



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

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Alysha Lewis-Coleman, Board Chair

Susan Stetzer, District Manager

January 2018 Full Board Minutes

Meeting of Community Board 3 held on Tuesday, January 23, 2018 at 6:30pm at PS 20, 166 Essex Street.

Public Session:

HJ Jee – Supporting the application for the Ace Hotel. Representing the HTC (Hotel Trades Council).
Nicholas Morgenstein – Owner of the Ace Hotel. Is in support for the application.

Gaby Hoffmann – Opposes the rear yard addition regarding Landmarks Committee #3. Concerned the whole building may fall down if construction takes place. Believes it is careless destruction of history. The footprint of that residency will be denied forever.

Richard Duane – Opposes the rear yard addition regarding Landmarks Committee #3. Mr. Duane is a local neighbor. Advocates for the green space.

Sokhi Wagner is against the Landmarks Committee #3.

Ina Chen – Speaking on behalf of the DA's office. Announcing applications for youth to sign up for a summer internship beginning February 1st 2018.

Aixa Torres – Alfred E Smith Housing President of the Tenants Association. In support of Public Housing Section 3.

Barbara Bruman – Presenting on the Ryan Nena Network WIC program to bring awareness to residents. Dietitians and health and wellness staff in addition to referrals to other services.

Annie Tan – Inquiring on the 85 Bowery Street situation where tenants were evicted. Is bringing to awareness the problem of landlords being unaccountable.

Robin Schatell – Arts and Culture Townhall Meeting at Downtown Arts. It is in regards to the Culture Plan.

Rosemarie Figueroa Hameed – Is advocating for real unity. She shared how she defended the slandering of CB3 at a local Essex Street Crossing townhall meeting.

Harry Bubbins – GVSHP is in support of the rezoning of 3rd/4th avenue if the Tech Hub is approved.

Public Officials:

Mayor Bill de Blasio, Paola Ruiz:

Public Advocate Letitia James, Adam Chen:

Comptroller Scott Stringer, Michael Stinson:

Borough President Gale Brewer, Afraz Khan:

Congressmember Nydia Velazquez, Iris Quinones: Andrew Hoff spoke on behalf of the Congress woman. Shared the congressmember's phone number. Creating new affordable housing is among the highest agenda item for the congress member.

Congressmember Carolyn Maloney, Victor Montesinos:

Is on the joint economic committee and is advocating for DREAMERS to stay. Makes the case for DREAMERS to remain as a boost to the economy.

Assemblymember Yuh-Line Niou, Rebecca Ou:

Townhall meeting hosting this Sunday January 28th at The Manny Cantor Center. Any concerns related to the 85 Bowery situation can call the assemblywoman Yuh-line. She is pushing for funding for capital and repair funding for NYCHA. She will oppose the liquor license on Allen Street, believing it protects the quality of life.

Assemblymember Deborah J. Glick, Charlie Anderson:

2018 Session preview is on the front page of the assemblywoman's handout and is on the website. The L Train forum will be hosted at the 14th Street Y on January 31st. Update regarding a national park public input.

Assemblymember Brian Kavanagh, Venus Galarza-Mullins:

Starting a gun violence prevention coalition called ERPO. Working with housing agencies to assist tenants being evicted or pulled out of their apartments for safety concerns. NYCHA has domestic violence emergency transfers for the community. Regarding the 85 Bowery Street tenants, the issue is the staircase that needs repairs. Brian Kavanagh has not made a position for the congestive pricing plan as of yet.

State Senator Brad M. Hoylman, Caroline Wekselbaum: Remarks from Senator Brad Hoylman

Senator will attend a Transportation hearing to fund capital improvement projects in MTA. Senator will be advocating against owning gun stocks in New York (the same gun stock used by the Las Vegas shooter). SLA committee on the State does not have a New York City rep on the committee- Senator Hoylman will be pushing to elect a NYC resident to this committee. Hosting a meeting to learn how to fight against the Federal administration's cut against infrastructure. Senator will introduce a bill that will strip the Donald J Trump park of its name. Senator will be looking to lift the statues of limitations for victims of child abuse in the State of New York so they can bring to justice their violators. Desires to introduce resident parking with his congestion price plan.

Councilmember Margaret Chin, Vincent Fang:

Ian Chen and Patricia Owan will be representing on behalf of Councilwoman Chin moving forward. Councilwoman has moved offices to Lafayette and Walker st. Friday January 26th, Councilwoman Chin & Rivera will be speaking on discretionary budgets at 466 Grand Street at Abrons Arts Center. Councilwoman Chin's office assisted the tenants who were moved out. Councilwoman Chin will introduce legislation to hold negligent landlords accountable. February 6th at 10am there will be a committee on oversight and investigation in public housing at the City Council Chambers.

Councilmember Carlina Rivera, Sheila Rodriguez:

Director of constituent services for District 2. Carlina Rivera's office is 209 E 3rd street between Ave B and C with phone number 212 677 1077. Still preparing statement regarding Congestion pricing. Councilwoman's office is contacting NYCHA regarding heat outages in her district and the comptrollers office (the comptrollers office is going to perform an audit on NYCHA).

Members Present at First Vote:

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

Minutes:

Minutes of November 2017 were approved, as is.

37 YES 0 NO 1 ABS 0 PNV MOTION PASSED

Election to fill vacant position of Second Vice-Chair:

The following member was elected to the following position:

- Second Vice-Chair: Nancy Ortiz

Board Chairperson's Report:

Chairperson Alysha Lewis-Coleman sends her greetings. February 15th is the deadline for a position to apply. David Crane is now the Transportation Committee Chair. Public Housing Subcommittee is in need of membership. Chair is asking for topics to be kept brief moving forward. Chair is asking for members to review vote sheets before going to full board meeting. Asking for available members to represent the CB3 at day time meetings when called on.

District Manager's Report:

District Manager Susan Stetzer. Council Member Margaret Chin provided funding for Community Board 3 meetings to be recorded live for the next 6 months. The link to the stream will be posted on the website before each meeting. I participated in a roundtable by the Comptroller's office to strengthen networks between workforce development organizations with employers. There have been less complaints in the CB office, NCO's also have received less complaints. There have been some no heat and hot water complaints. HPD responded within a day, which is an improvement response time. Bar complaints should be made when there is a problem so we can document violations and act on them. Please attend the February Transportation committee meeting --the MTA will present and input can be put into a resolution from CB 3. Upcoming NCO Townhall meetings were announced. Peace Officers for the 3rd street men's shelter are being advocated for by the CB3 office as this was voted on as a budget priority by the Board. (1,000 call were responded by the precinct last year. Regarding 85 Bowery Street situation, housing agencies and the judge (former councilmember) are working closely for the residents (they are currently staying at a Brooklyn hotel).

Committee Reports:

Executive Committee

no vote necessary

Joint Land Use, Zoning, Public & Private Housing and Economic Development Committees

- Preliminary ULURP update re proposed workforce development and digital skills training center, 124 E 14th no vote necessary
- Section 3 jobs are upcoming. Advocating for more members.

Land Use, Zoning, Public & Private Housing Committee

1. Approval of previous month's minutes
approved by committee
2. Beth Hamedrash Hagodol Synagogue Stabilization, 60-64 Norfolk, and other matters
no vote necessary
3. Update on the 50 Norfolk St / CAPC senior residence
no vote necessary
4. Informational Presentation: Community Land Trust
no vote necessary
5. Report from Public Housing & Section 8 Housing Subcommittee/Support for 1-day union recruitment or apprenticeship for NYCHA residents

VOTE: TITLE: Support for Union Contractors to utilize sponsorship abilities as well as a One Day recruitment or apprenticeship offering to NYCHA residents exclusively.

WHEREAS, Community Board 3 understands that NYCHA is currently underway with renovations to those NYCHA developments in CB 3 that were affected by hurricane Sandy, and

WHEREAS, NYCHA has allocated \$574,166,820 from the federal government's (FEMA) \$3 Billion Sandy Recovery Assistance to the following developments: Baruch, Campos II, LaGuardia, Lavanburg, Riis I, Riis II, Smith, Two Bridges, and Wald, and

WHEREAS, CB 3 encourages NYCHA to comply with Section 3 of the Housing and Urban Development Act of 1968, which states that HUD-funded jobs & contracts are to be directed, to the greatest extent feasible, to the local low-income residents and the businesses that employ them, and

WHEREAS, NYCHA has reported today that they have currently hired a combined 25 residents from the following developments: Smith-9, Laguardia-1, LES V-1, RIIS-2, Vladeck-4, Wald-2, Two Bridges-1 and Baruch-5, and

WHEREAS, CB 3 recognizes and appreciates the work that NYCHA workforce development is conducting in its pursuit of hiring NYCHA residents, however additional efforts are needed to increase jobs for our low-income residents, and

WHEREAS, NYCHA has reported today that they have a requirement of 10% of the construction workers to be residents of NYCHA developments, and

WHEREAS, NYCHA has reported today that all construction contractors hired by NYCHA must be Union Labor per the Project Labor Agreement executed December 2014, and

WHEREAS, CB 3 recognizes that NYCHA's Project Labor Agreement's requirement that all contactors be union labor creates a higher barrier for entry for our NYCHA residents to obtain construction jobs with NYCHA, and

WHEREAS, CB 3 finds the hiring of 25 residents insufficient and understands that the Project Labor Agreement's requirement of union labor creates an additional impediment for our NYCHA residents, and

WHEREAS, CB 3 is aware that Union Contractors have the ability to sponsor up to 2 laborers per year per trade, and

THEREFORE BE IT RESOLVED, CB 3 strongly urges the Mayor's Office and NYCHA make it a requirement for all NYCHA Construction Contractors to utilize their ability to sponsor laborers where the contractor has been unable to fulfill the Section 3 goals for resident hires, and

THEREFORE BE IT FURTHER RESOLVED, CB 3 strongly requests that the Mayor's office and NYCHA have all Construction Unions that have members who receive a NYCHA contract to provide a yearly one day recruitment or apprenticeship offering to NYCHA residents exclusively.

6. Vote to adjourn
approved by committee

38 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Economic Development Committee

1. Approval of previous month's minutes
approved by committee
2. Essex Street Retail Market: outreach/planning event for new market
no vote necessary
3. Vote to adjourn
approved by committee

38 YES 0 NO 0 ABS 0 PNV MOTION PASSED

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

1. Approval of previous month's minutes
approved by committee
2. Request for support for Super Happy Healthy Kids

VOTE: TITLE: Support for Super Happy Healthy Kids Hydroponic Greenhouse Proposal

WHEREAS, Super Happy Healthy Kids is a non-profit organization and New York City Department of Education approved vendor offering after-school programming at PS 19, PS 110 and Children's Workshop School; and

WHEREAS, the organization is proposing to build hydroponic greenhouses on the rooftops of the three host schools; and

WHEREAS, Cooper Union and other potential partners will hold a design contest in which architecture students will submit potential designs for the greenhouses; and

WHEREAS, the rooftop greenhouse project is intended to serve the public as a community asset by educating children about nutrition and the environment, hosting outdoor seminars, and offering excess vegetables to local children from low income families; so

THEREFORE BE IT RESOLVED, Community Board 3 supports the proposed rooftop hydroponic greenhouse project from Super Happy Healthy Kids; and

THEREFORE BE IT FURTHER RESOLVED, Community Board 3 supports the partnership with Cooper Union in order to initiate a student-driven architectural design contest for the development of the greenhouses; and

THEREFORE BE IT FURTHER RESOLVED Community Board 3 encourages the principals and administration of the three host schools to work closely with Super Happy Healthy Kids Organization to devise and promote programs to include all children in the school and all schools in the district.

3. Discussion of Essex Crossing school and informational presentation by Leonie Haimson from Class Size

Matters, on school overcrowding in Community School District 1 and need for better school planning process

no vote necessary

4. Debriefing and next steps regarding Dec community-based health care forum

no vote necessary

5. Vote to adjourn

approved by committee

38 YES 0 NO 0 ABS 0 PNV MOTION PASSED

SLA & DCA Licensing Committee

1. Approval of previous month's minutes

approved by committee

Applications within Saturated Areas

2. 72 Cibao Restaurant Corp, 72 Clinton St btwn Stanton & Rivington Sts (wb)

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

WHEREAS, 72 Cibao Restaurant Corp. is applying for a wine beer license to operate a restaurant in the premises located at 72 Clinton Street, between Stanton Street and Rivington Street, New York, New York; and

WHEREAS, this applicant has stated that he is taking over the existing restaurant which has been operated by his mother for forty-five (45) years and where he has worked for more than twenty (20) years; and

WHEREAS, the existing corporation for this business was issued a wine beer license by the SLA on June 25, 1996, which is in effect through May 31, 2019; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for a wine beer license for 72 Cibao Restaurant Corp., doing business as Cibao Restaurant, for the premises located at 72 Clinton 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 stipulations that

- 1) it will operate as a full-service Spanish and American restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 7:00 A.M. to 1:30 A.M. Sundays through Thursdays and 7:00 A.M. to 3:30 A.M. Fridays and Saturdays,
- 3) it will close any front or rear façade entrance doors at 10:00 P.M. every night or when amplified sound is playing and will otherwise have a closed fixed facade with no open doors or windows,
- 4) it will not commercially operate any outdoor areas,
- 5) it will play ambient background music only, consisting of recorded music, and will not have 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 will not have "happy hours,"
- 8) it will not host pub crawls or party buses,
- 9) it will not have unlimited drink specials with food,
- 10) it will not have wait lines outside,
- 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.

3. Stvince Group LLC, 158 Ave C @ E 10th St (op)

VOTE: TITLE: Community Board 3 Recommendation To Deny

WHEREAS, Stvince Group LLC 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 was originally seeking to operate a tavern with a certificate of occupancy of seventy-four (74) people, ten (10) tables and forty (40) seats, a bar of unspecified size with thirteen (13) to fifteen (15) stools, a kitchen open all hours serving "classic and new American" food, hours of operation of 11:00 A.M. to 12:00 A.M. Sundays through Thursdays and 11:00 A.M. to 2:00 A.M. Fridays and Saturdays, an open facade, two (2) televisions, recorded background music and karaoke, security and happy hours to 8:00 P.M.; and

WHEREAS, the applicant then stated that it was amending its application after community outreach by eliminating karaoke, having a closed façade and expanding its menu to include a children's menu and daily specials; 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 the applicant 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 the LAMP map; and

WHEREAS, the applicant submitted a statement of public benefit citing its affordable menu and lunchtime service, as well as its belief that the addition of its business would add light and safety to a dark corner; and

WHEREAS, the applicant has no license experience and its related experience includes a general manager who was general manager of 50 Avenue B, doing business as China 1, from 2006 through 2009, a business that plagued this community because it operated as a club inconsistent from its approved method of operation; and

WHEREAS, two (2) nearby residents submitted statements and a representative of the East Village Community Coalition, a local residents association, on behalf of numerous constituents, spoke in opposition to this application, given its intention to apply for a full on-premises liquor license in close proximity to many full on-premises licenses, the possibility of karaoke, the lack of experience of the applicant and given the existing incredible vehicular and traffic congestion, patron crowds on this block of Avenue C; and

WHEREAS, residents and the East Village Community Coalition have appeared for three (3) consecutive months to complain about the conditions of congestion, noise and garbage from other licensed businesses on this block and that this storefront which is located in a tenement building is inappropriate for a business with a full on-premises liquor license; and

WHEREAS, when the previous applicant was approved first approved and approved for an alteration by Community Board 3, the above-stated conditions did not exist to the extent that residents now complain about them; and

WHEREAS, Community Board 3 finds the statement of public interest insufficient given that this location is across the street from three (3) businesses adjacent to each other, each with a full on-premises liquor license, within close proximity to so many other licensed businesses, including businesses with affordable menus and lunchtime service, as well as within two (2) blocks of a police precinct located on the same side of Avenue C and given that the area crime statistics do not support the idea that the corner will be made safer by the addition of a licensed business; and

WHEREAS, notwithstanding that the applicant furnished thirty-four (34) petition signatures in support of its application, Community Board 3 finds insufficient public benefit in approving an application for a full on-premises liquor license within close proximity to numerous full on-premises liquor licenses, including similar businesses, with an applicant whose principals have little or problematic experience working in similar businesses and in an area with incredible vehicular and pedestrian traffic congestion and crowds 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 Stvince Group LLC for the premises located at 158 Avenue C, at the corner of Avenue C and East 10th Street.

4. La Margarita (Hieb Corp), 168 Ludlow St btwn E Houston & Stanton Sts (wb)

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

WHEREAS, Hieb Corp. is applying for a wine beer license to operate a restaurant in the premises located at 168 Ludlow Street, between East Houston Street and Stanton Street, New York, New York; and

WHEREAS, this is an application for a tavern pizzeria with a certificate of occupancy of thirty (30) people, six (6) tables and sixteen (16) seats, a prep area serving Italian food during all hours of operation, hours of operation of 10:00 A.M. to 12:00 A.M. Sundays and Mondays, 10:00 A.M. to 3:00 A.M. Tuesdays and Wednesdays and 10:00 A.M. to 4:00 A.M. Thursdays through Saturdays, a closed façade, no televisions, recorded background music, no happy hours, no wait lines and staff responsible for addressing crowds and noise outside; and

WHEREAS, this location previously housed a tacqueria which operated with a wine beer license that expired in June of 2017; and

WHEREAS, the applicant has operated the same business with no liquor license at 151 Ludlow Street since 2013 and closed that business on December 31, 2017; and

WHEREAS, given that the applicant is seeking to reopen a business that has operated in this community for five (5) years without complaints and given the small size of the proposed business; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for a wine beer license for Hieb Corp., with a proposed business name of La Margarita Pizzeria, for the premises located at 168 Ludlow Street, between East Houston Street and Stanton 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 pizza restaurant, with less than a full kitchen, which includes a pizza oven consistent with its method of operation, open and serving food during all hours of operation,
- 2) its hours of operation will be 10:00 A.M. to 12:00 A.M. Sundays and Mondays, 10:00 A.M. to 3:00 A.M. Tuesdays and Wednesdays and 10:00 A.M. to 4:00 A.M. Thursdays through Saturdays,
- 3) it will close any front or rear façade entrance doors at 10:00 P.M. every night or when amplified sound is playing and will otherwise have a closed fixed facade with no open doors or windows,
- 4) it will not commercially operate any outdoor areas,
- 5) it will play ambient background music only, consisting of recorded music, and will not have 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 not have "happy hours,"
- 8) it will not host pub crawls or party buses,
- 9) it will not have unlimited drink specials with food,
- 10) it will not have wait lines outside and it 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.

Alterations

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

6. Spitzers Corner (NYLA Cafe LLC), 126 Ludlow St @ Rivington St (alt/op/adding kitchen/moving ADA bathroom/moving seating from long beer tables to smaller tables)

VOTE: TITLE: Community Board 3 Recommendation To Approve

WHEREAS, NYLA Cafe LLC, doing business as Spitzer's Corner, has applied for an alteration of its full on-premises liquor license for the premises located at 126 Ludlow Street, at the corner of Rivington Street and Ludlow Street, New York, New York, to wit adding a counter to the kitchen to make it

accessible to the dining room, moving the ADA compliant bathroom and changing seating near the kitchen from a long table to smaller tables and seats; and

WHEREAS, the notice of alteration to the SLA also indicates that the applicant is now identifying its method of operation as a beer hall and German gastropub rather than as an American restaurant; and

WHEREAS, in its questionnaire for Community Board 3, the applicant has also indicated that it is intending to change its business name, menu and add one (1) to three (3) security guards per night; and

WHEREAS, the manager of the business appeared on behalf of the applicant and stated that the applicant is intending to change its method of operation, business name and menu but will first perform the requested alterations, and

WHEREAS, the applicant was issued a full on-premises liquor license by the SLA on October 23, 2008; and

WHEREAS, the applicant has had a long history with community residents, the local community board and the SLA; and

WHEREAS, the full on-premises liquor license for this licensee was last considered by Community Board 3 for an alteration to have a doorperson at the door from 8:00 P.M. to closing in November of 2010, and this application was approved; and

WHEREAS, given the history of this applicant with community residents, Community Board 3 and the SLA, Community Board 3 will not now approve a change in method of operation, business name or menu but will approve the requested physical alterations; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to approve the application for the alteration of the full on-premises liquor license of NYLA Café LLC, doing business as Spitzer's Corner, for the premises located at 126 Ludlow Street, at the corner of Rivington Street and Ludlow Street, New York, New York, to wit adding a counter to the kitchen to make it accessible to the dining room, moving the ADA compliant bathroom and changing seating near the kitchen from a long table to smaller tables and seats.

New Liquor License Applications

7. Kitty's Canteen (Meow Meow LLC), 9 Stanton St btwn Chrystie St & Bowery (op)

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

WHEREAS, Meow Meow LLC is applying for a full on-premises liquor license to operate a restaurant in the premises located at 9 Stanton Street, between Chrystie Street and Bowery, New York, New York; and

WHEREAS, this is an application for a restaurant with a certificate of occupancy of seventy-four (74) people, thirteen (13) tables and twenty-six (26) seats, a twenty-one (21) foot bar with six (6) stools, hours of operation of 5:00 P.M. to 12:00 A.M. Sundays and Mondays and 5:00 P.M. to 3:30 A.M. Tuesdays through Saturdays, a kitchen open to within one (1) hour of closing, a closed façade, recorded background music, one (1) security guard Wednesdays through Saturdays, happy hours to 8:00 P.M., no wait lines and staff outside; and

WHEREAS, the existing corporation for this business was issued a full on-premises liquor license by the SLA on June 21, 2005;

WHEREAS, the applicant consists of the same principals of the existing corporation who were administratively approved for a corporate change by Community Board 3 in July of 2015; and

WHEREAS, the applicant has stated that it is maintaining the business name and method of operation of the existing business and only seeking to change its corporate name; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for a full on-premises liquor license for Meow Meow LLC, doing business Kitty's Canteen, for the premises located at 9 Stanton Street, between Chrystie Street and Bowery, 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 Jewish soul food restaurant, with a kitchen open and serving food to within one (1) hour of closing,
- 2) its hours of operation will be 5:00 P.M. to 12:00 A.M. Sundays and Mondays and 5:00 P.M. to 3:30 A.M. Tuesdays through Saturdays,
- 3) it will close any front or rear façade entrance doors at 10:00 P.M. every night or when amplified sound is playing and will otherwise have a closed fixed facade with no open doors or windows,
- 4) it will not commercially operate any outdoor areas,
- 5) it will play ambient background music only, consisting of recorded music, and will not have 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 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 outside and it 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.

8. Caviarteria (Caviarteria New York Inc), 234 E 9th St btwn 2nd & 3rd Aves (op)

VOTE: TITLE: Community Board 3 Recommendation To Deny

WHEREAS, Caviarteria New York Inc., has applied for a full on-premises liquor license for the premises located at 234 East 9th Street, between Second Avenue and Third Avenue, New York, New York; and

WHEREAS, this applicant is seeking to operate a caviar and champagne lounge with a retail component and no listed certificate of occupancy, twenty (20) tables and forty (40) to fifty (50) seats, a twenty-five (25) foot bar with an unspecified number of stools, hours of operation of 11:00 A.M. to 2:00 A.M. Sundays, 11:00 A.M. to 11:00 P.M. Mondays through Thursdays and 11:00 A.M. to 4:00 A.M. Fridays and Saturdays, a prep area serving caviar, foie gras and blinis, French doors, one (1) television, live and recorded music and DJs at background and entertainment levels, patron dancing, private and catering events, no answer about happy hours and the possibility of wait lines outside; and

WHEREAS, this location is zoned R8B in which patron dancing is prohibited and the applicant was notified about this zoning restriction by Community Board 3; and

WHEREAS, this is a previously unlicensed location which has been used as a garage and residence; and

WHEREAS, there are thirty-one (31) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant but there are thirty-five (35) full on-premises liquor licenses per the LAMP map; 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 serve champagne and caviar which are amenities not found in businesses in this area and because the applicant has been a longtime member of the community, which includes a family owned business at 238 East 9th Street, doing business as The Cloister Café, and has managed the Caviarteria brand since 2006; and

WHEREAS, although the applicant stated that its method of operation would be as a caviar and champagne restaurant and lounge, the applicant is seeking to have live music and DJs, patron dancing, wait lines outside and private and catered events; and

WHEREAS, the materials submitted by the applicant are incomplete in that there is an outstanding question about the occupancy of this location, no architectural drawing or plans were submitted although this location would have to be completely renovated given its prior use, the applicant did not give detailed information about when live music or DJs would be playing and when and how often it would host private and catered events and it failed to detail a plan to manage crowds and noise outside; and

WHEREAS, a representative of The East Village Community Coalition, a local residents association, spoke in opposition to this application, given the intention of the applicant to operate a lounge and event space with DJs, live music and wait lines in a previously unlicensed location; and

WHEREAS, a representative of The Ninth Street A-1 Block Association spoke in opposition to this application because the location has never had a business with a liquor license and because the two licensed businesses on either side of this location, including The Cloister Café, create substantial patron crowding and noise to the extent that passersby have to walk in the street to avoid crowds on the sidewalk and the already congested street cannot absorb the addition of another licensed business; and

WHEREAS, the applicant furnished only four (4) petition signatures in support of its application; and

WHEREAS, Community Board 3 finds insufficient public benefit in approving an application for a full on-premises liquor license for a tavern with purportedly unique food and drink when the applicant is actually seeking to operate a lounge and event space with DJs, live music a limited menu and wait lines on a residentially zoned side street and within close proximity to numerous full on-premises liquor licenses; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for a full on-premises liquor license for Caviarteria New York Inc., with a proposed business name of Caviarteria, for the premises located at 234 East 9th Street, between Second Avenue and Third Avenue, New York, New York.

9. New York Comedy Club on 4th Street (I Like Sit Down Comedy LLC), 85 E 4th St (op) withdrawn
10. Neapolitan Express (Thompson Pizza LLC), 29 2nd Ave (wb) - **ADMIN APPROVAL** not heard at committee, administrative approval - no vote necessary
11. Chibaola Inc, 152 2nd Ave btwn E 9th & E 10th Sts (upgrade to op) - **THIS IS NOT AN UPGRADE** withdrawn
12. Rye Basin, 190-192 E 2nd St btwn Aves A & B (op)
VOTE: TITLE: Community Board 3 Recommendation To Deny

WHEREAS, a corporation to be determined, with principals Jarret Ealy and Julian Schifano, has applied for a full on-premises liquor license for the premises located at 190-192 East 2nd Street, between Avenue A and Avenue B, New York, New York; and

WHEREAS, this applicant is seeking to operate a restaurant, bakery and whiskey lounge with a certificate of occupancy of seventy-five (75) people, fourteen (14) tables and sixty (60) seats, a four (4) foot bar on the ground floor and a ten (10) foot bar in the basement with no stools listed, hours of operation of 10:00 A.M. to 12:00 A.M. Sundays, 9:00 A.M. to 2:00 A.M. Mondays through Thursdays, 9:00 A.M. to 3:30 A.M. Fridays and 10:00 A.M. to 3:30 A.M. Saturdays, a kitchen open to 11:00 P.M. serving New Orleans food and sushi, no information about the façade, one (1) television, recorded background music on the ground floor and DJs at background levels in the basement, a separate entrance to the basement, promoted events and events with cover fees, patron dancing, one (1) to three (3) events per month, including food tastings, whiskey samplings, art shows and holiday events, security guards Fridays and Saturdays and for fashion week and private events, no answer about happy hours, no agreement about no wait lines and an intent to use rails outside and have indoor wait lines; and

WHEREAS, this location is zoned R8B in which patron dancing is prohibited and the applicant was notified about this zoning restriction by Community Board 3 prior to its hearing; and

WHEREAS, this location housed a longstanding Italian restaurant, doing business as Il Bagatto, that closed and opened without notice to the community or community board as a club on the ground floor and basement, doing business as Stairs; and

WHEREAS, although the applicant stated that Stairs has been closed for approximately one (1) years, the previous business appears to have been permanently closed since 2015; and

WHEREAS, given that prior business was a grandfathered noncompliant retail use on a residentially zoned street, if it has been closed for more than two (2) years, it has reverted to its residential zoning and cannot be commercially used; and

WHEREAS, there are twenty-one (21) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant but twenty-three (23) full on-premises liquor licenses per the LAMP map; 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 neighborhood business with a type of food not found in the area; and

WHEREAS, although the applicant stated that its method of operation would be as a restaurant and bakery, as well as a whiskey lounge, serving locally sourced food, the applicant has stated that it is also seeking to operate an event space with a capacity of up to one hundred (100) people, which would host promoted events and events with cover fees, including fashion week events; and

WHEREAS, the proposed use and occupancy is inconsistent from the certificate of occupancy stated in its community board questionnaire; and

WHEREAS, the applicant has no license experience and listed its similar experience as operating a fast food fish restaurant in the city and other unspecified businesses in Long Island; and

WHEREAS, a representative of The East Village Community Coalition, a local residents association, submitted a statement in opposition to this application, and also spoke as a nearby resident, given the intention of the applicant to operate a lounge and event space with security, DJs and wait lines and given the lack of experience of the applicant; and

WHEREAS, notwithstanding that the applicant furnished eighty-nine (89) petition signatures in support of its application, its petitions did not reflect the full scale and use of the proposed business and Community Board 3 finds insufficient public benefit in approving an application for a full on-premises liquor license for a neighborhood business with purportedly unique food when the applicant is actually seeking to operate a lounge and event space with DJs, a limited menu and limited food service, wait lines and security on a residentially zoned side street surrounded by residential buildings and within close proximity to numerous full on-premises liquor licenses; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for a full on-premises liquor license for a corporation to be determined, with principals Jarret Ealy and Julian Schifano, for the premises located at 190-192 East 2nd Street, between Avenue A and Avenue B, New York, New York.

13. Dan and John's Wings (Dan and John's LLC), 135 1st Ave btwn St Marks Pl & E 9th St (upgrade to op) - **THIS IS NOT AN UPGRADE**
withdrawn

14. Against the Grain (620 East 6th Street Cafe LLC) and Grape and Grain (620 East 6th Street Restaurant LLC), 620 E 6th St btwn Aves A & B (wb)

MOTION #1 EAST STOREFRONT

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

WHEREAS, 620 East 6th Street Café LLC is applying for a wine beer license to operate a sushi restaurant, with a proposed business name of Against the Grain, in the premises located at 620 East 6th Street, east storefront, between Avenue B and Avenue C, New York, New York; and

WHEREAS, this is an application for a sushi restaurant with reservation seating, a certificate of occupancy of twenty-five (25) people, a counter with ten (10) seats, a fifty (50) inch stand up bar with no stools, a prep area including a sushi counter open all hours of operation, hours of operation of 5:00 P.M. to 1:00 A.M. Mondays and Tuesdays, 5:00 P.M. to 2:00 A.M. Wednesdays through Fridays, 10:30 A.M. to 2:00 A.M. Saturdays and 10:30 A.M. to 1:00 A.M. Sundays, windows closing at 10:00 P.M. and recorded background music; and

WHEREAS, this location has had the same method of operation, wine beer license and business name since 2007; and

WHEREAS, the applicant has agreed to maintain the method of operation and business name of the existing business, as well as at least half of the current staff; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for a wine beer license for 620 East 6th Street Café LLC, with a proposed business name of Against the Grain, for the premises located at 620 East 6th Street, east storefront, between Avenue B and Avenue C, 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 sushi restaurant and wine bar, with less than a full kitchen, which includes a sushi counter consistent with its method of operation, open and serving food during all hours of operation,
- 2) its hours of operation will be 5:00 P.M. to 1:00 A.M. Mondays and Tuesdays, 5:00 P.M. to 2:00 A.M. Wednesdays through Fridays, 10:30 A.M. to 2:00 A.M. Saturdays and 10:30 A.M. to 1:00 A.M. Sundays,
- 3) it will close any front or rear façade entrance doors at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances,
- 4) it will not commercially operate any outdoor areas,
- 5) it will play ambient background music only, consisting of recorded music, and will not have 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 will not seek a change in class to a full on-premises liquor license without first obtaining the approval of 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 not have wait lines outside and it 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 #2 WEST STOREFRONT

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

WHEREAS, 620 East 6th Street Restaurant LLC is applying for a wine beer license to operate a wine bar, with a proposed business name of Grape and Grain, in the premises located at 620 East 6th Street, west storefront, between Avenue B and Avenue C, New York, New York; and

WHEREAS, this is an application for a wine bar with a certificate of occupancy of fifty (50) people, eight (8) tables and twenty-two (22) seats, a fifteen (15) foot by eight (8) foot bar with twelve (12) stools, a prep area serving bar food open all hours of operation, hours of operation of 5:00 P.M. to 1:00 A.M. Mondays and Tuesdays, 5:00 P.M. to 2:00 A.M. Wednesdays through Fridays, 10:30 A.M. to 2:00 A.M. Saturdays and 10:30 A.M. to 1:00 A.M. Sundays, windows closing at 10:00 P.M. and recorded background music; and

WHEREAS, this location has had the same method of operation, wine beer license and business name since 2007; and

WHEREAS, the applicant has agreed to maintain the method of operation and business name of the existing business, as well as at least half of the current staff; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for a wine beer license for 620 East 6th Street Restaurant LLC, with a proposed business name of Grape and Grain, for the premises located at 620 East 6th Street, west storefront, between Avenue B and Avenue C, 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 sushi restaurant and wine bar, with less than a full kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 5:00 P.M. to 1:00 A.M. Mondays and Tuesdays, 5:00 P.M. to 2:00 A.M. Wednesdays through Fridays, 10:30 A.M. to 2:00 A.M. Saturdays and 10:30 A.M. to 1:00 A.M. Sundays,
- 3) it will close any front or rear façade entrance doors at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances,
- 4) it will not commercially operate any outdoor areas,
- 5) it will play ambient background music only, consisting of recorded music, and will not have 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 will not seek a change in class to a full on-premises liquor license without first obtaining the approval of 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 not have wait lines outside and it 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.

Corporate Change

15. Loreley (Biergarten America Inc), 7 Rivington St btwn Chrystie St & Bowery (op/corp change)

VOTE: TITLE: Community Board 3 Recommendation That Licensee Be Made To Operate Consistent With Its Method Of Operation

WHEREAS, Biergarten America Inc., doing business as Loreley Beer Garden, is seeking a one hundred percent (100%) corporate change of its full on-premises liquor license, to new principals Doug Jacobson and Philip Jacobson, for the premises located at 7 Rivington Street, between Chrystie Street and Bowery, New York, New York; and

WHEREAS, this corporation was approved its full on-premises liquor license by Community Board 3 in April of 2003, understanding that it had entered into a memorandum of understanding regarding its method of operation with the Rivington Street Block Association; and

WHEREAS, this corporation was originally issued a full on-premises liquor license by the SLA on October 19, 2005; and

WHEREAS, the original method of operation of this applicant according to its application filed with the SLA is as a restaurant with food service and recorded music and its memorandum of understanding which has been adopted by the SLA reflects that it agreed to close its backyard at 10:00 P.M. weeknights and 11:00 P.M. on weekends and operate its backyard only as a sit-down dining area; and

WHEREAS, although there have been no complaints within the past year, Community Board 3 had received complaints from area residents of the backyard being operated outside of its method of operation and loud noise from patrons in the backyard, in that the business was hosting sports events broadcast from televisions mounted in the backyard and using the backyard for other than sit-down dining; and

WHEREAS, one of the new principals has worked at the business in some capacity since 2009 and has been the general manager of the business since 2011; and

WHEREAS, Community Board 3 has learned by searching the webpage of the business and social media about the business that it appears to operate with DJs and live music, 4:00 A.M. closing times on Fridays and Saturdays, 12:00 A.M. closing times all days in the backyard, and has been operating its business in the basement of its location although its plans indicated that its use was for storage; and

WHEREAS, the 2017 notice of renewal of its liquor license to the SLA includes notice that the business is only operated on the ground floor; and

WHEREAS, the applicant stated that it closed the business no later than 2:00 A.M., was unaware that it was required to close the backyard at 10:00 P.M. weeknights and 11:00 P.M. on weekends and would no longer host live performers; and

WHEREAS, the applicant further stated that it was unaware that the method of operation of the basement could not include patron use, it did have a DJ booth in the basement but that DJs were only patrons plugging their own music into its sound system without access to the volume or base; and

WHEREAS, Community Board 3 informed the applicant that it would notify the SLA that the business appeared to be operating outside of its method of operation; now

THEREFORE BE IT RESOLVED that Community Board 3 asks that the SLA confirm and enforce the method of operation for this applicant that was approved by the SLA as a restaurant operating on the ground floor, with food service, no DJs or live music and closing the backyard no later than 10:00 P.M. weeknights and 11:00 P.M. on weekends.

Hotel Applications

16. Ace Hotel, 223-225 Bowery btwn Stanton & Rivington Sts (op)

VOTE: TITLE: COMMUNITY BOARD #3 RESOLUTION APPROVING THE HOTEL LIQUOR LICENSE FOR A CORPORATION TO BE DETERMINED, WITH PRINCIPAL BRAD WILSON, FOR 223-225 BOWERY, SUBJECT TO CERTAIN RESTRICTIONS ON USE

WHEREAS, the applicant, a corporation to be determined, with principal Brad Wilson, by its qualified representative or principal, is seeking to obtain a hotel liquor license for a fourteen (14) story hotel, located at 223-225 Bowery, between Stanton Street and Rivington Street, New York, New York; and

WHEREAS, said applicant will maintain the primary method of operation of said location for temporary lodging, with entrances located on Bowery, between Stanton Street and Rivington Street, and on Freeman Alley, off of Rivington Street, between Chrystie Street and Bowery, and will maintain the following ancillary public uses:

- 1) an interior ground floor lounge lobby with seven (7) and fifteen (15) seats composed of lounge seating, no bar, hours of operation of the hotel all days, alcohol service during legally allowable hours, access through the hotel entrance and recorded background music, with no live music, DJs, no promoted events, scheduled performances or events with cover fees;
- 2) an interior ground floor restaurant of two thousand three hundred fifty-six (2,356) square feet with thirty-eight (38) tables and one hundred fifty (150) seats, a thirty-two (32) foot bar with sixteen (16) stools, hours of operation of 7:00 A.M. to 2:00 A.M. all days for public patrons and 7:00 A.M. to 4:00 A.M. all days for hotel guests, a kitchen open during all hours of operation, serving a full menu, a closed façade, its own entry off of Bowery, between Stanton Street and Rivington Street, live acoustic music three (3) times per week, DJs once a month, and recorded music generally, all played at background levels, no promoted events, scheduled performances or events with cover fees and private events once a month, provided no outside or third party promoters are used, no pub crawls or party buses, no happy hours and no wait lines outside;
- 3) an interior ground floor private conference or dining room with moveable seating consisting of a tables or tables and ten (10) seats, with use by public patrons and hotel guests through a reservation system, no bar, hours of operation of 7:00 A.M. to 2:00 A.M. all days for public patrons and 7:00 A.M. to 4:00 A.M. all days for hotel guests, food available through its restaurant kitchen, recorded background music and no live music, DJs, promoted events, scheduled performances or events with cover fees and access through the hotel lobby;
- 4) an exterior ground floor garden alley abutting and ancillary to the interior ground floor restaurant as a dining area, one thousand five hundred forty-one (1,541) square feet in size with twelve (12) tables and four-four (44) seats, hours of operation of 7:00 A.M. to 11:00 P.M. Sundays through Wednesdays and 7:00 A.M. to 12:00 A.M. Thursdays through Saturdays, a kitchen open during all hours of operation, serving a full menu, no bar and no music;
- 5) an eleventh floor interior restaurant bar lounge of two thousand two hundred sixty (2,260) square feet with eleven (11) tables and sixty (60) seats composed of both lounge seating for dining, a twenty-three (23) foot bar with six (6) stools, hours of operation of 7:00 A.M. to 4:00 A.M. all days, food service from the restaurant kitchen during all hours of operation, a closed façade, access through an entrance off of Bowery, between Stanton Street and Rivington Street, recorded music and DJs, unamplified music four (4) times per week, promoted events provided no outside or third party promoters are used, events with cover fees or ticketed events but no scheduled performances, no pub crawls or party buses, no happy hours and no wait lines outside;
- 6) an exterior eleventh floor west-facing terrace accessed through and an amenity to the eleventh floor restaurant bar lounge, with twelve (12) tables and sixty-six (66) seats composed of both dining and lounge seating, no bar, food service during all hours of operation from the restaurant kitchen, hours of operation of 7:00 A.M. to 2:00 A.M. all days, no organized or scheduled activities before 9:00 A.M., recorded background music, with no live music, DJs, no promoted events, scheduled performances or events with cover fees; and
- 7) an exterior eleventh floor east-facing terrace accessed through and an amenity to the eleventh floor restaurant bar lounge, with six (6) tables and twenty-five (25) seats composed of both dining and lounge seating, no bar, food service during all hours of operation from the restaurant kitchen, hours of operation of 7:00 A.M. to 12:00 A.M. Sundays through Wednesdays and 7:00 A.M. to

2:00 A.M. Thursdays through Saturdays, no organized or scheduled activities before 9:00 A.M. and no music.

WHEREAS, the applicant intends to operate a union hotel and has entered into an agreement with the Lower Eastside Employment Network to engage in local hiring of its staff; and

WHEREAS, the applicant engaged in community outreach by meeting with area residents, furnished eighteen (18) petition signatures in support of its application, its petitions and three area residents spoke in support of its application;

WHEREAS, despite outreach by the applicant, residents of surrounding buildings appeared before Community Board #3 to express concerns about the anticipated increased noise and congestion on Rivington Street, Freeman Alley and Bowery as a result of the guest and patron population of this hotel; and

WHEREAS, residents appeared to express concern that the proposed entrance to the hotel and outdoor garden, located on the private Freeman Alley off of Rivington Street, would cause people and noise in the alley, thereby disturbing neighbors whose apartments overlook the alley; and

WHEREAS, a neighboring resident expressed concern about the proximity of this hotel to an active house of worship known as the Bowery Chapel, located at 227 Bowery, between Stanton Street and Rivington Street; and

WHEREAS, the applicant addressed these concerns in part by moving its loading zone from the narrower Rivington Street to Bowery which is a commercial thoroughfare, limiting access to its Freeman Alley entrance to hotel guests with key cards and eliminating music and reducing its hours on its east facing eleventh floor terrace which overlooks residential buildings; now

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the application to obtain a hotel liquor license for a corporation to be determined, with principal Brad Wilson, for a fourteen (14) story hotel, located at 223-225 Bowery, between Stanton Street and Rivington Street, New York, New York unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations, that

Generally, 1) there will be entrances to the hotel accessible to the public located on Bowery, between Stanton Street and Rivington Street, and an entrance to the hotel located on Freeman Alley, off of Rivington Street, between Chrystie Street and Bowery which will only be accessible to hotel guests using key cards, 2) all loading and unloading will occur on Bowery, 3) deliveries and garbage and other pick-ups will occur on Bowery and garbage will be retained inside of the hotel until pick-up, 4) the hotel will not host or permit pub crawls or party buses in any of its areas, 5) the hotel will not have unlimited drink specials with food in any of the areas where food is served, 6) soundproofing or sound baffling measures will be installed in the publicly accessed areas, consistent with the recommendations of a sound engineer, 7) consistent with the proposed security plan, security guards will be monitoring the hotel during all hours of operation and adjusting their numbers according to the public occupancy and there will be security guards specifically designated to oversee elevators during peak hours of business or after 11:00 P.M. for the eleventh floor restaurant lounge to direct public patrons into and out of the Bowery hotel entrances and to avoid public patrons from exiting through the Freeman Alley entrance, 8) staff or security guards will insure that there is no wait lines, loitering, crowds or noise outside the Bowery or Freeman Alley sides of the business, 9) exterior lights will be at low levels, located on the first story of the hotel only and directed down or away from neighboring windows and on Freeman Alley will specifically consist of one (1) low level sconce mounted on the façade, a light strips along the steps leading to the alley and low level string and pendant lights in the garden area, 10) with respect to the garden area abutting the Freeman Alley entrance of the hotel, there will be no alcohol or food service and no seating, 11) the hotel will not apply for any alteration in its method of operation without first appearing before Community Board #3, 12) the hotel will provide a telephone number for residents to call with complaints and will immediately respond to any resident complaints; and

Specifically,

With respect to the ground floor lobby lounge, 13) alcohol service will be during all allowable hours, 14) the lobby lounge will be accessed through the hotel lobby entrance, 15) only recorded background music will be played and there will be no live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged; and

With respect to the private ground floor dining and conference room, 16) it will be used by hotel guests and public patrons through a reservation system, 17) it will be accessed through the hotel lobby entrance, 18) its hours of operation will be 7:00 A.M. to 2:00 A.M. all days for public patrons and 7:00 A.M. to 4:00 A.M. all days for hotel guests, 19) it will have food service from the restaurant kitchen during all hours of operation, 20) there will be recorded background music and there will be no DJs, live music, promoted events, scheduled performances or any event at which a cover fee will be charged; and

With respect to the ground floor restaurant, 21) it will be a full-service new American restaurant with a kitchen open and serving food during all hours of operation, 22) its hours of operation will be 7:00 A.M. to 2:00 A.M. all days for public patrons and 7:00 A.M. to 4:00 A.M. all days for hotel guests, 23) it will be accessed by public patrons through entrances on Bowery, 24) it will have a closed fixed facade with no open doors or windows, 25) only background music will be played, consisting of recorded music generally, unamplified live music up to three (3) times per week and DJs once a month, but it will not have promoted events, scheduled performances or any event at which a cover fee will be charged, 26) there may be private events provided no outside or third party promoters are used; and

With respect to the outdoor ground floor alley garden abutting the restaurant and opening onto Bowery, 27) it will operate as an outdoor dining area for the restaurant, with food service from the restaurant kitchen during all hours of operation, 28) its hours of operation will be 7:00 A.M. to 11:00 P.M. Sundays through Wednesdays and 7:00 A.M. to 12:00 A.M. Thursdays through Saturdays, 29) it may have "happy hours" to 8:00 P.M. each night, 30) there will be no music, 31) in addition to any other recommendations of a sound engineer, there will insulation installed along the perimeter walls of the alley garden and a sound baffling fin erected to prevent the transmission of sound per the recommendations of a sound engineer; and

With respect to the eleventh floor restaurant bar lounge, 32) its hours of operation will be 7:00 A.M. to 4:00 A.M. all days, 33) it will be accessed through the hotel entrance, 34) it will have a closed fixed facade with no open doors or windows, 35) it will have food service from the restaurant kitchen during all hours of operation, 36) it may have recorded music and DJs at background and entertainment levels, and unamplified live music up to four (4) times per week, promoted events provided no outside or third party promoters are used, events with cover fees or ticketed sales but no scheduled performances; and

With respect to the eleventh floor east-facing exterior terrace, 37) it will operate as an outdoor amenity to the indoor restaurant bar lounge on the eleventh floor, 38) it will be accessed through the eleventh floor restaurant bar lounge, 39) it will have hours of operation of 7:00 A.M. to 12:00 A.M. Sundays through Wednesdays and 7:00 A.M. to 2:00 A.M. Thursdays through Saturdays, 40) there will be no music, it will have a closed fixed facade with no open doors or windows, 41) there will be no organized or scheduled activities before 9:00 A.M., 42) in addition to any other recommendations of a sound engineer, there will sound insulated doors installed leading from the interior lounge to the terrace; and

With respect to the eleventh floor west-facing exterior terrace, 43) it will operate as an outdoor amenity to the indoor restaurant bar lounge on the eleventh floor, 44) it will be accessed through the eleventh floor restaurant bar lounge, 45) its hours of operation will be 7:00 A.M. to 2:00 A.M. all days, 46) it will have food service from the restaurant kitchen during all hours of operation, 47) only recorded background music will be played and there will be no live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged, 48) there will be no organized or scheduled activities before 9:00 A.M., and 49) to minimize music travelling from the terrace, in addition to any other recommendations of a sound engineer, no subwoofers will be used in this exterior space, music levels will be limited by hotel staff and any exterior speakers will be placed below the level of parapet walls.

Items not heard at Committee

- 17. SK Wingers LLC, 174 Delancey St (wb)
no vote necessary
- 18. Ronin Stones (Ronin Stones Inc), 69 Clinton St (wb)
no vote necessary
- 19. Meat Shop LLC, 76 Forsyth St (wb)
no vote necessary
- 20. Hotel Tortuga (Delphinus Restaurant Corp), 246 E 14th St (wb)
no vote necessary
- 21. 102S LLC, 102 Suffolk St (wb)

- no vote necessary
- 22. Sushi Dojo (Bonada LLC), 110 1st Ave (wb/corp change)
 - no vote necessary
- 23. Vote to adjourn
 - approved by committee

37 YES 0 NO 1 ABS 0 PNV MOTION PASSED (excluding SLA item 16)
34 YES 2 NO 1 ABS 0 PNV MOTION PASSED (SLA item 16)

Transportation, Public Safety, & Environment Committee

- 1. Approval of previous month's minutes
 - approved by committee
- 2. DDC: Water Main Project MED 642, replacement of water mains in Manhattan
 - no vote necessary
- 3. Revocable Consent for proposed pedestrian tunnels under Norfolk and Suffolk Streets

VOTE: TITLE: Support for a revocable consent to construct two subterranean pedestrian tunnels under Norfolk and Suffolk Streets

WHEREAS, Delancey Street Associates (DSA), the developers of the Essex Crossing project, which is to include the multi-site, underground "Marketline" marketplace, is seeking a revocable consent to construct two subterranean pedestrian tunnels under Norfolk and Suffolk Streets between Delancey Street and Broome Street in order to link the three portions of the Marketline that will be located on separate building sites (sites 2, 3, and 4) and which are intersected and separated by those streets;

WHEREAS, CB 3 believes the requested subterranean pedestrian tunnels will be a benefit to the public by reducing pedestrian congestion on Norfolk and Suffolk Streets;

WHEREAS, Delancey Street Associates provided the following assurances to CB3:

- The two subterranean pedestrian tunnels under Norfolk and Suffolk Streets will have the same hours of operation, security, and maintenance as the Marketline, including security patrol of the tunnels;
- The two subterranean pedestrian tunnels under Norfolk and Suffolk Streets will only be accessible from the Marketline, and not from the public streets; and
- Should any issues arise with respect to the two subterranean pedestrian tunnels under Norfolk and Suffolk Streets that impact the public, CB3 will be advised and consulted;

THEREFORE BE IT RESOLVED that, subject to Delancey Street Associates' agreement to comply and remain in compliance with the above assurances, CB3 supports granting Delancey Street Associates a revocable consent to construct two subterranean pedestrian tunnels under Norfolk and Suffolk Streets between Delancey Street and Broome Street.

- 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 revised proposed design for the renovation of McKinley Playground

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

Support for the Revised Proposed Design for the Renovation of McKinley Playground

WHEREAS, The Parks Department has returned to Community Board 3 with a revised design for McKinley Joint Operated Park, which addresses many of the issues brought up at the December committee meeting, and

WHEREAS, Community Board 3 greatly appreciates the Parks Department's response to the input and respect shown for community-based planning, and

WHEREAS, the Parks Department has addressed the community concern for prioritizing the reconstruction of the comfort station by constructing the comfort station "in house," thereby making the construction costs within the budgeted and allocated funding, and

WHEREAS, the new design includes 3 standard strap style swings and 1 ADA accessible swing; and

WHEREAS, the new design for the interactive water play area will have boulder seating only on the side so that it will not interfere with having the area serve as a multi-use area, and the spray showers will not operate during school hours; and

WHEREAS, Community Board 3 continues to insist that the fence on 4th Street should not be lowered, so

THEREFORE BE IT RESOLVED that Community Board 3 supports the updated proposed design of McKinley Park.

3. Report from Arts & Cultural Affairs Subcommittee
no vote necessary
4. Vote to adjourn
approved by committee

38 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Landmarks Committee

1. Approval of previous month's minutes
approved by committee
2. Support for designation of 22 East Broadway heard 2011

VOTE: TITLE: To support calendaring and designation of 22 East Broadway as an Individual Landmark

WHEREAS, the James R. Whiting House, 22 East Broadway, is a grand Federal style house built ca. 1832; and

WHEREAS, 22 East Broadway was constructed as a house for district attorney James R. Whiting, who also served as a City Council member and later as a New York Supreme Court Judge; and

WHEREAS, the house is a three-bay, three and a half stories late Federal style house which retains its form, with pitched roof and segmentally arched dormers, as well as a significant amount of its original architectural fabric, including Flemish bond brickwork; and

WHEREAS, it also retains its rear pitched roof with paired segmental arched dormers visible from the public way; and

WHEREAS, the Landmarks Preservation Commission calendared and heard 22 East Broadway in 2011, but never acted to designate it; and

WHEREAS, Intro 775-A, passed by the City Council and signed into law by Mayor de Blasio, requires that properties be landmarked within a year, with the result that 22 East Broadway was removed from the calendar; and

WHEREAS, 22 East Broadway is mostly unchanged since 2011 and remains worthy of designation; so

THEREFORE BE IT RESOLVED, Community Board 3 urges the Landmarks Preservation Commission to place 22 East Broadway back on the calendar and act to designate it as soon as possible.

3. Certificate of Appropriateness; 84 2nd Ave

VOTE: TITLE: Partial approval of the Certificate of Appropriateness application for 84 Second Avenue

WHEREAS, CB 3 passed a resolution in October 2017 regarding a Certificate of Appropriateness application for 84 Second Avenue, in general finding the plan for the front façade appropriate while finding the rear yard addition inappropriate; and

WHEREAS, the applicant has returned to the Community Board regarding changes to the first application, and

WHEREAS, the design of the second-floor windows of the front façade is improved; and

WHEREAS, the modified proportions of the storefront show window better conform to the original; and

WHEREAS, due to the stated acoustic requirements, all of the wood windows must be replaced with aluminum windows; and

WHEREAS, the newly proposed bulkhead and safety railing, which are required by code, can be seen from the public way; and

WHEREAS, the extent of the proposed construction is a major intervention to the historic structure; and

WHEREAS, removal of the upper balconies on the proposed rear façade of the building is insufficient to make the rear yard addition appropriate; and

WHEREAS, the neighbors have submitted a petition against the proposal containing 160 signatures, so

THEREFORE BE IT RESOLVED, CB 3 restates its approval of the front façade plan and its opposition to the rear yard addition, with the following caveats:

- The applicant must work with LPC staff to replace the windows with the most appropriate aluminum windows
- the applicant along with LPC staff should strive to minimize the visual impact of the rooftop changes
- great care should be taken to monitor this fragile building and its neighboring buildings in the historic district during construction.

4. Vote to adjourn
approved by committee

38 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Vote to adjourn

38 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Members Present at Last Vote:

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

Meeting Adjourned