



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

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Jamie Rogers, Board Chair

Susan Stetzer, District Manager

December 2017 Full Board Minutes

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

Public Session:

Harry Bubbins Director of GVSHP is in support of the CB3 Land Use Committee Resolution and cited supporting CBO's of this rezoning proposal.

Andrew Berman in support of the 3rd and 4th avenue rezoning proposal, an employee of GVSHP. Shared that City Planning is very resistant to this proposal.

Kathy Wakeham representing the Metropolitan Council on Housing is in support of the GVSHP.

David Mulkins representing Bowery Alliance of Neighbors is in support of the Land Use Resolution regarding Tech Hub and 3rd and 4th ave corridors. David shared historical situations where unprotected neighborhoods were destroyed and replaced with new architecture.

Jean Standish representing Bowery Alliance of Neighbors is in support of the Land Use Resolution regarding the 3rd and 4th Ave Corridor. Shared her concern for commercial development in residential neighborhoods

John Center resident of the Lower East Side is urging the Community Board 3 to vote in the Rezoning proposal as written. Reminded the Board of the Manhattan Borough President's description of the importance regarding community boards.

Ydarian Castillo representing Civilian Complaint Review Board. She is announcing the agency services.

Rosemarie Hameed expressed her concern regarding 60 Norfolk Street landmark being burned down and not being reconstructed as a synagogue. She wants an inclusive community center built over this site and not just an Asian focused senior center.

Emily Yuan is representing the Mayor's Office Get Covered NYC program to sign up for Health insurance coverage.

Laura Sewell is celebrating the Community Board support of the CHARAS resolution.

Carol Kastik and David Ford (CB3 members) are inviting the community at large to apply for Bellevue CAB.

Vaylateena Jones (CB3 member) urges the community who are to be Bellevue CAB to urge for more trauma care treatment funding.

Public Officials:

Mayor Bill de Blasio, Paola Ruiz:

Public Advocate Letitia James, Adam Chen: Released investigated report for DOE to serve disabled students (currently DOE is putting the burden on the parents to provide IEP services instead of the DOE who are mandated to provide IEP services). Public Advocate is asking for the resignation of Olatoye NYCHA Chair. She has gone on record as saying, "She has lost faith in NYCHA" until Shola Olatoye steps down. Reminded the community that the Public Advocate is a Watchdog for city agencies.

Community board members asked why Public Advocate is now taking notice of this lead paint issue when it has been an issue for 40 years in CB3.

CB member is asking for Public Advocate to review the NYCHA contractual agreements that involve paying negligent consultants and poor construction of developments.

Comptroller Scott Stringer, Michael Stinson: Bus reports, "NYC has slowest bus service in the country" and rent and credit reports are on the NYC website. Proclamation presented to CB3 Chair.

Borough President Gale Brewer, Afraz Khan: Proclamation presented to CB3 Chair "Jamie Rogers Appreciation Day". Rivington House vigil attended by Gale Brewer. Partnering with Yuhline office regarding Essex School Crossing. Reminder to serve on Community Board through the online application. The office is advocating for teens to join the community board. \$20 million to give out to nonprofits and schools for capital funding.

Congressmember Nydia Velazquez, Iris Quinones: Working with Marshall office to investigate a swastika sticker on the security guard office on government owned property- the US Marshall jurisdiction. The office is urging all to say something when something is hate crime related. Congressmember is advocating for health benefits for

veterans. She is introducing a transportation subsidy which will bring extra funding to MTA and other city agencies to give to elderly metrocards.

Public community resident questioned how city elected officials can be more involved when the orthodox Jewish community makes hate crime remarks to ban LGBT from community centers. District Manager requested a more clarified rule of City and Federal jurisdiction.

Congressmember Carolyn Maloney, Victor Montesinos:

Assemblymember Yuh-Line Niou, Rebecca Ou: Force landlord Crowman to pay millions back to former tenants. His property will be given to private owners. Budget priorities Townhall meeting scheduled for December 28th at Manny Cantor Center 6pm. Presented a proclamation to CB3 Chair.

Assemblymember Deborah J. Glick, Charlie Anderson: Is in support of the 3rd and 4th ave corridor rezoning proposal. Shared that the local elected officials were not aware of the L train construction until about 2 hours before it was announced. Is in support of Abortion remaining legal for women's health. Announced the support for bird safe glass throughout NYC. Vacancy Tax for landlords of storefronts is legislation she is working on and is calling on the support of CB3 and other Community boards. Is utterly disgusted with the Federal tax plan. Is in support of destroying the president's proposed 20% excise tax on Puerto Rico.

State Senator Brian Kavanagh, Venus Galarza-Mullins:

State Senator Brad M. Hoylman, Caroline Wekselbaum: Letter written to MTA to support CB3 resolution to add more service to buses in the district. Wrote a letter to State liquor authority to issue proper liquor licenses and is in support of the Tech Hub.

Councilmember Margaret Chin, Vincent Fang: Drafted a letter to US Marshalls and NCA to do a comprehensive investigation for the swastika sticker. NYC Council passed legislation to require NYC housing and preservation development to alert the community where they exist and when they expire. Also passed legislation for immigrant language to no longer be a barrier for families within foster care services.

Councilmember Carlina Rivera, Alaysia Martin: Introduction of councilmember elect. Is in support with all Deborah Glick mentioned. Is in support of senior services and supports. Shared her track record of community involvement.

Members Present at First Vote:

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

Minutes:

Minutes of October 2017 were approved, as is.

36 YES 0 NO 1 ABS 0 PNV MOTION PASSED

Board Chairperson's Report:

Chairperson Jamie Rogers

Lisa Burriss will become social media manager. Luis Lopez will become a new parliamentarian for the board. By laws taskforce of atleast 3 community board members is being requested to review the by laws and update. 2nd

Vice Chair position is available once the new chair is appointed. Welcomed the newest community board member position with Alistair Economakis. Asking members to join the Arts and Culture Sub Committee.

District Manager's Report:

District Manager Susan Stetzer

The Neighborhood Rodent program in CB3 is working—there has been a decrease in rat findings. There are additional days for pick up of garbage aiding in this program by the Department of Sanitation in New York (DSNY).

Dry ice is being used in Tompkins Square Park to avoid hawks being harmed by rat poison.

On Rivington, bike lanes will be changed from the south side to the north side to better control traffic in front of the Hotel on Rivington street. This should keep traffic and people moving quickly and hopefully have less noise. DOT will report to the community board with L train updates soon.

Committee Reports:

Executive Committee

no vote necessary

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

1. Approval of previous month's minutes
approved by committee
2. Charles B Wang/Ryan-Nena/Roberto Clemente/Betances/Community HealthCare Network Health Centers:
CB 3 community-based health clinics-challenges and successes
no vote necessary
3. Vote to adjourn
approved by committee

38 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Economic Development Committee

no meeting scheduled

SLA & DCA Licensing Committee

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

Applications within Saturated Areas

2. withdrawn item
withdrawn
3. Bar Bacon LLC, 171 Ave A (op)
withdrawn
4. Entity to be formed by Robert Precious, 20 St Marks Pl btwn 2nd & 3rd Aves (op)

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

WHEREAS, an entity to be formed by Robert Precious is applying for a full on-premises liquor license to operate a tavern in the premises located at 20 Saint Marks Place, basement level, between Second Avenue and Third Avenue, New York, New York; and

WHEREAS, this applicant is proposing to operate a tavern with a certificate of occupancy of seventy-four (74) people, twenty-three (23) tables and forty-six (46) seats, a forty-seven (47) foot bar with seventeen (17) stools, hours of operation of 4:00 P.M. to 4:00 A.M. Mondays through Fridays and 1:00 P.M. to 4:00 A.M. Saturdays and Sundays, a kitchen serving food during all hours of operation, one (1) television, recorded background music and live jazz, no promoted events, scheduled performances or events with cover fees, security, twenty-five (25) private parties per year, happy hours to 8:00 P.M. and no wait lines outside; and

WHEREAS, this applicant has stated that it is purchasing the assets of the existing business; and

WHEREAS, the existing business, doing business as Grassroots Tavern, has been continuously licensed since prior to 1993, in that it has been operating with a full on-premises liquor license for the past forty-six (46) years; and

WHEREAS, there are thirty-three (33) full on-premises liquor licenses within five hundred (500) feet of this location and eleven (11) full on-premises liquor licenses, ten (10) wine beer licenses and two (2)

eating place beer licenses on this block of Saint Marks Place, between Second Avenue and Third Avenue; and

WHEREAS, residents of this street, including a resident of the building, and a representative of the 8 Saint Marks Block Association appeared in opposition to this application, stating that the existing business is a quiet low-key tavern which has no impact on a street already overburdened with noise, pedestrian and vehicular traffic and food and drink deliveries because of the existing licensed businesses and the introduction of a new licensee will result in additional late night noise, foot and vehicular traffic and delivery trucks from food deliveries which would be a change in the method of operation from the existing business; and

WHEREAS, the applicant has stated that it intends to maintain the same method of operation as the existing business which it recognizes has been an iconic neighborhood gathering place, offer ambient acoustic live jazz music on Sundays consistent with the present business, add a gas or electric kitchen to offer "casual restaurant fare," add soundproofing and renovate the bathrooms; and

WHEREAS, the applicant has operated The Ginger Man at 11 East 36th Street which had a full on-premises liquor license issued by the SLA on January 25, 1996 and Under The Volcano at 12 East 36th Street with a full on-premises liquor license from 2000 to 2008; and

WHEREAS, the applicant has furnished evidence of community support, in that it provided petition signatures in support of its application, sixty-one (61) of which are from area residents; and

WHEREAS, notwithstanding the experience of the applicant or its demonstration of support for its application, Community Board 3 recognizes that because of its quiet operation, the existing tavern at this location has no impact on this street, and the community board and residents are concerned that any new licensee at this location will inevitably detrimentally impact a street already overserved by licensed businesses; and

WHEREAS, given that this is a sale of assets of a tavern that has operated with a full on-premises liquor license since prior to 1993 and this application will consequently be less strictly scrutinized by the SLA, Community Board 3 feels bound to approve this application with stipulations; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for a full on-premises liquor license for an entity to be formed by Robert Precious, for the premises located at 20 Saint Marks Place, between Second Avenue and Third Avenue, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a tavern, with less than a full kitchen but serving food during all hours of operation,
- 2) its hours of operation will be 4:00 P.M. to 4:00 A.M. Mondays through Fridays and 1:00 P.M. to 4:00 A.M. Saturdays and Sundays,
- 3) it will close any front or rear façade entrance doors at 10:00 P.M. every night or when amplified sound is playing and will otherwise have a closed fixed facade with no open doors or windows,
- 4) it will not commercially operate any outdoor areas,
- 5) it will install soundproofing consistent with the recommendations of a sound expert,
- 6) it will play ambient background music only, consisting of recorded music and ambient acoustic live jazz music played once a week playing no later than 12:00 A.M., will not have DJs, promoted events, scheduled performances or any event at which a cover fee will be charged, and will have no more than twenty-five (25) 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 8:00 P.M.,
- 9) it will not host pub crawls or party buses,
- 10) it will not have unlimited drink specials with food,
- 11) it will have an HVAC engineer oversee the installation of a kitchen and the maintenance or replacement of the existing HVAC system,
- 12) it will not have 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.

5. JDI Group Partners Inc., 158 Ave C @ E 10th St (op)

VOTE: TITLE: Community Board 3 Recommendation to Deny

WHEREAS, JDI Group Partners Inc. has applied for a full on-premises liquor license for the premises located at 158 Avenue C, at the corner of Avenue C and East 10th Street, New York, New York; and

WHEREAS, this applicant is seeking to operate a tavern with a certificate of occupancy of seventy-four (74) people, seven (7) tables and thirty-eight (38) seats, an eighteen (18) foot bar with thirteen (13) stools, a kitchen open during all hours of operation, hours of operation of 4:00 P.M. to 2:00 A.M. Mondays through Fridays and 11:00 A.M. to 2:00 A.M. Saturdays and Sundays, one (1) television, recorded music, live music in two (2) sets per night, DJs four (4) or more times per month, all at entertainment levels, and events with cover fees once or twice a week, two (2) private parties per month, security and happy hours to 7:00 P.M.; and

WHEREAS, this location is zoned R7A with a C1-5 commercial overlay in which events with cover fees are prohibited and the applicant was notified about this zoning restriction by Community Board 3; and

WHEREAS, the full on-premises liquor license for the prior applicant was first heard by Community Board 3 in January of 2008 and denied unless it agreed to make as conditions of its license stipulations that it would 1) operate as a full-service restaurant, serving food to within one (1) hour of closing, 2) close its accordion doors at 10:00 P.M. every night, 3) have only background music, and 4) close no later than 2:00 A.M. all nights; and

WHEREAS, the prior applicant was then issued a full on-premises liquor license by the SLA on July 30, 2008; and

WHEREAS, Community Board 3 then denied an alteration of the full on-premises liquor license for the previous licensee in August of 2010 to remove any restriction on operating hours and permit live music, unless it agreed to make as conditions of its license stipulations that it would 1) maintain its method of operation as a tavern restaurant, serving food to within one (1) hour of closing, 2) close any doors and windows by 10:00 P.M. every night, and 3) play recorded music only except that live acoustic musicians were permitted to perform once a week; and

WHEREAS, the previous business has been permanently closed since November of 2016; and

WHEREAS, there are eleven (11) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant but fifteen (15) full on-premises liquor licenses and one (1) pending full on-premises liquor license within five hundred (500) feet of this location per LAMP; and

WHEREAS, the applicant has stated that the public benefit in the approval of a full on-premises liquor license is that this location will operate as a traditional New York jazz club; and

WHEREAS, although the applicant stated that its method of operation would be as a traditional New York jazz venue, it then stated that while it was intending to operate from 4:00 P.M. to 2:00 A.M. Mondays through Fridays and 11:00 A.M. to 2:00 A.M. Saturdays and Sundays, it would host jazz musicians nightly only from 8:00 P.M. to 11:00 P.M. and supplement its music the remaining time with recorded music curated by DJs; and

WHEREAS, the applicant has no license or similar experience; and

WHEREAS, five (5) residents of this and surrounding buildings and a representative of The East Village Community Coalition, a local residents association appearing on behalf of numerous residents opposed to this application, spoke in opposition to this application, given its proposed late night hours of operation, nightly live music in an old tenement building and in an area already well-served with music venues, including those hosting jazz music, proximity to many full on-premises licenses, lack of experience of the applicant and given the existing incredible vehicular and traffic congestion, patron crowds and garbage on this block of Avenue C; and

WHEREAS, notwithstanding that the applicant furnished petition signatures in support of its application, one hundred sixty-four (164) of which were from area residents, Community Board 3 finds insufficient public benefit in approving an application for a full on-premises liquor license for a jazz venue and tavern whose majority of operation will be only as a tavern with DJs, with a limited menu, within close proximity to numerous full on-premises liquor licenses, including other music venues and in an area with incredible vehicular and pedestrian traffic congestion, crowds and garbage as a result of the existing licensed businesses; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for a full on-premises liquor license for JDI Group Partners Inc. for the premises located at 158 Avenue C, at the corner of Avenue C and East 10th Street.

6. Baci e Vendetta (Magnetron LLC), 131 Ave A (upgrade to op)
withdrawn

7. Lamia Fish Market (East Coast Fish Market Inc.), 45 Ave B btwn E 3rd & E 4th Sts (wb)

VOTE: TITLE: Community Board 3 Recommendation To Deny

WHEREAS, East Coast Fish Market Inc., with a proposed business name of Lamia's Fish Market, is seeking a wine beer license for the premises located at 45 Avenue B, between East 3rd Street and East 4th Street, New York, New York; and

WHEREAS, the actual address for this proposed application is 45-47 Avenue B, the site of the former 47 Avenue B East Inc., doing business as Le Souk; and

WHEREAS, this is an application for a seafood restaurant in the two storefronts and what appears in its diagrams to be four (4) rooms on two (2) floors located at 45-47 Avenue B, with an unspecified certificate of occupancy, forty (40) tables and one hundred forty (140) seats, hours of operation of 4:00 P.M. to 12:00 A.M. Mondays through Thursdays, 4:00 P.M. to 1:00 A.M. Fridays, 11:00 A.M. to 1:00 A.M. Saturdays and 11:00 A.M. to 12:00 A.M. Sundays, an eighteen (18) foot bar with no listed stools, a kitchen open all hours serving a seafood menu, accordion doors and windows closing at 10:00 P.M., no televisions, existing soundproofing, recorded background music, no promoted events, scheduled performances or events with cover fees, no security, no pub crawls or party buses, happy hours to 7:00 P.M., no wait lines and no agreement about staff outside to monitor crowds and noise; and

WHEREAS, this applicant and impacted community residents were heard at length by Community Board 3 in April of 2016, and Community Board 3 then denied it application for a wine beer license because of the history of the location, criminal history of the landlords and prior licensees, relationship of the applicant to those individuals and history of the applicant relative to her other venues which are shared with those individuals (see attached hereto Community Board 3 resolution of April 2016 to deny a wine beer license for East Coast Fish Market Inc.); and

WHEREAS, this applicant was then heard for a wine beer license by the SLA on October 26, 2016, and was approved with conditions of its license being that it would 1) have a permanently closed façade, 2) not use outdoor space, 3) have a 12:00 A.M. closing all days, 4) not have DJs, 5) not have dancing, 6) not have promoted events, and 7) not have velvet ropes; and

WHEREAS, a conditional approval letter was then issued by the SLA on October 26, 2016; and

WHEREAS, the applicant has confirmed that its conditional approval letter has now expired and it is asking to be reheard by Community Board 3; and

WHEREAS, the present application differs from the original application in that the applicant is now intending to construct the kitchen on the ground floor, has reduced seating to one hundred forty (140) people, is again proposing to have accordion doors and windows and is seeking to operate past 12:00 A.M. Fridays and Saturdays; and

WHEREAS, the proposed business has never opened and the location is still under construction; and

WHEREAS, no circumstances have changed other than that the conditional approval letter granted the applicant has expired and the applicant is now seeking to re-apply for its wine beer license and include in its application elements of its method of operation, to wit closing times past 12:00 A.M. on Fridays and Saturdays and an open façade, which were previously denied by the SLA; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for a wine beer license for East Coast Fish Market Inc. for the premises located at 45 Avenue B a/k/a 45-47 Avenue B, between East 3rd Street and East 4th Street; and

THEREFORE, BE IT FURTHER RESOLVED that Community Board 3 asks that if the SLA again approves the application for a wine beer license for East Coast Fish Market Inc. for the premises located at 45 Avenue B a/k/a 45-47 Avenue B, between East 3rd Street and East 4th Street, it do so with no fewer than the conditions attached to its previous approval of October 26, 2016.

Alterations

8. Brigitte (ZVAH Inc), 37 Canal St (alt/op/add additional bar and seats to basement) withdrawn

New Liquor License Applications

9. Cha-An (Tokyo Mama Inc), 230 E 9th St (upgrade to op/alt/additional 3rd floor private dining room)

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

To deny the application for a change in class of the wine beer license for Tokyo Mama Inc., doing business as Cha-An, for the premises located at 230 East 9th Street, between Second Avenue and Third Avenue, to a full on-premises liquor license, as well as its application for an alteration, to wit expanding its business to a third floor dining room, 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, to wit a Japanese tea house, with a kitchen open and serving food during all hours of operation,
- 2) it will use its third floor for dining, including private parties and seminars and classes about food and drink,
- 3) its hours of operation will be 12:00 P.M. to 11:00 P.M. Mondays through Thursdays, 12:00 P.M. to 12:00 A.M. Fridays and Saturdays and 12:00 P.M. to 10:00 P.M. Sundays,
- 4) it will not commercially operate any outdoor areas,
- 5) it will close any front or rear façade entrance doors at 10:00 P.M. every night or when amplified sound is playing and will otherwise have a closed fixed facade with no open doors or windows,
- 6) it will play ambient background music only, consisting of recorded music, and will not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 7) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 8) it will not host pub crawls or party buses,
- 9) it will not have unlimited drink specials with food,
- 10) it will not have "happy hours,"
- 11) it will insure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 12) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 13) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints

Community Board 3 is approving this application for change in class of a wine beer license to a full on-premises liquor license and to expand this business to an additional floor although this location is in an area with numerous full on-premises liquor licenses because 1) this applicant has operated numerous businesses in this community since 1980 and currently operates ten (10) businesses in this community on East 9th Street and East 10th Street, three (3) of which have full on-premises liquor licenses and five (5) of which have wine beer licenses, 2) this applicant has operated its business without complaints during its history of operation, 3) its business includes moderate operating and daytime hours, as well as a method of operation based upon Japanese cultural traditions, and 4) the applicant furnished petition signatures in support of its application, fifty-six (56) of which were from area residents.

10. Pinks Cantina (Pinks Cantina LLC), 203 Chrystie St btwn Stanton & Rivington Sts (wb)

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

To deny the application for a wine beer license for Pinks Cantina LLC, with a proposed business name of Pinks Cantina, for the premises located at 203 Chrystie Street, between Stanton Street and Rivington Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that

- 1) it will operate as a full-service Mexican restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 5:00 P.M. to 4:00 A.M. Mondays through Fridays and 10:00 A.M. to 4:00 A.M. Saturdays and Sundays, with alcohol service ending at 12:00 A.M. Sundays through Thursdays and 2:00 A.M. Fridays and Saturdays,
- 3) it will not commercially operate any outdoor areas,
- 4) it will close any front or rear façade entrance doors at 10:00 P.M. every night or when amplified sound is playing and will otherwise have a closed fixed facade with no open doors or windows,
- 5) it will play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 6) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,

- 7) it may have "happy hours" to 8:00 P.M. each night,
- 8) it will not host pub crawls or party buses,
- 9) it will not have unlimited drink specials with food,
- 10) it will not have wait lines and will designate an employee to oversee patrons and noise on the sidewalk and ensure that patrons do not exit the business with alcohol,
- 11) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 12) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

11. Rye Basin, 190-192 E 2nd St (op)
withdrawn

12. ED Man Hustle LLC, 39 Essex St btwn Hester and Grand Sts (op)

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

WHEREAS, ED Man Hustle LLC has applied for a full on-premises liquor license, for the premises doing business as Old Man Hustle, located at 39 Essex Street, between Hester Street and Grand Street, New York, New York; and

WHEREAS, this applicant is also seeking to change the hours of operation of the existing business from 4:00 P.M. to 1:30 A.M. all days to 4:00 P.M. to 4:00 A.M. Mondays through Fridays and 12:00 P.M. to 4:00 A.M. Saturdays and Sundays; and

WHEREAS, the current manager of this business since August of 2016 has appeared before Community Board 3 as the applicant for this new application and alteration application; and

WHEREAS, Community Board 3 denied the prior applicant Old Man Hustle LLC a full on-premises liquor license in February of 2014, unless it agreed to make as conditions of its license the stipulations that it would 1) operate as a tavern performance space, 2) have hours of operation of 4:00 P.M. to 1:30 A.M. all days, 3) play ambient background and entertainment level music, consisting of recorded music and acoustic live musicians, and not have DJs, promoted events or any event at which a cover fee would be charged, 4) close any façade doors and windows at 10:00 P.M. every night or at 8:00 P.M. if live performances are happening, 5) not commercially use any outdoor areas, 6) not apply for any alteration in its method of operation without first appearing before Community Board 3, 7) have "happy hours" to 7:00 P.M. each night, 8) not host pub crawls or party buses, 9) install soundproofing, consisting of a vinyl acoustic barrier and audio dampening foam, and 10) provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

WHEREAS, the prior applicant was issued a full on-premises liquor license by the SLA on June 26, 2014; and

WHEREAS, the prior applicant received summonses on June 18, 2015 and June 25, 2015, for selling alcohol to minors and was nuisance abated on December 19, 2015, for which it entered into a stipulated settlement; and

WHEREAS, Community Board 3 then moved to deny the application for an alteration by the prior applicant to extend its closing time of 1:30 A.M. all days to 4:00 A.M. all days in January of 2016, as well as moved to deny the renewal of its full on-premises liquor license in May of 2016, both times because residents appeared in opposition to this application, citing summonses received by the applicant for selling alcohol to minors, it operating inconsistent from the conditions of its license by keeping the business open past its closing time of 1:30 A.M., advertised closing times of 3:00 A.M. Sundays through Thursdays and 4:00 A.M. Fridays and Saturdays on its website, it serving alcohol past its legally allowed closing time, the absence of food service at the business, the façade being open past stipulated times and complaints of unreasonable noise coming from the business after its legal closing time as evidenced by eighteen (18) 311 calls they documented, from November 5, 2015 to December 19, 2015, between 2:00 A.M. and 4:00 A.M.; and

WHEREAS, the applicant has stated that the public benefit in the approval of a full on-premises liquor license is that this location has operated without complaints during its period of management and provides the artistic service of nightly comedy shows; and

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

WHEREAS, notwithstanding that the applicant furnished petition signatures in support of its application, sixty-one (61) of which were from area residents, and has managed the business for one and a half (1½) years, representatives of The Orchard Street Block Association and The Seward Park Around Canal East Block Association appeared expressing concern about the application, including the extension of its hours of operation to 4:00 A.M. all days, given the bad history of the business, numerous businesses with full on-premises liquor licenses within the immediate area and incredible pedestrian and vehicular traffic congestion and noise on this block, as well as the lack of experience of the applicant in operating a licensed business; and

WHEREAS, Community Board 3 was concerned about approving an application for a full on-premises liquor license with closing hours of 4:00 A.M. all days within close proximity to numerous full on-premises liquor licenses to an applicant without any history operating a licensed business and with limited experience managing this business and for a business which has had a bad operating history; and

WHEREAS, Community Board 3 would now support this application provided that the applicant agreed to close no later than 2:00 A.M. all days; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for a full on-premises liquor license for ED Man Hustle LLC, doing business as Old Man Hustle, for the premises located at 39 Essex Street, between Hester Street and Grand 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 performance space, serving food during all hours of operation
- 2) its hours of operation will be 4:00 P.M. to 2:00 A.M. Mondays through Fridays and 12:00 P.M. to 2:00 A.M. Saturdays and Sundays,
- 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, including but not limited to DJs and live music and will close any front or rear façade entrance doors at 8:00 P.M. during live nonmusical performances,
- 5) it will play ambient background music only, consisting of recorded music, and will not have DJs, live music, promoted events or any event at which a cover fee will be charged and scheduled performances will only consist of nightly comedy performances,
- 6) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 7) it may have "happy hours" to 8:00 P.M. each night,
- 8) it will not host pub crawls or party buses,
- 9) it will not have unlimited drink specials with food,
- 10) it will insure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 11) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 12) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

13. Keep Moving Forward LLC, 511 E 5th St btwn Ave A & B (op)

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

To deny the application for a full on-premises liquor license for Emmy Square East Village LLC, for the premises located at 511 East 5th Street, between Avenue A and Avenue B, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that

- 1) it will operate as a full-service pizza restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 12:00 P.M. to 12:00 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 9:00 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 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 review its existing exhaust system and make necessary repairs to address the complaints of the ground floor tenant,

- 11) it will not have wait lines 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 is a location in an area with numerous full on-premises liquor licenses within five hundred (500) feet of this location because 1) the applicant is proposing to operate a full-service restaurant with moderate hours, including daytime hours, 2) this location has housed an existing full-service restaurant with a full on-premises liquor license and which has operated as a pizza restaurant since 2013, 3) the applicant has operated three (3) pizza restaurants in New York City, and 4) the applicant provided substantial support for its application, in that it furnished petition signatures, forty-seven of which were from area residents and most of those were from residents of this block.

Hotel Applications

- 14. The Allen Hotel Inc., 88 Allen St (op)
no vote necessary
- 15. Ace Hotel, 223-225 Bowery (op)
withdrawn

Items not heard at Committee

- 16. Bricia Lower East Side (New Clinton Hospitality LLC), 79 Clinton St (wb)
no vote necessary
- 17. Eureka Gem LLC, 110 Forsyth St (aka 114 Forsyth St) (wb)
no vote necessary
- 18. 95 Fusion Tearoom & Kitchen Bar (95 Fusion Tearoom & Kitchen Bar Inc), 95 Chrystie St (wb)
no vote necessary
- 19. Ichibantei (Ichibantei Pub Inc), 401 E 13th St (wb/corp change)
no vote necessary
- 20. Vote to adjourn
approved by committee

37 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. DOT: Car Free Slow Zone
no vote necessary
- 3. Community complaints regarding Knickerbocker Post Office, 128 E Broadway, change in loading hours
VOTE: TITLE: Resolution In Support Of a Change in the Loading Dock Hours of Operation at the United States Postal Service's Knickerbocker Station and Studying the Potential Installation of Soundproofing Measures

WHEREAS, the United States Postal Service's Knickerbocker Station at 128 East Broadway uses Division Street and Orchard Street for loading and unloading bulk mail; and

WHEREAS, in approximately April 2017 operating hours at Knickerbocker Station were changed to allow loading and unloading of trucks starting at 1:30 AM instead of 6:00 AM; and

WHEREAS, the neighboring area is highly residential and residents have reported quality of life issues relating to excessive noise, especially after the loading hours were changed; and

WHEREAS, residents have tried resolving the matter through actions including reporting 311 complaints, speaking to USPS supervisors and employees, and creating a "Petition to Stop Noise Pollution" to explore the feasibility of soundproofing; so

THEREFORE BE IT RESOLVED, that CB 3 Manhattan recommends supporting a change in the loading dock hours at Knickerbocker Station from a 1:30 AM start to 6:00 AM, and

THEREFORE BE IT FURTHER RESOLVED that USPS conduct a feasibility study to determine if noise can be reduced at Knickerbocker Station by soundproofing the walls of the station's loading dock.

- 4. Vote to adjourn
approved by committee

38 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Parks, Recreation, Cultural Affairs, & Waterfront Committee

1. Approval of previous month's minutes approved by committee
2. Presentation of the proposed design for the renovation of McKinley Playground

VOTE: TITLE: To Deny Support for the Proposed Design and Renovation of McKinley Playground

Deny Support for the Proposed Design and Renovation of McKinley Playground

WHEREAS, McKinley Joint Operated Park will be undergoing reconstruction to update the playground side, including equipment, to better serve the school and residential community, and

WHEREAS, McKinley Playground is a well-used playground, bringing together and serving a very diverse community from the surrounding neighborhood, and

WHEREAS, Community Board 3 supports the additional security lighting and the addition of challenging climbing features, an improvement of the 2 to 5-year old play area, and greening by the inclusion of more planting areas, and permeable pavers and storm water-capture resiliency features, and

WHEREAS, CB 3 requests significant modifications to the proposed design, such as,

- The reconstruction of the comfort station has always been the # 1 priority for the community board and should be budgeted first. Council Member Mendez funded the comfort station, which has now increased in cost. The comfort station has two important functions: it provides bathroom facilities for the playground and basketball court use and it also allows the Parks Department to have a seasonal staff person assigned to the playground. If the comfort stations is not renovated first, there are no bathroom facilities for the many people using the playground during non-school hours and the neighborhood children are denied a seasonal staff person assigned to the playground during the summer.
- Fencing must not be lowered. This particular playground has a history of people climbing into the playground at night to play basketball and otherwise use the space. The playground is bordered on the east side by apartments and specifically bedrooms. The fence is necessary for the safety of people trying to climb over and quality of life of people sleeping with windows on the playground. The fence modification was not presented in the visioning session and the cost of the fence was not included in the original budget
- Swings must not be removed. The community has specifically stated that the current swings are well used. There should be a bucket swing, an accessible swing, and two standard swings.
- The water area should not have boulders which would impede the use of the area as a multi-purpose area when not used for water play, Water should be provided from a flat surface which will allow multi-use of the area.

WHEREAS, the outreach response was primarily from the school community not the surrounding community. The playground is bordered by apartments. This is a densely residential community surround by apartments on the eastern border of the playground and 1,236 units in Village View which is south, west, and north of the school/playground, and

WHEREAS, the Manhattan Borough President allocated money for the school kitchen, but there does not appear to be sufficient funding for the kitchen in the near future, Community Board 3 requests that this money be reallocated to reconstruct the comfort station, so

THEREFORE BE IT RESOLVED that Community Board 3 does not support the current design of McKinley Park and requests that the Parks Department return in January, 2018, with a revised design that includes renovation of the comfort station, the fence at the current height, 4 swings, and a water area that can be used as a multipurpose area that excludes boulders.

3. Upcoming public artwork BIRDLINK, freestanding native plant garden sculpture designed to support urban birds and engage community. SDR Park March-Dec 2018
no vote necessary
4. Presentation on recreation programming, including movie nights, in CB 3 parks
no vote necessary
5. Lower Manhattan Coastal Resiliency (LMCR) Update

no vote necessary

- 6. Report from Arts & Cultural Affairs Subcommittee--Support for Mayor De Blasio's decision to reclaim Old PS 64

VOTE TITLE: To Support Mayor De Blasio's Decision to reclaim Old PS 64

Support Mayor De Blasio's Decision to reclaim Old PS 64

WHEREAS, On October 12, 2017 at a Neighborhood Town Hall at PS 188, Mayor Bill DeBlasio promised to have the City pursue regaining possession of Old PS 64 for use as a Community and Arts and Cultural Center, and

WHEREAS, The Arts and Cultural Subcommittee is supportive of the Mayor's Promise to return Old PS64 to the community as a Community and Arts and Cultural Center so that the building could be restored and returned to community use, and

WHEREAS, the current owner has been unable to develop this landmarked building and has in fact damaged the building with removal of architectural ornamentation on the East 10th Street side of the building and failed to take sufficient care in protecting these areas from weather damage, and

WHEREAS, The owner has consistently presented possible tenants with lease agreements that are more in keeping with a licensing agreement which do not fulfill the terms of a real lease, and

WHEREAS, historically the building served the community as a school and a community center that housed many not for profit organizations that served the Loisiada Community and acted as a major arts and cultural center for the Loisiada neighborhood and includes a covenant in the deed requiring that the building be used for community use, and

WHEREAS, The failure of the current owner to present a viable tenant that satisfies the Community Use covenant in the deed since 2001, and

WHEREAS, This building would better serve our community as a Community and Arts and Cultural Center as it had prior to the current owner, as the Loisiada neighborhood has no other viable option for a Community and Arts and Cultural Center at this time, so

THEREFORE BE IT RESOLVED, Community Board 3 supports Mayor De Blasio's Decision to reclaim Old PS 64 to NYC ownership and to be restored as a community and Arts and Cultural Center.

- 7. Vote to adjourn approved by committee

38 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Landmarks Committee

no agenda items - meeting canceled

Land Use, Zoning, Public & Private Housing Committee

- 1. Approval of previous month's minutes approved by committee
- 2. Discussion of 3rd & 4th Avenues rezoning

VOTE: TITLE: Proposed Rezoning of the 3rd and 4th Avenue Corridors

To Support a Proposal to Change the Zoning of 3rd and 4th Avenues From 14th Street to 9th Street from C6-2A to C1-7A.

WHEREAS, CB 3 has for the last 10 years gone on record as seeking a zoning solution for the 3rd and 4th Avenue corridor which maximizes affordable housing and caps building heights; and

WHEREAS, CB 3 is concerned about the proliferation of hotels in the area; and

WHEREAS, the current zoning for the 3rd and 4th Avenue corridors allows a significant density of commercial development, such as the Moxy Hotel with multiple bars rising at 112-120 East 11th Street, which replaced five tenements with almost 100 units of permanent housing, including rent-regulated units; and

WHEREAS, more such development, which is incompatible with the character of this area, is likely under current conditions due to the existence of multiple sites which are similarly "underbuilt" as compared to the density allowed by the existing zoning; and

WHEREAS, the existing zoning offers an incentive for commercial development over residential development, since the as-of-right FAR for market-rate commercial development is 6.0 whereas the as-of-right FAR for market-rate residential development is 5.4 or 10% less; and

WHEREAS, by encouraging commercial development in this area the existing zoning also allows developers to avoid the existing incentives for creating or preserving affordable housing, which do not apply to commercial developments, thus losing an important and all-too-rare opportunity; and

WHEREAS, residents of this area, Councilmember Rosie Mendez, and the Greenwich Village Society for Historical Preservation have been seeking changes to the zoning for this area for well over a dozen years, and the previous rezoning of the area only addressed some of those concerns; and

WHEREAS, CB 3 is long on record calling for and supporting the zoning changes requested for this area; and

WHEREAS, the recently dramatically expanding tech industry in the area is vastly increasing the pressure for new commercial development which may be welcome in many respects but at appropriate locations and not in the midst of predominantly residential blocks; and

WHEREAS, the possibility of a new Tech Hub which is proposed to be focused in part on civic tech incubation and tech skills training at the edge of this zone on the PC Richards site on 14th Street could further add to this pressure; and

WHEREAS, the proposed zoning change would reduce the maximum allowable FAR for commercial developments from 6.0 to 2.0, thus prohibiting out-of-character large-scale commercial development on these blocks while continuing to allow developments with commercial uses on the lower floors or small scale commercial developments, which 90% of the lots in this district conform with; and

WHEREAS, the proposed zoning change would preserve the predominantly residential character of the neighborhood and preserve opportunities for the creation and preservation of affordable housing; so

THEREFORE BE IT RESOLVED, CB 3 urges the Department of City Planning to support and move ahead with consideration of the proposed 3rd and 4th Avenue corridor rezoning as soon as possible, being mindful of CB 3's strong desire to see such protections put in place.

3. Settlement Housing Fund proposal to acquire Tanya Towers at 620 E 13th St from FECS bankruptcy and conduct affordable housing preservation/rehabilitation with sale of inclusionary zoning rights

VOTE: TITLE: To Support the Acquisition of Tanya Towers, 620 East 13th Street, by Settlement Housing Fund

To support the Settlement Housing Fund proposal to acquire Tanya Towers at 620 E 13th St from FECS bankruptcy and conduct affordable housing preservation/rehabilitation with the sale of a Voluntary Inclusionary Housing density bonus.

WHEREAS, Tanya Towers is a 10-story, 138-unit Mitchell-Lama building, primarily for people in need of special services and dedicated resources; and

WHEREAS, FECS, the owner of Tanya Towers, is in bankruptcy; and

WHEREAS, Settlement Housing Fund proposes to acquire the property, and rehabilitate its roof and façade; and

WHEREAS, the project will be financed and preserved using Inclusionary Housing Development proceeds from the density bonus; and

WHEREAS, the income levels of the affordable units at Tanya Towers are under 80% AMI and will remain permanently affordable; and

WHEREAS, approximately 125,000 square feet of "floor area compensation" through the bonus will be transferred offsite; and

WHEREAS, the bonus floor area must be transferred within CD 3 or within a half mile of the project zoning lot; and

WHEREAS, CB 3 has regularly taken the position that Inclusionary Housing Development rights should not be transferred to individuals or corporations that have shown themselves to be bad actors who have had a negative impact on the community, such as participating in tenant harassment; so

THEREFORE BE IT RESOLVED, CB 3 supports the proposal for Settlement Housing Fund to acquire Tanya Towers at 620 E 13th St, provided that the Inclusionary Housing Development rights are not transferred to a recipient with a history of negative impact on the community

BE IT FURTHER RESOLVED, CB 3 will write a letter to HPD articulating our concerns about the agency's unwillingness to restrict transfers of Inclusionary Housing Development rights to recipients which have shown themselves to be bad actors with histories of negative impact on the community.

4. Essex Crossing Update: including housing lotteries, new cultural institutions, and market line
no vote necessary
5. Informational Presentation: Community Land Trust
no vote necessary
6. Report from Public Housing/Section 8 Subcommittee
no vote necessary
7. Vote to adjourn
approved by committee

38 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding Land Use item 3)

37 YES 0 NO 1 ABS 0 PNV MOTION PASSED (Land Use item 3)

Vote to adjourn

38 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Members Present at Last Vote:

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

Meeting Adjourned