



# THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

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Alysha Lewis-Coleman, Board Chair

Susan Stetzer, District Manager

October 2018 Full Board Minutes

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

#### Public Session:

**Trevar Holland** – Resident of Two Bridges encouraging public comment on the Two Bridges Towers by October 29th. An advocate for 5 years reporting that developers have made boastful comments to develop despite community opposition.

**Alexander Olch** – Is against the SLA 17 item.

**Yvonne He** – Is against the SLA item. Reported a poor outreach in the area from the hotel. Cheng Chio Buddhist Temple directly across the street from the hotel development. Requesting to enforce the 200 foot rule. Is glad of the closing times scaling back but expressed great concern for the public music being designated at the lobby of the hotel and requested it end.

**Arthur Phillips** – Is against the 9 Orchard street hotel being developed with permission to have live music and late hours. Reported a similar situation where a precedent was made to table discussion until the 200 foot rule applies for this development. He reported there were over 200 residents with petitions against.

**Tamara Daley** – Representing the Orchard Street Block Association and Is against the hotel stipulations until a 200 foot rule is determined. She is advocating for no dj's or live music on the lobby premises. The neighboring Buddhist temple is not in support for the development with lobby live music.

**Timothy Harrell** – Made the community aware of a Youth Summit on Policing in New York City. To be held February 5th at NYU 60 Washington Street.

**Tommy Loer** – on behalf of the Grand Street Democrats, is advocating for clean air solutions for alternative bus routes replacing the L train. Without air control controlled by legislation, Mr. Loer believes the community will suffer to the point of illness due to poor air quality. Is requesting a plan to monitor our air quality over the 15 months of the L train shutdown. There will be over 1 million trips over the Williamsburg bridge that will contribute to the air quality diminishing.

**Andy Rifkin** – Is in support of the SLA item 17 for 9 Orchard Street. Believes the project development fits well with the same goals and desires of local block associations and small businesses.

**Amy Chin** – Is in support of the SLA item 17 for 9 Orchard Street. Is in support of the liquor license at this development. She believes this development is highly respectable and is familiar with the other developments for being conscious of the community needs. Looks forward to an ongoing relationship that is beneficial for the neighborhood. She is not paid to say this.

**Amy Robinson** – Is in support of the SLA item 17 for 9 Orchard Street. Member of the Space Block association. Does not wish for a Hell Square situation. Commends the Orchard Street Block Association for their stance on this development site. Sites local businesses who are in support of this development.

**Emma Colbert** – Space Block Association president is in support of the SLA item 17 for 19 Orchard street. She lives near and works very close to the location of this site. She believes this establishment should be developed with the stipulations as they are.

Michael Marino – Friends of Corlears Health Park provided a community event announcement called Pumpkin Smash 2018.

Jordan Barker – Citizens Committee announced their community improvement project grant for neighborhood groups, block associations. November 7th deadline for \$1,000 grant for community clean-up project. K Webster announced the

Crystal Field – Director of Theater for the New City, is advocating for the garbage trucks to be removed and relocated someplace else. They annually close the street down on Halloween and is concerned the trucks will still be there during this annual street shutdown. Local small businesses are affected greatly by the garbage trucks. Susan Stetzer will advocate on behalf of the annual shutdown to let the mayors office of street permits aware of the garbage trucks to help remove them.

Public Officials:

Mayor Bill de Blasio, Gabrielle Dann-Allel:

Public Advocate Letitia James, Adam Chen:

Comptroller Scott Stringer, Michael Stinson:

Borough President Gale Brewer, Vanessa Diaz:

Capital Funding application opens in January 2019. November 7th and 8th will have a schools and nonprofit information session on capital funding applications. Honorable Borough President advocated for Community Board 3 to be involved in the census of the NYCHA residents and hard to reach residencies to ensure their census is counted. Advocated for youth to sign up for youth leadership committee within the Borough President office. Rikers Island taskforce update meeting with criminal justice groups, and others before being blindsided by the mayor's office of the designation of Rikers island relocation to 80 Centre street. Judge Lippman 125 White Street recommendation was engaged in community process and agreed by all before being disregarded by the mayor's office decision as per Borough President. Mayor has a charter of revision including term limits for community board Number 3 she is voting no. Appointing an urban planner from the mayor office instead of the community board and is number 2 of this charter, she is voting no.

Congressmember Nydia Velazquez, Iris Quinones:

Introduced legislation to tackle sexual harassment and housing. Is in support of the Liver Act to fund awareness for liver diseases. Micro enterprise workshop being hosted by the congresswoman at Sunset Park for local businesses. She submitted testimony against the two bridges development. Nydia Velazquez office will be present for the next health committee on Public Charge.

Congressmember Carolyn Maloney, Victor Montesinos:

Assemblymember Yuh-Line Niou, Monica Martinez:

She is against the LSRD Two bridge development and believes the development negatively affects residents. Yuhline has submitted testimony on the Manhattan Detention Center.

Assemblymember Deborah J. Glick, Charlie Anderson:

Barbara Underworld is overseeing the civil case against Steve Crowman's former tenants. There is an application available for former Crowman tenants to access money. Apply by November 4th. Report on Term limits for Community board members.

Assemblymember Harvey Epstein, Mike Schweinsburg:

Is in support and actively fighting to reduce noise debris and putting up higher fencing for the 14th street L train shutdown construction. Harvey has a new assignment a new assembly taskforce for people with disabilities.

State Senator Brian Kavanagh, Venus Galarza-Mullins:

October is domestic violence awareness month. Testified against the two bridges waterfront development. Senator Kavanagh celebrated the 85 Bowery tenants return home. Announced housing should be between 62 – 68 degrees at all times and if there are any temperate drops to contact their office.

State Senator Brad M. Hoylman, Caroline Wechselbaum:

Testified in support of the small business survival act and is passionate about the issue of small businesses in his district. Submitted a report on small business vacancies on his website. Flu shot event in November anyone can make an appointment by contacting the office. Hoylman drafted a similar bill to that of Net Neutrality passed in California.

Councilmember Margaret Chin, Marian Guerra:

Testified at City Planning Commission against the Two Bridge development. Over 100 people were able to testify against the Two Bridges Waterfront development. Is demanding a tax amendment which would require a full review form the Community board, City Council and Borough President. October 29th is the deadline to provide public testimony. Allocated capital funding to develop a space near Grand street.

Councilmember Carlina Rivera, Sheila Rodriguez:

Sanitation trucks on 10th street. Wrote a letter to DSNY and Mayors office highlighting the public safety concerns including the recent mugging behind the trucks stationed at this location. Is concerned of the 10th street Boys Club and is working with fellow elected officials to keep the building. Halloween Dog walk event continues in part because of the GOLES located at East River Park.

Members Present at First Vote:

David Adams	[A]	Dean Diongson	[P]	Michael Marino	[P]
Yaron Altman	[P]	Alistair Economakis	[P]	Jeremy Markman	[P]
Jesse Beck	[P]	Shirley Fennessey	[P]	Antonio Martinez	[P]
Dominic Berg	[P]	David Ford	[A]	Alexandra Militano	[P]
Lee Berman	[P]	Ryan Gilliam	[P]	Nancy Ortiz	[A]
Victoria Berrios	[A]	Debra Glass	[A]	Carolyn Ratcliffe	[P]
Karen Blatt	[P]	Herman F. Hewitt	[P]	Damaris Reyes	[A]
Lisa Burriss	[P]	Trever Holland	[P]	Richard F. Ropiak	[P]
Karlin Chan	[P]	Linda Jones	[P]	Robin Schatell	[P]
Jonathan Chu	[P]	Vaylateena Jones	[P]	Laryssa Shainberg	[P]
MyPhuong Chung	[P]	Meghan Joye	[P]	Clint Smeltzer	[P]
David Crane	[P]	Lisa Kaplan	[A]	Anisha Steephen	[P]
Je'Jae Daniels	[P]	Olympia Kazi	[P]	Sandra Strother	[P]
Nina d'Alessandro	[A]	Joseph Kerns	[A]	Josephine Velez	[P]
Paul DeRenzo	[A]	Mae Lee	[P]	Rodney Washington	[P]
Eric Diaz	[P]	Alysha Lewis-Coleman	[P]	Kathleen Webster	[A]
Daniel Dickson	[P]	Luis Lopez	[P]		

Minutes:

Minutes of July 2018 were approved, as is.

**37 YES 0 NO 1 ABS 0 PNV MOTION PASSED**

Board Chairperson's Report:

Chairperson Alysha Lewis-Coleman

2020 Census Update. CB3 attendance is important. Reminder that we are appointees not volunteers so to take CB3 position with responsibility. Encouraged new appointees to receive mentorship from existing members. Public Housing Subcommittee will be scheduling a meeting in November. Nancy, Alysha, Sandra and Lisa Burrows will discuss how to make the subcommittee active again. Holiday Festival for CB3 meeting after December Full Board meeting.

District Manager's Report:

District Manager Susan Stetzer

Provided District Manager Report.

Committee Reports:

**Executive Committee**

- FY'2020 Capital & Expense Priorities

**VOTE:** To approve the ranking of Expense and Capital budget priorities as amended by the executive committee.

**37 YES 0 NO 1 ABS 0 PNV MOTION PASSED**

**Landmarks Committee**

1. Approval of previous month's minutes approved by committee
2. Certificate of Appropriateness: 77 East 7th Street no vote necessary
3. FY'2020 Capital & Expense Priorities no vote necessary
4. Vote to adjourn approved by committee

**38 YES 0 NO 0 ABS 0 PNV**

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

1. Approval of previous month's minutes approved by committee
2. ULURP #190069 HAM: 204 Avenue A and 535 East 12th ("East Village Housing") - HPD seeking UDAA designation, UDAAP approval, and disposition of City-owned property

**VOTE: TITLE: Approval of ULURP #190069 HAM: 204 Avenue A and 535 East 12th ("East Village Housing") – approval of UDAAP and disposition of City-owned property**

**WHEREAS**, the project consists of 204 Avenue A and 535 East 12th Street, both City-owned buildings; and

**WHEREAS**, each building has 5 tenant-of-record households that have been relocated since 2008; and

**WHEREAS**, both buildings are currently vacant due to structural issues; and

**WHEREAS**, due to structural problems, the current buildings will be demolished and rebuilt; and

**WHEREAS**, both buildings will be constructed according to current building code and will comply with ADA and Section 504 accessibility requirements. The buildings will be designed to meet Enterprise Green Communities standards.

**WHEREAS**, with respect to 204 Avenue A,

- It is a 4-story, 6-unit building with a ground-floor commercial space
- the replacement building will be a 7-story, 10-unit building with a ground-floor commercial space
- there will be 8 1-bedroom units and 2 2-bedroom units
- the project intends to use on-site Inclusionary Housing to build above the base FAR
- under the proposed Affordable Neighborhood Cooperative Program (ANCP) development project, the building will be sold to Restoring Communities HDFC
- after construction, it will be converted into an affordable cooperative, to be owned and operated by a co-op corporation formed by the 10 existing households
- maintenance will be set at 40% AMI for existing families; future sales prices will be affordable to shareholders at 80% AMI

**WHEREAS**, with respect to 535 East 12th Street,

- it is a 5-story, 8-unit building with a ground-floor commercial space
- the replacement building at will be a 6-story building with 11 units
- there will be 11 1-bedroom units
- the project will be built as of right
- under the proposed ANCP development project, the building will be sold to an HDFC to be formed by SMJ Development
- after construction, it will be owned by SMJ Development and will be operated as a rent-stabilized rental building with rents capped at 130% AMI

**WHEREAS**, the sites require approval through ULURP for disposition of City-owned property and designation as an Urban Development Action Area project (UDAAP); and

**WHEREAS**, because the residents of these two buildings have been displaced for more than ten years awaiting a satisfactory resolution of the issues surrounding these properties, as previously outlined; and

**WHEREAS**, the past and present councilmembers have worked with the residents and the designated developer to reach a satisfactory solution; so

**THEREFORE BE IT RESOLVED**, CB 3 approves the ULURP #190069 HAM: 204 Avenue A and 535 East 12th Street for UDAAP and disposition of City-owned property.

3. Informational presentation regarding an affordable housing project at 165 Broome Street (Grand Street Guild)  
no vote necessary
4. FY'2020 Capital & Expense Priorities  
**VOTE:** To approve FY'2020 Capital and Expense Priorities.
5. Update on Two Bridges Rezoning Application  
no vote necessary
6. Vote to adjourn  
approved by committee

**38 YES 0 NO 0 ABS 0 PNV**

**Economic Development Committee**

1. Approval of previous month's minutes  
approved by committee
2. Implementation of Special District

- no vote necessary
- 3. Lower East Side Employment Network: Update report  
no vote necessary
- 4. EVCC report on storefront vacancy data  
no vote necessary
- 5. CB 3 position for specific retail diversity tools: annual commercial vacancy reporting support from SBS in educating retailers on internet commerce, need for affordable and flexible leases especially for 1st time entrepreneurs, Developers receiving zoning bonuses or City subsidies should be made to offer a certain % of retail as flexible/affordable

**VOTE: TITLE: Motion to Support Retail Diversity**

Community Board 3's Motion for Tools to Support Retail Diversity

Whereas, Community Board 3 seeks to improve opportunities for the continued growth and vitality of small, independent merchants; and

Whereas, Community Board 3 seeks to specifically encourage a diversified retail landscape that provides essential service opportunities to the local community and also enhance residential quality of life by creation, promotion and maintenance of a dynamic streetscape along with an attractive pedestrian environment; and

Whereas, Community Board 3 seeks to further promote the unique character and overall authenticity of both our unique low-rise architecture and diverse collection of small merchants which compromise our local economy and provide a distinctive shopping experience; and

Whereas, the New York City Council issued a report in December 2017 titled "Planning for Retail Diversity: Supporting NYC's Neighborhood Businesses"; and

Whereas, there are currently little to no coordinated planning mechanisms or single agencies within the municipal government to manage planning and policy for retail storefronts; now

Therefore Be It Further Resolved, that Community Board 3 requests that the Department of Small Business Services (DSBS) be designated as the centralized agency tasked with managing planning and policy as it relates to neighborhood-based economic conditions, specifically those efforts that relate to the affordability, diversity and access of retail storefronts and other activities that engage and activate small locally based merchants on behalf of municipal government; and

Be It Further Resolved, that Community Board 3 requests that local elected officials support this planning effort and that the City Council designate appropriate funding to increase personnel required for such an effort with DSBS's Neighborhood Development Division (NDD); and

Be It Further Resolved, that Community 3 requests that as part of this work, NDD produce an annual and accurate accounting utilizing existing municipal data sources to report retail storefront vacancies in each community district throughout the five boroughs; and

Be It Further Resolved, that Community Board 3 requests that local elected officials and the City Council designate appropriate and sustained municipal tax levy funding to provide each community district with the opportunity to select a defined geographic area to conduct a Commercial District Needs Assessment (CDNA) and expand the DSBS Neighborhood 360 program to all community districts as this is our particular desire to support the East Village's local economy; and

Be It Further Resolved, that Community Board 3 requests that as part of this new scope of planning and policy, and integrated into future CDNAs, there shall be a review of the impact of e-commerce as it relates to the sustainability of physically based retail storefronts; and

Be It Further Resolved, that Community Board 3 supports eliminating the special zoning resolution permit requirement for gyms and health clubs; and

Be It Further Resolved, that Community Board 3 requests that NYC EDC identify city-owned properties in each commercial district where affordable commercial space can be created by the City itself or by locally based not-for-profit organizations; and

Be It Further Resolved, that Community Board 3 requests that NYC EDC ensure that in all city-sponsored development projects some type of affordable commercial space be required, especially in

those instances where a zoning density increase is requested, this model having been successfully employed most recently as part of the agreement to construct a new tech hub on 14th Street; and

Be It Further Resolved, that Community Board 3 additionally requests that NYC EDC identify and fund increased opportunities that provide defined pathways for graduates of entrepreneurship incubation programs to locate and grow their operations in neighborhood-based retail storefronts and other facilities, again emulating the similar program that will operate at the new tech hub on 14th Street; and

Be It Further Resolved, that Community Board 3 supports long term solutions that may be proposed by NDD and/or other qualified, locally based not-for-profit organizations to expand services that importantly support local merchants and enhance quality of life for residents setting the stage for growth of our local economy; and

Be It Further Resolved, that Community Board 3 supports the use of defined tax levies on local property owners within defined geographic areas that fund services which supplement the efforts of municipal government.

6. FY'2020 Capital & Expense Priorities

**VOTE:** To approve FY'2020 Capital and Expense Priorities.

7. Report from Arts & Cultural Affairs Subcommittee

no vote necessary

8. Vote to adjourn

approved by committee

**38 YES 0 NO 0 ABS 0 PNV**

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

1. Approval of previous month's minutes

approved by committee

2. Informational presentation on Lippman Report: Recommendations for a Better Criminal Justice System

no vote necessary

3. FY'2020 Capital & Expense Priorities

**VOTE:** To approve FY'2020 Capital and Expense Priorities.

4. Vote to adjourn

approved by committee

**38 YES 0 NO 0 ABS 0 PNV**

**SLA & DCA Licensing Committee**

1. Approval of previous month's minutes

approved by committee

**Alterations**

2. Loverboy (Mos Eisley LLC), 127 Ave C (aka 343 E 8th St) (op/alt/extension of hours from 2am to 4am)

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

To deny the application for an alteration of the full on-premises liquor license for Mos Eisley LLC, doing business as Loverboy, for the premises located at 127 Avenue C a/k/a 343 East 8th Street, at the corner of Avenue C and East 8th Street, New York, New York, to wit extending its hours of operation to 4:00 A.M. Thursdays through Saturdays, 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 a kitchen open and serving food during all hours of operation,
- 2) its hours of operation indoors will be 5:00 P.M. to 2:00 A.M. Mondays through Wednesdays, 5:00 P.M. to 4:00 A.M. Thursdays and Fridays, 12:00 P.M. to 4:00 A.M. Saturdays and 12:00 P.M. to 2:00 A.M. Sundays,
- 3) it will operate a sidewalk café closing no later than 9:00 P.M. all days,
- 4) it will employ security guards Thursdays through Saturdays from 6:00 P.M. to closing,
- 5) it will install additional soundproofing, if needed,
- 6) it will close any front or rear façade doors and windows 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,
- 7) 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,

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

3. Niagra (Tozzer Ltd), 112 Ave A (op/alt/add service bar)  
no vote necessary

**New Liquor License Applications**

4. Nuyorican Poets Cafe (Nuyorican Poets Cafe Inc), 236 E 3rd St (upgrade to op)  
withdrawn
5. Sanpou USA LLC, 92 2nd Ave btwn E 5th & E 6th Sts (op)

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

**WHEREAS**, Sanpou USA LLC initially appeared before Community Board 3 seeking a full on-premises liquor license to operate a Japanese restaurant, in the premises located at 92 Second Avenue, between East 5th Street and East 6th Street; and

**WHEREAS**, the applicant has entered into an agreement with the East Fifth Street Block Association regarding its method of operation which includes agreeing to now apply for a wine beer license; and

**WHEREAS**, given that the applicant has now stated that it will apply for a wine beer license for this business; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the application for a wine beer license for Sanpou USA LLC, for the premises located at 92 Second Avenue, between East 5th Street and East 6th Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service Japanese restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 11:00 A.M. to 1:00 A.M. all days,
- 3) it will not commercially operate any outdoor areas,
- 4) it will close any front or rear façade entrance doors at 10:00 P.M. every night or when amplified sound is playing and will otherwise have a closed fixed facade with no open doors or windows,
- 5) it will play ambient background music only, consisting of recorded music, and will not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 6) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3,
- 7) it will not host pub crawls or party buses,
- 8) it will not have unlimited drink specials with food,
- 9) it may have "happy hours" to 8:00 P.M. each night,
- 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.

6. Ichibantei (Kotex & Chib Restaurant Inc), 20 St Marks Pl (upgrade to op)  
withdrawn

7. Mala Project (Mala Project East Village LLC), 122 1st Ave btwn E 7th St & St Marks Pl (op)  
withdrawn

8. FJ Orchard LLC, 172 Orchard St (op)  
withdrawn

9. Mini Rex (The Fifth Elephant LLC), 87 Ludlow St btwn Delancey & Broome Sts (op)

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

**WHEREAS**, The Fifth Elephant LLC, is seeking a full on-premises liquor license for a karaoke bar located at 87 Ludlow Street, between Delancey Street and Broome Street, New York, New York; and

**WHEREAS**, this applicant is seeking to operate a two-story tavern and karaoke venue with a certificate of occupancy of one hundred forty-five (145) people, twenty-two (22) tables and seventy-eight (78) seats, two (2) twenty (20) foot bars, hours of operation of 4:00 P.M. to 12:00 A.M. all days, entertainment level recorded music and live music from patrons singing karaoke, cover fees for karaoke and security; and

**WHEREAS**, this application was denied by Community Board 3 in March of 2017 and the applicant then asked to be reheard and was again denied by Community Board 3 in April of 2017; and

**WHEREAS**, per the applicant, it was then heard and approved by the SLA with conditions of its license that it 1) have hours of operations from 4:00 P.M. to 12:00 A.M. all days, 2) have no live music except from patrons singing karaoke, 3) not host pub crawls or party buses, 4) not have happy hours, 5) have security, and 6) install soundproofing consistent with the recommendations of a sound engineer; and

**WHEREAS**, the applicant has previously stated that the public benefit for approving a full on-premises liquor license for this location is that part of the proposed business will be for sober patrons so that sober patrons will have the ability to patronize a tavern karaoke venue with their drinking friends; and

**WHEREAS**, although neither principle has experience holding a liquor license, the principles stated that they had both worked in various businesses within the nightlife industry in various positions from busboy to general manager; and

**WHEREAS**, Community Board 3 would support a full on-premises liquor license for this applicant with the stated public benefit and experience of the applicant and given that the SLA has already approved a full on-premises liquor license for this applicant with more limited hours of operation and extensive soundproofing; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the application for a full on-premises liquor license for The Fifth Elephant LLC, with a proposed business name of Mini Rex, for the premises located at 87 Ludlow Street, between Delancey Street and Broome 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 karaoke tavern, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 4:00 P.M. to 12:00 A.M. all days,
- 3) it will not commercially operate any outdoor areas,
- 4) it will install soundproofing consistent with the recommendations of a sound engineer and will use a pre-set limiter to control noise and bass,
- 5) it will employ security personnel all days,
- 6) 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,
- 7) it will play recorded music and have live music consisting only of patrons singing karaoke and will have cover fee only in that it will have fees for the renting of karaoke rooms but it will not have DJs, promoted events or scheduled performances,
- 8) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3,
- 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 "happy hours,"
- 12) it will insure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 13) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 14) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

10. LES 106 RIV LLC, 106 Rivington St btwn Ludlow & Essex Sts (op)

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

**WHEREAS**, LES 106 RIV LLC is seeking a full on-premises liquor license for the premises located at 106 Rivington Street, between Ludlow Street and Essex Street, New York, New York; and

**WHEREAS**, this is an application for a restaurant with a certificate of occupancy of forty (40) people, thirteen (13) tables and thirty-six (36) seats inside and an undescribed patio or deck outside, an eighteen (18) foot bar with seven (7) stools, a kitchen open during all hours of operation serving a

limited Asian fusion menu, hours of operation of 12:00 P.M. to 12:00 A.M. Mondays through Thursdays, 12:00 P.M. to 2:00 A.M. Fridays, 11:30 A.M. to 2:00 A.M. Saturdays and 11:30 A.M. to 12:00 A.M. Sundays, an open facade, a television, recorded music and the possibility of DJs at either background or entertainment levels and happy hours to 7:00 P.M.; and

**WHEREAS**, this is an unlicensed location which has never housed a licensed business; and

**WHEREAS**, there are thirty-five (35) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant but forty-six (46) full on-premises liquor licenses and four (4) pending full on-premises liquor licenses within five hundred (500) feet of this location per the SLA LAMP map; and

**WHEREAS**, the applicant has failed to state the public benefit of its proposed venue; and

**WHEREAS**, the applicant demonstrated almost no community outreach or support for its application, in that the applicant submitted eight (8) petition signatures from area residents in support of its application; and

**WHEREAS**, the applicant has operated a restaurant at 327 Gold Street, Brooklyn, New York, with a full on-premises liquor license that was issued by the SLA on August 4, 2014, at 242 Flatbush Avenue, Brooklyn, New York, with a full on-premises liquor license that was issued by the SLA on March 29, 2012, and at 271 Adelphi Street, Brooklyn, New York, with a full on-premises liquor license that was issued by the SLA on June 25, 2015; and

**WHEREAS**, the applicant stated that it had settled charges with the SLA for the 242 Flatbush Avenue, Brooklyn, New York business on May 17, 2018, for disorderly conduct, a sustained pattern of noise and disorderly premise and failure to supervise on March 20, 2018, and disorderly conduct on October 15, 2017 and November 10, 2017; and

**WHEREAS**, the LES Dwellers, a local residents organization, submitted a letter in opposition to this application, which included seventy-six (76) letters from residents, and appeared in opposition to this application, stating that 1) this is an unlicensed location, 2) this location has three (3) commercial stories so there is the potential for the applicant to expand its business to all three (3) floors and this seems to be its intent although it did not confirm this given that it is renovating all three (3) floors, 3) the applicant is too great a risk to approve in this overburdened area given that it has a recent history of violations at its 242 Flatbush Avenue, Brooklyn, New York, business for failure to conform to its application by allowing dancing, having unlimited drinks, disorderly premise and a sustained pattern of noise and disturbance on March 4, 2018, and open violations from June of 2018, for which it is currently operating under a SAPA letter, and consistent with these complaints, it has had four hundred twenty-seven (427) 311 commercial noise complaints since it opened this business in 2012, and 4) it is concerned that the business will operate as a bar given the proposed entertainment level music, DJs and limited menu, 5) the open façade, possible use of the backyard and DJs at this proposed business are untenable because the street is already overburdened with unbearable noise, 6) the street and surrounding area are overburdened with licensed venues, including the hotel across the street which has three (3) public venues, which has resulted in noise from crowds of people and horn honking, blocked street and bike lane and lack of parking from lines of taxis, party buses and limousines, as well as daytime noise and congestion from deliveries to these businesses, and 7) the area has more crime than it did last year and there is more crime and a disproportionate number of arrests in this area which has been dubbed "Hell Square" than other areas of the precinct; and

**WHEREAS**, twelve (12) residents of the immediate area appeared and one (1) resident submitted a letter in opposition to this application, and six (6) of those residents spoke in opposition to this application, stating that 1) there is no public benefit in approving a full on-premises liquor license in an unlicensed location in an area well-served with Asian fusion restaurants and for an applicant who has had recent violations for operating one of its existing businesses, 2) there are already too many licensed businesses in this area, 3) the area cannot sustain the burden of another licensed business given the existing chaotic conditions of the street with packed sidewalks, fights and visible drug dealing on the sidewalks and heavy traffic on the street which is a one-way residential street treated like a major thoroughfare, and 4) the applicant failed to engage in any community outreach or demonstrate support for this application; and

**WHEREAS**, Community Board 3 cannot support this application because of the lack of public benefit in approving a full on-premises liquor license for a restaurant in an area well-served with similar businesses and with such a high concentration of businesses with full on-premises liquor licenses, the

recent violation history of this applicant at one of its existing businesses and its indication of how the applicant operates a licensed business, the deleterious and dangerous conditions in this area as a result of the existing licensed businesses, insufficient community support for this application and overwhelming community opposition to this application; now

**THEREFORE BE IT RESOLVED** that Community Board 3 moves to deny the application for a full on-premises liquor license for LES 106 RIV LLC, for the premises located at 106 Rivington Street, between Ludlow Street and Essex Street, New York, New York

11. 250 E14th LLC, 221 2nd Ave (op)  
withdrawn

12. Zhen Wei Fang Inc, 207 Bowery btwn Rivington & Delancey Sts (op)

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

To deny the application for a full on-premises liquor license for Zhen Wei Fang Inc., with a proposed business name of Zhen Wei Fang, for the premises located at 207 Bowery, between Rivington Street and Delancey Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service Chinese hot pot 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 11:00 P.M. Mondays through Fridays and 12:00 P.M. to 11:00 P.M. Saturdays and Sundays,
- 3) it will not commercially operate any outdoor areas,
- 4) it will close any front or rear façade entrance doors at 10:00 P.M. every night or when amplified sound is playing and will otherwise have a closed fixed facade with no open doors or windows,
- 5) it will play ambient background music only, consisting of recorded music, and will not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 6) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3,
- 7) it will not host pub crawls or party buses,
- 8) it will not have unlimited drink specials with food,
- 9) it will not have "happy hours,"
- 10) it will insure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 11) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 12) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints

Community Board 3 is approving this application for a full on-premises liquor license although this location is in an area with numerous full on-premises liquor licenses because 1) this is a sale of assets of an existing restaurant with a full on-premises liquor license, 2) the applicant consists of a principle who is the son of the existing licensee and who operates a nearby hotel, and 3) although the applicant intends to change the business name, staff and concept of this restaurant from Chinese to Chinese hot pot, it will not make any structural or cosmetic changes to the physical space and will maintain early closing hours.

13. Williamsburg Pizza (Williamsburg Pizza 14th Street LLC), 266 E 14th St (wb)  
withdrawn

14. Grand Delancey LLC, 115 Delancey St (op)  
withdrawn

15. MJD Bar Ventures I LLC, 197 2nd Ave btwn E 12th & E 13th Sts (op)

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

To deny the application for a full on-premises liquor license for MJD Bar Ventures I LLC, for the premises located at 197 Second Avenue, between East 12th and East 13th Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a tavern, with a prep area serving food during all hours of operation,
- 2) its hours of operation will be 5:00 P.M. to 3:00 A.M. Mondays through Wednesdays, 5:00 P.M. to 4:00 A.M. Thursdays through Saturdays and 5:00 P.M. to 2:00 A.M. Sundays,
- 3) it will not commercially operate any outdoor areas,
- 4) it will employ security personnel Wednesdays through Saturdays from 7:00 P.M. to closing,
- 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 and will have no more than fifteen (15) private parties per year,
- 7) it will not apply for any alteration in its method of operation or for any physical alterations 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 may have "happy hours" to 7:00 P.M. each night,
- 11) it will insure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 12) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 13) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints

Community Board 3 is approving this application for a full on-premises liquor license although this location is in an area with numerous full on-premises liquor licenses because 1) this location was previously operated as a tavern with a full on-premises liquor license, 2) the applicant consists of principles with collective experience working in and operating similar businesses, including venues at the hotel located at 50 Bowery, New York, New York and at 11 East 31st Street, New York, New York, and licensed businesses at 369 Seventh Avenue, Brooklyn, New York, 362 15th Street, Brooklyn, New York, and 247 Fifth Avenue, Brooklyn, New York, and 3) the applicant demonstrated support for its application, in that it furnished petition signatures, fifty-two (52) of which were from area residents, and seventeen (17) letters from business owners and residents in support of its application, fifteen (15) people appeared in support of this application and there was no community opposition to this application.

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

16. Let's Dance LLC, 242 Broome St (op)  
withdrawn

17. Orchard Street Restaurant Management LLC, 9 Orchard St @ Orchard, Canal and Allen Sts (op)

**VOTE: TITLE: Community Board 3 resolution approving the hotel liquor license for Orchard Street Hotel Management LLC and Orchard Street Restaurant Management LLC, for 9 Orchard Street, subject to certain restrictions on use**

**WHEREAS**, the applicant, Orchard Street Hotel Management LLC and Orchard Street Restaurant Management LLC, by its qualified representative or principal, is seeking to obtain a hotel liquor license for a sixteen (16) story hotel, located at 9 Orchard Street, bounded by Canal Street, Allen Street and Orchard Street, New York, New York; and

**WHEREAS**, said applicant will maintain the primary method of operation of said location as a hotel open all hours for temporary lodging, with its primary entrance on Orchard Street, and will maintain the following ancillary public uses and private event spaces:

- 1) an interior first floor restaurant of one thousand one hundred forty-eight (1,148) square feet, with a capacity of eighty-seven (87) people, thirteen (13) tables and sixty-two (62) seats, a food counter with sixteen (16) stools, hours of operation of 7:00 A.M. to 2:00 A.M. all days, a kitchen open all hours serving a full menu, a closed façade, its own entrance on Canal Street between Orchard Street and Allen Street, recorded background music, no live music, DJs, promoted events, scheduled performances or events with cover fees, no bar, no pub crawls or party buses and happy hours to 8:00 P.M.;
- 2) an interior first floor lobby bar lounge of one thousand forty-six (1,046) square feet, with a capacity of seventy-one (71) people, eight (8) tables and thirty-two (32) seats comprised of tables chairs and lounge seating, hours of operation of 7:00 A.M. to 2:00 A.M. all days, a kitchen open all hours serving a limited menu, a closed façade, its own entrance on the corner of Orchard Street and Canal Street north of the hotel entrance, recorded background music, DJs and occasional small ensemble live music, no promoted events, scheduled performances or events with cover fees, a twenty-seven (27) foot bar with twelve (12) stools, no pub crawls or party buses and happy hours to 8:00 P.M.;
- 3) an additional interior first floor restaurant bar facing Allen Street of one thousand thirty-nine (1,039) square feet, with a capacity of one hundred four (104) people, ten (10) tables and thirty-seven (37) seats, hours of operation of 7:00 A.M. to 1:00 A.M. Sundays through Wednesdays and 7:00 A.M. to 2:00 A.M. Thursdays through Saturdays, a kitchen open all hours serving a full menu, a closed façade, its own entrance on the corner of Canal Street and Allen Street, recorded and live

music and DJs at background levels, a fifty-two (52) foot bar with twenty-five (25) stools, no pub crawls or party buses and happy hours to 8:00 P.M.;

- 4) a sidewalk café of three hundred ten (310) square feet operating as an extension of the restaurant bar facing Allen Street, with twelve (12) tables and twenty-four (24) seats and hours of operation of 8:00 A.M. to 10:00 P.M. all days;
- 5) an interior sub-cellar cocktail bar lounge of one thousand eighty (1,080) square feet, with a capacity of seventy-two (72) people, nine (9) tables and twenty-eight (28) seats, hours of operation of 5:00 P.M. to 4:00 A.M. all days, no food service, its own entrance on Allen Street, recorded background music, no live music, DJs, promoted events, scheduled performances or events with cover fees, a service bar, no pub crawls or party buses and happy hours to 8:00 P.M.;
- 6) an interior second floor large meeting room and event space of one thousand six hundred sixty-five (1,665) square feet, with a capacity for one hundred eighty-six (186) people with up to ten (10) tables and one hundred (100) seats in moveable seating and bars, recorded music, DJs and occasional small ensemble live music at background and entertainment levels, no promoted events, scheduled performances or events with cover fees, food service from the cellar kitchen and a second floor food preparation area, hours of operation of 7:00 A.M. to 4:00 A.M. all days and its own entrance on Allen Street which will also be used for the sub-cellar bar; and
- 7) an interior second floor small meeting room and event space of five hundred ninety-eight (598) square feet, with a capacity for seventy-four (74) people with up to four (4) tables and forty (40) seats in moveable seating and bars, recorded music, DJs and occasional small ensemble live music at background and entertainment levels, no promoted events, scheduled performances or events with cover fees, food service from the cellar kitchen and a second floor food preparation area, hours of operation of 7:00 A.M. to 4:00 A.M. all days and its own entrance on Allen Street which will also be used for the sub-cellar bar; and
- 8) an interior fourteenth floor event space of six hundred sixty-nine (669) square feet, with a capacity of fifty-five (55) people, four (4) tables and forty (40) seats, recorded and live music and DJs at background levels, no promoted events, scheduled performances or events with cover fees, a fifteen (15) foot bar with six (6) stools, food service from the cellar kitchen and a fourteenth floor food preparation area, hours of operation of 7:00 A.M. to 2:00 A.M. all days and its own entrance on Allen Street which will also be used for the second floor event spaces and sub-cellar bar; and
- 9) an exterior fourteenth floor terrace event space of one thousand nine hundred nine (1,909) square feet, with a capacity of one hundred ninety-eight (198) people, eleven (11) tables and one hundred ten (110) seats in moveable seating, recorded background music, no live music, DJs, promoted events, scheduled performances or events with cover fees, food service from the cellar kitchen and a fourteenth floor food preparation area, hours of operation of 7:00 A.M. to 12:00 A.M. all days and its own entrance on Allen Street which will also be used for the second floor event spaces and sub-cellar bar;

**WHEREAS**, the applicant has sought to renovate a long unused but landmarked building within this area of Community Board 3 and has renovated it consistent with its time period; and

**WHEREAS**, the applicant engaged in community outreach by sending out mailers to surrounding residents and associations, hosting public information sessions regarding its proposed business and meeting with block associations and the Seventh Precinct and furnished one hundred twenty-two (122) petition signatures in support of its application; and

**WHEREAS**, letters were submitted by two (2) area organizations and five (5) residents in support of this application and three (3) people appeared in support of this application, including a representative of the Seward Park around Canal East Block Association; and

**WHEREAS**, the applicant entered into an agreement with the Seward Park around Canal East Block Association regarding its method of operation; and

**WHEREAS**, notwithstanding that agreement, there are many residents, business owners and organizations concerned that the multiple public and event venues within the proposed hotel and overall addition of people and traffic from the hotel to this area consisting of mostly low rise mixed commercial and residential buildings and low income families, including large immigrant populations

will significantly increase traffic during daytime and evening hours and late night pedestrian congestion and noise; and

**WHEREAS**, letters were submitted by three (3) block associations and nineteen (19) residents opposed to this application; and

**WHEREAS**, twenty-three (23) area residents and business owners and a representative of the Orchard Street Block Association appeared and petitions which included one hundred fifty-three (153) residents of the immediate area were submitted in opposition to this application, citing 1) the late night hours for many of the venues and the concern that the venues will operate as clubs or lounges that will attract a huge number of people and a weekend transient crowd separate from the hotel lodgers, 2) that this is the first big development to an area full of low rise mixed residential and commercial buildings, low-income families and immigrants which will cause a significant increase in traffic, late night noise and attendant public safety and quality of life concerns and which will significantly impact the surrounding residents, 3) the lack of outreach by the applicant to the substantial Chinese residential population in this area, and 4) that the entrance on the corner of Allen Street and Canal Street for the restaurant bar of the hotel is less than two hundred (200) feet from the Cheng Chio Buddhist Temple located at 18 Allen Street a/k/a 61 Canal Street on the northeast corner of Canal Street and Allan Street; and

**WHEREAS**, the applicant addressed some of these concerns by reducing the hours of the Allen Street restaurant bar, agreeing to sound mitigation measures consistent the recommendations of a sound engineer and agreeing to closely monitor and control traffic and patrons around its building consistent with its traffic and security plans; and

**WHEREAS**, given the concerns raised by community stakeholders about the potential impact of this large scale development on this community and realizing that the applicant has attempted to modify its business plan to be more compatible with the surrounding area, Community Board 3 would approve this application with stipulations governing its method of operation; and

**WHEREAS**, provided that the SLA determines that this location is not within two hundred feet of a house of worship, to wit the Cheng Chio Buddhist Temple, located at 18 Allen Street a/k/a 61 Canal Street on the northeast corner of Canal Street and Allan Street; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the application to obtain a hotel liquor license for Orchard Street Hotel Management LLC and Orchard Street Restaurant Management LLC, for a sixteen (16) story hotel, located at 9 Orchard Street, bounded by Canal Street, Allen Street and Orchard 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) the entrance to the hotel which is located on Orchard Street, south of Canal Street, will be its primary entrance; 2) all loading and unloading of lodgers to the hotel will be effected on Orchard Street at the Orchard Street entrance; 3) deliveries, service vehicles and garbage pick-ups will be on Allen Street, south of the restaurant bar, between 7:00 A.M. and 7:00 P.M., and garbage will be retained inside the hotel until pick-up; 4) it will coordinate its garbage pickups with other businesses to minimize the impact of additional trucks to the area; 5) it will have staging for and deconstruction of events for the events spaces on Allen Street between the hours of 7:00 A.M. and 7:00 P.M., regardless of time of event, and equipment for the staging of events will be directly moved into a freight elevator located on Allen Street adjacent to the entrance for the event spaces and sub-cellar bar lounge to prevent equipment form remaining on the sidewalk; 6) it will not have "happy hours" or televisions in any of its public or event spaces unless specifically stipulated to; 7) it will play ambient background music, consisting of recorded music only, on the ground floor and may have background and entertainment level music, consisting of recorded music, DJs and live music, in public or event areas where it is specifically stipulated to; 8) it will not host pub crawls or party buses; 9) it will not have unlimited drink specials with food in any of the areas where food is served; 10) it will insure that soundproofing or sound baffling measures are installed in its publicly accessed spaces, consistent with the recommendations of a sound engineer; 11) consistent with the proposed security plan, security guards will be monitoring the hotel during all hours of operation and there will be security guards specifically designated to oversee the Allen Street entrance to the events spaces and sub-cellar cocktail bar lounge; 12) it will have staff people outside its business when needed to ensure that there are no wait lines, loitering, crowds or noise outside, will check in guests in an interior corridor off of the Allen Street entrance for the event spaces and sub-cellar bar lounge to prevent queuing of patrons on Allen Street and will have staff people outside when necessary to direct vehicular and pedestrian traffic and to prevent queuing and idling vehicles; 13) exterior lights will be at low levels and directed

down or away from neighboring windows or against the façade of the building; 14) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3; 15) it will provide a telephone number for residents to call with complaints and will immediately respond to any resident complaints; and 16) it will host quarterly meetings within its first year of operation to address community concerns or complaints; and

**Specifically,**

**With respect to the sub-cellar cocktail bar lounge,** 17) it will operate as a bar lounge with food service from a cellar kitchen and the service of alcohol from a service bar located within the cocktail bar lounge; 18) its hours of operation will be 5:00 P.M. to 2:00 A.M. all days; 19) 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; 20) it will not have "happy hours;" 21) it will not host pub crawls or party buses; 22) it will not have unlimited drink specials with food; 23) its entrance will be located on Allen Street south of the restaurant bar facing Allen Street and will be shared with the events spaces; 24) it will not have wait lines and it will designate an employee responsible to oversee patrons on the sidewalk and ensure no crowds or noise outside; and

**With respect to the ground floor restaurant bar facing Allen Street and Canal Street,** 25) it will operate as a full-service American restaurant, with a full menu served from the first floor kitchen during all hours of operation; 26) its hours of operation will be 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; 27) 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; 28) it will close any front or rear façade doors and windows at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances; 29) it will have no more than two (2) televisions; 30) it may have "happy hours" to 8:00 P.M. each night; 31) it will not host pub crawls or party buses; 32) it will not have unlimited drink specials with food; 33) its entrance will be located on the corner of Allen Street and Canal Street; 34) it will not have wait lines outside and it will designate an employee responsible to oversee patrons on the sidewalk and ensure no crowds or noise outside; and

**With respect to the ground floor outdoor seating on Allen Street,** 35) provided that a sidewalk café permit is obtained to operate this area, it will be operated as an amenity to and extension of the ground floor restaurant and bar facing Allen Street; 36) there will be no more than twelve (12) tables and twenty-four (24) seats in one row of two-top tables against the façade of the restaurant bar; 37) there will be no music at any time; 38) its hours of operation will be 8:00 A.M. to 10:00 P.M. all days; and

**With respect to the ground floor restaurant facing Canal Street,** 39) it will operate as a full-service American restaurant, with a kitchen open and serving a full menu during all hours of operation; 40) its hours of operation will be 7:00 A.M. to 2:00 A.M. all days; 41) 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; 42) it will close any 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; 43) it will not have a bar; 44) it will not have "happy hours;" 45) it will not host pub crawls or party buses; 46) it will not have unlimited drink specials with food; 47) its entrance will be located on Canal Street; 48) it will not have wait lines outside and it will designate an employee responsible to oversee patrons on the sidewalk and ensure no crowds or noise outside; and

**With respect to the ground floor lobby lounge,** 49) it will operate as a lounge appended to the lobby with food service from a limited menu served from the first floor kitchen during all hours of operation; 50) its hours of operation will be 7:00 A.M. to 2:00 A.M. all days; 51) it may have recorded music, DJs and small ensemble live music, consisting of no more than three (3) or four (4) instruments or performers, at background levels, but will not have promoted events, scheduled performances or any event at which a cover fee will be charged; 52) it will have a preset limiter for this area controlled by hotel staff and set at an initial maximum of eighty-five (85) dBc per the recommendations of a sound engineer, with adjustment by hotel staff if there are complaints about noise or bass; 53) it will close any 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; 54) it will not have "happy hours;" 55) it will not host pub crawls or party buses; 56) it will not have unlimited drink specials with food; 57) its entrance will be located on the corner of Orchard Street and Canal Street north of the

hotel entrance; 58) it will not have wait lines outside and it will designate an employee responsible to oversee patrons on the sidewalk and ensure no crowds or noise outside; and

**With respect to the second floor event spaces,** 59) they will operate as private event spaces for pre-arranged meetings or events and will not be otherwise used by hotel guests or the public; 60) their hours of operation will be 7:00 A.M. to 2:00 A.M. all days; 61) it will have moveable seating of up to ten (10) tables and one hundred (100) seats in the large event space and four (4) tables and forty (40) seats in the small event space and will have no fixed standup bar but may have mobile bars depending upon the events and food service during events will be from a cellar kitchen; 62) it may have recorded music, DJs, televisions, monitors and small ensemble live music, consisting of no more than four (4) instruments or performers, at background and entertainment levels, but will not have promoted events, scheduled performances or any event at which a cover fee will be charged other than ticketed or advance sales for nonprofit events; 63) it will insure that these areas are soundproofed consistent with the recommendations of a sound engineer to prevent sound from travelling outside and to other floors; 64) it will close any front or rear façade doors and windows at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances; 65) it will have a preset limiter for these areas controlled by hotel staff and set at an initial maximum of one hundred (100) dBc per the recommendations of a sound engineer, with adjustment by hotel staff if there are complaints about noise or bass; 66) it will not host pub crawls or party buses; 67) the entrance to these areas will be located on Allen Street south of the restaurant bar facing Allen Street and will be shared with the other events spaces and the sub-cellar cocktail bar lounge; 68) it will not have wait lines outside and it will have security guards stationed at the entrance on Allen Street during all events to ensure no crowds or noise outside; 69) it will not have ropes, stanchions or other method for queuing patrons for events outside; 70) security guards or staff will be responsible for monitoring traffic to prevent vehicles from idling or queuing during events; 71) it will notify the 7th Precinct of events and will coordinate events with the 7th Precinct, specifically during simultaneous events; and

**With respect to the fourteenth floor interior event space,** 72) it will operate as a private event space for pre-arranged meetings or events and will not be otherwise used by hotel guests or the public; 73) its hours of operation will be 7:00 A.M. to 2:00 A.M. all days; 74) it will have moveable seating of up to four (4) tables and forty (40) seats and food service during events will be from a cellar kitchen; 75) it may have recorded music, televisions, monitors, DJs and small ensemble live music, consisting of no more than four (4) instruments or performers, at background levels, but will not have promoted events, scheduled performances or any event at which a cover fee will be charged other than ticketed or advance sales for nonprofit events; 76) it will insure that this area is soundproofed consistent with the recommendations of a sound engineer to prevent sound from travelling outside; 77) it will close any front or rear façade doors and windows at 12:00 A.M. every night; 78) it will have a preset limiter for this area controlled by hotel staff and set at an initial maximum of eighty-two (82) dBc per the recommendations of a sound engineer, with adjustment by hotel staff if there are complaints about noise or bass; 79) it will not host pub crawls or party buses; 80) the entrance to this area will be located on Allen Street south of the restaurant bar facing Allen Street and will be shared with the other events spaces and the sub-cellar cocktail bar lounge; 81) it will not have wait lines outside and it will have security guards stationed at the entrance on Allen Street during all events to ensure no crowds or noise outside; 82) it will not have ropes, stanchions or other method for queuing patrons for events outside; 83) security guards or staff will be responsible for monitoring traffic to prevent vehicles from idling or queuing during events; 84) it will notify the 7th Precinct of events and will coordinate events with the 7th Precinct, specifically during simultaneous events; and

**With respect to the fourteenth floor exterior terrace event space,** 85) it will operate as a private event space for pre-arranged meetings or events and will not be otherwise used by hotel guests or the public; 86) its hours of operation will be 7:00 A.M. to 12:00 A.M. all days; 87) it will have moveable seating of up to eleven (11) tables and one hundred ten (110) seats and will have no fixed standup bar but may have mobile bars depending upon the events and food service during events will be from a cellar kitchen; 88) it may have background music, whether recorded or transmitted from the interior fourteenth floor event space, but will not have promoted events, scheduled performances or any event at which a cover fee will be charged other than ticketed or advance sales for nonprofit events; 89) it will insure that this area is soundproofed consistent with the recommendations of a sound engineer, which includes placing small exterior speakers below the level of the parapet walls, no subwoofers being used in this exterior space and installing sound absorbing panels on fixed walls where possible; 90) in addition to the other recommendations of the sound engineer, it will have a preset limiter for this area controlled by hotel staff and set at an initial maximum of eighty-two (82) dBc per the recommendations of a sound engineer, with adjustment by hotel staff if there are complaints about noise or bass; 91) regardless of event, lighting for this area will be ambient or will

face into this area or toward the façade of the building, other than the ambient lighting directed at the spire located in this area, to prevent lights from shining into residential windows; 92) it will not host pub crawls or party buses; 93) the entrance to this area will be located on Allen Street south of the restaurant bar facing Allen Street and will be shared with the other events spaces and the sub-cellar cocktail bar lounge; 94) it will not have wait lines outside and it will have security guards stationed at the entrance on Allen Street during all events to ensure no crowds or noise outside; 95) it will not have ropes, stanchions or other method for queuing patrons for events outside; 96) security guards or staff will be responsible for monitoring traffic to prevent vehicles from idling or queuing during events; and 97) it will notify the 7th Precinct of events and will coordinate events with the 7th Precinct, specifically during simultaneous events.

#### **Hotel Applications**

18. Orchard Street Hotel Management LLC, 9 Orchard St @ Orchard, Canal and Allen Sts (op)  
no vote necessary

#### **Items not heard at Committee**

19. Avocado Appetit Bar & Cafe (Avocado Appetit Inc), 112 Eldridge St (wb/corp change)  
no vote necessary
20. Sunrise Partnership Inc, 328 E 6th St (wb)  
no vote necessary
21. Copper Throat Corp, 123 Ludlow St (wb)  
no vote necessary
22. Vote to adjourn  
approved by committee

**37 YES 0 NO 1 ABS 0 PNV MOTION PASSED (excluding SLA items 17, 18)**

**25 YES 9 NO 5 ABS 0 PNV MOTION PASSED (SLA items 17, 18)**

#### **Transportation, Public Safety, & Environment Committee**

1. Approval of previous month's minutes  
approved by committee
2. L Train update / Canarsie Tunnel Reconstruction  
**VOTE: TITLE: L Train Canarsie Tunnel Reconstruction**

Whereas CB 3 has already experience construction-related issues related to the L Train shutdown, specifically at 14th street and Avenue A, and

Whereas there has been a serious lack of compliance by MTA contractors and

Whereas there has also been lack of enforcement by NYPD traffic agents, and

Whereas CB 3 requested a representative from MTA and NYPD traffic from 1 Police Plaza, and

Whereas neither NYPD or MTA attended the meeting because of conflicting meetings and personal issues, and

Whereas the L train shut down will undoubtedly have issues occur that will necessitate immediate interagency response and working together at District Service Cabinet meetings, and

Whereas neither MTA nor 1PP NYPD currently have enough staff to cover CB 3 District Service Cabinet meetings,

So Therefore be it resolved that CB 3 asks that MTA and 1 Police Plaza commit to designating staff to attend this monthly meeting and have enough backup of staff to cover this meeting. One staff person per agency without backup is not sufficient to cover a community district during the L train shut down.

3. Clinton/Grand Streets traffic study update  
no vote necessary
4. Suffolk Street 3-year closure between Broome/Delancey Sts  
no vote necessary
5. Bus Stop Application: Super Bus Inc, 51 Chrystie St

**VOTE: TITLE: Approve a Curbside Bus Stop for Super Bus Company @ 51 Chrystie St.**

WHEREAS, Super Bus, Inc. has applied for a designated bus stop for curb-side loading/unloading operations located at 51 Chrystie St, on the west side of the street between Canal St and Hester St. The buses will operate under the Super Bus brand name, providing service between New York and

Monticello, NY with 5 arrivals/5 departures daily between the hours of 6:00 am to 9:00 pm. Super Bus would be approved for only one bus at a time loading/unloading; and

WHEREAS, The bus stop is an existing 75 ft bus stop in front of 49-53 Chrystie St that would be shared with Tribal Sun Bus. That company was represented at the meeting and reported that they currently operate 14 arrivals/14 departures daily at the location, so adding a permit for Super Bus at this location would bring the total to 19 arrivals/19 departures daily; and

WHEREAS, The bus stop is immediately adjacent to a truck loading zone at 45-47 Chrystie St designated from 8am to 7pm, Mon-Sat, which is used by existing businesses that require loading and unloading. CB 3 resolutions passed in April 2013, September 2013 and June 2017 explained serious concern about designating a 100-foot long bus stop, because it eliminated a truck loading zone from 8:00 am to 7:00 pm, Monday to Saturday, on a block that has existing businesses that require loading and unloading. In 2013, three of these businesses appeared at a CB 3 meeting to present their concerns; and

WHEREAS, Although Super Bus, Inc. had indicated on its CB3 application that a storefront at 47 Chrystie St will be provided for the use of customers, so they may wait to board their bus and use the restroom facilities, that is not actually true. It is important that a bus company of this size – operating 10 of the 38 total arrivals and departures daily – provide a storefront with restroom for its customers. Otherwise, crowds of passengers will inevitably cause sanitation, nuisance and safety issues; and

WHEREAS, Super Bus, Inc. has agreed to return to the November 2013 committee meeting and will try to rent a storefront before then; now

THEREFORE BE IT RESOLVED, that CB3-Manhattan requests that DOT extend the CB3 comment period for this Super Bus application by 30 days.

6. Impacts of DSNY sanitation truck parking on Pier 36 and E 10th St (First/Second Ave.) (Joint with Parks/Waterfront committee)

**VOTE: TITLE:** Impacts of DSNY sanitation truck parking on Pier 36 and E 10th St (First/Second Ave.) (Joint with Parks/Waterfront committee)

Whereas DSNY relocated CD 6 sanitation trucks from the Hudson Yard garage to other areas, including East 10th Street between First and Second Avenues and Pier 36 in CD 3 due to the ending of a lease; and

Whereas DSNY was aware of the need for a new location for at least 4 years, and

Whereas DSNY changed the parking signs on East 10th Street to parking for DSNY vehicles during the day to parking for DSNY vehicles 24/7 without notice to the community or the Community Board; in addition, there was signage on 10th Street but that space was not used; trucks occasionally stopped on First Avenue between 6am and 12 noon; additionally, meters on the south side was replaced with no parking except for sanitation and

Whereas DSNY gave very short notice to residents with very few details, including lack of information at the September CB 3 committee meeting; and

Whereas it was communicated to DSNY that not only were residents subjected to very negative quality of life issues, but additionally a disabled resident was not able to have Access-A-Ride have access to pick her up in front of her residence because of the garbage truck relocation; and

Whereas it was explained that local businesses were suffering, and especially a particular eating/drinking business which was losing sales because of the garbage trucks directly in front of the business, causing a stench inside, and jeopardizing their ability to stay in business; and

Whereas CB 3 and District 1 and 2 City Council offices met with DSNY on October 1st and it was suggested that the trucks currently located on East 10th Street would be better located on First and Second Avenues; and

Whereas DSNY said that the agency would investigate this and by the end of the week would have a timeline of response to the offices; and

Whereas on October 5th the offices were told that there was no update but that information would be coming the following week; and

Whereas CB 3 requested that DSNY Community affairs attend the District Service Cabinet meeting on October 9th, but DSNY did not send Community Affairs or even the usual attendance of the District Superintendent; and

Whereas CD 3 residents deserve more information and a response to their concerns which is communicated through the City Council offices and the Community Board;

Therefore be it resolved that CB 3 believes that DSNY should immediately work in good faith and with timely communication with the Community Board and City Council offices for a short-term relocation of the sanitation trucks on East 10th Street and address the ongoing safety concerns from the trucks relocation to Pier 36.

7. FY'2020 Capital & Expense Priorities

**VOTE:** To approve FY'2020 Capital and Expense Priorities.

8. Vote to adjourn

approved by committee

**38 YES 0 NO 0 ABS 0 PNV**

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

1. Approval of previous month's minutes

approved by committee

2. Rebuild by design/GOLES-park stewardship RFP

no vote necessary

3. DDC: Project ID P-303ERPK; the East River Park Bulkhead Rehabilitation

no vote necessary

4. FY'2020 Capital & Expense Priorities

**VOTE:** To approve FY'2020 Capital and Expense Priorities.

5. Parks District Manager's Report

no vote necessary

6. Vote to adjourn

approved by committee

**38 YES 0 NO 0 ABS 0 PNV**

Vote to adjourn

**38 YES 0 NO 0 ABS 0 PNV**

**Members Present at Last Vote:**

David Adams	[A]	Dean Diongson	[P]	Michael Marino	[P]
Yaron Altman	[P]	Alistair Economakis	[P]	Jeremy Markman	[P]
Jesse Beck	[P]	Shirley Fennessey	[P]	Antonio Martinez	[P]
Dominic Berg	[A]	David Ford	[A]	Alexandra Militano	[P]
Lee Berman	[P]	Ryan Gilliam	[P]	Nancy Ortiz	[A]
Victoria Berrios	[A]	Debra Glass	[A]	Carolyn Ratcliffe	[P]
Karen Blatt	[P]	Herman F. Hewitt	[P]	Damaris Reyes	[P]
Lisa Burriss	[P]	Trever Holland	[P]	Richard F. Ropiak	[P]
Karlin Chan	[P]	Linda Jones	[P]	Robin Schatell	[P]
Jonathan Chu	[P]	Vaylateena Jones	[P]	Laryssa Shainberg	[P]
MyPhuong Chung	[P]	Meghan Joye	[P]	Clint Smeltzer	[P]
David Crane	[P]	Lisa Kaplan	[A]	Anisha Steephen	[P]
Nina d'Alessandro	[A]	Olympia Kazi	[P]	Sandra Strother	[P]
Je'Jae Daniels	[A]	Joseph Kerns	[A]	Josephine Velez	[P]
Paul DeRenzo	[A]	Mae Lee	[P]	Rodney Washington	[P]
Eric Diaz	[P]	Alysha Lewis-Coleman	[P]	Kathleen Webster	[A]
Daniel Dickson	[P]	Luis Lopez	[P]		

Meeting Adjourned