There will also be a public session as always, time dependent on other agenda items and the hour. This is informational and therefore will not be a vote at this meeting.)
no vote necessary
5. Vote to adjourn
approved by committee

39 YES 0 NO 1 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. Preparation for FY 19 budget priorities
no vote necessary
- 3. Review of District Needs and Budget Priority process
no vote necessary
- 4. Vote to adjourn
approved by committee

39 YES 0 NO 1 ABS 0 PNV MOTION PASSED

SLA & DCA Licensing Committee (AUGUST)

- 1. Approval of previous month's minutes

Applications within Saturated Areas

- 2. Enty to be formed by Glyn Galvin, 28 Ave B a/k/a 28-30 Ave B btwn E 2nd & E 3rd 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 Galmac LLC, for the premises located at 28 Avenue B a/k/a 28-30 Avenue B, between East 2nd Street and East 3rd 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 Irish and American food restaurant and sport bar, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 12:00 P.M. to 4:00 A.M. Mondays through Fridays and 11:00 A.M to 4:00 A.M. Saturdays and Sundays,
- 3) it will not commercially operate any outdoor areas,
- 4) it will employ at least one (1) security guard Sundays through Thursdays and two (2) security guards Fridays and Saturdays,
- 5) it will close any front or rear façade doors and windows at 10:00 P.M. every night, when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances, or during any major or advertised televised sports events, and it will have a closed fixed facade with no open doors or windows on the 30 Avenue B side of the business,
- 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 may have "happy hours" to 8:00 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, designate an employee to oversee patrons and noise on the sidewalk and will not use sandwich boards, menus or other structures outside that may obstruct the sidewalk,
- 12) it will use the 30 Avenue B side of the business for sit-down dining only with no standup bar,
- 13) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 14) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints

Community Board 3 is approving this application for a full on-premises liquor license although this location is in an area with numerous full on-premises liquor licenses because 1) this a location with an existing restaurant sport bar with a full on-premises liquor license which has operated without any recent complaints, 2) this applicant has operated licensed businesses within New York City, namely Triona's On Sullivan located at 237 Sullivan Street since September of 2009 and Triona's On Third located at 192 Third Avenue since December of 2012, and 3) the applicant furnished twenty-two (22) signatures from residents of the immediate area in support of its application.

- 3. Iberia Discover Georgia Inc, 154 Orchard St (op)
withdrawn

- 4. Enty to be formed by Jennifer Shorr, 104 Ave C btwn E 6th & E 7th 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 104 Avenue C Partners LLC, for the premises located at 104 Avenue C, between East 6th Street and East 7th 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 tavern lounge, serving food during all hours of operation,
- 2) its hours of operation will be 11:00 A.M. to 2:00 A.M. Sundays through Wednesdays and 11:00 A.M to 3:00 A.M. Thursdays through Saturdays,
- 3) it will not commercially operate any outdoor areas,
- 4) it will employ at least one (1) security guard Fridays and Saturdays, if needed,
- 5) it will review its soundproofing with residential tenants to insure that sound is inaudible in their apartments,
- 6) it will close any front or rear façade doors and windows at 10:00 P.M. every night and will otherwise have a closed fixed facade with no open doors or windows,
- 7) it will play ambient background music only, consisting of recorded music, and may have DJs two (2) times per week and live music four (4) times per month, but will not have promoted events, scheduled performances or any event at which a cover fee will be charged,
- 8) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 9) it may have "happy hours" to 8:00 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

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 is a sale of assets of a location with an existing restaurant tavern lounge with a full on-premises liquor license, 2) the applicant once lived in the building and has met with building tenants to address their complaints about the existing business and has proposed reducing its hours of operation and minimizing its sound system to address late night noise complaints, as well as agreeing to work with residents to insure that sound from the business is inaudible in their apartments, and 3) the applicant furnished one hundred forty-six (146) signatures from residents of the immediate, including from residents of the building, area in support of its application and four (4) residents of the building appeared on its behalf.

5. Entity to be formed by Nicholas Pfannerstill, 162 Orchard St (op) withdrawn

6. Cienfuegos, Amor Y Amargo, Mother of Pearl Room (Cien Fuegos LLC), 95 Ave A (aka 445 E 6th St) (op/alt/move bar from left to right side with 2 additional seats)

VOTE: TITLE: Community Board 3 Recommendation To Approve

To approve the application for an alteration of the full on-premises liquor license for Cien Fuegos LLC, doing business as Cienfuegos, Amor y Amargo and Mother of Pearl Room, for the premises located at 95 Avenue A a/k/a 445 East 6th Street, at the corner of East 6th Street and Avenue A, to wit moving its ten (10) foot bar on the second floor from the south side of the restaurant to the east or front side of the restaurant and having six (6) stools.

Alterations

7. Local 92 (Local 92 Inc), 92 2nd Ave btwn E 5th & E 6th Sts (op/alt/add additional bar with 4 seats)

VOTE: TITLE: Community Board 3 Recommendation To Approve

To approve the application for an alteration of the full on-premises liquor license for Local 92 Inc, doing business as Local 92, for the premises located at 92 Second Avenue, between East 5th Street and East 6th Street, to wit adding an eleven (11) foot bar with four (4) stools to the north rear side of the restaurant and reconfiguring the seating in that area to a couch and four (4) tables with eight (8) seats.

8. Pulqueria (HTCT LLC), 11-13 Doyers St btwn Pell St & Bowery (op/alt/add security guard)

VOTE: TITLE: Community Board 3 Recommendation To Approve

To approve the application for an alteration of the full on-premises liquor license for HTCT LLC, doing business as Pulqueria, for the premises located at 11-13 Doyers Street, between Pell Street and Bowery, to wit employing security personnel Fridays and Saturdays, from 9:00 P.M. to 2:00 A.M.

New Liquor License Applications

9. Baohaus Bowery LLC, 48 Bowery btwn Bayard & Canal Sts (op) withdrawn

10. Cheese Grille (188 Allen St Inc), 188 Allen Street (op) withdrawn

11. Bubbleology (Exemplary TAJ LLC), 135 1st Ave (op) withdrawn

12. Entity to be formed by Josh Grinker, 168 1/2 Delancey St btwn Clinton & Ridge 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 a corporation to be determined with principal Josh Grinker, for the premises located at 168½ Delancey Street, between Clinton Street and Ridge 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 modern Chinese 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 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 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 location with an existing restaurant with a full on-premises liquor license, 2) this applicant has operated licensed businesses within New York City, namely Red House BK LLC, located at 20 Skillman Avenue, Brooklyn, New York, since 2015, and Stone Place Corner LLC, located at 324 Fifth Avenue, Brooklyn, New York, since 2004, and 3) the applicant furnished twenty-seven (27) signatures from residents of the immediate area, including residents of the subject building, in support of its application and no one appeared in opposition to this application.

13. Chinatown USA, 150 Delancey St (op)

withdrawn

14. Sixth Avenue Restaurant Management LLC, 9 Orchard St (op)

withdrawn

Items not heard at Committee

15. Jun Guan Hospitality Management LLC, 125 Canal St (wb)

no vote necessary

16. Broome Hospitality Corp, 249 Broome St (wb)

no vote necessary

17. Sheng Da Chinese Food Restaurant (Sheng Da Chinese Food Restaurant Inc), 27 Eldridge St (b)

no vote necessary

18. New York Sushi Ko (New York Sushi Ko Inc), 91 Clinton St (wb/corp change)

no vote necessary

19. Normans Cay (Normans Cay Group LLC), 74 Orchard St (op/corp change)

withdrawn

20. Vote to adjourn

approved by committee

Hotel Applications

21. The Allen Hotel Inc, 88 Allen St (op)

withdrawn

22. The Ridge Hotel (OK Houston Hotel LLC), 151 E Houston St (op)

withdrawn

23. 9 Orchard Partners LLC, 9 Orchard St (op)

withdrawn

38 YES 0 NO 2 ABS 0 PNV MOTION PASSED

SLA & DCA Licensing Committee (SEPTEMBER)

1. Approval of previous month's minutes

approved by committee

Applications within Saturated Areas

- 2. Iberia Discover Georgia Inc, 154 Orchard St (op)
withdrawn

New Liquor License Applications

- 3. Baohaus Bowery LLC, 48 Bowery btwn Canal and Bayard Sts (op)

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

WHEREAS, Baohaus Bowery LLC has applied for a full on-premises liquor license for the premises located at 48 Bowery, between Canal Street and Bayard Street, New York, New York; and

WHEREAS, this applicant is proposing to operate a Chinese restaurant with a certificate of occupancy of seventy-four (74) people, ten (10) tables and twenty-two (22) seats, a twelve (12) foot by nine (9) foot bar with five (5) stools, hours of operation of 11:00 A.M. to 2:00 A.M. Sundays through Thursdays and 11:00 A.M. to 3:00 A.M. Fridays and Saturdays, a kitchen open all hours, windows closing at 10:00 P.M., no televisions, recorded background music, no promoted events, scheduled performances or events with cover fees, private and corporate events, no security, no soundproofing, no pub crawls or party buses and happy hours to 7:00 P.M.; and

WHEREAS, this is an unlicensed location, that was previously operated as a restaurant and which is located along a commercial arcade with its entrance on Bowery; and

WHEREAS, residents appeared expressing concern about the addition of a business with a full on-premises liquor license to this area of the Bowery which is directly across the street from a large residential complex and which has significant sidewalk congestion, as well as significant traffic congestion because it is in front of a bridge entrance; and

WHEREAS, the applicant has operated a similar business at 198B Orchard Street which was approved for a full on-premises liquor license by Community Board 3 in June of 2010 but which closed after an SLA action for serving all-you-can-drink Four Loko specials and has operated 238 East 14th Street which was approved for a wine beer license by Community Board 3 in February of 2016; and

WHEREAS, the applicant furnished fifty-six (56) signatures from area residents in support of its application and a member of the Chinatown Core Block Association spoke on behalf of this applicant because it had presented the block association a more comprehensive plan regarding its method of operation as a restaurant with family-style entrees on Bowery which is a major commercial corridor appropriate for a business with a full on-premises liquor license and later hours, the applicant has a history operating similar businesses and the block association has an interest, when appropriate, in encouraging new business ventures by Chinese Americans in Chinatown; and

WHEREAS, Community Board 3 was concerned with the location of the proposed business on a congested block of Bowery, although setback within a commercial arcade, as well as with the application, which included a limited menu although the applicant described an expanded family-style dinner menu, but agreed to approve this application with stipulations governing its method of operation; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for a full on-premises liquor license for Baohaus Bowery LLC, for the premises located at 48 Bowery, between Canal 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 Chinese 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. Sundays through Thursdays and 11:00 A.M. to 3:00 A.M. Fridays and Saturdays,
- 3) it will not commercially operate any outdoor areas,
- 4) it will close any front or rear façade doors and windows at 10:00 P.M. every night or 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 DJs, live music, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 6) it will have no more than one hundred (100) private parties per year,

- 7) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 8) it 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 send Item #3 back to committee raised by Karlin Chan and Second by Lee Berman
After discussion on the motion, the motion did not pass.**

4. 00+Co (Plant-Based Pizza New York LLC), 65 2nd Ave btwn E 3rd & E 4th Sts (upgrade to op)

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

WHEREAS, Plant-Based Pizza New York LLC, doing business as 00 + Co., is seeking a change in class of its wine beer license to a full on-premises liquor license for its restaurant located at 65 Second Avenue, between East 3rd Street and East 4th Street; and

WHEREAS, an application for a full on-premises liquor license for this applicant was heard by Community Board 3 in January of 2016 and a wine beer license was denied unless the applicant agreed to make as conditions of its license the stipulations that it would 1) operate a full-service vegan pizza restaurant, with a kitchen open and serving food during all hours of operation, 2) have hours of operation of 2:00 P.M. to 12:00 A.M. Mondays through Thursdays, 2:00 P.M. to 1:00 A.M. Fridays and Saturdays and 12:00 P.M. to 11:00 P.M. Sundays, 3) have a sidewalk café closing no later than 12:00 A.M. Mondays through Thursdays and 1:00 A.M. Fridays and Saturdays, 4) close its façade at 10:00 P.M. every day, 5) play recorded background music and not have DJs, live music, promoted events, scheduled performances or any events at which a cover fee is charged, 6) not apply for an alteration without first appearing before Community Board 3, 7) not seek an upgrade without the approval of Community Board 3, 8) not host pub crawls or party buses, 9) not have happy hours, and 10) not have wait lines outside; and

WHEREAS, one of the principals has operated a restaurant at this location with a wine beer license and without any complaints since 1994 and this business has operated since the beginning of 2016; and

WHEREAS, this location is within two hundred (200) feet of two (2) houses worship, to wit Iglesia de Cristo a/k/a Eastside Church of Christ, located at 56 East Second Avenue, between East 3rd Street and East 4th Street, and Iglesia Evangelica Hispana Cristina Alianza y Misionera a/k/a Spanish Evangelical Church, located at 76 Second Avenue, between East 4th Street and East 5th Street; and

WHEREAS, the applicant furnished seventy-three (73) petition signatures from area residents and one (1) patron appeared in support of its application; and

WHEREAS, provided that the SLA determines that this location is not within the two enumerated houses of worship, given the longstanding history of this applicant operating a restaurant at this location without complaints since 1994, Community Board 3 approves the change in class of this wine beer license to a full on-premises liquor license; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for a change in class of a wine beer license to a full on-premises liquor license for Plant-Based Pizza New York LLC, doing business as 00 + Co., to a full on-premises liquor license for its restaurant located at 65 Second Avenue, between East 3rd Street 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 vegan pizza restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 2:00 P.M. to 12:00 A.M. Mondays through Thursdays, 2:00 P.M. to 1:00 A.M. Fridays and Saturdays and 12:00 P.M. to 11:00 P.M. Sundays,
- 3) it will operate its sidewalk café no later than 11:00 P.M. Sundays, 12:00 A.M. Mondays through Thursdays and 1:00 A.M. Fridays and Saturdays,

- 4) 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,
 - 5) it will play ambient background music only, consisting of recorded music, and will not have DJs, live music, 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 6:00 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.
5. Tang Hotpot (Tang Hospitality Group LLC), 135 Bowery btwn Grand & Broome Sts (wb)
withdrawn
 6. Les Crepes & Taqueria, 25 Essex St btwn Essex & Hester Sts (wb)
withdrawn
 7. Small Plates LLC, 265 E 10th St btwn 1st Ave & Ave A (wb)

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

WHEREAS, Small Plates Inc. has applied for a wine beer license for the premises located at 265 East 10th Street, between First Avenue and Avenue A, New York, New York; and

WHEREAS, this applicant appeared before Community Board 3 in June of 2017, proposing to operate an Indian vegetarian restaurant with a certificate of occupancy of seventy (70) people, ten (10) tables and fifty (50) seats the majority of which would be in the backyard, 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, a ten (10) foot bar with five (5) stools, a kitchen open to within one (1) hour of closing, accordion doors and windows closing at 10:00 P.M., one (1) television, recorded background music, no promoted events, scheduled performances or events with cover fees, no security, an intent to install soundproofing and happy hours to 7:00 P.M.; and

WHEREAS, prior to the community board hearing in June of 2017, Community Board 3 contacted the applicant to inform the applicant that it could not commercially use the backyard of the location because the location is on a residentially zoned street, zoned R8B, and it is impermissible to extend the interior commercial space to the outside; and

WHEREAS, the applicant informed the community board office that its application would still include commercial use of the backyard; and

WHEREAS, the applicant then appeared before the SLA/DCA Licensing Committee of Community Board 3 in June of 2017, and was informed by its Chair that it could not commercially use its backyard because of the residential zoning of the street and the district manager instructed the applicant to have Leonard Fogelman, its attorney, contact the community board to confirm these zoning restrictions; and

WHEREAS, the applicant then elected to withdraw its application before Community Board 3 and filled out a form agreeing that it would not apply to the SLA without first appearing before the community board; and

WHEREAS, after the committee meeting, the district manager obtained written confirmation from the Department of Buildings that the backyard could not be commercially used and forwarded the written confirmation to Leonard Fogelman, the attorney for the applicant; and

WHEREAS, the SLA then notified the community board office that it was hearing this application and the community board office sent the SLA the committee minutes and Department of Buildings determination about the backyard and the applicant was sent a deficiency letter by the SLA for addition of the illegal use of the backyard to its application; and

WHEREAS, the community board also learned that the applicant had obtained a temporary license which included the illegal backyard use; and

WHEREAS, the applicant has now resubmitted its application, excluding any commercial use of the backyard; and

WHEREAS, the applicant and its attorney appeared before Community Board 3 and the attorney stated that he was unable to explain why he had submitted the application for the temporary wine beer license for the applicant to the SLA although he had received written confirmation from the Department of Buildings that the backyard could not be commercially used; and

WHEREAS, although Community Board 3 is concerned about the history of and representations made by this applicant, it recognizes that it is applying for a wine beer license and, consequently the community board will approve this application with stipulations governing its method of operation; and

WHEREAS, the applicant has acknowledged that it is within two hundred (200) feet of a house of worship, to wit Tenth Street Church of Christ, located at 257 East 10th Street, between First Avenue and Avenue A; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for a wine beer license for Small Plates Inc., with the proposed business name of Ahimsa, for the premises located at 265 East 10th Street, between First Avenue and Avenue A, 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 Indian vegetarian restaurant, with a kitchen open and serving food to within half an hour of closing,
- 2) its hours of operation will be 4:00 P.M. to 11:00 P.M. Mondays through Fridays and 12:00 P.M. to 11:00 P.M. Saturdays and Sundays,
- 3) it will not commercially operate any outdoor areas, including its backyard,
- 4) 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,
- 5) it will play ambient background music only, consisting of recorded music, and will not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee will be charged, and will have no more than four (4) private parties per month,
- 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.

Applications within Saturated Areas

8. Boticarios (58 E 1st St LLC), 58 E 1st 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 58 E 1st LLC, with a proposed business name of Boticarios, for the premises located at 58 East 1st 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 Pan Latin 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 12:00 A.M. Mondays through Thursdays, 4:00 P.M. to 2:00 A.M. Fridays, 11:00 A.M. to 2:00 A.M. Saturdays and 11:00 A.M. to 12:00 A.M. Sundays,
- 3) it will not commercially operate any outdoor areas or extend its business outside by having benches or other furniture,
- 4) it will install additional 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 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 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 direct smoking patron across the street to the sidewalk bordering the park,
- 13) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 14) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints

Community Board 3 is approving this application for a full on-premises liquor license although this location is in an area with numerous full on-premises liquor licenses because 1) this is a location with an existing restaurant with a full on-premises liquor license which has operated without complaints, and 2) this applicant has entered into a memorandum of understanding with the East First Street Block Association regarding its method of operation, including earlier closing hours than the previous business.

9. The Honey Fitz (Honey Fitz Hospitality Inc), 210 Ave A @ E 13th St (op)

VOTE: TITLE: Community Board 3 Recommendation To Deny

WHEREAS, Honey Fitz Hospitality Inc. is seeking a full on-premises liquor license to operate a restaurant tavern, with a proposed business name of The Honey Fitz, at the premises located at 210 Avenue A a/k/a 210-212 Avenue A, at the corner of Avenue A and East 13th Street, New York, New York; and

WHEREAS, this is an application for an Irish American restaurant bar showcasing the Kennedys in the 1960s, with a certificate of occupancy of one hundred (100) people, eighteen (18) tables and fifty-two (52) seats inside and ten (10) tables and twenty (20) seats at a sidewalk café, a twenty-two (22) foot bar with eleven (11) stools, hours of operation of 11:00 A.M. to 4:00 A.M. all days inside and 11:00 A.M. to 9:00 P.M. outside, a kitchen during all hours of operation, windows, four (4) televisions, recorded and live acoustic music and DJs at background levels, no promoted events, scheduled performances or events with cover fees, one (1) security guard Thursdays through Saturdays from 8:00 P.M. to 4:00 A.M., an intention to install additional soundproofing and happy hours to 8:00 P.M.; and

WHEREAS, per the applicant, there are there are eleven (11) full on-premises liquor licenses within five hundred (500) feet of this location but per the map on the SLA website there appear to be twenty (20) full on-premises liquor licenses within five hundred (500) feet of this location; and

WHEREAS, the applicant provided no public benefit other than its operating history for the approval of a full on-premises liquor license for a restaurant bar with DJs and live and recorded music in an area with so many licensed businesses, many of which are late night venues which advertise as restaurant bars and taverns; and

WHEREAS, Steelbar 180 Inc., the applicant for the existing business was approved for the transfer of the full on-premises liquor license without stipulations by Community Board 3 in June of 2010, after informing Community Board 3 that it would operate as a restaurant bar playing only recorded background music; and

WHEREAS, the applicant for the existing business was then denied a sidewalk café permit for ten (10) tables and twenty (20) seats by Community Board 3 in April of 2011 because, in pertinent part, 1) there had been numerous complaints to the community board office and the New York Police Department about noise from patrons congregating in front of and noise emanating from this business, 2) residents were complaining that patrons from this business were already congesting the sidewalks at night forcing residents to walk in the street, and 3) residents were complaining that, despite having only been open since November of 2010, the applicant was already operating contrary to its stated method of operation by employing live bands; and

WHEREAS, the applicant for the existing business was then heard for a renewal by Community Board 3 in November of 2014, because of persistent noise complaints and a nuisance abatement on June 12, 2013, for underage sales and was denied unless the applicant agreed to make as conditions of its

license stipulations that it would 1) operate as a full-service American comfort food restaurant, with a kitchen open and serving food to within one (1) hour of closing, 2) close any façade doors and windows at 10:00 P.M. every night and during amplified performances, including but not limited to DJs, live music, and live nonmusical performances, as well as during any televised sporting events, promoted events and trivia nights, 3) post signs on its façade doors informing customers that it would close doors fifteen (15) minutes before events, 4) not apply for any alteration in its method of operation without first appearing before Community Board 3, 5) conspicuously post this stipulation form beside its liquor license inside of its business, and 6) provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

WHEREAS, twenty-two (22) residents, including the representative of 503 East 13th Street, the residential portion of the building where the proposed business would be located, and representatives of the North Avenue A Neighborhood Association and East 13th A-B Block Association appeared in opposition to this application because of the lack of public benefit, concerns about the present applicant and complaints about the existing business; and

WHEREAS, a resident of the building, representing himself and the eighteen (18) resident members of the Del Este Condominium which owns the building, as well as two (2) of those building residents, appeared in opposition to this application and stated that 1) patrons of the existing business vomit and urinate in front of and on the residential entrance of their building, thereby creating unsafe and unsanitary conditions for residents of the building, and 2) the loud noise from the existing business, as well as loud noise and smoke from its patrons prevents residents from opening their windows; and

WHEREAS, four (4) residents of the block, including the representative of the East 13th A-B Block Association appeared in opposition to this application with complaints of 1) noise from music and shouting emanating from the business during sports events, trivia nights and live bands, 2) the sidewalk café around which patrons gather, resulting in pedestrians being forced to walk in the street, and 3) crowds of screaming drunken patrons from the business, as well as their smoke, garbage, vomit and urine on the sidewalk; and

WHEREAS, the district manager of Community Board 3 appeared and stated that she had been working with residents to address their repeated complaints about daytime and nighttime noise from the existing business and had arranged for the Department of Environmental Protection to enter one of the building apartments at 12:00 A.M. in July of 2017, to listen to the noise and the business had received a noise violation; and

WHEREAS, consistent with resident complaints, the Department of Environmental Protection issued a noise violation against the existing licensee on July 1, 2017, after listening to noise from the business in one of the building apartments; and

WHEREAS, the North Avenue A Neighborhood Association, a local residents organization, submitted a letter in opposition to this application and appeared in opposition to this application, stating that 1) the area around this location has a large number of businesses with full on-premises liquor licenses, including eight (8) within the same block, and there is no public benefit in the addition of another restaurant bar, 2) the present licensee operated a bad business because it quickly changed from a restaurant to a loud sports bar which hosted promoted and sports events, DJs, live bands and trivia nights where it used a loud speaker, 3) the addition of this business would be contrary to the community goal of increasing retail diversity, and 4) the applicant has numerous complaints of noise at its existing businesses, doing business as The Late Late, located at 159 East Houston Street, between Allen Street and Eldridge Street, and has been operating this business contrary to its method of operation and stipulations by hosting DJs, live music, promoted events and dancing, as well as noise complaints at its existing business, doing business as VNYL, located at 100 Third Avenue, between East 12th and East 13th Street; and

WHEREAS, a resident of the block and member of the North Avenue A Neighborhood Association stated that he had observed an amplified musician at the open front window of The Late Late at or after 10:00 P.M. on September 9, 2017, that YELP reviews of the business from 2014 through 2016 include numerous references to dancing and DJs at the location and that the business has posted online photographs of patrons dancing and advertises unlimited drink specials and no food service after 10:00 P.M.; and

WHEREAS, consistent with these complaints about the existing business of the applicant, a community board member stated that he walks by The Late Late multiple times a day and has observed numerous

times when the façade is open after 10:00 P.M. and a DJ is regularly located right by the front window which is very loud; and

WHEREAS, Community Board 3 denied the application for a full on-premises liquor license for 159 East Houston Street in July of 2013 unless the applicant agreed to make as conditions of its license stipulations that it would 1) operate as a full-service Irish gourmet restaurant, with a kitchen open and serving food during all hours of operation, 2) have hours of operation of 12:00 P.M. to 4:00 A.M. Mondays through Thursdays and 11:00 A.M. to 4:00 A.M. Fridays and Saturdays, 3) close any façade doors and windows at 10:00 P.M., 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) have "happy hours" from 5:00 P.M. to 7:00 P.M., 6) not host pub crawls or party buses, 7) employ security guards Thursdays through Saturdays, from 8:00 P.M. to 4:00 A.M., and otherwise as needed, 8) investigate whether or not additional soundproofing is necessary and install it if necessary, and 9) post signs on its façade, asking patrons to be quiet and respectful of neighbors; and

WHEREAS, consistent with the complaints against it, the applicant has received a letter of advice from the SLA, dated August 5, 2015, for The Late Late, detailing complaints from July 26, 2015 and July 27, 2015, for having its façade open after 10:00 P.M. and unlicensed cabaret and entered into a no contest plea before the SLA on June 8, 2017, for failure to conform to its application and unlicensed cabaret on October 28, 2016; and

WHEREAS, the district manager of Community Board 3 appeared and stated that the community board office had received complaints about the noise emanating from The Late Late from residents of the surrounding buildings, as well as from residents on the opposite side of East Houston Street, a large commercial thoroughfare bordered by a park, and had also received numerous complaints of noise from residents of the building where VYNL is located; and

WHEREAS, also consistent with the complaints about its existing businesses, The Late Late has received thirty-five (35) 311 commercial noise complaints in the past year, seventeen (17) of which have required a police response to correct and VYNL has received twenty-five (25) 311 commercial noise complaints in the past year, twelve (12) of which have required a police response to correct; and

WHEREAS, although the applicant did not respond to questions from Community Board 3 regarding its operation of 159 East Houston Street contrary to its stipulations, its method of operation and the law, during the course of its hearing by the community board on September 18th, a resident accessed the Facebook page of The Late Late during the hearing of its application and noted that it had posted photographs of dancing women and DJs and advertised an open microphone night; and

WHEREAS, notwithstanding that the applicant has experience operating licensed businesses in Community Board 3 and submitted seven (7) letters and twenty-eight (28) signatures from area residents in support of its application, given the history of violations, operation contrary to its approved method of operation and noise complaints at its existing businesses, Community Board 3 has no confidence that the applicant, if permitted to obtain a full on-premises liquor license for this location, would operate it consistent with its present representations; and

WHEREAS, Community Board 3 almost believes that there is no public benefit in opening what would be essentially the same method of operation as the previous business in an area with numerous full on-premises liquor licenses and that, given the history of complaints and operating contrary to its represented method of operation, the existing business has proven by its bad operation that a bar is not the appropriate type of business for this location; now

THEREFORE BE IT RESOLVED that Community Board 3 moves to deny the application for a full on-premises liquor license for Honey Fitz Hospitality Inc., with a proposed business name of The Honey Fitz, for the premises located at 210 Avenue A a/k/a 210-212 Avenue A, at the corner of Avenue A and East 13th Street, New York, New York.

10. Lucky One Enterprise Inc, 20 St Marks Pl (op)
withdrawn

Alterations

11. Pangea (Judex Enterprises Inc), 178 2nd Ave btwn E 11th & E 12th Sts (op/alt/add live music)

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

WHEREAS, Judex Enterprises Inc. is applying for an alteration of its full on-premises liquor license for its restaurant, doing business as Pangea, at the premise located at 178 Second Avenue, between East

11th Street and East 12th Street, to wit legalizing live music which is already part of its method of operation; and

WHEREAS, this applicant is also seeking to legalize scheduled performances, consisting of traditional cabaret, acoustic and jazz music and the spoken word; and

WHEREAS, this applicant has been operating this business at this location since 1986; and

WHEREAS, the district manager of Community Board 3 stated that there had been noise complaints about this business from residents of the building to the community board office, in investigating why there were noise complaints, the community board office had learned that the business was hosting pop-up adult parties which included strip shows, the community board office then communicated with the SLA and the applicant to eliminate those parties and the applicant submitted a notice of alteration to add live performances; and

WHEREAS, ten (10) residents and patrons appeared to speak on behalf of this business as a cultural institution committed to encouraging and hosting the performing arts; and

WHEREAS, the residents of the building who had complained about noise appeared and stated that since the elimination of the illegal pop-up adult parties, they have had no complaints about noise and support the alteration for this business to continue to have live music; and

WHEREAS, the applicant last appeared before Community Board 3 in July of 2011, for an alteration to legalize the extension of its license to serve alcohol at its sidewalk café which it has been operating since 1987; and

WHEREAS, Community Board 3 believes that the zoning for this location which is R7A with a C1-5 overlay, does not permit scheduled performances; and

WHEREAS, given that this business has operated with few complaints for more than thirty (30) years and is located on a wide commercial avenue, Community Board 3 would support the alteration to add live unscheduled performances with stipulations governing their inclusion in the method of operation of this business, and scheduled performances if permitted under the existing zoning; 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 Judex Enterprises Inc., doing business as Pangea, for the premise located at 178 Second Avenue, between East 11th Street and East 12th Street, to wit legalizing live musical and non-musical performances, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will have live music or live performances no later than 10:00 P.M. Sundays through Thursdays and 12:00 A.M. Fridays and Saturdays, with live performances occurring in the back insulated room and consisting of acoustic live music, live jazz, traditional cabaret and the spoken word,
- 2) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 3) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 4) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

12. Studio 151 (Tatu LLC), 151 Ave C btwn E 9th & E 10th Sts (op/alt/same license/owner as previous, technicality)

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

WHEREAS, Tatu LLC is applying for an alteration of its full on-premises liquor license for a tavern, doing business as Studio 151, at the premises located at 151 Avenue C, second floor, between East 9th Street and East 10th Street; and

WHEREAS, the attorney for this applicant appeared before Community Board 3 and stated the SLA had determined that this location, which had been added to the ground floor full on-premises liquor license, should have a separate full on-premises liquor license; and

WHEREAS, this applicant is now proposing to operate a tavern with a certificate of occupancy of seventy-four (74) people, two (2) to four (4) coffee tables with twenty (20) couch seats, an eighteen (18) foot bar with fifteen (15) stools, hours of operation of 6:00 P.M. to 2:00 A.M. Sundays through Tuesdays and 6:00 P.M. to 4:00 A.M. Wednesdays through Saturdays, a prep area serving food during

all hours of operation, a closed façade, no televisions, recorded music and DJs at entertainment levels, no promoted events, scheduled performances or events with cover fees, one (1) security guard, existing soundproofing, no pub crawls or party buses and happy hours to 9:00 P.M.; and

WHEREAS, this applicant was originally denied the alteration of a full on-premises liquor license by Community Board 3 in December of 2013, to wit expanding the ground floor business to the second floor, unless it agreed to make as conditions of its license stipulations that it would 1) operate as a restaurant and music performance space with a kitchen open and serving food to within one (1) of closing, 2) have a close fixed façade with no open doors or windows, 3) have hours of operation of 6:00 P.M. to 2:00 A.M. Sundays through Thursdays and 6:00 P.M. to 4:00 A.M. Wednesdays through Saturdays, 4) construct a vestibule with double doors, as well as construct a "box within a box" to insulate music from travelling outside of the building and engage in other sound mitigation, including installing additional soundproofing to the second story, if necessary, 5) employ two (2) security guards at all times, 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 7:30 P.M., 9) designate an employee to oversee patrons and noise on the sidewalk, and 10) provide a telephone number for residents to call with complaints and immediately address any resident complaints and post contact information for residents; and

WHEREAS, this applicant then asked that the second floor be heard by Community Board 3 in March of 2014 for a separate full on-premises liquor license and was denied unless it agreed to make as conditions of its license stipulations that it would 1) operate as a tavern with a prep area open and serving food during all hours of operation, 2) have a closed fixed façade with no open doors or windows, 3) have hours of operation of 6:00 P.M. to 2:00 A.M. Sundays through Thursdays and 6:00 P.M. to 4:00 A.M. Wednesdays through Saturdays, 4) employ at least one (1) security guard weekends, from 8:00 P.M. until closing, 5) play recorded music and have DJs, but not have live music, promoted events, scheduled performances or any event at which a cover fee would be charged, 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) not have "happy hours," 9) designate an employee to oversee patron congestion and noise on the sidewalk, and 10) provide a telephone number for residents to call with complaints and immediately address any resident complaints and post contact information for residents; and

WHEREAS, the existing full on-premises liquor license, which apparently includes both the first and second floors, was then issued by the SLA on July 27, 2016; and

WHEREAS, the district manager of Community Board 3 stated that there had been noise complaints about this business from residents of the adjacent building to the community board office, in investigating why there were noise complaints, the community board office had learned that the ground floor had been operating as a restaurant live music performance venue with a certificate of occupancy which did not permit this use, the community board office then communicated with the Department of Buildings, the SLA and the applicant regarding this deficiency and the ground floor is currently not open; and

WHEREAS, six (6) residents appeared, including residents of one of the adjacent buildings, complaining that 1) they do not believe that the location is soundproofed because they can hear loud music through the walls of their apartment, as well as loud noise from music and patrons emanating onto the street and out of the back of the building because the business opens its windows and fire escape door, 2) they can hear loud patrons who congregate on the fire escape and sidewalk to smoke and talk, 3) when each has individually approached the applicant to remediate noise complaint, the applicant took no action or temporarily lowered the volume of the music, and 4) when the applicant agreed to enter the apartments of two of the complaining residents, the applicant stated that it did not think the volume of the music was excessive and their complaints remained unresolved; and

WHEREAS, consistent with resident complaints, this location has received forty-five (45) 311 commercial noise complaints in the past year, seventeen (17) of which have required a police response to correct; and

WHEREAS, although the applicant denied that the façade was open or its fire escape used by patrons, a community board member stated that he had observed the front façade windows on the second floor open at 1:30 A.M. this past summer and an employee of the business speaking on behalf of the applicant stated that despite repeated efforts by the business to prevent patrons from going onto the fire escape, they persist in opening the door and standing on the fire escape; and

WHEREAS, the applicant submitted seventy-one (71) signatures from area residents in support of its original application from 2012 and nine (9) residents and patrons appeared to speak on behalf of this business as a cultural institution committed to encouraging and hosting the performing arts; and

WHEREAS, Community Board 3 would support this application with additional stipulations addressing resident complaints and the applicant operating inconsistent with its stipulations and the conditions of its license, provided that the applicant agree to meet with residents to insure that it has sufficiently responded to their complaints; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for a full on-premises liquor license for Tatu LLC, doing business as Studio 151, for the premises located at 151 Avenue C, second floor, between East 9th Street and East 10th 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 tavern, serving food during all hours of operation,
- 2) its hours of operation will be 6:00 P.M. to 2:00 A.M. Sundays through Tuesdays and 6:00 P.M. to 4:00 A.M. Wednesdays through Saturdays,
- 3) it will not commercially operate any outdoor areas,
- 4) it will employ security guards during all hours of operation,
- 5) it will install soundproofing per the recommendations of a sound engineer, which includes entering individual apartments adjacent to the business to insure that sound and vibrations are undetectable and inaudible to residential neighbors,
- 6) it will install a limiter on its sound system which will be set at a level determined to be inaudible to residential neighbors by a sound engineer,
- 7) it will have a closed fixed façade with no open doors or windows,
- 8) it will play recorded music and may have DJs, but will not have live music, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 9) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 10) it may have "happy hours" to 9:00 P.M. each night,
- 11) it will not host pub crawls or party buses,
- 12) it will not have unlimited drink specials with food and it will not have bottle service,
- 13) it will designate an employee to oversee patrons and noise on the sidewalk and direct smoking and talking patrons across the street to the sidewalk in front of a park,
- 14) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 15) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

13. Saluggis East (Saluggis East Inc), 399 Grand St btwn Suffolk & Clinton Sts (op/alt/extend hours to 4am all nights and add live music on Fridays & Saturdays)

VOTE: TITLE: Community Board #3 Recommendation To Deny

WHEREAS, Saluggi's East Inc., doing business as Saluggi's East, is seeking an alteration of its full on-premises liquor license for the premises located at 399 Grand Street, between Clinton Street and Essex Street, to wit extending its closing times to 4:00 A.M. all days and adding live music Fridays and Saturdays; and

WHEREAS, this applicant is also seeking to add security guards when live music is playing and reduce its menu to a late night limited menu; and

WHEREAS, this applicant was denied a full on-premises liquor license by Community Board #3 in May of 2016, unless it agreed to make as conditions of its license stipulations that it would to 1) operate a full-service Italian restaurant, with a kitchen open and serving food during all hours of operation, 2) have hours of operation of 8:00 A.M. to 1:00 A.M. Sundays through Wednesdays and 8:00 A.M. to 2:00 A.M. Thursdays through Saturdays, 3) close any front or rear façade doors and windows at 10:00 P.M. every night or during any amplified performances, including but not limited to DJs, live music and live nonmusical performances, 4) 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 have unlimited drink specials with food, 9) designate an employee to oversee patrons and noise on the sidewalk, 10) conspicuously post this stipulation form beside its liquor license inside of its 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 August 25, 2015, and this applicant has been operating its business for seven (7) months; and

WHEREAS, this applicant was then heard by Community Board #3 in February of 2017 for an alteration to extend its liquor license to an outdoor café within its buildings line, consisting of eleven (11) tables and twenty-two (22) seats and was denied unless it agreed to make as additional conditions of its license stipulations that it would to 1) have an outdoor café consisting of eleven (11) tables and twenty-two (22) seats, and 2) have hours of operation for its café of 10:00 A.M. to 10:00 P.M. all days; and

WHEREAS, this applicant was then heard by Community Board #3 in April of 2017 and May of 2017 for an alteration to extend its closing times to 4:00 A.M. all days and denied in May of 2017, given that the applicant had been operating only seven (7) months, had already altered its full on-premises liquor license to allow it to serve alcohol in its outdoor space and was not operating consistent with its stipulations, in that it conceded that it had been closing its kitchen earlier than its closing time; and

WHEREAS, the applicant is now proposing to operate a restaurant with a certificate of occupancy of seventy-four (74) people, nineteen (19) tables and forty-four (44) seats inside and eleven (11) tables and twenty-two (22) seats outside, proposed hours of operation of 10:00 A.M. to 4:00 A.M. Sundays and 8:00 A.M. to 4:00 A.M. Mondays through Saturdays inside and 10:00 A.M. to 10:00 P.M. outside, a kitchen open all hours serving Italian and American food, windows, six (6) televisions, recorded and live music at entertainment levels, no promoted events, scheduled performances or events with cover fees, security when live music is playing, no pub crawls or party buses and happy hours at 7:00 P.M.; and

WHEREAS, although the applicant submitted an unsigned letter in support of its application from its landlord the Seward Park Cooperative and a resident submitted a letter in support of this application, a resident submitted a letter in opposition to this application and representatives of the Seward Park Around Canal Street Block Association and the Orchard Street Block Association appeared and made or submitted statements in opposition to this application because the applicant has been operating only twelve (12) months and had entered into an agreement with the Seward Park Around Canal Street Block Association prior to the approval of its full on-premises liquor license which included an agreement to have hours of operation of 8:00 A.M. to 1:00 A.M. Sundays through Wednesdays and 8:00 A.M. to 2:00 A.M. Thursdays through Saturdays, consistent with its operation as a restaurant, and play only recorded background music; and

WHEREAS, given that the applicant has been operating only twelve (12) months and has already been approved to alter its license by extending the service of alcohol outside, Community Board #3 would not support the extension of hours of operation for this business but would support the addition of live music to this business with additional stipulations; 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 an alteration of the full on-premises liquor license for Saluggi's East Inc., doing business as Saluggi's East, for the premises located at 399 Grand Street, between Clinton Street and Essex Street, to wit extending its closing times to 4:00 A.M. all days and adding security guards; and

THEREFORE, BE IT FURTHER RESOLVED that Community Board #3 moves to deny the application for an alteration of the full on-premises liquor license for Saluggi's East Inc., doing business as Saluggi's East, for the premises located at 399 Grand Street, between Clinton Street and Essex Street, to wit adding live music, 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 Italian and American 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. Sundays through Wednesdays and 8:00 A.M. to 2:00 A.M. Thursdays through Saturdays,
- 3) it will operate its outdoor café within its building line and consisting of eleven (11) tables and twenty-two (22) seats, from 10:00 A.M. to 10:00 P.M. all days,
- 4) it will install additional 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 may have live music consisting of no more than four (4) performers or instruments playing on Fridays and Saturdays no later than 1:00 A.M., and will otherwise not have 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 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 responsible to oversee patrons on the sidewalk and ensure no crowds or noise outside,
- 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.

New Liquor License Applications

14. Eli's Night Shift (Eli Zabar Inc), 54 Mulberry St btwn Bayard and Mosco Sts (op)

VOTE: TITLE: Community Board 3 Recommendation To Deny

WHEREAS, Eli Zabar LLC is seeking a full on-premises liquor license to operate a restaurant and bar, with a proposed business name of Eli's Night Shift, at the premises located at 54 Mulberry Street, between Bayard Street and Mosco Street, New York, New York; and

WHEREAS, this applicant is seeking to operate a restaurant and bar serving American food on the ground floor and basement of this location, with no listed certificate of occupancy, thirty (30) tables and eighty-two (82) to eighty-six (86) seats, an eleven (11) foot bar with seven (7) stools on the first floor and a twelve (12) foot bar with thirteen (13) stools in the cellar, hours of operation of 8:00 A.M. to 1:00 A.M. Sundays through Thursdays and 8:00 A.M. to 2:00 A.M. Fridays and Saturdays, windows, recorded background music and happy hours to 8:00 P.M.; and

WHEREAS, the applicant is seeking to open a downtown version of the same business, doing business as Eli's Night Shift, located at 189 East 79th Street, at the intersection of East 79th Street and Third Avenue since October of 2015; and

WHEREAS, the applicant has stated that the public benefit for approving a full on-premises liquor license for this location is that it would offer coffee and pastries during the day and a dinner and drink menu at night, that the applicant has operated a similar business with a full on-premises liquor license since October of 2015, and that the applicant has other established businesses with liquor licenses across the city; and

WHEREAS, the applicant has stated that it is anticipating that its business will attract patrons from outside of the neighborhood and the city; and

WHEREAS, this is a previously unlicensed location which has been vacant for at least ten (10) years; and

WHEREAS, there are at five (5) full on-premises liquor licenses and one (1) pending full on-premises liquor licenses within five hundred (500) feet of this location; and

WHEREAS, although the applicant furnished evidence of support from the surrounding community for its business, in that it furnished twenty-eight (28) petition signatures from area resident and a patron of the existing business appeared on its behalf, representatives of the Chinatown Core Block Association and six (6) residents appeared and submitted two (2) letters and a collective seventy-five (75) signatures in English and Chinese from residents of the immediate area in opposition to this application; and

WHEREAS, residents and the block association collectively expressed concern that 1) there is insufficient public benefit in the addition of a business which will offer coffee and baked goods during the daytime and an American food menu and drinks at nighttime because there are numerous small locally owned and operated businesses which provide coffee and baked goods in the immediate area, as well as numerous businesses which offer a similar menu and alcohol, 2) the proposed business will significantly impact a street which already experiences heavy daytime traffic congestion from vehicles blocking the street from a funeral home on that street, as well as from vehicles parked on the street from law enforcement and other officials going to the numerous nearby city and federal buildings, and heavy nighttime traffic and noise from cabs blocking the street to pick up patrons at area businesses,

as well as significant horn honking, and 3) the addition of this business with a full on-premises liquor license will have the significant negative impact of crippling the numerous small locally operated businesses surrounding it, in addition to negatively impacting community efforts to encourage retail diversity; and

WHEREAS, representatives of the Chinatown Core Block Association also stated that they had reached out to and met with the applicant and toured the proposed location and were concerned that the applicant, who has never operated a business below 14th Street, lacked insight or concern about introducing a destination American food restaurant and bar into a neighborhood with the cultural significance of Chinatown; and

WHEREAS, the member of family-operated small sandwich and coffee shop located at 48 Mulberry Street within half (½) a block of this location appeared and stated that her family has invested all of its savings into their shop and she is fearful that the business being proposed by a large corporate entity will decimate her business; and

WHEREAS, although the applicant conceded that it anticipated that its proposed business would attract patrons from outside the neighborhood, city and country, its application lacked a traffic plan to address its impact on or efforts to alleviate vehicular traffic congestion on this block; and

WHEREAS, Community Board 3 anticipates that the proposed business at an unlicensed location will have significant negative impacts on an already congested street and the potential effect of crippling the small surrounding locally-owned businesses far outweighs any public benefit in the addition of a business from an established operator of eating and drinking establishments; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the full on-premises liquor license for Eli Zabar LLC, with a proposed business name of Eli's Night Shift, for the premises located at 54 Mulberry Street, between Bayard Street and Mosco Street, New York, New York.

15. Kitty's Canteen (Meow Meow LLC), 9 Stanton St (op)
withdrawn

16. Entity to be formed by Eamon Doran, 127 4th Ave btwn E 12th & E 13th 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 a corporation to be determined, with principals Eamon Doran, JP Doran, Leonard O'Connor, Peggy Doran and Danika Eadmina, for the premises located at 127 Fourth 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 restaurant and bar , with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 12:00 P.M. to 2:00 A.M. Sundays through Wednesdays, 12:00 P.M. to 3:00 A.M. Thursdays and 12:00 P.M. to 4:00 A.M. Fridays and Saturday,
- 3) it will not commercially operate any outdoor areas,
- 4) it will employ security guards Wednesdays through Saturdays,
- 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, DJs only for private parties and acoustic live music once a week, will not have promoted events, scheduled performances or any event at which a cover fee will be charged and may have five (5) private parties per year,
- 7) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 8) it 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

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 within five hundred (500) feet of

this location because 1) this is a sale of assets of an existing restaurant and bar with a full on-premises liquor license, and 2) the applicant has operated similar businesses as proposed and without apparent violations at 158 East 23rd Street with a full on-premises liquor license issued on January 27, 2009, and at 119 East 27th Street with a full on-premises liquor license issued on June 13, 2013.

17. Cheese Grille (188 Allen St Inc), 188 Allen St (op)
withdrawn

18. SVL NYC LLC, Essex St (Essex Crossing Site 1) (op)
withdrawn

19. Randalls Hospitality LLC, 359 Grand St btwn Essex & Norfolk 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 Randalls Hospitality LLC, for the premises located at 359 Grand Street, between Essex Street and Norfolk 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 barbeque 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 1:00 A.M. Sundays through Wednesdays and 11:00 A.M. to 2:00 A.M. Thursdays through Saturdays,
- 3) its hours of operation for an outdoor café, consisting of four (4) tables and eight (8) seats within its building line, will be 12:00 P.M. to 10:00 P.M. all days,
- 4) 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,
- 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 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 four (4) full on-premises liquor licenses within five hundred (500) feet of this location because 1) this location is physically isolated from residential buildings, with no buildings on the same side of the block or behind this business and a residential complex set back from the opposite side of the street, 2) there is no barbeque restaurant in the immediate area, and 3) although six (6) residents of the immediate area submitted letters in opposition to this application, the applicant has entered into a memorandum of understanding with the Seward Park Around Canal East Block Association regarding its method of operation, including earlier weekday closing hours and furnished one hundred seventy (170) signatures from residents of the immediate area in support of its application.

20. 100 Forsyth Restaurant LLC, 100 Forsyth St a/k/a 100B Forsyth St @ Grand 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 100 Forsyth Restaurant LLC, for the premises located at 100 Forsyth Street a/k/a 100B Forsyth Street, at the corner of Grand Street and Forsyth 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 Northern Thai 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, 5:00 P.M. to 11:00 P.M. Mondays through Wednesdays, 5:00 P.M. to 2:00 A.M. Thursdays and Fridays and 11:00 A.M. to 2:00 A.M. Saturdays,
- 3) it will operate its backyard no later than 10:00 P.M. all days and with no more than eighteen (18) seats for sit-down dining only,

- 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 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 location with an existing restaurant with a full on-premises liquor license and no history of complaints, and 2) this applicant has six (6) years' experience managing restaurants, including a restaurant in a similar residential neighborhood.

Items not heard at Committee

21. Normans Cay (Normans Cay Group LLC), 74 Orchard St (op/corp change)
no vote necessary
22. Ramen Setagaya (Propose 101 Inc), 34 1/2 St Marks Pl (wb/corp change)
no vote necessary
23. Haile Bistro (Haile Bistro Inc), 182 Ave B (wb/corp change)
no vote necessary
24. El Castillo De Manhattan Rest Corp, 207 Madison St (wb/corp change)
no vote necessary
25. Pell NYC Inc, 23 Pell St (wb)
no vote necessary
26. Sushumai Asian Fusion, 112 Stanton St (wb)
no vote necessary
27. 259 E Broadway LLC, 259 E Broadway (wb)
no vote necessary
28. Mr Bing (Mr Bing of 115 St Marks LLC), 115 St Marks Pl (wb)
no vote necessary
29. Wok Wok Southeast Asian Kitchen (11 Kitchen Inc), 11 Mott St (wb)
no vote necessary
30. Dokodemo (Flove LLC), 89 E 4th St (wb)
no vote necessary

Old Business (full board meeting only)

31. Burgers and Chismis LLC, 143 Orchard St (op)
motion to come

Old Business (adjourned from September 11th)

- Letter Regarding Attorney for 265 East 10th Street

VOTE: TITLE: Community Board letter to the SLA regarding activities by a lawyer in regards to the license application for 265 East 10th Street

To approve the proposed following letter with revisions to the SLA, which details the actions of Leonard Fogelman with respect to the application for a wine beer license for Small Plates Inc., for the premises located at 265 East 10th Street, between First Avenue and Avenue A.

Community Board 3 appreciates the efforts made by the SLA in notifying it of the impending hearing of Small Plates Inc., for 265 East 10th Street, as it resulted in the discovery that the attorney for the applicant had filed an application to obtain a temporary license which included use of the backyard although he and the applicant had been informed by Community Board 3 that the zoning designation for this location prohibits commercial use of the backyard.

The applicant first sent a 30-day notice to the CB in June of 2017. The application was eligible for administrative approval because of the early closing hours, but the application included backyard use. The office notified the applicant that it was not legal to use the backyard in this residentially zoned area, but the applicant refused to acknowledge this. (see emails attached) Consequently, the application was included on the agenda to be heard at the committee. The application also indicated

that it intended to have 15 seats inside and 40 seats outside in backyard. The CB expressed concern to the applicant that the business model appeared to depend on its proposed backyard use which was not compliant with zoning regulations. The applicant stated he had already signed the lease and was therefore obligated to rent the space. The CB offered to work with the lawyer for the applicant to get a notice from the Department of Buildings stating that the backyard use was noncompliant with zoning. This could then be used to nullify the lease.

The applicant at the meeting signed a withdrawal sheet that stated he would not go forward to the SLA without first coming back to the CB. (see attached) The CB office obtained a notice from the Department of Buildings that the backyard could not be used for commercial purposes. (see attached). Leonard Fogelman, the lawyer for the applicant, and Susan Stetzer, the District Manager, had a conversation regarding this and the notice was forwarded to Mr. Fogelman. (see attached)

The CB office then started receiving complaints that the restaurant was open, serving alcohol, and advertising use of the backyard. (see attached) The CB then learned that the applicant had applied to the SLA contrary to the signed withdrawal agreement. Additionally, even though he had received notice from the Department of Buildings stating that the backyard could not be commercially used, Mr. Fogleman applied for use of the backyard and obtained a temporary license which included the backyard.

Community Board 3 went to great lengths to assist the attorney and applicant in this situation and, despite being informed about the zoning restrictions for this location, the attorney submitted information to the SLA to obtain a license which included an area that he knew was not zoned for commercial use.

32. Vote to adjourn
approved by committee

38 YES 0 NO 2 ABS 0 PNV MOTION PASSED

Vote to adjourn

39 YES 0 NO 1 ABS 0 PNV MOTION PASSED

Members Present at Last Vote:

David Adams	[P]	Ryan Gilliam	[P]	Jeremy Markman	[P]
Yaron Altman	[P]	Debra Glass	[P]	Chad Marlow	[A]
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	[P]	Marnie Ann Joyce	[A]	Damaris Reyes	[A]
Karlin Chan	[A]	Meghan Joye	[P]	James Rogers	[P]
Jonathan Chu	[P]	Lisa Kaplan	[P]	Richard F. Ropiak	[P]
MyPhuong Chung	[P]	Carol Kostik	[P]	Robin Schatell	[A]
David Crane	[P]	Mae Lee	[P]	Laryssa Shainberg	[P]
Enrique Cruz	[P]	Veronica Leventhal	[P]	Clint Smeltzer	[P]
Eric Diaz	[P]	Alysha Lewis-Coleman	[P]	Nancy Sparrow-Bartow	[A]
Dean Diongson	[P]	Gigi Li	[P]	Josephine Velez	[P]
Wilda Escarfuller	[A]	Luis Lopez	[P]	Rodney Washington	[P]
Shirley Fennessey	[P]	Mei Lum	[A]	Kathleen Webster	[P]
David Ford	[P]	Robert Magliaro	[A]		

Meeting Adjourned