



# THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

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Alysha Lewis-Coleman, Board Chair

Susan Stetzer, District Manager

March 2019 Full Board Minutes

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

#### Public Session:

Alberto Mercado – Shared a court ruling on the MTA in violation of the ADA act on all NYC stations. MTA is required to install ADA accessibility.

Michael Marino – Announced an upcoming event "my park day" at Jackson st and Cherry st.

Vaylateena Jones – Provided update on East Side Coastal Resiliency on behalf of LES Power Partnership. Is a licensed Mental health counselor and shared Rikers Island reform update (there will be a meeting this coming Thursday at 6:30pm 200 Rutgers street).

Angela Thompson – Intake advisor at NY Public Library. Announcement of upcoming English classes. Registration will begin April 8th.

Wendy Brawer – Provided an update in regard to 1000 new trees for the Parks Dept.

Harry Bubbins – On behalf of Village Preservation, provided an update on the office tower on st marks. Provided an update on CHARAS. The Landmarks Commission committee declared an order for immediate payment to repair CHARAS otherwise face penalty fees.

Chris Mills – Provided an announcement on YoungLife and their new satellite at Chinatown. They are moving

Camille Napoleon – Representing Baruch Tenants Association. Provided a Baruch Bathhouse update. They are bringing updates as soon as they get it. Is in support of Ave D bus stops to continue uninterrupted. Is representing over 2,000 families living in Baruch NYCHA development.

Kate Puls – Representing 9th St A-1 Block Association. Is in support of preventing any M14A bus stop reductions.

Amanda Gallaghre – Is against M14A bus reduction. Resident of First Avenue.

Beth Sapko – Resident of East 8th street, Is against the changing of the M14A to a select bus service.

Choresh Wald – Resident of East 11st street is in support of a M14 resolution to the proposed select service route.

#### Public Officials:

Mayor Bill de Blasio, Gabrielle Dann-Allel:

Public Advocate Jumaane Williams:

Public Advocate Mr. Williams appeared and addressed CB3 full board. Provided a Thank You speech. Is in favor of congestion pricing. Will support CB3 to address the M14 bus routes. Public Advocate can appoint someone to the City Planning Council and will to support the slowdown of overdevelopment of high rise towers – avoiding the ULURP process.

Comptroller Scott Stringer, Michael Stinson:

Borough President Gale Brewer, Brian Lewis:

Provided the Borough President report. Tour of the Bernstein Pavilion took place as a result of the MSBI relocation to Rivington House. The Community Board applications will be selected by Mid-April. Charter Revision commission update.

Congressmember Nydia Velazquez, Iris Quinones:

Congressmember Carolyn Maloney, Victor Montesinos:

Assemblymember Yuh-Line Niou, Monica Martinez:

Provided Assemblymember report.

Assemblymember Deborah J. Glick, Charlie Anderson:

Provided Assemblymember report.

Assemblymember Harvey Epstein, Mike Schweinsburg:

Provided Assemblymember report.

State Senator Brian Kavanagh, Venus Galarza-Mullins:  
Provided Senator report.

State Senator Brad M. Hoylman, Caroline Wekselbaum:  
Provided Senator report.

Councilmember Margaret Chin, Marian Guerra:  
Official groundbreaking of Luther Glick playground. Light pollution will be fought at the City council level to remove advertisements from companies.

Councilmember Carlina Rivera, Sheila Rodriguez:  
Provided Councilmember report.

Members Present at First Vote:

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

Minutes:

Minutes of January 2019 were approved, as is.

**28 YES 0 NO 4 ABS 0 PNV MOTION PASSED**

Board Chairperson's Report:

Chairperson Alysha Lewis-Coleman

District Manager's Report:

District Manager Susan Stetzer

The District Manager announced the MTA meetings for April 2 and April 8 where comments can be made regarding removal of local stops from M 14 lines.

She reported testifying at City Council government operations meeting with other community boards for base-lined increase in funding for CB budgets.

She directed members to Member Resources section of website for City responses to our last budget priorities.

There was a meeting with CBs 1,2,3 and the SLA chair that was productive and more open than first meeting. There will be immediate changes on the SLA website and more in a year.

At the last Borough Service Cabinet meeting there was a presentation regarding NCO police. There are some glitches that the NYPD did not seem willing to address. An example is that people are being asked to call NCO police directly for noisy bar, which means there are no records of complaints and no findings by police.

Committee Reports:

**Executive Committee**

no vote necessary

**Landmarks Committee**

meeting canceled - no agenda items

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

1. Approval of previous month's minutes  
approved by committee
2. Census 2020: What's At Stake  
no vote necessary
3. Update from Mount Sinai Beth Israel (MSBI) on programming/services/insurance at the Behavioral Health facility to be located at 45 Rivington St

**VOTE: TITLE: Regarding health insurance coverage for behavioral health services at Mount Sinai Beth Israel Hospital**

**Whereas**, Mount Sinai does not accept Oxford Health Plans and UnitedHealthCare coverage for behavioral health services; and

**Whereas**, residents of CB3 who get insurance coverage through Oxford Health Plans and UnitedHealthCare seeking behavioral health care are unable to access these necessary services, residents who have Medicaid and Medicare coverage and have a managed care program through UnitedHealthCare and Oxford Health Plans are also denied behavior health services: and

**Whereas**, Mount Sinai Beth Israel is the closest facility providing these services for CB3 residents; and

**Whereas**, Mount Sinai is committed to working with Oxford Health Plans and UnitedHealthCare; and

**Whereas**, Mount Sinai is committed to finding adequate solutions; so

**Therefore, be it resolved**, that CB3 considers this an urgent and immediate importance that Mount Sinai accept Oxford Health Plans and UnitedHealthCare and all Medicaid and Medicare managed health care plans for behavioral health care coverage.

4. CAB updates  
no vote necessary
5. Vote to adjourn  
approved by committee

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

**SLA & DCA Licensing Committee**

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

**Sidewalk Cafe Application**

2. DIA (Second Avenue Restaurant Group Inc), 58 2nd Ave btwn E 3rd & E 4th Sts

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

To recommend the approval of the application for an unenclosed sidewalk café permit for seven (7) tables and fifteen (15) seats for Second Avenue Restaurant Group Inc., doing business as DIA, for the premises located at 58 Second Avenue, between East 3rd Street and East 4th Street, New York, New York, because the applicant has signed a change agreement which will become part of its DCA license that

- 1) its café will consist of seven (7) tables and fifteen (15) seats, and
- 2) its hours of operation will be 9:00 A.M. to 10:00 P.M. Mondays through Thursdays, 9:00 A.M. to 11:00 P.M. Fridays and Saturdays and 10:00 A.M. to 10:00 P.M. Sundays.

3. Epstein's Bar (Epstein's Bar LLC), 82 Stanton St @ Allen St

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

**WHEREAS**, Epstein's Bar LLC, doing business as Epstein's Bar, is applying for a sidewalk café permit for its tavern restaurant for the premises located at 82 Stanton Street, at the corner of Stanton Street and Allen Street, New York, New York; and

**WHEREAS**, this is an application for a sidewalk café consisting of eleven (11) tables and twenty-two (22) seats, with six (6) tables and twelve (12) seats to be located on Allen Street and five (5) tables and ten (10) seats to be located on Stanton Street, and hours of operation of 11:00 A.M. to 10:00 P.M. all days; and

**WHEREAS**, the previous sidewalk café at this location, whose business included a principal who is also part of the present corporation, received numerous DCA violations and complaints for 1) exceeding its boundaries, 2) permitting its tables, then comprised of picnic tables, to be overpopulated with its patrons and 3) allowing its wait staff to serve patrons at the sidewalk café from the sidewalk; and

**WHEREAS**, this applicant has operated this business since May of 2018 without apparent complaints; and

**WHEREAS**, given the concerns raised by the operation of the previous sidewalk café at this location and the connection between the prior business and this applicant, Community Board 3 will only approve this sidewalk café with a reduction in its number of seats and tables; now

**THEREFORE BE IT RESOLVED** that Community Board 3 recommends the approval of the application for an unenclosed sidewalk café permit for eight (8) tables and sixteen (16) seats for Epstein's Bar LLC, doing business as Epstein's Bar, for the premises located at 92 Stanton Street, at the corner of Allen Street and Stanton Street, New York, New York, because the applicant has signed a change agreement which will become part of its DCA license that

- 1) its café will consist of eight (8) tables and sixteen (16) seats, with five (5) tables and ten (10) seats located on Allen Street and consisting of two-top tables flush against the façade of the business and three (3) tables and six (6) seats located on Stanton Street and consisting of two-top tables flush against the façade of the business,
- 2) its hours of operation will be 11:00 A.M. to 10:00 P.M. all days, and
- 3) it will not use picnic tables in its sidewalk cafe.

**New Liquor License Applications**

4. Luthun LLC, 432 E 13th St btwn 1st Ave & Ave A (wb)

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

**WHEREAS**, Luthun LLC is applying for a wine and beer license for two (2) storefronts at the premises located at 432 East 13th Street, between First Avenue and Avenue A, New York, New York; and

**WHEREAS**, this applicant is proposing to operate a restaurant serving a seasonal global tasting menu with a certificate of occupancy of seventy-four (74) people, eight (8) tables with eighteen (18) seats, a fifteen (15) foot bar counter with nine (9) stools, hours of operation of 5:00 P.M. to 1:00 A.M. all days, a kitchen open during all hours of operation, windows and recorded background music; and

**WHEREAS**, one of the storefronts at this premises was previously operated as a full-service restaurant with a full on-premises liquor license that was issued by the SLA on June 19, 2015, and the other storefront at this premises was issued a full on-premises liquor license by the SLA on September 22, 2003; and

**WHEREAS**, Kaito Corp., the previous applicant for one of the storefronts at this location, was denied a full-on premises liquor license by Community Board 3 in December of 2014 unless the applicant agreed to make as conditions of its license the stipulations that it would 1) operate as a full-service Japanese fusion restaurant, with a kitchen open and serving food during all hours of operation, 2) have hours of operation of 11:30 A.M. to 12:00 A.M. all days, 3) play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee would be charged, 4) not commercially use any outdoor areas, 5) have a closed fixed façade with no open doors or windows and close its façade and rear entrance doors by 10:00 P.M. every night, 6) not apply for any alteration in its method of operation without first appearing before Community Board 3, 7) not have "happy hours," 8) not host pub crawls or party buses, 9) insure that there are no wait lines, 10) conspicuously post this stipulation form beside its liquor license inside of its business, and 11) provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

**WHEREAS**, the applicant has no experience operating a licensed business, but its principals have experience as chefs and its on-site manager has fifteen years' experience as a manager; and

**WHEREAS**, the applicant has furnished evidence of community support, in that it provided petition signatures, in support of its application, thirty-six (36) of which are from area residents; and

**WHEREAS**, the North Avenue A Neighborhood Association and the East Village Community Coalition submitted written statements and its representatives appeared to express concern about the proposed hours of operation for this business given that the applicant has no experience operating a

licensed business, this business would be located mid-block on a residential street and this street already has issues with crowds and noise because of nearby licensed businesses; and

**WHEREAS**, Community Board 3 will approve this application for an operating license with the stipulations governing its method of operation, including earlier closing times; now

**THEREFORE BE IT RESOLVED** that Community Board 3 recommends the denial of the application for a wine and beer license for the premises located 432 East 13th Street, between First Avenue and Avenue A, New York, New York, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that:

- 1) it will operate as a full-service restaurant serving a seasonal global tasting menu, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 5:00 P.M. to 12:30 A.M. Mondays through Saturdays and it will be closed Sundays,
- 3) it will not commercially operate any outdoor areas,
- 4) it will close any front or rear façade doors and windows at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances,
- 5) it will play recorded ambient background music only, will not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee will be charged and will have no more than twelve (12) private parties per year,
- 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 seek a change in class to a full on-premises liquor license without first obtaining approval from Community Board # 3,
- 8) it will not have "happy hours,"
- 9) it will not host pub crawls or party buses,
- 10) it will not have unlimited drink specials with food,
- 11) it will ensure that there are no wait lines outside, will use a reservation system for seating patrons 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.

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

6. Samurice NY Inc, 115 Delancey St btwn Essex & Norfolk Sts (wb)

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

**WHEREAS**, Samurice NY Inc. has applied for a wine beer license for a storefront within the cellar level Essex Market, located at 115 Delancey Street, between Essex Street and Norfolk Street, New York, New York; and

**WHEREAS**, this applicant is seeking to operate a Japanese food kiosk with no listed certificate of occupancy, communal seating in the market, a thirty-five (35) foot bar counter with twenty-five (25) stools, a kitchen open and serving food during all hours of operation, hours of operation of 10:00 A.M. to 2:00 A.M. all days, no music and security from the market; and

**WHEREAS**, given that this applicant will be one vendor in a multi-vendor, below-ground food market hall or commissary located on Delancey Street, Community Board 3 will 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 wine beer license for Samurice NY Inc., for the premises located at 115 Delancey Street, cellar level, between Essex Street and Norfolk 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

- 1) it will operate as a Japanese small-plates kiosk in a market hall commissary with its own seating and communal seating, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 10:00 A.M. to 2:00 A.M. all days,
- 3) it will not commercially operate any outdoor areas and will operate a business that, while having a façade open to the market, will not have any open doors or windows to the street,
- 4) it will not play music but will use the ambient recorded music from the market,
- 5) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3,

- 6) it will not seek a change in class to a full on-premises liquor license without first obtaining the approval of 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 outside of its business,
  - 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.
7. Paloma Rocket (Clinton Craft LLC), 41-43 E 7th St btwn 2nd Ave & Cooper Sq (wb/removal from 7 Clinton St) and (upgrade to op)

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

**WHEREAS**, Clinton Craft LLC, with principals James Carbone and Graham Winton, is applying for removal of its wine beer license from the premises located at 7 Clinton Street, between East Houston Street and Stanton Street, New York, New York, to the premises located at 41-43 East 7th Street, between Second Avenue and Cooper Square, New York, New York; and

**WHEREAS**, Clinton Craft LLC is also applying for change in class of its wine beer license once removed to a full on-premises liquor license for the premises located at 41-43 East 7th Street, between Second Avenue and Cooper Square, New York, New York; and

**WHEREAS**, this is an application for a pizza restaurant and bar with a certificate of occupancy of seventy-four (74) people, twelve (12) tables and fifty-seven (57) seats, a fifteen (15) foot bar with eight (8) stools, hours of operation of 12:00 P.M. to 2:00 A.M. Sundays, 4:00 P.M. to 2:00 A.M. Mondays and Tuesdays, 4:00 P.M. to 4:00 A.M. Wednesdays through Fridays and 12:00 P.M. to 4:00 A.M. Saturdays, a kitchen open to within two (2) hours of closing, a closed façade, three (3) televisions, recorded background music and no wait lines; and

**WHEREAS**, James Carbone, one of the two principals, has operated the existing business at this location since 2005 and with a full on-premises liquor license since 2015; and

**WHEREAS**, Graham Winton, the other principal, has experience operating a business with a wine beer license located at 7 Clinton Street since 2015, as well as having worked in other licensed businesses in this area; and

**WHEREAS**, Graham Winton is adding James Carbone to his corporation, removing its liquor license to this location and applying for a change in class of its license to continue its operation consistent with the business that has operated there since 2005; and

**WHEREAS**, James Carbone has a longstanding history of activism in this community which includes helping to organize local businesses and working on historical and preservation issues in this district; and

**WHEREAS**, notwithstanding the numerous full on-premises liquor licenses within five hundred (500) feet of this location, numerous local community organizations and residents support James Carbone in his efforts to continue to operate a business at this location; and

**WHEREAS**, given these circumstances, a corporation, with principals James Carbone and Graham Winton, was denied by Community Board 3 in February of 2018 unless the applicant agreed to make as conditions of its license the stipulations that it would 1) operate as a full-service pizza restaurant and bar, with a kitchen open and serving food to within two (2) hours of closing, 2) have hours of operation of 12:00 P.M. to 2:00 A.M. Sundays, 4:00 P.M. to 2:00 A.M. Mondays and Tuesdays, 4:00 P.M. to 4:00 A.M. Wednesdays through Fridays and 12:00 P.M. to 4:00 A.M. Saturdays, 3) not commercially operate any outdoor areas, 4) close any front or rear façade doors and windows at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances, 5) play ambient background music only, consisting of recorded music, will not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee would be charged and have no more than six (6) private parties per year during which the entire business would close to the public, 6) not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3, 7) have "happy hours" to 7:00 P.M. each night, 8) not host pub crawls or party buses, 9) not have unlimited drink specials

with food, 10) insure that there are no wait lines outside and designate an employee responsible to oversee patrons and noise on the sidewalk, 11) conspicuously post this stipulation form beside its liquor license inside of its business, and 12) provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

**WHEREAS**, these principals are now asking for support to operate the same business with the same stipulations under the corporate name Clinton Craft LLC; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to recommend the approval of the application for the removal of the wine beer license to a full on-premises liquor license for Clinton Craft LLC from the premises located at 7 Clinton Street, between East Houston Street and Stanton Street, New York, New York, to the premises located at 41-43 East 7th Street, between Second Avenue and Cooper Square, New York, New York; and

**THEREFORE, BE IT FURTHER RESOLVED** that Community Board 3 recommends the denial of the application for a change in class of the wine beer license of Clinton Craft LLC once it is removed to a full on-premises liquor license, for the premises located at 41-43 East 7th Street, between Second Avenue and Cooper Square, New York, New York, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service pizza restaurant and bar, with a kitchen open and serving food to within two (2) hours of closing,
- 2) its hours of operation will be 12:00 P.M. to 2:00 A.M. Sundays, 4:00 P.M. to 2:00 A.M. Mondays and Tuesdays, 4:00 P.M. to 4:00 A.M. Wednesdays through Fridays and 12:00 P.M. to 4:00 A.M. Saturdays,
- 3) it will not commercially operate any outdoor areas,
- 4) it will close any front or rear façade doors and windows at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances,
- 5) it will play ambient background music only, consisting of recorded music, will not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee will be charged and may have no more than six (6) private parties per year during which the entire business would close to the public,
- 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 may have "happy hours" to 7:00 P.M. each night,
- 8) it will not host pub crawls or party buses,
- 9) it will not have unlimited drink specials with food,
- 10) it will insure that there are no wait lines outside and will designate an employee responsible to oversee patrons and noise on the sidewalk,
- 11) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 12) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

8. Headless Widow (The Headless Widow LLC), 99 1st Ave @ E 6th St (op)

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

**WHEREAS**, The Headless Widow LLC has applied for a full on-premises liquor license to operate a restaurant in the premises located at 99 First Avenue, at the corner of East 6th Street and First Avenue, New York, New York; and

**WHEREAS**, this applicant is seeking to operate an American restaurant with a certificate of occupancy of seventy-four (74) people, eleven (11) tables and twenty-two (22) seats inside and six (6) tables and eighteen (18) seats at a sidewalk café with four (4) tables and twelve (12) seats on East 6th Street and two (2) tables and six (6) seats on First Avenue, a nineteen (19) foot bar with thirteen (13) stools, hours of operation of 4:00 P.M. to 1:00 A.M. Sundays through Wednesdays and 4:00 P.M. to 2:00 A.M. Thursdays through Saturdays, a kitchen open during all hours of operation, an open facade, one (1) television and recorded background music; and

**WHEREAS**, the applicant has stated that this is a sale of assets of the previous business; and

**WHEREAS**, Community Board 3 informed the applicant that it would have to separately apply for a sidewalk café permit and that a sidewalk café would not be considered as part of this application given that there is no preexisting sidewalk café at this location; and

**WHEREAS**, the previous applicant for this location was 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 gourmet burger restaurant, with a kitchen open and serving food during all hours of operation, 2) have hours of operation of 10:00 A.M. to 1:00 A.M. all days, 3) not commercially operate any outdoor areas, 4) 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) play ambient background music only, consisting of recorded music, and not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee would be charged, 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) not have "happy hours," 10) insure that there are no wait lines outside and designate an employee to oversee patrons and noise on the sidewalk, 11) conspicuously post this stipulation form beside its liquor license inside of its business, and 12) provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

**WHEREAS**, the applicant conceded that there are twenty-three (23) full on-premises liquor licenses within five hundred (500) feet of this location; and

**WHEREAS**, the applicant has no experience operating a licensed business but both principals have worked at Michael Jordan Steakhouse, located in Grand Central Station, one as a bartender and waiter and the other as the general manager; and

**WHEREAS**, the applicant has furnished substantial evidence of community support, in that it provided petition signatures in support of its application, two hundred forty-seven (247) of which are from area residents; and

**WHEREAS**, given that this is a sale of assets of a restaurant with a full on-premises liquor, Community Board 3 will 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 Headless Widow LLC, with a proposed business name of The Headless Widow, for the premises located at 99 First Avenue, at the corner of East 6th Street and First Avenue, New York, New York, 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 American restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 4:00 P.M. to 1:00 A.M. Sundays through Wednesdays and 4:00 P.M. to 2:00 A.M. Thursdays through Saturdays,
- 3) 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,
- 4) 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,
- 5) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3,
- 6) it may have "happy hours" to 7:00 P.M. each night,
- 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 wait lines outside and will designate an employee to oversee patrons and noise outside of its business,
- 10) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 11) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

9. 29B (TD AB LLC), 29 Ave B @ E 3rd St (upgrade to op)

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

**WHEREAS**, TD AB LLC, doing business as 29B, is seeking a change in class of its wine beer license to a full on-premises liquor license for its tea shop restaurant located at 29 Avenue B, at the corner of East 3rd Street and Avenue B; and

**WHEREAS**, this is an application for an Asian restaurant and tea shop with a certificate of occupancy of seventy-four (74) people, five (5) tables and twenty (20) seats, a thirty (30) foot bar with fourteen (14)



stools, a prep area serving food during all hours of operation, hours of operation of 10:00 A.M. to 12:00 A.M. all days, French doors, recorded background music and four (4) private parties per month consisting of food and tea tastings; and

**WHEREAS**, an application for a wine beer license for this applicant was administratively approved by Community Board 3 in July of 2017 because the applicant agreed to make as conditions of its license the stipulations that it would 1) operate a full-service restaurant café with a kitchen open and serving food during all hours of operation, 2) have hours of operation of 10:00 A.M. to 12:00 A.M. all days, 3) not commercially operate any outdoor areas, 4) play recorded background music and not have DJs, live music, promoted events, scheduled performances or any events at which a cover fee would be charged, 5) not apply for an alteration in its method of operation without first appearing before Community Board 3, 6) 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, 7) not seek a change in class to a full on-premises liquor license without first obtaining approval from Community Board 3, 8) not host pub crawls or party buses, 9) not have unlimited drink specials with food, 10) not have happy hours, 11) not have wait lines outside, 12) conspicuously post its stipulation form beside its liquor license inside of its business, and 13) provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

**WHEREAS**, the wine beer license for this applicant was issued by the SLA on October 25, 2017; and

**WHEREAS**, the applicant has operated this restaurant with a wine beer license and without any complaints for one and a half (1½) years; and

**WHEREAS**, the applicant furnished evidence of community support, in that it provided petition signatures in support of its application, sixty-nine (69) of which are from area residents, including twenty-five (25) petition signatures from residents of the building; and

**WHEREAS**, the applicant has conceded that there are thirteen (13) full on-premises liquor licenses within five hundred (500) feet of this location; and

**WHEREAS**, the applicant has agreed to reduce its hours of operation to 10:00 A.M. to 11:00 P.M. all days; and

**WHEREAS**, notwithstanding the number of licensed businesses in the immediate area and given that this applicant is operating a tea-focused restaurant with moderate hours of operation, including daytime hours of operation, Community Board 3 will approve the change in class of this wine beer license to a full on-premises liquor license with the stipulations governing its method of operation; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 recommends the denial of the application for a change in class of a wine beer license to a full on-premises liquor license for TD AB LLC, doing business as 29B, to a full on-premises liquor license for its restaurant located at 29 Avenue B, at the corner of East 3rd Street and Avenue B, New York, New York, 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 Asian small-plates restaurant, 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. all days,
- 3) it will not commercially operate any outdoor areas,
- 4) it will close any front or rear façade doors and windows at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances,
- 5) it will play ambient background music only, consisting of recorded music, but will not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee will be charged and may have no more than four (4) private parties per month consisting of food and tea tastings for which tickets may be sold,
- 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 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.

10. Entity to be formed by Derek O'Connor, 503 E 6th St btwn Aves A & B (op) withdrawn

11. Dizzy's (Saica LLC), 165 Allen St btwn Stanton & Rivington Sts (op) withdrawn

12. Hwa Yuan (42 44 East Broadway Restaurant Inc), 42-44 E Broadway (op) withdrawn

13. Entity to be formed by Robert Ceraso, 132 1st Ave @ St Marks Pl (op)

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

**WHEREAS**, an entity to be formed by principal Robert Ceraso is seeking a full on-premises liquor license to operate a restaurant in the premises located at 132 First Avenue, at the corner of Saint Marks Place and First Avenue, New York, New York; and

**WHEREAS**, this applicant is proposing to operate an American restaurant with a certificate of occupancy of seventy-four (74) people, fifteen (15) tables and thirty-five (35) seats inside and eight (8) tables and sixteen (16) seats at a sidewalk café on Saint Marks Place, a seventeen (17) foot bar with seven (7) stools, hours of operation of 9:00 A.M. to 2:00 A.M. all days, a kitchen open during all hours of operation, French doors and windows, recorded background music and happy hours to 7:00 P.M.; and

**WHEREAS**, Community Board 3 informed the applicant that it would have to separately apply for a sidewalk café permit, that a sidewalk café would not be considered as part of this application given that there is no preexisting sidewalk café at this location and that a sidewalk café might not be permitted by DCA at this location given that DCA guidelines prohibit sidewalk cafes from certain areas; and

**WHEREAS**, the previous corporation at this location was issued a full on-premises liquor license by the SLA on May 18, 1999, and was most recently operated as a tavern with 4:00 A.M. closings; and

**WHEREAS**, the applicant stated that it would be reducing the size of the existing bar, adding a takeout counter, adding seats and tables for dining and expanding the kitchen at this location; and

**WHEREAS**, the applicant has conceded that there are thirty-four (34) full on-premises liquor licenses within five hundred (500) feet of this location and there are ten (10) full on-premises liquor licenses, including that of the applicant, 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 operates a tavern located at 700 East 9th Street that was issued a full on-premises liquor license by the SLA on February 16, 2012, a tavern located at 134 First Avenue that was issued a full on-premises liquor license by the SLA on July 7, 2015, and a tavern located at 171-173 Avenue C that was issued a full on-premises liquor license by the SLA on August 21, 2017; and

**WHEREAS**, the applicant has furnished evidence of community support, in that it provided petition signatures in support of its application, seventy (70) of which are from area residents, including one (1) building resident of 134 First Avenue; and

**WHEREAS**, the 9th Street A-1 Block Association and a nearby resident submitted written statements and a representative of the East Village Community Coalition appeared, all expressing concern about adding a sidewalk café to the corner of Saint Marks Place and First Avenue which already has significant sidewalk congestion;

**WHEREAS**, a resident of 134 First Avenue appeared, stating that he has made numerous complaints to the applicant about its 134 First Avenue business because it is consistently noisy; and

**WHEREAS**, an area resident appeared on behalf of the school located on this block, stating that she was opposed to this application given its proximity to the school and given its proposed method of operation; and

**WHEREAS**, notwithstanding the expressed concerns, given the prior experience of the applicant operating other licensed businesses in this area and given the proposed method of operation as a full-

service restaurant with daytime hours of operation in a location which was previously operated as a tavern, Community Board 3 will 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-liquor license for an entity to be formed by principal Robert Ceraso, with a proposed business name of Wild Son, for the premises located at 132 First Avenue, at the corner of Saint Marks Place and First Avenue, New York, New York, 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 American restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 9:00 A.M. to 2:00 A.M. all days,
- 3) 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,
- 4) 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,
- 5) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3,
- 6) it may have "happy hours" to 7:00 PM. each night,
- 7) it will not host pub crawls or party buses,
- 8) it will not have unlimited drink specials with food,
- 9) it will insure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 10) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 11) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

14. Entity to be formed by Robert Ceraso, 123 St Marks Pl btwn 1st Ave & Ave A (op)

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

**WHEREAS**, an entity to be formed by principal Robert Ceraso is seeking a full on-premises liquor license to operate a restaurant in the premises located at 121-123 Saint Marks Place, between First Avenue and Avenue A, New York, New York; and

**WHEREAS**, this applicant is proposing to operate a grill and steakhouse restaurant with no listed certificate of occupancy, twenty (20) tables and fifty (50) seats, a sixteen (16) foot bar with eight (8) stools, a kitchen open during all hours of operation, hours of operation of 5:00 P.M. to 1:00 A.M. all days, and recorded background music; and

**WHEREAS**, this location was previously operated as a full-service restaurant with a wine beer license that was issued by the SLA on January 9, 2018; and

**WHEREAS**, there are thirty-three (33) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant and there are ten (10) full on-premises liquor licenses, including that of the applicant, 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 operates a tavern located at 700 East 9th Street that was issued a full on-premises liquor license by the SLA on February 16, 2012, a tavern located at 134 First Avenue that was issued a full on-premises liquor license by the SLA on July 7, 2015, and a tavern located at 171-173 Avenue C that was issued a full on-premises liquor license by the SLA on August 21, 2017; and

**WHEREAS**, the applicant has furnished evidence of community support, in that it provided petition signatures in support of its application, eighty-nine (89) of which are from area residents; and

**WHEREAS**, the 9th Street A-1 Block Association and a nearby resident submitted written statements and a representative of the East Village Community Coalition and another area resident appeared and the resident submitted written statements from a church and a school located on this block, in opposition to this application, stating that there are too many licensed businesses on this block of Saint Marks Place and the applicant has failed to state a public benefit in the approval of its application for a full on-premises liquor license; and

**WHEREAS**, notwithstanding the experience of the applicant or its demonstration of community support, given the number of licensed businesses on this block and within five hundred (500) feet and

given that the previous business did not have a full on-premises liquor license, Community Board 3 will not approve this application for a full on-premises liquor license for this location; now

**THEREFORE BE IT RESOLVED** that Community Board 3 recommends the denial of the application for a full on-premises liquor license for an entity to be formed by principal Robert Ceraso, for the premises located at 121-123 Saint Marks Place, between First Avenue and Avenue A, New York, New York.

15. Williamsburg Pizza (Williamsburg Pizza 14th Street LLC), 226 E 14th St (wb)  
withdrawn

16. Douzo (Hand Roll Inc), 63 Delancey St @ Allen St (wb)

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

**WHEREAS**, Hand Roll Inc. has applied for a wine beer license to operate a restaurant in the premises located at 63 Delancey Street, at the corner of Allen Street and Delancey Street, New York, New York; and

**WHEREAS**, this applicant is seeking to operate a Japanese Omakase restaurant with a certificate of occupancy of twenty-five (25) people, a thirty-four (34) sushi counter with eighteen (18) stools, hours of operation of 5:00 P.M. to 12:00 A.M. Sundays through Thursdays and 5:00 P.M. to 1:00 A.M. Fridays and Saturdays, a kitchen open during all hours of operation and recorded background music; and

**WHEREAS**, the previous applicant for this location was denied a wine beer license by Community Board 3 in July of 2010 unless the applicant agreed to make as conditions of its license the stipulations that it would 1) operate as a restaurant tavern, serving food consisting of California style cuisine, during all hours of operation, 2) have hours of operation of 8:00 A.M. to 10:00 P.M. all days, and 3) play ambient background music, consisting of recorded music; and

**WHEREAS**, the applicant has operated a restaurant located at 232 East 53rd Street; and

**WHEREAS**, the applicant has furnished evidence of community support, in that it provided petition signatures in support of its application, seventy-two (72) of which are from area residents; and

**WHEREAS**, Community Board 3 will 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 wine beer license for Hand Roll Inc., with a proposed business name of Douzo, for the premises located at 63 Delancey Street, at the corner of Allen Street and Delancey 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

- 1) it will operate as a full-service Asian 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 12:00 A.M. Sundays through Thursdays and 5:00 P.M. to 1:00 A.M. Fridays and Saturdays,
- 3) it will not commercially operate any outdoor areas,
- 4) it will close any front or rear façade entrance doors at 10:00 P.M. every night or when amplified sound is playing and will otherwise have a closed fixed facade with no open doors or windows,
- 5) it will play ambient background music only, consisting of recorded music, but 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 outside of its business,
- 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**

17. Home Sweet Home & Fig 19 (TLS Chrystie LLC), 131 Chrystie St btwn Broome & Delancey Sts (alt/op/enlarge bar size, add DJ booth)

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

**WHEREAS**, TLS Chrystie LLC, doing business as Home Sweet Home in the basement level and Fig 19 on the ground floor, is seeking an alteration of its full on-premises liquor license for the premises located at 131 Chrystie Street, between Broome Street and Delancey Street, New York, New York, to wit moving the bar and DJ booth and adding banquette seating in the basement; and

**WHEREAS**, this is an application for a tavern with a certificate of occupancy of one hundred nineteen (119) people on two (2) floors, seven (7) tables and forty-three (43) seats in the basement and four (4) tables and twenty-four (24) seats on the ground floor, an undescribed bar on the ground floor and a twenty-eight (28) foot bar with seventeen (17) stools in the basement, hours of operation of 5:00 P.M. to 4:00 A.M. all days, food service to 12:00 A.M., recorded music and DJs and security; and

**WHEREAS**, this corporation was denied its full on-premises liquor license by Community Board 3 in November of 2005, and was then issued a full on-premises liquor license by the SLA on July 6, 2006; and

**WHEREAS**, an alteration to extend its operation into the ground floor of its location and add a twenty-two (22) foot bar in the rear of the ground floor was denied by Community Board 3 in September of 2009 unless the applicant agreed to add as conditions of its license stipulation that it would 1) continue to operate the ground floor as an art gallery, 2) install additional soundproofing to the ground floor, if necessary, and 3) designate or hire an employee to control crowds and noise in front of the establishment during gallery events or openings; and

**WHEREAS**, the applicant has stated that it is now applying for an alteration to reflect changes it made to its seating by adding banquette seating and moving the location of its bar and DJ booth in the basement after it had submitted its original plans to the community board and the SLA but during the original construction of its business; and

**WHEREAS**, given these circumstances, Community Board 3 would approve this application; now

**THEREFORE BE IT RESOLVED** that Community Board 3 recommends the approval of the application for an alteration of the full on-premises liquor license for TLS Chrystie LLC, doing business as Home Sweet Home in the basement level and Fig 19 on the ground floor, for the premises located at 131 Chrystie Street, between Broome Street and Delancey Street, New York, New York, to wit moving the bar and DJ booth and adding banquette seating in the basement.

18. Sister Jane Tavern (EST Restaurant Corp), 349 E 13th St btwn 1st & 2nd Aves (op/alt/extend hours to 4am)

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

**WHEREAS**, EST Restaurant Corp., doing business as Sister Jane Tavern, is seeking an alteration of its full on-premises liquor license for the premises located at 349 East 13th Street, between First Avenue and Second Avenue, New York, New York, to wit extending its hours of operation to 2:00 A.M. Sundays and 4:00 A.M. Mondays through Saturdays; and

**WHEREAS**, this is an application for a restaurant with a certificate of occupancy of seventy-four (74) people, eight (8) tables and forty-eight (48) seats, a twenty-seven (27) foot bar with twelve (12) or fourteen (14) stools, hours of operation of 4:00 P.M. to 4:00 A.M. Mondays through Fridays, 11:00 A.M. to 4:00 A.M. Saturdays and 11:00 A.M. to 2:00 A.M. Sundays, a kitchen open to 1:00 A.M. with a limited menu served after 1:00 A.M., French doors and windows, two (2) televisions, recorded background music and acoustic live music amplified by an amplifier; and

**WHEREAS**, the applicant was denied a full-on premises liquor license by Community Board 3 in January of 2017 unless the applicant agreed to make as conditions of its license stipulations that it would 1) operate as a full-service American restaurant, with a kitchen open and serving food during all hours of operation, 2) have hours of operation of 4:00 P.M. to 2:00 A.M. Mondays through Fridays, 11:00 A.M. to 2:00 A.M. Saturdays and 11:00 A.M. to 12:00 A.M. Sundays, 3) not commercially operate any outdoor areas, 4) employ a doorman or security person consistent with its operation as a restaurant, 5) close any 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) play ambient background music only, consisting of recorded music and occasional live acoustic music, and not have DJs, promoted events, scheduled performances or any event at which a cover fee would be charged, and its live music would be limited to no more than two (2) unamplified instruments at any time, would not consist of brass or percussion instruments and would only be located in the rear of the business, 7) not apply for any alteration in its method of operation without first appearing before Community Board 3, 8) not have "happy hours," 9) not host pub crawls or party buses, 10) not have

unlimited drink specials with food, 11) insure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk as needed, 12) conspicuously post this stipulation form beside its liquor license inside of its business, and 13) provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

**WHEREAS**, this corporation was issued a full on-premises liquor license by the SLA on March 10, 2017; and

**WHEREAS**, this applicant has operated JST Restaurant Corp., doing business as Tavern On Jane, located at 31 Eighth Avenue, New York, New York, with a full on-premises liquor license since 1995; and

**WHEREAS**, the applicant has furnished evidence of community support, in that it provided petition signatures in support of its application, nineteen (19) of which are from area residents, and five (5) patrons and area residents submitted letters in support of this application, attesting to the applicant as a responsible business owner and the business as a community asset; and

**WHEREAS**, representatives of the North Avenue A Neighborhood Association, East Village Community Coalition and 9th Street A-1 Block Association appeared on behalf of their organizations and one representative also appeared on behalf of a resident of 425 East 13th Street, stating that 1) this location is mid-block on a residential street and should not operate until 4:00 A.M., and 2) contrary to its stipulations, the applicant leaves its door open while allowing amplified live music; and

**WHEREAS**, given these concerns, Community Board 3 will approve an extension of the closing hours for this business to 2:00 A.M. Sundays through Thursdays and 4:00 A.M. Fridays and Saturdays, provided that the kitchen is open and serving food during all hours of operation and only unamplified live music is played, as well as the other 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 EST Restaurant Corp., doing business as Sister Jane Tavern, for the premises located at 349 East 13th Street, between First Avenue and Second Avenue, New York, New York, 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 American restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 4:00 P.M. to 2:00 A.M. Mondays through Thursdays, 4:00 P.M. to 4:00 A.M. Fridays, 11:00 A.M. to 4:00 A.M. Saturdays and 11:00 A.M. to 2:00 A.M. Sundays,
- 3) it will not commercially operate any outdoor areas,
- 4) it will close any façade doors and windows at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances,
- 5) it will play ambient background music only, consisting of recorded music and occasional live acoustic music, but will not have DJs, promoted events, scheduled performances or any event at which a cover fee will be charged, and its live music will be limited to no more than two (2) unamplified instruments at any time, will not consist of brass or percussion instruments and will only be located in the rear of the business,
- 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 insure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk as needed,
- 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.

19. Hanoi House (King Me Kong LLC), 119 St Marks Pl btwn 1st Ave & Ave A (op/alt/expand into adjoining space and change opening hour to 5pm)

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

**WHEREAS**, King Me Kong LLC, doing business as Hanoi House, is seeking an alteration of its full on-premises liquor license for the premises located at 119 Saint Marks Place, between First Avenue and Avenue A, New York, New York, to wit expanding into the residential corridor and west storefront at this location and adding a standup bar; and

**WHEREAS**, the applicant is proposing to move the centrally located residential hallway of the building to the west side of the building and combine the area that made up the original hallway and the west storefront to create a bar waiting area for its patrons with an additional standup bar and its own entrance to the street; and

**WHEREAS**, Community Board 3 notified the applicant that this alteration may not be permitted given that the applicant is proposing to expand an existing nonconforming use, that being its commercial footprint, into a residential space, which is not permitted under the R8B zoning of this street; and

**WHEREAS**, the storefront the applicant is seeking to attach has never been licensed with a full on-premises liquor license and currently operates as a restaurant with a wine beer license; and

**WHEREAS**, an application for a full on-premises liquor license for this applicant was heard by Community Board 3 in January of 2016 and a wine beer license was denied unless the applicant agreed to make as conditions of its license the stipulations that it would 1) operate a full-service Vietnamese restaurant with a kitchen open and serving food during all hours of operation, 2) have hours of operation of 11:00 A.M. to 12:00 A.M. all days, 3) not commercially operate any outdoor areas, 4) close any front or rear façade doors and windows at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances, 5) play recorded background music and not have DJs, live music, promoted events, scheduled performances or any events at which a cover fee would be charged, 6) not seek a change in class to a full on-premises liquor license without first obtaining the approval of Community Board 3, 7) have happy hours to 8:00 P.M. each night, 8) not host pub crawls or party buses, 9) not apply for any alteration in its method of operation without first appearing before Community Board 3, 10) not have unlimited drink specials with food, 11) not have wait lines and designate an employee to oversee patrons and noise on the sidewalk, 12) conspicuously post its stipulation form beside its liquor license inside of its business, and 13) provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

**WHEREAS**, the applicant then did not agree to sign stipulations with Community Board 3 and applied to the SLA for a wine beer license which was issued on December 12, 2016, with 2:00 A.M. closing times all days; and

**WHEREAS**, the applicant was then denied a change in class of its wine beer license to a full-on premises liquor license by Community Board 3 in February of 2018, provided it was not within two hundred (200) feet of a school, to wit George Jackson Academy, located at 104 Saint Marks Place, between First Avenue and Avenue A, unless the applicant agreed to make as conditions of its license stipulations that it would 1) operate a full-service Vietnamese restaurant with a kitchen open and serving food during all hours of operation, 2) have hours of operation of 11:00 A.M. to 12:30 A.M. Sundays and 5:30 P.M. to 12:30 A.M. Mondays through Saturdays, 3) not commercially operate any outdoor areas, 4) close any front or rear façade doors and windows at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances, 5) play recorded background music and not have DJs, live music, promoted events, scheduled performances or any events at which a cover fee would be charged, 6) have happy hours to 7:00 P.M. each night, 7) not host pub crawls or party buses, 8) not apply for any alteration in its method of operation without first appearing before Community Board 3, 9) not have unlimited drink specials with food, 10) not have wait lines and designate an employee to oversee patrons and noise on the sidewalk, 11) conspicuously post its stipulation form beside its liquor license inside of its business, and 12) provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

**WHEREAS**, the applicant furnished evidence of community support, in that it provided petition signatures in support of its application, seventy-nine (79) of which are from area residents, including five (5) petition signatures from residents of the building; and

**WHEREAS**, there are approximately twenty-two (22) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant but thirty-three (33) full on-premises liquor licenses within five hundred (500) feet of this location per the SLA LAMP map, with 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**, representatives of the North Avenue A Neighborhood Association, East Village Community Coalition and 9th Street A-1 Block Association appeared on behalf of their organizations, expressing

concerns that 1) this alteration would result in another storefront with a full on-premises liquor license on this saturated residential street, and 2) this alteration is not legally permitted given that this location is zoned residential and the existing business is a grandfathered noncompliant commercial space which is restricted from expanding its footprint; and

**WHEREAS**, the west storefront may be within two hundred (200) feet of a school, to wit George Jackson Academy, located at 104 Saint Marks Place, between First Avenue and Avenue A, and is closer to this school than the existing business operated by the applicant; and

**WHEREAS**, provided that the alteration is determined to be legally permitted and that the SLA determines that the entrance of this west storefront is not within two hundred feet of a school, Community Board 3 approves this alteration with amended stipulations governing its method of operation; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 recommends the denial of the application for the alteration of the full on-premises liquor license for King Me Kong LLC, doing business as Hanoi House, for the premises located at 119 Saint Marks Place, between First Avenue and Avenue A, New York, New York, to wit expanding into the residential corridor and west storefront at this location and adding a standup bar, 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 Vietnamese 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 and 5:00 P.M. to 12:30 A.M. Mondays through Saturdays,
- 3) it will not commercially operate any outdoor areas,
- 4) it will close any front or rear façade doors and windows at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances,
- 5) it will play ambient background music only, consisting of recorded music, but 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 may have "happy hours" to 7:00 P.M. each night,
- 8) it will not host pub crawls or party buses,
- 9) it will not have unlimited drink specials with food,
- 10) it will insure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 11) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 12) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

**Hotel Applications**

20. The Allen Hotel (Allen Street Hospitality LLC), 140 Allen St @ Orchard & Rivington Sts (op)

**VOTE: TITLE:**

**COMMUNITY BOARD 3 RESOLUTION DENYING THE HOTEL LIQUOR LICENSE  
FOR ALLEN STREET HOSPITALITY LLC, FOR 140 ALLEN STREET**

**WHEREAS**, the applicant, Allen Street Hospitality LLC, by its qualified representative or principal, is seeking to obtain a hotel liquor license for a seventeen (17) story hotel, located at 140 Allen Street, bounded by Rivington Street, Allen Street and Orchard Street, New York, New York; and

**WHEREAS**, the hotel will be located in a newly constructed building that fronts Allen Street and Rivington Street and runs through the block, with entrances on Allen Street, Orchard Street and Rivington Street; and

**WHEREAS**, said applicant will maintain the primary method of operation of said location as a hotel open all hours for temporary lodging in ninety-eight (98) rooms on fourteen (14) floors, with its primary entrance on Allen Street, and will maintain the following ancillary public uses:

- 1) an interior first floor restaurant facing Allen Street of one thousand eight hundred fifty (1,850) square feet, with a capacity of ninety-four (94) people, twenty-eight (28) tables and sixty-four (64) seats, a twenty-five (25) foot bar with twelve (12) stools, hours of operation of 6:00 A.M. to 2:00 A.M. all days, service of a full menu from the cellar kitchen during all hours of operation, recorded



background music generally and DJs for private events, an open façade, one (1) television, happy hours to 8:00 P.M. and access through the hotel entrance and an entrance on Orchard Street;

2) an interior first floor restaurant facing Allen Street and Rivington Street of one thousand five hundred (1,500) square feet, with a capacity of one hundred twenty (120) people, thirty-three (33) tables and seventy-eight (78) seats, a twenty-one (21) foot bar with twelve (12) stools, hours of operation of 6:00 A.M. to 2:00 A.M. all days, a kitchen open during all hours of operation serving a full menu, recorded background music generally and DJs for private events, a closed façade on Rivington Street and an open façade on Allen Street, one (1) television, happy hours to 8:00 P.M. and access through its own entrance on Rivington Street;

3) a sidewalk café on Allen Street operating as an extension of the restaurants facing Allen Street and Rivington Street, with five (5) tables and twenty (20) seats located on Allen Street, hours of operation of 8:00 A.M. to 10:00 P.M. Mondays through Saturdays and 10:00 A.M. to 10:00 P.M. Sundays, food service during all hours of operation and no music;

4) a second floor terrace facing Allen Street and Rivington Street of one thousand one hundred (1,100) square feet, with a capacity of sixty-nine (69) people, accessible only to hotel guests, with eleven (11) tables and forty-eight (48) seats comprised of tables, chairs and lounge seating, no bar, hours of operation of 7:00 A.M. to 7:00 P.M. all days, no food or drink service, no music and access through an outer staircase on Allen Street;

5) a ground floor courtyard of four hundred (400) square feet accessed through the hotel entrance and inside the block and abutting the rear yard of 143 Orchard Street, with five (5) tables and twenty (20) seats, hours of operation of 7:00 A.M. to 7:00 P.M. all days, food service during all hours of operation and no music;

6) an additional interior first floor restaurant bar facing Orchard Street of nine hundred (900) square feet, with a capacity of sixty-three (63) people, twenty-one (21) tables and fifty (50) seats, a ten (10) foot service bar, hours of operation of 6:00 A.M. to 2:00 A.M. all days, food service from the cellar kitchen during all hours of operation, recorded background music generally and DJs for private events, an open façade, one (1) television, happy hours to 8:00 P.M. and access through its own entrance on Orchard Street and also through the hotel entrance;

7) an interior sixteenth floor lounge of nine hundred twenty (920) square feet, with a capacity of forty-three (43) people, sixteen (16) tables and thirty-two (32) seats comprised of lounge seating, an eleven (11) foot bar with seven (7) stools, hours of operation of 6:00 A.M. to 2:00 A.M. all days, a limited menu from the cellar kitchen during all hours of operation, recorded music and DJs three (3) times per month, an open façade, one (1) television and access, happy hours to 8:00 P.M. and access through the hotel entrance on Allen Street;

8) an exterior sixteenth floor terrace facing Allen Street, with either twenty-one (21) seats comprised of lounge seating, hours of operation of 6:00 A.M. to 12:00 A.M. all days, food service from the cellar kitchen during all hours of operation, recorded background music, happy hours to 8:00 P.M. and access through the sixteenth-floor lounge;

9) an exterior sixteenth floor terrace facing Orchard Street, with fifteen (15) seats comprised of lounge seating, hours of operation of 6:00 A.M. to 12:00 A.M. all days, food service from the cellar kitchen during all hours of operation, no music, happy hours to 8:00 P.M. and access through the sixteenth-floor lounge; and

**WHEREAS**, Community Board 3 has heard this application four (4) times and the enumerated proposed uses reflect the most recent amendments to the proposed method of operation after much community board and community comment; and

**WHEREAS**, the applicant has conceded that the hotel is within two hundred (200) feet of a house of worship, in that the proposed hotel entrance is located across the street from and within one hundred sixty-seven (167) feet by the measurement of the applicant of the Church of Grace to Fujianese, located at 133 Allen Street, between Rivington Street and Delancey Street, New York, New York; and

**WHEREAS**, there are twenty-six (26) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant but there are approximately forty-five (45) full on-premises liquor licenses within five hundred (500) feet of this location per the SLA LAMP map;

**WHEREAS**, there are approximately twenty (20) hotels with multiple public uses identical or similar to those proposed by this applicant within four (4) blocks of this location; and

**WHEREAS**, notwithstanding the above-described conditions, the applicant is seeking the support of Community Board 3 for this application and, in doing so, is also seeking its support in obtaining an exemption or carve-out from the law prohibiting a full on-premises liquor license within two hundred (200) feet of a house of worship pursuant to New York State Alcohol Beverage Control Law Section 64(7)(a); and

**WHEREAS**, this application was denied by Community Board 3 in November of 2018 for various reasons, including many of those herein enumerated; and

**WHEREAS**, the applicant has now asked that Community Board 3 reconsider its recommendation, citing the changed circumstances that 1) the applicant has now reached a memorandum of understanding with the Lower Eastside Dwellers, a local residents association, that curtails use of its outdoor spaces, 2) the applicant has conducted a two hundred (200) foot survey and will be unable to locate an entrance on Allen Street, and 3) its traffic study and community input have shown that locating its entrance on Orchard Street or Rivington Street would be "disadvantageous;" and

**WHEREAS**, the applicant has asserted that this exemption is within the public interest because it has developed a long-stalled construction site that was a blight on the neighborhood into a multi-use hotel which will bring patrons and revenue to the City and be an amenity for the community; and

**WHEREAS**, the applicant has asserted that it purchased this partial development not realizing that it was directly across the street from a three-story free-standing house of worship; and

**WHEREAS**, the applicant has previously cited eight (8) exemptions or carve outs from New York State Alcohol Beverage Control Law Section 64(7)(a) between 2013 and 2018, however most were not within New York City where the concentration of licensed businesses is substantially greater than other areas of the State, and of those that included a written basis for the exemption, none cited provided a comparable circumstance to what exists here, in that 1) the one granted in Washington County cited the difficulty in developing the city center and the proximity of the urban center to the house of worship (A09851), 2) the one granted for 161 Grand Street is in an area of New York City with little residential development and close to a church that was about to close (A08277), and 3) the one granted for the Brooklyn Botanical Garden had no impact on any residential community (A04834); and

**WHEREAS**, none of the examples cited by the applicant involve a developer constructing a building without realizing that it is within two hundred (200) feet of a house of worship while proposing a use abundantly available in this area; and

**WHEREAS**, while the applicant may have undertaken to develop a stalled construction project, the applicant has mischaracterized community need to improve this one street corner within this community board district; and

**WHEREAS**, this neighborhood has been mixed-use residential and commercial for more than two hundred (200) years; and

**WHEREAS**, Community Board 3 prepares a yearly statement detailing its community needs which has repeatedly included recognizing the need for affordable housing and retail diversity, as well as recognizing the proliferation of hotels and eating and drinking establishments in this area; and

**WHEREAS**, social media and the press frequently comments on the booming development and gentrification in this area, including hotel and nightlife development and in February of 2019, ranked the hotels located at 107 Rivington Street, 190 Allen Street and 215 Chrystie Street fourth through sixth, respectively, for highest hotel 311 noise complaints in the past year, and has ranked the hotels located at 171 Ludlow Street and 180 Ludlow Street within the top thirty (30) for hotel 311 noise complaints within the past year; and

**WHEREAS**, residents routinely complain about the incredible number of eating and drinking businesses and hotels in this area and the significant increase in noise, pedestrian and vehicular traffic and crime in this area as a result of patrons flooding the stand-alone eating and drinking businesses and those offered by all of the hotels in the area; and

**WHEREAS**, letters were previously submitted by two (2) tenants associations and, at its last hearing, representatives of three (3) block or tenants associations and six (6) residents appeared to oppose this application because 1) the multiple public venues within the proposed hotel will add people and traffic from the hotel to this area which is already overwhelmed with people and traffic, 2) the proposed outdoor areas will exacerbate the already existing noise issues, 3) this hotel is proposing the same amount of indoor public areas, more public outdoor areas and more open façades than other area hotels while offering fewer rooms for lodging, and 4) residents are opposed to an exemption for this applicant from the law prohibiting it from having a full on-premises liquor license within two hundred (200) feet of a house of worship; and

**WHEREAS**, the applicant furnished petition signatures in support of its application, only fifteen (15) of which are from area residents, as well as letters from business associates or proposed business associates, and six (6) people, five (5) of whom are the rabbi and parishioners who use the contracting office at the development site for religious worship, appeared to speak on behalf of the applicant, stating that they believed this development will benefit the neighborhood; and

**WHEREAS**, by contrast, residents who appeared in opposition to this application specifically complained that traffic along Orchard Street and Rivington Street is already congested during the daytime from delivery and service vehicles to the existing hotels and eating and drinking establishments on the streets and that Rivington Street and Allen Street already bear the burden of west and northbound traffic from the Williamsburg Bridge; and

**WHEREAS**, the traffic study commissioned by the applicant was not persuasive in assessing the impact of the hotel on surrounding traffic patterns as 1) it compared pedestrian and vehicular traffic to Midtown Manhattan and other high volume commercial areas in determining that it was far less than those areas which failed to account for the narrower streets or higher concentration of residential use in the Lower East Side and yet still conceded that during peak hours this one hotel will add up to five percent (5%) vehicular and up to ten percent (10%) pedestrian traffic to this area, 2) it concluded that there would not be any major traffic impact from this development because this project is consistent with existing conditions so will not contribute to them although residents, the media and the community board have repeatedly stated that each large development poses an additional burden as the area still lacks the infrastructure and size to absorb these businesses, and 3) it inappropriately compared this development to the residential and small ground floor retail use that existed before this construction; and

**WHEREAS**, the applicant has now asked that Community Board 3 disregard both versions of the traffic study it submitted, as it has now submitted a letter from the commanding officer of the 7th Precinct which the applicant believes persuasively argues in favor of not placing additional traffic burdens on Orchard Street or Rivington Street by requiring that the hotel locate its entrance there, in that it specifically states that an entrance on these streets would result in a safety hazard because emergency vehicles might be obstructed by vehicles to the hotel; and

**WHEREAS**, this is an unpersuasive argument because emergency vehicles travelling northbound on Orchard Street would still encounter often obstructive traffic on the blocks of Orchard Street above Rivington Street and ensuring access to the block of Rivington Street between Orchard Street and Allen Street does not account for how traffic is expected to travel along the already congested blocks of Rivington Street east of Orchard Street; and

**WHEREAS**, when asked by members of the Community Board 3, the commanding officer also proposed ways to mitigate the impact of hotel loading and unloading on Orchard Street if the hotel entrance is located there; and

**WHEREAS**, despite these burgeoning traffic considerations for the applicant, it has stated that it is unable to reconfigure the physical layout of its building to remove deliveries, garbage pickups and its service entrance from Orchard Street and has now also stated that its restaurant located on Allen Street and Rivington Street will have its own entrance on Rivington Street and its restaurant located on Orchard Street will also function as a through-entrance to the rest of the hotel and to the restaurant located on the Allen Street side of the building; and

**WHEREAS**, despite these substantial community concerns, the Lower East Side Dwellers has been working with the applicant on behalf of area residents for many months to try to mitigate the impact of noise and pedestrian and vehicular traffic from this development on this community, understanding that the applicant may reorient its hotel to Orchard Street or Rivington Street to avoid conflict with the two hundred (200) foot rule; and

**WHEREAS**, since its last community board hearing in November of 2018, the applicant and the Lower East Side Dwellers have reached an agreement that the applicant would 1) reduce the closing time of the ground floor courtyard and second floor terrace to 7:00 P.M. all days, 2) restrict the second floor terrace for use by hotel guests only, 3) remove food and drink service from the second floor terrace and remove its service bar, and 4) have no music on the terrace overlooking Orchard Street; and

**WHEREAS**, the Lower East Side Dwellers have stated that despite its agreement with the applicant to mitigate the impact of this large-scale development on the surrounding community, it will support a community board recommendation to deny this application; and

**WHEREAS**, the applicant conceded that the outdoor venues it has proposed are within fifteen (15) to thirty (30) feet of residential windows, in that 1) the majority of the second floor terrace would be located fifteen (15) feet below apartment windows at 79 Rivington Street, 1) its Allen Street sidewalk café would be located within thirty (30) feet of apartment windows, and 3) its ground floor courtyard would be located within twenty-five (25) feet of apartment windows at 143 Orchard Street; and

**WHEREAS**, the sound study commissioned by the applicant was not persuasive in addressing the impacts of noise from the proposed venues on surrounding neighbors in that it 1) incorrectly assessed that there would be no impact from a second floor outdoor terrace fifteen (15) feet below residential windows, 2) failed to account in any way for the fact that the ground floor courtyard abuts the rear yard of 143 Orchard Street, and 3) contrary to all other sound studies and plans submitted to Community Board 3 for other rooftop hotel use in this area, found no need for sound mitigation for the sixteenth-floor outdoor terraces facing Allen Street and Orchard Street; and

**WHEREAS**, although the has made efforts to mitigate the impacts of its outdoor uses, Community Board 3 recognizes that these uses would still exist within close proximity to residential apartment buildings; and

**WHEREAS**, Community Board 3 is unpersuaded that it is a new circumstance that the applicant has confirmed by survey that it is within two hundred (200) feet of a house of worship; and

**WHEREAS**, Community Board 3 recognizes that during the multiple hearings of this application, Community Board 3 has been attempting to minimize the negative impacts of noise and pedestrian and vehicular congestion of this development on the surrounding community by asking the applicant to amend its application but even in its present iteration it will have a significant negative impact on the surrounding community; and

**WHEREAS**, Community Board 3 and residents believe that the community would be better served with a development comprised of residential, mixed residential and retail, or office development that would not negatively impact neighborhood residents; and

**WHEREAS**, instead the applicant has proposed a seventeen (17) story hotel in an area inundated with hotels and has proposed multiple public uses that duplicate the numerous eating and drinking businesses within those hotels and other businesses in the immediate area; and

**WHEREAS**, although the applicant has stated that it will become an amenity to the community, this project offers nothing in terms of addressing local community needs herein enumerated and only generally benefits City and State development which could have been accomplished through another type of development; and

**WHEREAS**, Community Board 3 does not support a special exemption for this applicant from two-hundred-foot compliance with the Church of Grace to Fujianese as Community Board 3 believes that two-hundred-foot compliance is the responsibility of the applicant and its failure to account for its proximity to a house of worship should not become the burden of community residents; and

**WHEREAS**, Community Board 3 will not abrogate the right of community residents under this law by supporting this application when the applicant has failed to offer any compelling reason other than to mitigate the negative impact of its own proposed use why it should have a full on-premises liquor license for its hotel in this location; now

**THEREFORE BE IT RESOLVED** that Community Board 3 again recommends denial of the application for a hotel on-premises liquor license for Allen Street Hospitality LLC for a seventeen (17) story hotel,

located at 140 Allen Street, bounded by Rivington Street, Allen Street and Orchard Street, New York, New York.

**Items not heard at Committee**

- 21. Kikoo Sushi East Inc, 210 1st Ave (wb)  
no vote necessary
- 22. Best Wingers (SK wingers LLC), 174 Delancey St (wb)  
no vote necessary
- 23. Skin Contact LLC, 41 Essex St (wb)  
no vote necessary
- 24. Make Sandwich (MS 135 Fourth Avenue LLC), 135 4th Ave (corp change)  
no vote necessary
- 25. El Sombrero (Two Almontes Corp), 108 Stanton St (corp change)  
no vote necessary
- 26. Bonsai Kakigori (Bonsai Kakigori LLC), 100 Stanton St (wb)  
no vote necessary
- 27. Vote to adjourn  
approved by committee

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

**Economic Development Committee**

- 1. Approval of previous month's minutes  
approved by committee
- 2. LES Partnership District Boundary Expansion Update (see attached map on website)  
no vote necessary
- 3. Report from Arts & Cultural Affairs Subcommittee

**VOTE: TITLE: Community Board 3's Arts and Cultural Affairs Committee's Mission Statement**

The CB3 Arts & Cultural Affairs Subcommittee recognizes our district's unique legacy as a center of innovative, independent, and diverse artists and cultural organizations.

We believe all members of our diverse community should have access to inclusive and affordable opportunities to participate in arts and culture in galleries, theaters, music venues, libraries, schools, parks, community centers or gardens which is where we come together.

CB3 Arts & Cultural Affairs Subcommittee advocates for

- A fair share of federal, state and local resources and power for all people to achieve cultural equity
- Support for community-based organizations and programs that engage people directly in art-making and art experiences
- Preservation and the development of new spaces dedicated to arts and culture in our district
- Recognition and preservation of the significant cultural legacies of the community
- Assessment of and responses to the cultural impacts of gentrification and displacement
- Expanded cultural support and opportunities for traditionally marginalized groups
- Empowering diverse local communities whose cultural production has been traditionally unrecognized and even criminalized.
- Inclusion of artists and cultural workers into education, health care, community development, criminal justice reform, environmental protection, and other social sectors

- 4. Vote to adjourn  
approved by committee

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

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

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

2. LUNGS Spring Awakening Weekend Walk, 4/14, Ave C between E 6th St and E 10th St

**VOTE: TITLE: Support for the LUNGS Spring Awakening Weekend Walk on Sunday April 14, 2019 on Avenue C between E 6th Street and E 10th Street**

CB3 supports a weekend walk on partnership with Loisaida United Neighborhood Gardens (LUNGS) and the NYC Department of Traffic (NYCDOT) for the annual Spring Awakening Weekend Walk Event on Sunday April 14, 2019 from 9:00am to 6:00pm. Avenue C will be closed to vehicular traffic between E 6th Street to E 10th Street from 9:00am – 6:00pm. The M9 bus will be re-routed to a suitable avenue subject to MTA's approval.

3. Office of Nightlife/LES Partnership: Nightlife Quality of Life Mitigation strategies: Parking Regulation Modifications Feedback

no vote necessary

4. MTA: L Train project update

**VOTE: TITLE: Community Board 3 support to retain all M14 local bus stops**

**WHEREAS**, at the March 12th Transportation Committee meeting, MATA accounced their proposed new Select Bus Service that would replace the M14A and M14D local bus service, eliminating about one-third of the local bus stops along the M14A and M14D routes in the CB3 district; and

**WHEREAS**, CB 3 Manhattan has long had the transportation designation as the "underserved lower east side," as described in the current CB 3 District Needs Statement, which states:

**Public Transportation**

CD 3 is underserved by public transportation, though fewer than 9% of workers in the district use a car to commute to work. Despite CD 3 being the third most densely populated community district in New York City, many residents are poorly served by the subway system and 11% live more than ½ mile from the nearest subway stop. Therefore:

- There is a need for more east/west bus service south of 8th Street. The ease of East/West travel has been diminished by the elimination of the Grand Street Bus in the early 1980's and by the limited number of M14A buses.
- The City should take strong, creative measures in CD 3 to reduce traffic congestion, which contributes to a vicious cycle of reduced ridership and reduced service. The MTA/NYCT will reduce service after ridership on a bus route drops below a certain threshold. Service cuts have a severely negative impact on vulnerable populations, including the elderly and disabled, who rely on public transportation; and

**WHEREAS**, the current District Needs Statement also states:

**Accessibility and Safety**

Accessibility and pedestrian safety are a CB 3 priority, especially with more than 8.5% of residents in the area reporting ambulatory difficulty. Therefore, CB 3 asks for:

- Improved accessibility of bus stops, which is necessary for seniors and people with disabilities. There are complaints to the community board and observations of bus stops being used as loading zones, which render the stops inaccessible for those in wheelchairs and walkers.
- Adequate staffing of traffic enforcement to monitor noncompliant use of bus stops.
- All bus stops to have benches, particularly to accommodate seniors and people with ambulatory disabilities, and shelters where possible. The DOT franchise division should audit stops and implement complete installation of benches; and

**WHEREAS**, in the census tracts immediately adjacent to the M14A and M14D corridor there is a significant senior population and many residents living with disabilities that make public transit access—specially accessible bus service—a crucial transportation lifeline; and

**WHEREAS**, the census tracts immediately adjacent to the route on Avenue A and Avenue D, the population of seniors with a disability is 38.9% higher than NYC as a whole, and the percentage of this population of seniors with an ambulatory disability is 44% higher than NYC as a whole; and

**WHEREAS**, Select Bus Service routes show benefits on routes that are designed to move riders long distances quickly, but the M14 A & D appears to be the only SBS service in the City removing stops in a residential area such as Avenue A, Avenue D, and Grand Street; and

**WHEREAS**, these particular routes serve vulnerable populations, including: Village View on Avenue A is a NORC, First Houses on Avenue A is NYCHA housing historically serving seniors, and on the next

block on Ave. A is Meltzer, NYCHA senior housing and the stop closest to both these housing developments is slated for removal, and Grand Street Coops are a NORC; and

**WHEREAS**, these routes serve children going to school, although they are not counted in the ridership because they use passes, as well as many ill people using both buses to access MSBI Phillips ambulatory care center, and many people with walkers and wheelchairs going about their normal daily activities; and

**WHEREAS**, public transportation is a public good that also serves as infrastructure to support small businesses and arts and culture, including tourism; and

**WHEREAS**, the M14 bus route serves residents shopping on 14th Street, in the Tompkins Square farmers market, and along Grand Street, as well as residents, tourists, seniors, and children going to the Henry Street Settlement Abrons Arts Center; and

**WHEREAS**, according to "MTA Average Weekday Bus Ridership" figures, the M14A/D line as currently structured is one of the top two most heavily used routes in Manhattan; and

**WHEREAS**, MTA has stated that there are complaints of M14 buses being delayed and off schedule, but the complaints have always asked for more service and reliable service, not less service that will most negatively impact elderly and disabled communities; and

**WHEREAS**, it appears that MTA, in order to show improved statistics of faster and on time buses is planning to show improved statistics on the backs of the most vulnerable in the community by decreasing service; and

**WHEREAS**, MTA reports that congestion on 14th Street creates problems of slow and delayed buses and plans to resolve the problem by decreasing the number of stops instead of dealing with the larger overall problem of congestion and enforcement; and

**WHEREAS**, the MTA has not first tried dealing with the congested streets with badly needed enforcement of illegal parking in bus stops, double parking, and staging of vehicles in driving lanes; and

**WHEREAS**, Vladeck Houses, East River Houses, Gouverneur Gardens, and Hillman Houses rely on the M14 as the only transportation afforded to this entire area, and the Avenue A bus is the sole crosstown, northern transportation serving a community with school aged children, youth, a large population of seniors and working class people who rely heavily on this bus service;

**THEREFORE BE IT RESOLVED**, CB 3 will not support elimination of M14 local stops which will be a terrible burden to the underserved residents of CB3 and institutions of the Lower East Side; and

**THEREFORE BE IT FURTHER RESOLVED** that as a first step to improve M14 bus service, the MTA should work with city agencies to enforce clear bus stops and driving lanes and also create and implement a plan to reduce congestion; and

**THEREFORE BE IT FURTHER RESOLVED**, CB 3 calls on the elected officials to join us in supporting a viable local M14 service for all the community.

5. Vote to adjourn  
approved by committee

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

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

1. Approval of previous month's minutes  
approved by committee
2. East River Alliance: review of Alliance requests to DDC regarding: 1) EIS scoping; 2) construction mitigation; 3) park facilities needs on completion  
no vote necessary
3. DockNYC: Updates on Pier 36  
no vote necessary
4. East Side Coastal Resiliency progress report

**VOTE: TITLE: To Support Mitigations during Construction of the East Side Coastal Resiliency Project**

Support for Mitigations during Construction of the East Side Coastal Resiliency Project

Whereas, the Departments of Design and Construction and Parks and Recreation are undertaking the East Side Coastal Resiliency Plan (ESCR), an integrated coastal protection system that will reduce the risk of flooding and facilitate access to the waterfront; and

Whereas, this plan will include complete renovation of the East River Park that will close this park for over 3 years; and

Whereas, the plan further limits this community in its park and recreational facilities;

Therefore be it resolved, mitigations for the community are necessary in many areas to make up for the loss of the park, ongoing construction impacts, and the changes that will occur as a result of the renovation;

Therefore be it further resolved that Community Board 3 supports the following mitigations for the community:

- The primary concern that is universal within the community is that the whole park not be closed for the full renovation period; areas of the park should be staged to open as soon as possible;
- Loss of track, recreation fields for youth and adults should be mitigated by the City by finding alternate locations such as playgrounds, park fields, LaGuardia Bathhouse, and all other possible sites. There should be special attention, especially for youth groups, to have locations within the community;
- The Department of Parks and Recreation should survey existing trees and tree pits and implement an accelerated planting and maintenance program throughout CB 3 as resolved in the CB 3 resolution in March 2019, regarding the LES Community Tree Canopy initiative;
- The two agencies should commit to a plan to update community regarding construction at CB 3 meetings, NYCHA meetings and other resident meetings at regular intervals to both hear community concerns and give plans for short-term construction activities. There should also be a regular email construction updates for those wishing to receive the emails. There should also be interagency working meetings including elected officials and CB 3 regarding construction based on Lower Manhattan Command Center;
- Traffic—construction should involve extensive efforts to avoid exacerbating the already significant traffic congestion occurring in CB 3;
- There should be best efforts to mitigate noise that will impact residents living adjacent to the waterfront construction. This is especially important for the pile-driving phase and should include flexibility of noisy work hours;
- Dust and debris mitigation plans should be made public;
- Pedestrian and play streets should be established throughout the neighborhood;
- Improvements and resources should be made to existing parks;
- Rescue and transfer plants and other park items from the east river park to other local areas in need;
- Re-route the LES Greenway around construction to provide a safe corridor for cyclists, runners and walkers;
- Local residents should be provided assistance to access to other open areas, sports fields and city parks, in the form of MetroCard's, shuttle buses, free ferry service or other types of transportation or financial support.

5. Vote to adjourn  
approved by committee

**28 YES 0 NO 1 ABS 0 PNV MOTION PASSED (excluding Parks item 4)**  
**22 YES 3 NO 5 ABS 0 PNV MOTION PASSED (Parks item 4)**



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

1. Approval of previous month's minutes  
approved by committee
2. Manhattan DA: Construction Fraud Taskforce presentation (CANCELED)  
no vote necessary
3. Manhattan Detention Center update  
no vote necessary
4. Report from Two Bridges Community Rezoning Co-Application  
no vote necessary
5. Vote to adjourn  
approved by committee

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

**Charter Revision Task Force**

- Finalize CB 3 position for Charter Revision

**VOTE: TITLE: Resolution Supporting Testimony to the Charter Revision 2019 Commission**

**WHEREAS**, Community Board 3 passed a resolution in July 2018 adopting a position on Charter Revision; now

**WHEREAS**, the Charter Revision 2019 Commission recently published its focus areas for ballot referenda to appear on the November 2019 ballot and has invited Community Board comment; now

**THEREFORE BE IT RESOLVED**, Community Board 3 will submit the following testimony to the Charter Revision 2019 Commission:

**Community Board 3-Manhattan Testimony to the Charter Revision 2019 Commission**

With respect to several Charter Revision 2019 Commission focus areas and policy proposals – "Governance: Borough Presidents and Borough Level Governance," "Finance: Independent Budgets for Certain Offices," and "Land Use: Uniform Land Use Review Procedure (ULURP)" – Community Board 3-Manhattan recommends the following:

**Independent Baselined Budgets for Community Boards**

Community Board 3 recommends that Community Boards have independent baselined budgets with a guaranteed minimum level of funding. Community Boards have a budget of approximately \$200,000 for staff of 3-4 and office operating expenses. 90% of baselined Community Board budgets are allocated for staff salaries. During the 2008 economic downturn, Community Boards were threatened with budget cuts that would have necessitated layoff of staff, and therefore would have greatly reduced the ability of Community Boards to carry out mandated responsibilities. Therefore, Community Board 3 recommends that Community Boards have independent baselined budgets that will allow them to responsibly plan for future years and not have them under constant threat of having offices reduced.

**Technical and Administrative Support for Community Boards**

Community Board 3 recommends that full support services be assigned and codified to specific agencies/offices and include personnel support for staffing issues, personnel benefits, technical support and maintenance, use of city facilities for community meetings, fiscal information systems support, law department support, protections from harassment or unfair practices, and other support services that are included in other agencies. The Borough Presidents' offices process payroll, but other administrative and technical support is lacking, and Community Board managerial staff are the only city employees in NY without personnel services and support. The newly established civic engagement commission should not be under mayor control.

**Urban Planner Staff Position for Community Boards**

Community Board 3 recommends that Community Boards have a full time urban planner on staff and budget appropriation to fund this position. This should be a Community Board staff position, independently hired by the Boards and not the Department of City Planning. Community Boards have a charter-mandated responsibility to review, analyze and make recommendations on land use through

the Uniform Land Use Review Procedure (ULURP), and Community Boards are comprised of volunteer members without ability to work full time on reviews; many Board members do not have urban planner expertise. Community Boards are city agencies with complex responsibilities that must operate according to City mandates that include many legal and procedural city requirements. Currently, the City Charter does mandate that Community Boards have an urban planner, but does not fund the position.

#### **Adjust Charter-Mandated Time/Notification Periods**

Community Board 3 recommends the Charter Commission review the mandated notification process to take into account Community Board schedules by giving notice at an earlier stage or lengthening the notification time. There are City Charter mandated time/notification periods – such as ULURP notification – for Community Board review. For example, ULURP public hearings must be posted in City Record, which has a 3-week process for submission and posting. Also, Community Boards must post meeting schedules and agendas in accordance with Open Meetings Law. Therefore, Community Board 3 recommends the Charter Commission review the mandated notification process to take into account Community Board schedules by giving notice at an earlier stage or lengthening the notification time.

#### **Periodic Revision Process for CEQR Technical Manual**

Community Board 3 recommends a mandate for a regular and public process to make changes to the City Environmental Quality Review (CEQR) Technical Manual. Currently, the Charter has no requirements regarding updates to the CEQR Technical Manual. We support proposals that require a CEQR Technical Manual revision process occur at minimum every five years. The process should be overseen by an appointed Commission, utilizing an expert panel to review and propose updates. Commissioners should be appointed by elected officials including the Mayor, Borough President, City Council Speaker, and Public Advocate, with no elected official appointing a majority of the total seats. The public should be able to participate in the revision process via a comment period and public hearings, before the updated manual is adopted by a vote of the Commission. The CEQR Technical Manual should be revised to address flaws in the current method of analysis for indirect residential displacement and neighborhood demographic changes. The universe of dwelling units considered in the indirect residential displacement analysis should be expanded to include rent regulated units, and a racial impact study should be required to accurately disclose potential neighborhood demographic changes and compliance with fair housing obligations.

#### **Establish "pre-ULURP" Mechanism**

Community Board 3 recommends establishing a "pre-ULURP" mechanism to allow involvement by communities, Community Boards, Borough Presidents, and other relevant stakeholders earlier in ULURP. This should include review of the City's RFPs prior to their issuance. Community Boards cannot provide meaningful input into complex land use applications within the limitations of the 60-day comment period currently afforded by ULURP. A "pre-ULURP" will allow communities and Community Boards to work with applicants and agencies to fully understand the land use application.

#### **NYCHA Land Use Applications Should Undergo ULURP**

Community Board 3 recommends that NYCHA (New York City Housing Authority) land go through ULURP in order to promote transparency, and give residents and local elected officials input in the process. NYCHA land should follow the same public review process city-owned land must go through when it is disposed of to a private entity.

#### **Measures to Promote Representative Community Boards**

Community Board 3 recommends that the Charter Commission consider creating standards and promoting transparency by publishing board demographics and vacancy status, which would promote more representative and effective boards. The City Charter requires the Borough President appoint "adequate representation from the different geographic sections and neighborhoods within the community district"; but there is no accountability for compliance. Community Board 3 has gone through periods of many vacancies and lack of diverse representation—in geographic, ethnic, and subject matter expertise. This has greatly impacted the Community Boards ability to effectively represent the community.

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

Vote to adjourn

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

Members Present at Last Vote:

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

Meeting Adjourned