



THE CITY OF NEW YORK  
MANHATTAN COMMUNITY BOARD 3  
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Alysha Lewis-Coleman, Board Chair

Susan Stetzer, District Manager

February 2019 Full Board Minutes

Meeting of Community Board 3 held on Tuesday, February 26, 2019 at 6:30pm at PS 20, 166 Essex Street.

Public Session:

Julie Menin - 2020 Census update. She is the Director of the Census. Over 300 vital programs are linked to the census emphasizing the importance of it. \$800 Billion of Federal funds to over 300 social service programs yearly. The 2010 NYC had a 61.9% response rate to the census. Chinatown 64.9%, Lower East Side 70% and East Village 62% in 2010. We are losing funding to our programs. The citizenship question is an attempt to suppress our immigrant communities. She is hiring for people to help with this. Starting in March 2020 until July 2020, the census will be accessible online. In June 2019, the US will find out if they won the case against the citizenship question. The health department relies on the Census data to determine locations for responding when emergency health crises strikes. The Federal Government will provide the census in 12 languages. The City will do its best to reach communities who do not speak these languages to fill the census.

Alberto Mercado - Provided an update on the Essex Crossing ADA accessibility into the MTA Train Station.

Carol Puttre-Czyz - Is against the air variance of the 3 St Marks Place building. Believes it will set precedents against the historical preservation of their neighborhood.

Jacob Ford - Resident of 5 Saint Marks Place 10003 opposes the transfer of air rights from 4 to 3 St Marks. Believes this will harm the community.

Mary Fran Loftus - Is against the air variance of the 3 St Marks Place building. The corner is considered a gateway into the East Village. Applauds the CB3 committee to deny the air variance.

Hary Bubbins - Is against the Air Variance and supports the CB3 committee resolution to deny the transfer. Charas 64 building recently has a crack that forced the nearby buildings to evacuate.

Michael Marino - Vandalism in East River Park by Softball Field 1 was brought up to the board. The vandalism at the park included swastikas. Because there are no cameras in that area the investigation has resulted in no leads.

Wendy Brawer - A resident of Rivington street, Is concerned of Climate Change and desires more street trees. Believes in a tree stewardship program.

Valerio Orselli - Is in support of the Land Use Committee resolution. Cooper Square Union Land Trust is being urged by Mr. Orselli for CB3 to co sponsor and other groups to preserve houses of worship and housing.

Ed Delgado - Is thanking the Land Use Committee for the vote against real estate developers. Praised Cb3 for standing up for the community. He advocates for Community Land Trust. Is against prejudiced strategies that push ethnic communities from their land.

Public Officials:

Mayor Bill de Blasio, Gabrielle Dann-Allel:

Public Advocate Letitia James, Adam Chen:

Comptroller Scott Stringer, Michael Stinson:

Provided report.

Borough President Gale Brewer, Brian Lewis:

Is working with the dept of city planning to form a text amendment against mechanical voids. Deadline is March 7th for opinions. All churches in Manhattan are having discussions to preserve land including St. Brigids school. CHARAS 64 is still a fight to reclaim the building. Still finding out where to relocate the trucks, sights are set near Con Edison, but not certain. Is asking for more people to join the taskforce for the east side resiliency. Is also rallying together for the Rivington House. MBPO amended the lawsuit against the Two Bridges 80 Rutgers street height with a newly discovered deed restriction her office discovered.

Congressmember Nydia Velazquez, Iris Quinones:

Provided Congresswoman Report.

Congressmember Carolyn Maloney, Victor Montesinos:

Provided report.

Assemblymember Yuh-Line Niou, Monica Martinez:

A legislative and budgetary townhall was hosted in Albany. Yuhline has voted to pass the DREAM Act, Child Victims Act among others. They were able to move forward. Annual Womens History event will be held Sunday March 24th at 175 Delancey Street.

Assemblymember Deborah J. Glick, Charlie Anderson:

Board Report was shared in addition to the Annual Report on the committee of Higher Education of which Deborah Glick is Chair.

Assemblymember Harvey Epstein, Mike Schweinsburg:

More than 100 people attended the first townhall meeting. Legalization of Marijuana event to be hosted. Board report provided.

State Senator Brian Kavanaugh, Venus Galarza-Mullins:

Senator Kavanaugh joined other electeds to ask for more federal funding at Smith Houses and NYCHA in general. Board report provided.

State Senator Brad M. Hoylman, Caroline Wekselbaum:

Provided Report. The Governor announced a 2.3 billion dollar shortfall due to a Salt Tax.

Councilmember Margaret Chin, Marian Guerra:

Introduced legislation that would force millionaires to pay more taxes for their additional luxurious homes purchased in New York City. Placard abuse bill introduced. An important hearing at 10am for "model senior center food budget" that would right size senior centers at 250 Broadway 14th floor.

Councilmember Carlina Rivera, Sheila Rodriguez:

Announced Participatory Budget. The final list of ideas that will appear for 2019 were announced. Voting will start march 30th and end April 7th. Each resident is allowed 5 votes. Councilmember Rivera was appointed Co-Chair for the new 2020 Census Taskforce. She will be advocating for more funding to increase outreach among the hard to reach communities. BLAC Caucus happening at 6pm at City Hall. ommittee Rivera supports Cooper Square Land Trust

Members Present at First Vote:

David Adams	[P]	Lee Berman	[A]	Jonathan Chu	[P]
Yaron Altman	[P]	Victoria Berrios	[P]	MyPhuong Chung	[P]
Jesse Beck	[A]	Lisa Burriss	[A]	David Crane	[P]
Dominic Berg	[P]	Karlin Chan	[A]	Paul DeRenzo	[A]

Eric Diaz	[P]	Meghan Joye	[P]	Damaris Reyes	[A]
Dean Diongson	[P]	Lisa Kaplan	[P]	Richard F. Ropiak	[P]
Alistair Economakis	[A]	Olympia Kazi	[P]	Robin Schatell	[P]
Shirley Fennessey	[P]	Joseph Kerns	[P]	Laryssa Shainberg	[A]
David Ford	[P]	Mae Lee	[P]	Clint Smeltzer	[A]
Ryan Gilliam	[A]	Alysha Lewis-Coleman	[A]	Anisha Steephen	[P]
Debra Glass	[P]	Michael Marino	[P]	Sandra Strother	[A]
Herman F. Hewitt	[P]	Jeremy Markman	[P]	Josephine Velez	[A]
Trever Holland	[P]	Alexandra Militano	[P]	Rodney Washington	[P]
Linda Jones	[P]	Nancy Ortiz	[A]	Kathleen Webster	[P]
Vaylateena Jones	[P]	Carolyn Ratcliffe	[P]		

Minutes:

Minutes of December 2018 were approved, as is.

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

Board Chairperson's Report:

Chairperson Alysha Lewis-Coleman

District Manager's Report:

District Manager Susan Stetzer

Calls to 311 regarding street homeless dropped in January. There have been 10 safe haven placements in CB 3. Cement blocks appeared on 10h street between First and Avenue A--I have had calls from CBS, DOT--nobody seems to know where they came but dot will make sure they are removed.

Charas has been declared structurally sound externally, but the FDNY has reported that the interior is not sound or safe and called for the building to be sealed for safety. There is currently a full vacate n the building.

Committee Reports:

**Executive Committee**

1. Executive Committee Motion 1

**VOTE: TITLE: Resolution in support of Department of City Planning's Proposed Residential Tower Mechanical Voids Text Amendment (N 190230 ZRY)**

**WHEREAS**, in recent years, some buildings have been completed using tall, inflated mechanical or structural floors to elevate upper story units above the surrounding context and improve their views;

**WHEREAS**, the NYC Zoning Resolution presently allows floor space containing mechanical equipment to be excluded from floor area calculation and does not specifically identify a limit to the height of such spaces;

**WHEREAS**, the Department of City Planning (DCP) conducted a city wide analysis of recent construction to better understand the mechanical needs of residential buildings and assess when excessive mechanical spaces were being used to inflate building height in R6 through R10 districts and their equivalent Commercial Districts;

**WHEREAS**, to discourage use of extremely tall mechanical floors that elevate upper-story residential units above the surrounding context the DCP has proposed Zoning Text Amendment (N 190230 ZRY) for residential buildings in high-density districts;

**WHEREAS**, with regard to residential buildings the proposed amendment states:

- Mechanical floors, typically excluded from floor area calculation, would be counted toward the overall permitted floor area on the zoning lot if they are taller than 25 feet or overly concentrated in portions of the building
- Mechanical floors distributed within 75 feet of each other would be counted cumulatively toward overall permitted floor area, regardless of the height of each floor;

**WHEREAS**, the proposed amendment also includes floor area requirements for residential towers in non-contextual R9 and R10 Residence Districts and their equivalent Commercial Districts, as well as Special Purpose Districts that rely on underlying floor area and height and setback regulations or that are primarily residential in character;

**WHEREAS**, the proposed amendment would require non-residential portions of mixed use buildings that occupy less than 25% of the building to be subject to the same 25 foot/75 foot rule as residential buildings while non-residential space that occupies more than 25% of residential floor space, are not subject to the proposed amendment;

**WHEREAS**, the proposed amendment, while effective for curtailing the use of mechanical voids to add to building height, will be ineffective for voids consisting of outdoor spaces, amenities, and other building areas not used for accessory building mechanicals that have vast floor-to-floor heights;

**THEREFORE, BE IT RESOLVED** that Manhattan Community Board 3 supports DCP's proposed zoning text amendment for distribution of mechanical space in residential towers;

**BE IT FURTHER RESOLVED** that Manhattan Community Board 3 supports additional amendments to the Zoning Resolution to close other known zoning loopholes used to the same effect as mechanical voids. These include outdoor spaces under buildings (terraces), stilt buildings, and accessory or other building uses with floor-to-floor heights in excess of 25 feet in residential buildings;

**BE IT FURTHER RESOLVED** that Manhattan Community Board 3 supports further amendments to the Zoning Resolution to expand the geographic areas covered by the proposed amendment, and any future amendments to close zoning loopholes.

2. Executive Committee Motion 2

**VOTE:** To change the name of Public Housing and Section 8 Subcommittee to NYCHA and Section 8.

**30 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. Civilian Complaint Review Board: The Right to Know Act and the complaint process  
no vote necessary
3. Mayor's Fund to Advance NYC: proposed soccer pitch at PS 142 Amalia Castro/Manhattan Charter School at 100 Attorney St

**VOTE: TITLE: Support for the Mayor's Fund to Advance NYC: proposed soccer pitch at PS 142 Amalia Castro/Manhattan Charter School at 100 Attorney St**

**WHEREAS**, The Mayor's Fund to Advance New York City has partnered with the U.S. Soccer Foundation, New York City Football Club (NYCFC), U.S. Soccer Foundation (U.S. Soccer), and Adidas Inc. to launch the NYC Soccer Initiative (NYCSI), a first of its kind public-private initiative that will build and maintain 50 acrylic mini-soccer pitches across New York City over the course of five years; and

**WHEREAS**, An important component of NYCSI is the afterschool programming offered at each site, which helps kids establish healthy habits and develop critical life skills through caring coach-mentors and family engagement; and

**WHEREAS**, the initiative is also working alongside different city agencies, such as the Department of Education, NYC Parks, and the New York City Housing Authority, to identify spaces that could be viable for a mini-soccer pitch; and

**WHEREAS**, the sites selected for the initiative is P.S. 142/Amalia Castro School & Manhattan Charter School serving grades Pre K to 5th, located at 100 Attorney St.

**WHEREAS**, the soccer pitch at PS 142/Amalia Castro School & Manhattan Charter School would also be available for use by local community-based organizations, outside of school hours, providing valuable recreational space; so

**THEREFORE, BE IT RESOLVED**, CB 3 joins with PS 142/Amalia Castro School & Manhattan Charter School in supporting the placement of a soccer pitch at P.S. 142 /Amalia Castro School & Manhattan Charter School through the NYC Soccer Initiative; and

**THEREFORE, BE IT FURTHER RESOLVED**, CB 3 calls on PS 142/Amalia Castro School & Manhattan Charter School administrations to manage after school usage so that the soccer pitch is closed by 9PM and is not rented except to local CB3 community-based organizations and residents; and we encourage the school to make the space available to the public outside of school hours and after-school program hours.

4. Use of funds awarded to non-profits from Rivington House settlement  
no vote necessary
5. CAB updates  
no vote necessary
6. Vote to adjourn  
approved by committee

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

#### **SLA & DCA Licensing Committee**

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

#### **Alterations**

2. Dudley's (Two Bikes LLC), 85 Orchard St (op/expanding into ground and cellar of adjacent space, altering interior seating, expanding bar into new space) (aka 259 Broome St)

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

**WHEREAS**, Two Bikes LLC, doing business as Dudley's, is seeking an alteration of its full on-premises liquor license for the premises located at 85 Orchard Street a/k/a 259 Broome Street, at the corner of Broome Street and Orchard Street, New York, New York, to wit expanding into the ground floor and cellar of the adjacent storefront, located at 259 Broome Street, expanding its bar into the adjacent storefront and changing its interior seating; and

**WHEREAS**, this is an application for an Australian American restaurant with a new certificate of occupancy of seventy-four (74) people, sixteen (16) tables and forty-six (46) seats, including one (1) table and fourteen (14) seats in a dining room in the basement, a seventeen (17) foot by four (4) foot by fourteen (14) foot bar with twenty (20) stools on the ground floor, hours of operation indoors of 10:00 A.M. to 11:00 P.M. Sundays, 8:30 A.M. to 12:00 A.M. Mondays through Thursdays, 8:30 A.M. to

2:00 A.M. Fridays and 10:00 A.M. to 2:00 A.M. Saturdays and hours of operation at a sidewalk café of 9:00 A.M. to 10:00 P.M. all days, a kitchen open during all hours of operation, windows, no televisions, recorded background music and happy hours to 7:00 P.M.; and

**WHEREAS**, the adjacent premises has never been licensed and was previously operated as an art gallery; and

**WHEREAS**, there are twenty-one (21) full on-premises liquor licenses and three (3) pending full on-premises liquor licenses within five hundred (500) feet of this location per the SLA LAMP map; and

**WHEREAS**, this corporation was approved its full on-premises liquor license by Community Board 3 in March of 2004, with stipulations that it would 1) renovate consistent with plans presented in its application to the community board and 2) close its front doors and windows by 10:00 P.M. nightly; and

**WHEREAS**, this corporation was issued a full on-premises liquor license by the SLA on September 13, 2004; and

**WHEREAS**, a restaurant with a full on-premises liquor license has operated under this corporate name at this location since 2004, however, the existing restaurant, now doing business as Dudley's, has operated at this location since 2011, and has been operated by the present principal since the end of 2015; and

**WHEREAS**, the corporation was first heard by Community Board 3 in April of 2013 for a new sidewalk café permit for eight (8) tables and twelve (12) seats, after the corporation had been purchased by new owners and the business had been renamed Dudley's, and was approved with an agreement that it would 1) have hours of operation of 9:00 A.M. to 10:00 P.M. all days, and 2) extend an awning over its façade while its sidewalk café was operating; and

**WHEREAS**, the corporation was then heard by Community Board 3 in June of 2017 for a sidewalk café permit modification to add two (2) tables and four (4) seats to an existing sidewalk café and to extend its hours of operation, after the corporation had been purchased by the present applicant and was approved with an agreement that it would 1) have a café consisting of six (6) tables and twelve (12) seats, and 2) have hours of operation of 9:00 A.M. to 10:00 P.M. all days; and

**WHEREAS**, an alteration to extend the closing hours of operation of its sidewalk café was denied by Community Board 3 in May of 2018 because of its concerns about existing late night street congestion and noise and because the applicant was not compliant with DCA regulations; and

**WHEREAS**, the applicant has now been operating this business for approximately three (3) years; and

**WHEREAS**, the applicant has furnished evidence of community support, in that it provided petition signatures in support of its application, sixty-one (61) of which are from area residents and two (2) area residents submitted written statements which attested to the applicant operating an affordable, friendly neighborhood restaurant; and

**WHEREAS**, the applicant has stated that it intends to maintain its existing method of operation as an affordable neighborhood restaurant and will maintain the hours of operation of the original restaurant that opened in 2004; and

**WHEREAS**, the Orchard Street Block Association and two (2) neighboring residents submitted written statements in opposition to this application, all stating that the existing business does not adequately

control noise and crowding on the sidewalk from its patrons and expressing concern that it would be unable to control these conditions with a bigger storefront; and

**WHEREAS**, Community Board 3 would support this application, provided that the applicant agrees to stipulations governing its method of operation; now

**THEREFORE BE IT RESOLVED** that Community Board 3 recommends the denial of the application for an alteration of the full on-premises liquor license for Two Bikes LLC, doing business as Dudley's, for the premises located at 85 Orchard Street, at the corner of Broome Street and Orchard Street, New York, New York, to wit expanding into the ground floor and cellar of the adjacent storefront, expanding its bar into the adjacent storefront and changing its interior seating, 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 Australian American restaurant on both floors, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 10:00 A.M. to 11:00 P.M. Sundays, 8:30 A.M. to 12:00 A.M. Mondays through Thursdays, 8:30 A.M. to 2:00 A.M. Fridays and 10:00 A.M. to 2:00 A.M. Saturdays,
- 3) its sidewalk café hours of operation will be 9:00 .M. to 10:00 P.M. all days,
- 4) it will install soundproofing in the walls of the new storefront,
- 5) it will close any front or rear façade doors and windows at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances,
- 6) it will play ambient background music only, consisting of recorded music, but will not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 7) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3,
- 8) it may have "happy hours" to 7:00 P.M. each night,
- 9) it will not host pub crawls or party buses,
- 10) it will not have unlimited drink specials with food,
- 11) it will insure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 12) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 13) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

### **New Liquor License Applications**

3. Craft + Carry (CC116 Corp), 116 St Marks Pl btwn 1st Ave & Ave A (wb)

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

**WHEREAS**, CC116 Corp. is seeking a wine beer license to operate a tavern with retail beer sales in the premises located at 116 Saint Marks Place, between First Avenue and Avenue A; and

**WHEREAS**, this applicant is proposing to operate a tavern with retail sales with a certificate of occupancy of seventy-four (74) people, no tables and four (4) counter stools, an eighteen (18) foot by six (6) foot bar with six (6) stools, hours of operation of 11:00 A.M. to 3:00 A.M. all days, a prep area serving food consisting of sausages during all hours of operation, beer tastings and recorded background music; and

**WHEREAS**, this premises has never been licensed and is located mid-block on a residentially zoned street, zoned R8B; and

**WHEREAS**, there are ten (10) full on-premises liquor licenses, one (1) pending full on-premises liquor license, ten (10) wine beer licenses and one (1) retail license on this block; and

**WHEREAS**, the applicant has operated the same business with a wine beer license at 445 Gold Street, Brooklyn, New York, which had its license issued by the SLA June 15, 2017, and at 289 Third Avenue, New York, New York, which had its license issued by the SLA August 9, 2018, both of which close earlier than the proposed business, and the applicant has operated other licensed businesses within this area, as well as within other areas of New York City; and

**WHEREAS**, this applicant failed to submit any indication of its outreach to the community or support by the community for this application through petition signatures; and

**WHEREAS**, the North Avenue A Neighborhood Association, East Village Community Coalition and 9th Street A-1 Block Association submitted written statements and a representative of the North Avenue A Neighborhood Association appeared in opposition to this application with the proposed hours of operation, and four (4) residents of 118 Saint Marks Place also submitted written statements in opposition to its proposed hours of operation, all stating that 1) this a previously unlicensed location mid-block on a residential street, 2) given this location, this business should have hours of operation no later than 12:00 A.M. all days, 3) its nearest competitor which is located within one (1) block closes at 10:00 P.M. all days, and 4) the previous use of this commercial space retail store operated by a religious organization resulted in no negative impact to residents of the street; and

**WHEREAS**, another area resident also appeared and submitted written statements from a church and a school located on this block, both opposed to this application given the lack of outreach by the applicant to the church and school and given its proposed method and hours of operation; and

**WHEREAS**, Community Board 3 was concerned about granting a wine beer license to this applicant given that this applicant was proposing to have hours of operation of 11:00 A.M. to 3:00 A.M. all days and had failed to engage in any community outreach for this proposed business; and

**WHEREAS**, given these concerns but understanding that a wine beer application is likely to be approved by the SLA, Community Board 3 would have supported this application with earlier closing times, as well as other stipulations governing its method of operation; and

**WHEREAS**, this applicant would not agree to the proposed stipulations; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 recommends the denial of the application for a wine beer license for CC116 Corp., with a proposed business name of Craft + Carry, for the premises located at 116 Saint Marks Place, between First Avenue and Avenue A, because the applicant would not agree to make as conditions of its license the following stipulations that

- 1) it will operate as a tavern with retail sales and with less than a full-service a kitchen serving food during all hours of operation,
- 2) its hours of operation will be 11:00 A.M. to 12:00 A.M. all days,
- 3) it will not commercially operate any outdoor areas,
- 4) it will install soundproofing,
- 5) it will close any front or rear façade entrance doors at 10:00 P.M. every night or when amplified sound is playing and will otherwise have a closed fixed facade with no open doors or windows,
- 6) it will play ambient background music only, consisting of recorded music, but will not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee will be charged, however, it may have beer tastings consistent with its method of operation,
- 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 seek a change in class to a full on-premises liquor license without first obtaining the approval of Community Board 3,
- 9) it will not have "happy hours,"

- 10) it will not host pub crawls or party buses,
  - 11) it will not have unlimited drink specials with food,
  - 12) it will insure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
  - 13) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
  - 14) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.
4. Williamsburg Pizza (Williamsburg Pizza 14th Street LLC), 226 E 14th St btwn 1st & 2nd Aves (wb) withdrawn
  5. Project 110 Corp, 110 St Marks Pl btwn 1st Ave & Ave A (wb)  
**VOTE: TITLE: Community Board 3 Recommendation To Deny**

**WHEREAS**, Project 110 Corp. is seeking a wine beer license to operate a restaurant in the premises located at 110 Saint Marks Place, between First Avenue and Avenue A; and

**WHEREAS**, this applicant is proposing to operate an Italian American restaurant with a certificate of occupancy of seventy (70) people, eight (8) to eleven (11) tables and twenty-six (26) seats, a six (6) foot bar with four (4) to six (6) stools, hours of operation of 11:00 A.M. to 12:00 A.M. Sundays through Thursdays and 11:00 A.M. to 1:00 A.M. Fridays and Saturdays, a kitchen open to within half (½) an hour of closing, French doors, one (1) television, recorded background music and happy hours to 8:00 P.M.; and

**WHEREAS**, this application originally included commercial use of the outdoor area within the building line in front of this business, but this portion of the application was withdrawn after the community board notified the applicant that it cannot extend its commercial use outside given that this location is a grandfathered noncompliant commercial storefront located on a residentially zoned street, zoned R8B; and

**WHEREAS**, this premises was previously operated as a full-service restaurant with a wine beer license that was issued by the SLA on August 8, 2017; and

**WHEREAS**, there are ten (10) full on-premises liquor licenses, one (1) pending full on-premises liquor license, ten (10) wine beer licenses, including that of the applicant, and one (1) retail license on this block; and

**WHEREAS**, the applicant operates David's Café, located at 110-112 Saint Marks Place, which was administratively approved a wine beer license with stipulations by Community Board 3 in December of 2014 and was issued a wine beer license by the SLA on September 30, 2015; and

**WHEREAS**, the applicant has furnished evidence of community support, in that it provided petition signatures in support of its application, seventy-one (71) of which are from area residents, including one (1) building resident, although some signatures are from area businesses; and

**WHEREAS**, an area resident appeared and submitted written statements from a church and a school located on this block, both opposed to this application given the lack of outreach by the applicant to the church and school and given its proposed method of operation; and

**WHEREAS**, given the prior experience of the applicant operating another licensed business on this street and given that the proposed method of operation and hours of operation are similar to the previous business, Community Board 3 would have supported this application with stipulations governing its use; and

**WHEREAS**, this applicant would not agree to the proposed stipulations; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 recommends the denial of the application for a wine beer license for Project 110 Corp., for the premises located at 110 Saint Marks Place, between First Avenue and Avenue A, because the applicant would not agree to make as conditions of its license the following stipulations that

- 1) it will operate as a full-service Italian American 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 12:00 A.M. Sundays through Thursdays and 11:00 A.M. to 1:00 A.M. Fridays and Saturdays,
- 3) it will not commercially operate any outdoor areas,
- 4) it will install soundproofing,
- 5) it will close any front or rear façade doors and windows at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances,
- 6) it will play ambient background music only, consisting of recorded music, but will not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 7) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3,
- 8) it may have "happy hours" to 8:00 P.M. each night,
- 9) it will not host pub crawls or party buses,
- 10) it will not have unlimited drink specials with food,
- 11) it will insure that there are no wait lines outside 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.

6. Raw Power NY Inc, 432 E 13th St (op)  
withdrawn

7. Ainsworth EV LLC, 64 3rd Ave (op)  
withdrawn

8. Entity to be formed by Edin Canovic, 99 1st Ave (op)  
withdrawn

9. Dollface Diner (Dollface Diner LLC), 118 2nd Ave @ E 7th St (op)

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

**WHEREAS**, Dollface Diner LLC. is seeking a full on-premises liquor license for the premises located at 118 Second Avenue, on the corner of East 7th Street and Second Avenue, New York, New York; and

**WHEREAS**, this applicant is proposing to operate a vegan diner with a certificate of occupancy of seventy-five (75) people, twelve (12) tables and forty-two (42) seats indoors and a sidewalk café with nineteen (19) tables and thirty-eight (38) seats on both Second Avenue and East 7th Street, a twenty-four (24) foot bar with eighteen (18) stools, hours of operation indoors of 11:00 A.M. to 4:00 A.M. all days, a kitchen open to within one (1) hour of closing, no answer about the façade and recorded background music; and

**WHEREAS**, there are thirty-three (33) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant but there are forty-three (43) full on-premises liquor licenses and five (5) pending full on-premises liquor licenses within five hundred (500) feet of this location per the SLA LAMP map; and

**WHEREAS**, the previous applicant at this location operated a restaurant doing business as Virage from 1997 to 2018 and was approved a wine beer license by Community Board 3 in January of 1997 and a full on-premises liquor license by Community Board 3 in January of 1998; and

**WHEREAS**, the applicant is seeking to operate a business that would be open later than the previous business; and

**WHEREAS**, although not included in the community board questionnaire submitted by the applicant, this location is within two hundred (200) feet of a stand alone house of worship, that being Middle Collegiate Church, located at 112 Second Avenue, between East 6th Street and East 7th Street; and

**WHEREAS**, Community Board 3 does not know whether a determination was made by the SLA about this house of worship when the previous applicant was considered for a full on-premises liquor license but believes that a full on-premises liquor should not now be approved within the proximity of this location to a longstanding house of worship in this community; and

**WHEREAS**, although Community Board 3 recognizes that the applicant has operated many licensed businesses within this community, some of which are or have now become vegan restaurants, Community Board 3 also recognizes that this applicant has altered the methods of operation of many of its businesses without notice to the community board; and

**WHEREAS**, this applicant has also failed to submit any indication of its outreach to the community or support by the community for this application through petition signatures or other means; and

**WHEREAS**, a resident speaking on behalf of herself and other residents of 125 Second Avenue appeared in opposition to this application because 1) the block is already overrun with noisy unruly patrons from the existing businesses, 2) there were complaints about noise from the sidewalk café that wrapped around this corner business, and 3) residents of her building are opposed to a business that would have later hours than the previous business; and

**WHEREAS**, given these circumstances, Community Board 3 would not approve this application for a full on-premises liquor license; now

**THEREFORE BE IT RESOLVED** that Community Board 3 recommends the denial of the application for a full on-premises liquor license for Dollface Diner LLC, for the premises located at 118 Second Avenue, at the corner of East 7th Street and Second Avenue.

10. Entity to be formed by Laura McCarthy, 118 St Marks Pl (op)  
withdrawn

11. Entity to be formed by Ryan Chadwick, 303-305 Broome St btwn Forsythe & Eldridge Sts (op)

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

**WHEREAS**, an entity to be formed by principal Ryan Chadwick is seeking a full on-premises liquor license for the two (2) story premises located at 303-305 Broome Street, between Forsythe Street and Eldridge Street, New York, New York; and

**WHEREAS**, this applicant is proposing to operate a New Orleans Creole restaurant with a certificate of occupancy of one hundred seventy-four (174) people, fourteen (14) tables and forty (40) seats in two (2) rooms on the ground floor and twenty-two (22) tables and sixty-nine (69) seats in two (2) rooms in the basement, a fourteen (14) foot bar with ten (10) stools on the ground floor and a twelve (12) foot bar with six (6) stools and another twelve (12) foot bar with four (4) stools in the basement, hours of operation of 12:00 P.M. to 2:00 A.M. Sundays through Wednesdays and 12:00 P.M. to 4:00 A.M. Thursdays through Saturdays, a kitchen open to within one (1) hour of closing, windows, no

televisions, recorded background music on the ground level and DJs and live music, consisting of piano and jazz music, at background and entertainment levels in the basement, security guards and happy hours to 7:00 P.M.; and

**WHEREAS**, the previous applicant for this location was denied a full-on premises liquor license by Community Board 3 in February of 2012 unless the applicant agreed to make as conditions of its license the stipulations that it would 1) operate a full-service Italian restaurant on the ground floor, serving food to 2:00 A.M. every night, and operate a lounge in the basement consisting of two (2) rooms, 2) have hours of operation of 10:00 A.M. to 2:00 A.M. Sundays through Wednesdays and 10:00 A.M. to 4:00 A.M. Thursdays through Saturdays, 3) close any façade doors and windows at 10:00 P.M. every night, 4) play recorded background music and have DJs no more than three (3) times a month and only in the basement level, 5) employ doormen or security guards as needed or designate an employee to manage pedestrian traffic and noise in front of the business, and 6) install soundproofing; and

**WHEREAS**, there are nine (9) full on-premises liquor licenses within five hundred (500) feet of this location; and

**WHEREAS**, the applicant has operated a restaurant, located at 77 Delancey Street, since 2012, and had operated another restaurant, located at 74 Orchard Street, from 2013 through 2018; and

**WHEREAS**, the applicant has furnished evidence of community support, in that it provided petition signatures in support of its application, forty-seven (47) of which are from area residents and two (2) area residents appeared and one (1) area business owner submitted a written statement, all of which attested to the character of the applicant as a good business owner and community member; and

**WHEREAS**, given the prior experience of the applicant operating other licensed businesses in this area and given that the proposed method of operation and hours of operation are similar to the previous business, Community Board 3 would support this application with stipulations governing its use; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 recommends the denial of the application for a full on-premises liquor license for the entity to be formed by principal Ryan Chadwick, for the premises located at 303-305 Broome Street, between Forsythe Street and Eldridge Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations

- 1) it will operate as a full-service New Orleans Creole restaurant on both floors, with a kitchen open and serving food to within one (1) hour of closing,
- 2) its hours of operation will be 10:00 A.M. to 2:00A.M. Sunday through Wednesday and 10:00 A.M. to 4:00 A.M. Thursday through Saturday,
- 3) it will not commercially operate any outdoor areas,
- 4) it will close any front façade doors and windows at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances,
- 5) it will play ambient background music only, consisting of recorded music, on the ground floor and will not have promoted events, scheduled performances or any event at which a cover fee will be charged, but may have up to four (4) musicians, including a piano, no more than four (4) times per week and DJs no more than three (3) times per month in the basement level,
- 6) it will employ up to three (3) security guards Thursdays through Saturdays, at least one (1) of whom will be located outside to manage pedestrian noise and traffic in front of the business,
- 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 will 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.

12. XYST LES, 29A Clinton St btwn E Houston & Stanton Sts (op)

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

**WHEREAS**, XYST LES is applying for a full on-premises liquor license to operate a restaurant in the premises located at 29A Clinton Street, between East Houston Street and Stanton Street, New York, New York; and

**WHEREAS**, this applicant is proposing to operate a plant-based Mediterranean restaurant with a certificate of occupancy of seventy-four (74) people, twenty (20) tables and forty (40) seats, a six (6) foot bar with six (6) stools, a kitchen open during all hours of operation, hours of operation of 11:00 A.M. to 10:00 P.M. all days, an open façade, no televisions, recorded background music and an online reservation system; and

**WHEREAS**, this location has been operated as a restaurant tavern under different corporate names but with the same principal since 2003 and was last denied a full on-premises liquor license by Community Board 3 in April of 2017 unless the applicant agreed to make as conditions of its license stipulations that it would 1) operate as a full-service modern Lebanese restaurant, with a kitchen open and serving food during all hours of operation, 2) have hours of operation of 4:00 P.M. to 1:00 A.M. Mondays through Thursdays, 4:00 P.M. to 2:30 A.M. Fridays, 10:00 A.M. to 2:30 A.M. Saturdays and 10:00 A.M. to 1:00 A.M. Sundays, 3) not commercially operate any outdoor areas, 4) close any front façade doors and windows at 10:00 P.M. weekdays and 11:00 P.M. Fridays and Saturdays or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances, 5) play ambient background music only, consisting of recorded music and DJs, and not have live music, promoted events, scheduled performances or any event at which a cover fee would be charged and have DJs no more than twenty (20) times per year and amplify them only with the existing restaurant sound system, 6) not apply for any alteration in its method of operation without first appearing before Community Board 3, 7) not host pub crawls or party buses, 8) not have unlimited drink specials with food, 9) insure that there are no wait lines outside and designate an employee to oversee patrons and noise on the sidewalk, 10) conspicuously post this stipulation form beside its liquor license inside of its business, and 11) provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

**WHEREAS**, there are twenty-one (21) full on-premises liquor licenses within five hundred (500) feet of this location; and

**WHEREAS**, the applicant operates three (3) other restaurants on Second Avenue, between East 3rd Street and East 4th Street, and has another restaurant scheduled to open on East 4th Street, between Second Avenue and Bowery, all of which offer or will offer plant-based menus; and

**WHEREAS**, the applicant has furnished evidence of community support, in that it provided petition signatures in support of its application, eighty-one (81) of which are from area residents; and

**WHEREAS**, given the prior experience of the applicant operating other licensed businesses in this area and given the proposed method of operation as a plant-based restaurant with early hours of operation, Community Board 3 would support this application with stipulations governing its use; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 recommends the denial of the application for a full on-premises liquor license for XYST LES, for the premises located at 29A Clinton 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 plant-based Mediterranean 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 10:00 P.M. all days
- 3) it will close any front 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,
- 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 or for any physical alterations without first appearing before Community Board 3,
- 7) it will not have "happy hours,"
- 8) it will not host pub crawls or party buses,
- 9) it will not have unlimited drink specials with food,
- 10) it will not have wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 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**

13. The Magician (Pennsylvania Jaycox Inc), 118 Rivington St @ Essex St (op/expanding to adjacent space)

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

**WHEREAS**, the applicant, Pennsylvania Jaycox Inc., doing business as The Magician, is seeking an alteration of its existing full on-premises liquor license for the premises located at 118 Rivington Street, between Essex Street and Norfolk Street, to wit expanding into the adjacent lot; and

**WHEREAS**, this is an application for a tavern with a certificate of occupancy of one hundred (100) people, twenty-nine (29) tables and seventy-six (76) seats, a thirty-nine (39) foot bar with fifteen (15) stools, hours of operation of 5:00 P.M. to 4:00 A.M. all days, a prep area serving pizza during all hours of operation, two (2) televisions, recorded background music and happy hours to 8:00 P.M.; and

**WHEREAS**, the proposed expansion will result in an approximate five hundred (500) square foot addition located between the existing storefront and Essex Street, an additional entrance on Essex Street, a new certificate of occupancy of one hundred (100) people, an additional twelve (12) tables and twenty-four (24) seats and no additional bar; and

**WHEREAS**, this applicant was approved a full on-premises liquor license without stipulations by Community Board 3 in September of 2000 and was issued its license by the SLA on August 7, 2001; and

**WHEREAS**, this applicant has operated its business without apparent complaints since it opened; and

**WHEREAS**, the applicant has furnished evidence of community support, in that it provided petition signatures in support of its application, forty-three (43) of which are from area residents; and

**WHEREAS**, there are fifty-three (53) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant; and

**WHEREAS**, given the longstanding good history of the applicant at this location, Community Board 3 would support this application, provided that the applicant agrees to stipulations governing its method of operation; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 recommends the denial of the application for a full on-premises liquor license for Pennsylvania Jaycox Inc., doing business as The Magician, for the premises located at 118 Rivington Street, between Essex Street and Norfolk Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

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

**New Liquor License Applications**

14. Samurice NY Inc, 115 Delancey St (wb)  
withdrawn
15. Let's Dance LLC, 242 Broome St (op) (ICP/event venue)  
withdrawn

**Items not heard at Committee**

16. Tre (Jersey Boys LLC), 173 Ludlow St (op/corp change)  
no vote necessary
17. Bayard Sushi (Bayard Sushi Inc), 83 Bayard St (wb)  
no vote necessary
18. Vote to adjourn  
approved by committee

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

**Economic Development Committee**

1. Approval of previous month's minutes  
approved by committee
2. Update on Special District  
no vote necessary
3. Report from Arts & Cultural Affairs Subcommittee  
no vote necessary
4. Vote to adjourn

approved by committee

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

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

1. Approval of previous month's minutes  
approved by committee
2. United Airlines NYC Half by New York Road Runners—March 17th half marathon through lower Manhattan  
no vote necessary
3. New York City Says Enough: Youth-led gun control organization  
no vote necessary
4. Vote to adjourn  
approved by committee

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

**Parks, Recreation, Waterfront, & Resiliency Committee**

1. Approval of previous month's minutes  
approved by committee
2. EDC & Starr: General Update on the Brooklyn Bridge Esplanade  
no vote necessary
3. East Side Coastal Resiliency - Progress report  
no vote necessary
4. LES Community Canopy: a forest and stewardship program

**VOTE: TITLE: To Support the Proposed LES Community Tree Canopy Initiative and Urge the Department of Parks and Recreation to Work with Community Organizations to Spearhead the Program**

To Support a LES Community Canopy

Whereas, Community Board 3 has many empty tree pits and a general lack of healthy trees and green space which impacts the air quality, heat island effect and the livability of the community; and

Whereas, local residents suffer from asthma and other illnesses due in part to particulates and other pollutants from vehicles, buildings, power plants and

Whereas, there is a pending City plan for the multi-year closing of the East River Park, CB3's largest park; and

Whereas, NASA recently confirmed that global climate change has resulted in the last five years being the hottest years since record keeping began; and

Whereas, there is general acknowledgment that one of the best ways to combat urban climate change impacts is with street trees that mitigate temperature extremes, energy usage and vehicle-generated carbon emissions; and

Whereas, there are few other investments that return so much of value to society than street trees; and

Whereas, the Department of Parks and Recreation to work in collaboration with civic and community stewards, to plant hundreds of trees and smaller native shrubs and plants that will create a green canopy that strengthens resilience and capacity, sequesters storm water and carbon while pumping out oxygen and cooler air; and

Whereas, we encourage the Department of Parks and Recreation, by selecting trees that are less likely to induce severe allergies to the substantial portion of the population, and are resilient and adaptable to changing harsh climate conditions and by selecting trees that also support insects that pollinate plant life, that are food indigenous to birds and help decompose plant detritus; and

Whereas, reworked tree pits would include enriching infertile areas, tree pit guards to protect new trees and bioswales for increased storm water reclamation and rain absorption; and

Whereas, given the lessons learned with "million trees" plantings, the Department of Parks and Recreation could build into contractor agreements legally binding maintenance requirements to water and care for the trees for a full two-year period;

Therefore be it resolved, that CB3 supports the concept of the LES Community Canopy and urges the Department of Parks and Recreation to spearhead the immediate engagement with the network of stewardship organizations and proponents, to survey existing trees and tree pits and widening other spaces where an expanded variety of species can be planted, and implement an accelerated planting and caring program for street trees throughout CB3, prioritizing the most tree canopy deficient areas and developing an inclusive, engaged process for involving residents, experts and staff.

5. Waterfront Alliance: Waterfront Edge Design Guidelines - Continued discussion  
no vote necessary
6. Vote to adjourn  
approved by committee

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

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

1. Approval of previous month's minutes  
approved by committee
2. Manhattan Detention Center Update  
no vote necessary
3. Support for Cooper Square Community Land Trust Town Hall on re-utilization of Nativity Church, 44 2nd Ave, which will also focus on proper reuse of church properties for the benefit of the poor and not "profane" or commercial uses, which result in secondary displacement

#### **MOTION 1:**

**VOTE: TITLE: To support expanded community discussion around the reuse of Catholic Church properties and to co-sponsor a town hall event**

**WHEREAS**, the Roman Catholic Archdiocese of New York has proposed to sell the Church of the Nativity property located at 44 2nd Avenue for \$50,000,000, which along with anticipated demolition and construction costs, would likely translate into market-rate condos for the site; and

**WHEREAS**, the Cooper Square Community Land Trust was recently invited to attend a conference at the Vatican with the title "Doesn't God Dwell Here Anymore?: Decommissioning and Ecclesial Reuse of Churches," where they presented a paper entitled "Reusing Landholdings of the Archdiocese of New York for Low-Income Housing"; and

**WHEREAS**, at the conference, Pope Francis asked for increased community participation in the decision making for the reuse of Catholic Church properties for the benefit of the poor and not for "sordid" (per Canonical law, contrary to Church teaching) or commercial uses, especially those which could result in secondary residential and commercial displacement; and

**WHEREAS**, the Cooper Square Community Land Trust, Church of the Nativity parishioners, and the Catholic Worker Movement, taking the lead from Dorothy Day and Pope Francis, are planning a town

hall meeting to provide parish and community input on the specific reutilization of the Nativity Church, St. Emeric Church, and the St. Brigid's School properties for affordable housing;

**THEREFORE BE IT RESOLVED**, Community Board 3 supports the efforts of the Cooper Square Community Land Trust and partner organizations to expand the community discussion around the reuse of Catholic Church properties in the Community District; and

**THEREFORE BE IT FURTHER RESOLVED**, Community Board 3 moves to co-sponsor the town hall event.

**MOTION 2:**

**VOTE: TITLE: To urge the Roman Catholic Archdiocese of New York, as well as other religious institutions, to declare a moratorium on the disposition of Catholic Church and other religiously-owned properties for one year following a town hall meeting**

**WHEREAS**, the Roman Catholic Archdiocese of New York has proposed to sell the Church of the Nativity property located at 44 2nd Avenue for \$50,000,000, which along with anticipated demolition and construction costs, would likely translate into market-rate condos for the site; and

**WHEREAS**, Pope Francis has asked for increased community participation in the decision making for the reuse of Catholic Church properties; and

**WHEREAS**, the Cooper Square Community Land Trust, Church of the Nativity parishioners, and the Catholic Worker Movement, taking the lead from Dorothy Day and Pope Francis, are planning a town hall meeting to provide parish and community input on the reutilization of the Nativity Church property, as well as the reuse of all Catholic Church properties (including St. Emeric's and St. Brigid's School), for the benefit of the poor and not "sordid" (per Canonical law, contrary to Church teaching) or commercial uses, especially those which could result in secondary residential and commercial displacement; and

**WHEREAS**, Community Board 3 has deemed that housing for families, seniors, the homeless, and low-income residents to be a high priority community need; and

**WHEREAS**, Community Board 3 supports the efforts of the Cooper Square Community Land Trust and partner organizations to expand the community discussion around the reuse of Catholic Church properties, and other closed properties owned by religious bodies in the Community District; and

**WHEREAS**, Community Board 3 has agreed to co-sponsor a Town Hall event with these organizations to address this topic; and

**WHEREAS**, reasonable time must be provided for the broader community to actively participate in the decision-making process and, in partnership with the Archdiocese and other religious institutions, formulate alternative redevelopment scenarios that will benefit the poor and meet the basic needs of such institutions, without displacement; so

**THEREFORE BE IT RESOLVED**, Community Board 3 urges the Roman Catholic Archdiocese of New York, as well as other religious institutions, to declare a moratorium on the disposition of any Catholic Church or other religiously-owned and decommissioned properties for one year from the date the proposed Town Hall meeting is held to discuss alternative scenarios formulated by the broader community.

4. 167-171 Chrystie Street: Inclusionary Housing Plan application; 16 stories, 78 units, 14 IH units

**VOTE: TITLE: To recommend that HPD deny the Inclusionary Housing application for 167-171 Chrystie Street unless certain conditions are met**

**WHEREAS**, 167-171 Chrystie LP intends to develop a project at 167-171 Chrystie Street that would include a new 16-story residential rental building with a total of 78 units; and

**WHEREAS**, the development team previously appeared before the Community Board 3 Land Use, Zoning, Public & Private Housing Committee on January 15, 2019; and

**WHEREAS**, 15 of the units would be affordable housing units under the Inclusionary Housing (IH) Program, with rents set at or below 80% of Area Median Income, comprised of 5 studios, 8 one-bedrooms and 2 two-bedrooms; and

**WHEREAS**, the IH units will be available at 40% and 60% of Area Median Income and the IH unit mix will match the market-rate unit mix; and

**WHEREAS**, the compensating floor area for the IH affordable units will be located on-site; and

**WHEREAS**, 50% community preference for residents of Manhattan Community District 3 will be provided for in the IH lottery; and

**WHEREAS**, the project will also request a 421-a Option A tax exemption, requiring up to 25% of the units to be affordable with at least 10% at up to 40% AMI, 10% at up to 60% AMI, and 5% at up to 130% AMI; and

**WHEREAS**, in addition to the 15 IH units, there will be 5 additional affordable units through the 421-a program;

**WHEREAS**, the Community Board has requested, in consideration of residents of neighboring buildings, to close the 2nd floor terrace, rooftop terrace, and rooftop pool by 10 pm; and

**WHEREAS**, the Community Board has requested that all amenities be accessible to all residents and that equivalent functions and appliances are available in market-rate and IH units; and

**WHEREAS**, the Community Board has requested that if a fee is charged for amenities, they must be affordable to the IH unit tenants, at least at the same ratio as the rent differentials between market-rate and IH units; and

**WHEREAS**, the Community Board has requested that during commercial leasing, consideration be given to promoting retail diversity and identifying tenants that respond to community retail needs; and

**WHEREAS**, at this time, the applicant has not agreed to the requests regarding amenities fees and the timely closure of outdoor spaces;

**THEREFORE BE IT RESOLVED**, Community Board 3 recommends denial of the IH application for 167-171 Chrystie Street unless:

- Building amenities are affordable to all residents commensurate with the rent differentials between the market-rate and IH units
- Building management agrees to close the rooftop pool and other outdoor spaces at 10 pm

5. Report from Two Bridges Community Rezoning Co-Application

no vote necessary

6. Report from Public Housing & Section 8 Housing Subcommittee

no vote necessary

7. Vote to adjourn

approved by committee

29 YES 0 NO 1 ABS 0 PNV MOTION PASSED (excluding Land Use items 3 & 4)  
26 YES 1 NO 3 ABS 0 PNV MOTION PASSED (Land Use item 3)  
28 YES 0 NO 2 ABS 0 PNV MOTION PASSED (Land Use item 4)

### Landmarks Committee

1. Approval of previous month's minutes approved by committee
2. 4 St Marks Place: Review of continuing maintenance plan and harmonious relationship with proposed recipient of air rights at 3 St Marks Place.

**VOTE: TITLE: Resolution opposing Landmarks Preservation Commission approval of transfer of 8,386 square feet of development rights from the Landmarked 4 St. Mark's Place to a new building at 3 St. Mark's Place under Zoning Resolution 74-79, in exchange for a permanent maintenance plan for 4 St. Mark's Place.**

**WHEREAS**, the Hamilton-Holly House at 4 St. Mark's Place was built by developer Thomas E. Davis and is a large, Federal-style town house constructed in 1831, characterized and made notable by its unusual 26-foot width and 3 ½ story height; and

**WHEREAS**, 4 St. Mark's Place is further characterized by Flemish-bond brickwork, a high stoop, long parlor-floor windows, Gibbs surround entrance with triple keystone and vermiculated blocks, white marble base with openings also with Gibbs surrounds, molded pediment lintels, peaked roof, and double segmental dormers; and

**WHEREAS**, the Hamilton-Holly House was occupied for nine years by Elizabeth Schuyler Hamilton and her family; and

**WHEREAS**, the Applicant is requesting the Landmarks Preservation Commission to issue a report to the City Planning Commission pursuant to Section 74-79 of the New York City Zoning Resolution to facilitate the construction of a ten-story building located at 3 St. Mark's Place in Manhattan. The special permit would

- allow a transfer of 8,386 square feet of development rights from the zoning lot located at 4 St. Mark's Place (which is occupied by the Hamilton-Holly House, an individual landmark), and
- modify the provisions of ZR Section 33-432 to allow the Proposed Development to penetrate the maximum front wall height and sky exposure plane within the 20-foot initial setback distance on St. Mark's Place; and

**WHEREAS**, Community Board 3 approved a Certificate of Appropriateness in June 2016 for restoration of 4 St. Mark's Place, such approved restoration work having been essentially completed without the air rights transfer; and

**WHEREAS**, the applicant states that additional restoration work beyond that approved (valued at \$500,000) was done on 4 St. Mark's Place to bring the building to sound first-class condition, in anticipation of the air rights sale; and

**WHEREAS**, if the development rights transfer is approved, the owner of 4 St. Mark's must set aside 5% of the proceeds from sale (\$200,000 out of approximately \$4 million) to be used for perpetual maintenance of the building under the guidance of the LPC; and

**WHEREAS**, 17 members of the community spoke against the transfer of air rights, arguing that the 10-story building would not be harmonious with the character of the neighborhood and that the funds to be allocated to the already restored landmark do not justify a taller building across the street; and

**WHEREAS**, one community member spoke in favor of the transfer in support of the property rights of the developer; so

**Therefore be it resolved**, CB 3 opposes the proposed transfer of development rights and requests that the Landmarks Preservation Commission not issue a report to the Department of City Planning approving the use of transfer of development rights from 4 St. Marks Place to 3 St. Marks Place.

3. Vote to adjourn  
approved by committee

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

**Charter Revision Task Force**

- Finalize CB 3 position for Charter Revision  
no vote necessary

Vote to adjourn

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

**Members Present at Last Vote:**

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

Meeting Adjourned