



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

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Alysha Lewis-Coleman, Board Chair

Susan Stetzer, District Manager

June 2019 Full Board Minutes

Meeting of Community Board 3 held on Tuesday, June 25, 2019 at 6:30pm at PS 20, 166 Essex Street.

Public Session:

Richard Marino – Teatro SEA

Miguel Trelles – Teatro SEA

Eric Diaz – Vision Urbana end of the year celebration of senior programming.

Alice Chen – GrowNYC Youth Market announcement at Gouverneur

Robin Kovalevich – Is against the “Crusty’s Problem” on 2nd Ave affecting the merchants in the area.

Harry Bubbins – Is supporting the Executive Committee resolution regarding small business event and LPC.

Remarks on retail thriving in Land Marked areas.

Billy Dume – Is in support of the Waterfront revitalization and recreational opportunities including the Pool.

Choresch Wald – Is in support of the of the Avenue B Bike Lane. Provided praise to the Chair of the Transportation committee and calls on the full board to adopt the resolution.

Sophie Maerowitz – Is in support of the Ave B Bike Lane.

Cresta Kruger – Is in support of the avenue B bike lane. She rides up and down Ave B with her little daughter and finds it difficult as “playing a video game”. Is concerned with the closure of the East River for the next foreseeable years, Ave B bike lane would be a great solution.

Wendy Braver – Is in support of the Ave B Bike Lane. Is in support of the Ave B street becoming one lane for cyclists. She testified alongside teenagers to testify for safer bike lanes. Ms. Braver stated that “only 18% of households have cars”.

In support of the ESCR Project:

Vaylateena Jones – On behalf of the Lower east side Power partnership in support of the Flood protection and other requirements that positively impact the community..

Dareese Huff – TA president for Campos Plaza in support of the FDR Closing for flood protection measures.

Nancy Ortiz – Read a statement on behalf of Baruch Tenant Association in support of the ESCR project to remodel East River park.

Against the ESCR Project:

Johan Reinmuth – Is in favor of a different plan and to slow down the plan as is until it accomplishes what the supporters are asking for.

Howard Brandstein – Is against the project, desiring to shrink the FDR lanes from 6 to 3 lanes and build a wall. He is in favor of designated bus lanes on the FDR drive.

Amy Berkov – Is a professor at City College and is against the resolution of CB3 on the ESCR project.

G. Auguste Lynas – Is sculptor of Seals in John V. Lindsay Play area on the FDR East River Park. He would like to know the fate of these seals sculptors and have permission to negotiate the fate of these sculptors.

Public Officials:

Mayor Bill de Blasio, Gabrielle Dann-Allel:

Public Advocate Jumaane Williams:

Comptroller Scott Stringer, Michael Stinson:

Borough President Gale Brewer, Brian Lewis:

Rally in support of the lawsuit against the Two Bridges development took place. Public Hearing on borough based jails on June 11th. Drafting a letter for the ESCR project, calling on the City Commission to give more City agencies more time to respond to the project. MCAP is starting up tomorrow to apply for small grants.

Congressmember Nydia Velazquez, Iris Quinones:

This Sunday congresswoman’s office is having a Congress on your corner event at Our Lady of Sorrows church on Pitt Street will answer questions and bring resources.

Congressmember Carolyn Maloney, Victor Montesinos:

Assemblymember Yuh-Line Niou, Monica Martinez:

Provided an assembly member report.

Assemblymember Deborah J. Glick, Charlie Anderson:

Assemblymember Harvey Epstein, Mike Schweinsburg:
Pushed the historic rent regulation bill that was recently passed! Report provided.

State Senator Brian Kavanagh, Venus Galarza-Mullins:
Was in support of the strongest rent stabilization bills that are now passed. Stronger sexual harassment laws were passed. Passed the Greenlight bill for immigrant residents to obtain a Driver’s license legally. Added \$100 million of State capital for NYCHA. Congestion Pricing does not include the FDR or West Side Highway – the details for who is required to pay is still being worked out.

State Senator Brad M. Hoylman, Caroline Wekselbaum:
Report provided. Annual senior resource fair on July 16th. Sixty vendors and 550 people attended.

Councilmember Margaret Chin, Marian Guerra:
Senior affordable housing lotteries opened up on Essex Street Crossing. An increase of Dept of Sanitation to increase sanitation services and recycling. Advocated for one on one assistance for health care issues. \$1.16 million investments went towards NYCHA development renovations. Secured \$16 million for senior meals in the City budget. 6:30pm tomorrow night is an info session at 175 Delancey street for the senior affordable housing lottery.

Councilmember Carlina Rivera, Sheila Rodriguez:
Council member Carlina Rivera came and addressed the full board with the following: Budget was passed \$92.8 billion for the City to fund projects including Title 9 programs at public schools, senior centers, people living in poverty, street infrastructure, tree guards, libraries, Green Thumb Community Gardens, etc; Bicycle infrastructure and bike lane protection bill known as “Bike Mayor” bill passed. Carlina also introduced resolution calling for end to Loitering Statute for Prostitution. Regarding the East Side Coastal Resiliency (ESCR) project the council member is in support of Phasing in construction; a long term study; a greenway alternative; capital and stewardship needs of the LES Ecology Center; priority of local schools and leagues. An update from the Parks dept is pending regarding the plan. Regarding Fare evasion, Carlina Rivera is looking for solutions to help young people of color including expanding student metrocards. Air quality, noise complaints and play area locations are the areas of concerns at the FDR park.

Members Present at First Vote:

David Adams	[P]	Herman Hewitt	[P]	Nancy Ortiz	[P]
Yaron Altman	[A]	Trever Holland	[P]	Michael Perles	[P]
Jesse Beck	[A]	Linda Jones	[A]	Paul Rangel	[P]
Dominic Berg	[A]	Vaylateena Jones	[P]	Carolyn Ratcliffe	[P]
Lee Berman	[P]	Tatiana Jorio	[P]	Damaris Reyes	[A]
Victoria Berrios	[P]	Meghan Joye	[A]	Richard Ropiak	[A]
Lisa Burriss	[A]	Lisa Kaplan	[P]	Robin Schatell	[P]
Karlin Chan	[P]	Olympia Kazi	[P]	Heidi Schmidt	[P]
Jonathan Chu	[P]	Joseph Kerns	[P]	Laryssa Shainberg	[A]
David Crane	[P]	Michelle Koppersmith	[P]	Clint Smeltzer	[P]
Felicia Cruickshank	[P]	Mae Lee	[A]	Anisha Steephen	[P]
Paul DeRienzo	[P]	Alysha Lewis-Coleman	[A]	Sandra Strother	[A]
Eric Diaz	[P]	Han Lo	[P]	Josephine Velez	[P]
Alistair Economakis	[P]	Ellen Luo	[P]	Rodney Washington	[P]
Shirley Fennessey	[P]	Michael Marino	[P]	Kathleen Webster	[P]
Ryan Gilliam	[P]	Alexandra Militano	[P]	Jacky Wong	[P]
Debra Glass	[P]	Therese Mitchell	[A]		

Minutes:

Minutes of April 2019 were approved, as is.

37 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Election for Second Vice-Chair Michael Marino received 31 votes, Shirley Fennessey received 5 votes, One abstention

Board Chairperson's Report:

Chairperson Alysha Lewis-Coleman

District Manager's Report:
District Manager Susan Stetzer

Committee Reports:

Executive Committee

- Executive Committee Vote

VOTE: TITLE: Community Board 3 co-sponsoring presentation and information session for businesses in landmark properties or historic districts

WHEREAS, businesses are an important part of our community, providing services, products, jobs and character to our neighborhoods

WHEREAS, businesses in landmark buildings and historic districts are uniquely regulated and have Landmark Preservation Commission guidelines to follow

WHEREAS, the NYC Landmarks Preservation Commission has recently released guidelines to help business owners get faster approval for their storefronts and to help business owners understand the agency's rules and regulations for new storefronts so that they can make good design decisions that meet LPC requirements.

WHEREAS, Village Preservation is organizing a presentation and information session with the NYC Landmarks Preservation Commission to have their staff explain these guidelines and take questions from business owners on this and other issues related to operating a business in a landmark or historic district on a date to be determined in September

WHEREAS, other organizations such as Cooper Square Committee, East Village Community Coalition East Village Independent Merchant's Association, NoHo Business Improvement District, NoHo Neighborhood Association, Historic Districts Council, Meatpacking District Business Improvement District, The Greenwich Village Chelsea Chamber of Commerce, SoHo Alliance, and the Village Alliance are co-sponsoring the program, and Community Board #3 has also been asked to co-sponsor

WHEREAS, Community Board 3 includes numerous important landmarks and cherished historic districts, including the East Village/Lower East Side Historic District, the 10th Street Historic District and the St. Mark's Historic District in which many businesses are located

BE IT RESOLVED, that Community Board 3 believes this kind of outreach and information sharing is important for the business community and will co-sponsor and promote this event.

37 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Transportation, Public Safety, & Environment Committee

1. Approval of previous month's minutes approved by committee
2. Community Bike Lane Proposal: 2-way protected bike lane on west side of Ave B from Houston to 14th St

VOTE: TITLE: Request for Safety Analysis to Assess Feasibility of Two-way Protected Bike Lane on Ave B from Houston to 14th St

WHEREAS, At the June 2019 CB3 Transportation Committee, area residents presented a request that a two-way protected bike lane should be installed on the west side of Ave B from Houston to 14th St to address concerns about bicycle safety and lack of suitable loading zones:

- Vehicles regularly double park to load and unload goods and passengers and such double parking impedes traffic flow, creates safety hazards and blocks traffic moving lanes;
- The current moving lane for motor vehicles and bicycles on Avenue B does not adequately protect the safety of cyclists and discourages cycling as an alternative mode of transportation; and
- Bicyclists are dependent on the East River Greenway, and that there have already been 234 crashes, with 71 cyclists, 90 pedestrians and 120 motorists injured (as per CrashMapper.org) in 2019 in Council District 2.

WHEREAS, Lower East Side/Grand St area residents use the Manhattan Waterfront Greenway in the East River Park for bicycle commuting to schools north of Houston St. and work. Since the park will be closed for over three years for reconstruction, there is a need for a safe route for bicycle commuting to school and to fill the gap in the greenway. Ave B is expected to be the "desire path" as an alternate to the East River Park, since Ave B functions as a residential street and would connect with the paired

bike lanes on Clinton St. and Suffolk Street. Avenue B and the paired protected bike lanes on East 12th St. and 13th St.; and

WHEREAS, the following schools that are located on the blocks immediately surrounding Ave B:

- 121 East 3 Street (Neighborhood School, and The STAR Academy - P.S. 63)
- 535 East 5 Street (Bank Street Head Start)
- 600 East 6 Street (Earth School, Tompkins Square Middle School, and P.S. 064 Robert Simon)
- 610 East 12 Street (The East Village Community School, and The Children's Workshop School); and

THEREFORE, CB 3 asks DOT to conduct a safety analysis and report back to CB 3 about whether it is feasible to install a two-way protected bike lane or other bicycle safety improvements along Ave B from Houston to 14th St. CB3 also asks DOT to determine where truck loading/unloading zones should be installed along Avenue B, and report back to CB3 with a proposal. The report to CB3 should also discuss any impacts of such installations to street-side parking, teacher parking, loading zones, and overall street congestion, especially during the weekend nightlife hours.

3. DDC: Delancey Street Safety Improvements

no vote necessary

4. DOT School Safety: proposal of package of safety improvements. Montgomery St (Madison Street to Grand Street), intersections at Grand St & Madison St, Grand St & East Broadway, & Grand St and Henry St. Project area includes a Vision Zero Priority Area, a Vision Zero Priority Corridor (Grand Street), a Priority Senior Area and a Bike Priority District. Area includes 5 schools & Vladeck Houses

VOTE: TITLE: DOT School Safety Improvements for The Intersection In The Areas Surrounded By Montgomery Street, Grand Street And Madison Street

Whereas the NYC DOT School Safety is proposing a package of safety improvements in CB 3, including at Montgomery Street (Madison Street to Grand Street), intersections at Grand Street and Madison Street, Grand Street and East Broadway, and Grand Street and Henry Street

Whereas this project area includes a Vision Zero Priority Area, a Vision Zero Priority Corridor (Grand Street), a Priority Senior Area and a Bike Priority District.

Whereas this is a residential neighborhood that includes five schools, with multiple school bus stops, and Vladeck Houses.

Whereas this neighborhood has wide streets with low traffic volumes and traffic light timing issues that encourages speeding as shown by the almost 80 injuries from 2013 to 2017, and eight severe injuries.

Whereas DOT School Safety, In order to address safety issues for school-aged pedestrians in this area, is proposing the following treatments:

- On Montgomery Street, between Madison Street and Grand Street, calm and narrow this wide roadway by replacing the existing bike lanes with protected bike lanes. Additionally improve intersection safety by adding painted and concrete pedestrian islands and rubber speed bumps to calm vehicle turning movements.
- Convert East Broadway Between Montgomery Street and Grand Street to one way eastbound operation and add back-in angled parking along the north side of the street.
- At Grand Street and East Broadway, normalize the intersection and shorten pedestrian crossing distances by closing the westbound entrance from Grand Street and installing a large pedestrian space for accessibility.
- At Grand Street and Henry Street, normalize the intersection and shortening pedestrian crossing distances by adding two painted pedestrian spaces. The traffic control will be converted to a stop sign.
- At Grand Street and Madison Avenue, normalize the intersection and shorten pedestrian crossings by adding a large pedestrian space.

Whereas DOT has agreed to look into the following changes from the design that was presented to the community:

- Convert the traffic controls at the corners of Grand Street and Henry Street to a full traffic signal.

- Convert the traffic control at the corner of Grand Street and Madison Street, for traffic going northbound, to have a signal hanging over the crosswalk instead of mounted on a pole at the sidewalk, because that signal is often blocked.
- Coordinate the repaving of the intersection of Henry Street and Montgomery Street before installing the painted asphalt treatment because the pavement is very uneven, and there have been several water main breaks in recent years.
- Coordinate with the MTA about moving the bus stop on Madison about 50 feet west before the entrance to the parking lot, because buses are longer than the distance between the parking lot and the crosswalk near Grand Street, where the current bus stop is located.
- Install a stop sign at the midblock crosswalk on Lewis Street between Grand Street and Delancey Street, adjacent to PS 110

Therefore be it resolved that CB 3 approves the installation of the DOT school safety improvements for the intersections in the areas surrounded by Montgomery Street, Grand Street and Madison Street, and asks DOT to make the modifications proposed at the June 2019 transportation committee meeting and explained above.

5. Bus Stop Application: Gunther Charters Inc, 72 Allen St

VOTE: TITLE: Approve a Curbside Bus Stop for Gunther Charters Inc. at 72 Allen Street

WHEREAS, Gunther Charters, Inc. has applied for a designated bus stop for curb-side loading/unloading operations located at 72 Allen St, on the east side of the street on Allen Street Between Broome and Grand St. The buses will operate under the Gunther Charters brand name, providing service between New York and Washington, DC with 1 departure daily – Mon-Thur at 10:20 am, Fri at 8:05 am, and Sun at 11:20 am. Gunther Charters would be approved for only one bus at a time loading/unloading; and

WHEREAS, The bus stop is an existing bus stop at 72 Allen St that would be shared with a couple of sightseeing bus companies (Big Bus Tours New York, and Go New York Tours); and

WHEREAS, the applicant has entered into an agreement with CB3 to adhere to the following stipulations:

- Tickets will be sold only online, or at a designated ticket agency not on the street.
- Tickets will be sold only for specific boarding times and will not be oversold.
- Tickets will be sold in an assigned boarding order system so that customers will not need to arrive early to jockey for positions.
- Sidewalk lines will be single file, and only for the next assigned bus.
- There will be a staff person on duty for every arrival and departure to guide loading / unloading, to have direct contact to dispatch to inform passengers of delays, and to engage in crowd and noise control.
- Trash bags will be used to collect litter and will be kept in storefront, or will leave with the bus.
- Staff will routinely clean up the sidewalk by bus stop.
- Buses will keep to schedules, which will be published online or printed, as much as possible.
- The number of buses at this stop will not exceed the stated number of buses per hour/per day.
- All buses purchased in the future will be equipped with diesel particulate filters and use ultra-low sulfur fuels, and will also be equipped with exhaust gas recirculation emission control technology.

THEREFORE, BE IT RESOLVED, that CB3-Manhattan recommends that DOT issue a permit for Gunther Charters, Inc. to operate their bus service at a designated curbside bus stop located at 72 Allen St, provided that the preceding list of stipulations agreed between the applicant and CB3 will be attached to the DOT permit; and

6. District Needs Statement and Budget Consultation questions

no vote necessary

7. Vote to adjourn

approved by committee

37 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding Transportation items 2, 4, 5)

36 YES 1 NO 0 ABS 0 PNV MOTION PASSED (Transportation item 2)

36 YES 1 NO 0 ABS 0 PNV MOTION PASSED (Transportation item 4)

34 YES 3 NO 0 ABS 0 PNV MOTION PASSED (Transportation item 5)

Parks, Recreation, Waterfront, & Resiliency Committee

1. Approval of previous month's minutes approved by committee
2. District Needs Statement / Budget Consultation questions no vote necessary
3. Pier 35: Plan to stop destruction of new park by skateboarders and others
VOTE: TITLE: Support for Maintenance and Security Measures at Pier 35

WHEREAS, In 2004 as a result of the Mayor's Vision for a 21st Century Lower Manhattan, NYCEDC, the Department of City Planning, Department of Transportation, and Department of Parks and Recreation, with funding from the Lower Manhattan Development Corporation, undertook a year-long study of the East River Waterfront Esplanade in Lower Manhattan (ERWE). The design team included architects, urban designers, landscape architects, and engineers, who all worked closely with the local community and Community Board 3, area elected officials, City and State agencies, and civic associations to develop a waterfront concept plan; and

WHEREAS, Phase III of the ERWE project extends from Pike/Allen to Pier 35, just north of the Manhattan Bridge. The first portion of this Esplanade opening in spring 2014 and was immediately heavily damaged by skateboarders, dirt bikes and overrun with illegal behavior including drug use; and

WHEREAS, EDC and Parks introduced a series of methods to prevent further damage to this Phase III portion but has still failed to repair many sections of the esplanade leaving dangerously exposed edges and damaged seating; and

WHEREAS, Just north of this portion of the Esplanade is Pier 35—a destination pier with landscaped open space and an innovative ecohabitat restoration project called the EcoPark. The first phase of structural reconstructive work at Pier 35 was completed in January 2013. A portion of the pier was completed and opened to the public in December 2018 and the remainder of the pier opened in Spring 2019, after nearly 10 years of delays; and

WHEREAS, EDC and Parks were repeatedly warned by community members and CB 3 about opening the park without design changes to prevent damage by skateboarders (and others) and without providing appropriate maintenance and security; and

WHEREAS, there is a severe lack of open space along the Two Bridges waterfront and this Phase III section has become extremely popular by families, seniors and residents from all backgrounds; and

WHEREAS, seniors from the senior building across the street from the Pier, have routinely complained about not being able to use the open seating areas because of harassment by skateboarders and bikers; and

WHEREAS, Parks did install several signs about prohibitive behavior which were all vandalized and removed as they were not securely installed; and

WHEREAS, there has been rampant behavior along the esplanade and the Pier, including open drug use, open fires and burning items (smoke and fumes entering adjacent apartments), public urination (there are no bathrooms along the waterfront) and large, unpermitted parties with loud music at all hours of the night; and

WHEREAS, PEP officers reported in the last CB3 meeting that they had been instructed to only focus on Pier 15, further south along the waterfront, near the Seaport and Financial District; and Parks has reported to CB 3 that there are only two PEP teams available below 59th Street, and

WHEREAS, people exiting party boats as late as 4:30am, often under the influence, use Pier 35 as a means of egress instead of exiting through the secure Pier 36 entrance exit; and

WHEREAS, there is only one garbage can serving the entire pier that is often overflowed or not used resulting in large amounts of garbage strewn all over the Pier, that has recently created a rat problem; and

WHEREAS, at the June, 2019 CB 3 Parks/Waterfront Committee meeting, there was still not true consensus on which agency is responsible for securing the area with EDC reporting that Parks is responsible for maintenance but complaints should be reported to EDC; and

WHEREAS, at the last NCO community meeting for Sector A, the lack of security at Pier 35 remained as the number one concern among residents. NCO Officer Detective Crump attended the CB 3 June committee meeting and expressed frustration with trying to secure this unique open space. Detective Crump spoke about a recent evening on the pier where he encountered drug use, arguments, gambling, destructive behavior by skateboarders and vandalism—all in the same night; and

WHEREAS, the original plan for the ERWE had several pavilions, including the Rutgers Slip/Pier 35 Pavilion, which included bathrooms but were removed from the final plan for Phase III; and

WHEREAS, many residents have complained about issues at Pier 35 and the esplanade since opening day and have watched helplessly as individuals, many who not live in the neighborhood, vandalize and destroy park property;

THEREFORE BE IT RESOLVED, that Parks immediately install prominent and secure signage about prohibitive behavior within and around Pier 35; and

THEREFORE BE IT FURTHER RESOLVED, that Parks and EDC conduct a walkthrough with all involved agencies, CB3 and local electeds to determine the best methods for installing grinding stopping measures on park furniture and to address maintenance and security issues; and

THEREFORE BE IT FURTHER RESOLVED, that PEP and NYPD establish more frequent patrols along with a more regular presence as part of an overall layered approach as a deterrence to prohibited behavior; and

THEREFORE BE IT FURTHER RESOLVED, that Parks immediate install sufficient updated trash receptacles, preferably Big Bellies to help alleviate the refuse and rodent problems; and

THEREFORE BE IT FURTHER RESOLVED, that EDC install security cameras in key locations as the area is located next to an active pier that loads and receives boating and vessel traffic; and

THEREFORE BE IT FURTHER RSOLVED that EDC immediately use architecture/landscaping tools that will prevent skateboarders from using the park as a skateboarding park instead of using the Coleman Skate Park immediately across the street, and

THEREFORE BE IT FURTHER RESOLVED, that Parks institute opening and closure hours, which is done at other parks including nearby Pier 15 and install roller gates or similar barriers to effectuate these hours.

4. Presentation by + POOL, a nonprofit working to bring a water-filtering floating swimming pool
no vote necessary

5. CB 3 position on Brooklyn Bridge Esplanade design

VOTE: TITLE: Support for design changes to the Brooklyn Bridge East River Esplanade project, parking under the FDR Drive and current and future use

WHEREAS, the New York City Economic Development Corporation (EDC) has partnered with the landscape architecture and planning firm Starr Whitehouse to complete the Brooklyn Bridge Esplanade project in the area underneath the FDR, running from Peck Slip to Catherine Slip, and

WHEREAS, EDC has hosted a number of discussions and meetings concerning the East River Esplanade and gathered input from a variety of community stakeholders past in support of the former Brooklyn Bridge Beach project, with a number of comments and recommendations, and

WHEREAS, the community outreach phase was completed over winter 2018/2019. The project is currently in the conceptual design phase and the final design phase will be completed by fall 2019 with construction scheduled from winter 2020 to spring 2021; and

WHEREAS, the project team conducted mobile outreach on site twice in December 2018, including surveys and vision board activities. Over 700 online survey responses were also collected over December and January. Community input sessions were held for both Community Board 1 (CB1) and Community Board 3 (CB3) at the Manhattan Borough President's office in January 2019; and

WHEREAS, results of both the in-person and online surveys indicate that most people currently use the esplanade for walking, enjoying the view and cycling; people's favorite elements are the river views, bridge views and skyline views; top concerns are cleanliness/maintenance, poor lighting and poor drainage; preferred enhancements are more vegetation, improved lighting and pedestrian path

and safety improvements to avoid bike conflicts; and that most people responded that the redesign esplanade should be active, natural and easily accessible; and

WHEREAS, EDC and Starr Whitehouse presented a plan to CB3 that relocated a portion of a parking lot currently located in CB 1 and serving mainly commercial tenants of CB 1 to an open space area in CB3, reducing overall open space; and

WHEREAS, the CB3 area is a highly densely residential area with a severe lack of open recreation areas including the lack of any children's play areas along the entire East River Esplanade; and

WHEREAS, the immediate area surrounding the Brooklyn Bridge Esplanade in CD 3 is also a low income community of color and home to many immigrants. Specifically, the residents in this area are 93% people of color with 30% of the population living below the poverty line and a median household income of \$46,819; and

WHEREAS, CB 3 requested playgrounds and open space, but instead the playgrounds will be situated in a less residential area where the median household income is \$149,119 and where only 33.4% of the population are people of color; and

WHEREAS, instead of becoming an amenity for the immediate residents in CD 3, the open space will facilitate the relocation of a parking lot moved from a more affluent area, will accommodate the high end commercial area of the neighboring district, and will also cause CD 3 to have less permeable surfaces that would further flood protection while increasing traffic and pollution; and

WHEREAS, the City's decisions to relocate the playground areas and the parking lot present a clear picture of environmental and social justice issues; and

WHEREAS, there is a parallel project for waterfront resiliency, The Two Bridges Lower Manhattan Coastal Resiliency project (LMCR), which EDC now states will affect the design of Brooklyn Bridge Esplanade; and

WHEREAS, there have been no discussions with EDC or Starr Whitehouse and CB3 about the integration of these two projects and how some elements of the recently completed Package 3 of the East River Esplanade project may be removed or relocated; and

WHEREAS, despite EDC stating that paid, public parking under the FDR drive, from around Peck Slip to the Brooklyn Bridge, generates income for the esplanade, EDC has yet to provide CB3 with documents showing how much of this income is used to maintain and secure the esplanade areas in CB3; and

THEREFORE BE IT RESOLVED, that EDC, Starr Whitehouse and other city agencies immediately engage with CB3 to discuss LMCR and Brooklyn Bridge Esplanade design integration as the current design needs major changes and to ensure coordination; and

THEREFORE BE IT FURTHER RESOLVED, that any design for park area in CB3 be equitable and include the same amenities and design features as the proposed park area and playground south of the Brooklyn Bridge; and

THEREFORE BE IT FURTHER RESOLVED, that CB3 supports access to the natural beach below the Brooklyn Bridge, expanding available open space, during set, regular hours of operation, mirroring the beach access across the river at Brooklyn Bridge Park, DUMBO and Pier 4; and

THEREFORE BE IT FURTHER RESOLVED, that CB3 supports bike lane design elements similar to those on the west side of Lower Manhattan, which allow for safe crossing to the waterfront without fear of bike/pedestrian conflict. This includes stop/go lights and signs for bikes, rumble strips at intersections and a definitive design plan that prioritizes pedestrians; and

THEREFORE BE IT FURTHER RESOLVED, that EDC provide documentation to CB3 relating to the security and maintenance of the East River Esplanade; and

THEREFORE BE IT FURTHER RESOLVED, that EDC offer a design that does not have a parking lot and removes all opportunities for the rampant illegal parking under the FDR that currently plagues the area and allows for this space to be recaptured for public open space.

6. ULURP C190357PQM: East Side Coastal Resiliency Project - Acquisition of property for a flood protection system

VOTE: TITLE: To Approve With Conditions ULURP #C190357PQM to Facilitate the East Side Coastal Resiliency Project

WHEREAS, on April 29, 2019 ULURP application #C190357PQM, for an acquisition of real property to facilitate the development of the East Side Coastal Resiliency Project (ESCR), was referred to Community Board 3 Manhattan for review; and

WHEREAS, the ESCR project is a multi-agency initiative that was selected by HUD to receive disaster recovery grant funding through the Rebuild By Design competition, which was organized in response to the devastation of Hurricane Sandy in order to promote enhanced resiliency in impacted communities; and

WHEREAS, the ESCR project would create a comprehensive flood protection system intended to reduce flood risk for the East Side of lower Manhattan, while also providing improved access to the waterfront and enhancing the waterfront parkland from East 25th Street to Montgomery Street; and

WHEREAS, these flood protection systems would consist of a combination of floodwalls, 18 closure structures, additional parallel conveyance infrastructure to assist with drainage and flood mitigation at upland locations, and other supporting infrastructure to reduce the risk of coastal storm flooding; and

WHEREAS, in Community District 3, the ESCR project includes the significant redevelopment of John V. Lindsay East River Park (East River Park) as well as a portion of Corlears Hook Park; and

WHEREAS, since 2015, the City has regularly engaged the Community Board on design proposals for the ESCR; and

WHEREAS, in March 2018, CB 3 voted to not support the ESCR design that emerged from this process, which is identified in the Draft Environmental Impact Statement (DEIS) as "Alternative 3,"; and

WHEREAS, in October 2018, the City unveiled a significantly redesigned proposal for the ESCR project, identified in the DEIS as the "Preferred Alternative,"; and

WHEREAS, for many in the community, the ESCR process since Fall 2018 has frayed trust in government and public agencies because of the drastic change in plan design done without community consultation, despite the needs of the community who look to their government to supply desperately needed protection of their lives and homes, (and often both); and

WHEREAS, many members of the community stated a preference for the previous design iteration because it utilized a method of resiliency well-established in modern environmental thinking of using parkland as a natural buffer for protection of upland regions, and replicated a system of floodplains and floodwalls as a defense to protect the neighborhood; and

WHEREAS, many members of the community have also requested a study by outside experts of the feasibility of all approaches that have been discussed including the original plan, Alternative 3, the Preferred Plan as well as one that includes the decking over of the FDR to evaluate the feasibility of achieving the following goals: not permanently and negatively impacting the residents of the lower floors of the NYCHA residents and other waterfront homes, that meets the federal spending deadline, and considers the impact on the health and well-being of community residents; and

WHEREAS, there has not been consensus among the NYC Administration, City Council and State Legislature on whether the Preferred Alternative triggers the necessity of the public trust doctrine on dedicated parkland approval via alienation for this preferred park plan, **although** on June 11, 2019, Parks provided the Community Board with a letter clarifying their position on alienation, noting that the current plan, including construction within the park, will "further park purposes" and be consistent with New York State's public trust doctrine because it provides flood protection and integral infrastructure upgrades to the park itself, and therefore does not require alienation legislation; and

WHEREAS, the ULURP for the ESCR Preferred Alternative only authorizes the city to acquire property and does not preclude or limit any negotiations with any property owner; and

WHEREAS, the Preferred Alternative moved the line of flood protection from the west side of East River Park, abutting Franklin Delano Roosevelt Drive, further east toward the East River and located wholly within East River Park, in order to adhere, to the City's primary objective to protect both the residential neighborhood, people, and the park itself. The new plan intends to avoid needing to repair

the new park after flooding and storm events, as well as to account for the likelihood of increased tidal inundation from anticipated sea level rise; and

WHEREAS, according to the City, a major reason for abandoning the original plan, Alternative 3, was that the Preferred Alternative could be more expeditiously constructed because its construction was not adjacent to the FDR Drive and therefore there would be far less disruption to traffic and this would reduce the construction schedule from five to three and a half years.

WHEREAS, the Preferred Alternative would raise the majority of East River Park 8-9 feet above its current elevation and would locate the flood protection systems below grade, essentially raising the entire park above the current 100-year floodplain and the predicted year 2050 100-year floodplain; and

WHEREAS, the Preferred Alternative includes a full reconstruction and reconfiguration of East River Park's underground sewer and water infrastructure, some of which is reaching the end of its serviceable life, including outfalls, associated pipes, and tide gates within the park, as well as the addition of new parallel conveyance to assist with drainage and flood mitigation; and

WHEREAS, the Preferred Alternative has not had outside review by scientists, a blue ribbon-type panel nor an assessment process like Envision (which has been used on other large-scale NYC projects); and

WHEREAS, the Preferred Alternative features a number of new design elements in East River Park that differ from the previous design iteration, including:

- The reconstruction of an additional overpass bridge at Corlears Hook Park
- An additional connecting bridge to provide access at the northern end of East River Park
- The full reconstruction of the East River esplanade, including the aging bulkhead, which would include the addition of direct waterfront access and step-downs to the East River
- The rebuilding of all of the comfort stations
- The renovation and expansion of the 10th Street playground
- The location of basketball courts above Houston at 10th Street and south of Houston at Delancey
- The reconstruction of the East River Park amphitheater, which is a cultural institution for the Lower East Side
- The removal of approximately 200 more trees, including many mature trees, to be replaced by 1,442 new trees; and

WHEREAS, in the Preferred Alternative, pile driving related to floodwall construction is now proposed to happen within the park and closer to the waterfront, further away from residential units than in the previous design iteration; and

WHEREAS, in the Preferred Alternative, barge delivery and water-side construction will be necessary, and drainage and sewer construction is now proposed to happen largely within East River Park, limiting construction traffic on the residential side of the Park and minimizing the drainage repair work that would have to be done on active roadways that the previous design iteration would have required; and

WHEREAS, such water-based construction greatly increases the degree of scrutiny the project will be subject to from permitting agencies such as the US Army Corp of Engineers (USACE), the National Oceanic and Atmospheric Administration (NOAA) and the NYS Department of Environmental Conservation, given the impact that such construction will have on the marine ecology; and

WHEREAS, this project will be subject to a rigorous permitting process that will involve consultation with many federal and state agencies and the project must secure permits from USACE and NYS DEC, and the City has not fully discussed this process with the community or adequately advised them of steps and timeline involved in obtaining those permits and being able to commence construction because of them or the possible seasonal restrictions that the permits will place on the construction because of concerns about aquatic life; and

WHEREAS, despite these changes, during the construction period for the proposed project there will be the potential for significant adverse impacts in the immediate area and on the residents of the surrounding neighborhood as well as on the environment, including:

- Urban Design and Visual Resources, as the proposed project would block existing waterfront views from certain upland locations;
- Natural Resources, as the proposed project would destroy trees, plantings, insect habitats and adversely affect littoral zone tidal wetlands which will require compensatory mitigation and likely have an adverse impact on several vulnerable aquatic species including winter herring and striped bass as noted by NOAA;
- Hazardous Materials, as the proposed project would disturb the subsurface of hazardous materials, including at historical Manufactured Gas Plant sites, where contaminants could be disturbed during excavation;
- Transportation, as during construction of the proposed project, East 10th Street between the traffic circle and the FDR Drive service road would be converted from two-way to one-way eastbound and the service road in front of the BP Gas Station would be closed to vehicular traffic at East 23rd Street;
- Noise and Vibration, as the proposed project construction would generate noise and air pollutant emissions that could affect open public space and community member health;
- Greenhouse Gas Emissions, as total fossil fuel use in all forms associated with construction under the Preferred Alternative would result in up to approximately 48,889 metric tons of CO₂e emissions; and
- Open Space, as the proposed project construction would displace the open space resources at East River Park for at least 3 and a half years; and

WHEREAS, construction of the new park may generate significant pollutants as the park is razed, rebuilt and filled with imported soil that may affect the health of local residents; and

WHEREAS, many years of stewardship and composting have ensured that native plants and habitat for birds, insects and fish were thriving in the park they may now require moving the habitats that are able to be 'moved' in certain seasons; and

WHEREAS, East River Park is the largest park in the Community District and at the peak of construction, over 45 acres of open space would be temporarily lost; and

WHEREAS, this park is used extensively by elders, disabled persons, including sight and hearing impaired; and

WHEREAS, this loss will be disproportionately felt by lower-income communities of color living in the 1/2-mile area adjacent to the proposed project, including:

- Approximately 28,000 residents living in NYCHA developments¹;
- Approximately 101,000 minority residents (51% of all residents in the study area)²;
- Approximately 20% of all residents in the study area are living in poverty³; and

WHEREAS, these impacts will also be felt by all nearby residents, nearby CB3 members (including children, parents, elders), youth sports groups, all other sports groups; and

WHEREAS, the youth of the Lower East Side and their parents rely on East River Park for activities to keep children safe and active; and

WHEREAS, Title 1 schools do not have buses to move children to other parts of the city to access open space resources; and

WHEREAS, the DEIS cites the introduction of new publicly accessible ADA open space at Pier 42, Pier 35, and Phase IV of the East River Waterfront Esplanade project, and recreation improvements at the site of the to-be demolished LaGuardia Bathhouse as mitigating factors to offset the temporary loss of open space. While the LaGuardia Bathhouse site was targeted for active recreation as a direct

response to the loss of open space incurred by the East River Park closure, the other projects were set to be completed regardless of the final design and construction plan for ESCR; and

WHEREAS, Parks has also promised a number of improvements to local parks for district wide mitigations and all of which taken together still do not provide full compensation for the tremendous loss of open space that the community will suffer, many of which are already in the pipeline, including:

- **Planting up to 1,000 trees and approximately 40 rain gardens throughout CB3 and CB6** – First plantings to begin this fall
- **Improving turf at seven locations**
 - o **Installing new synthetic turf at five sites by Spring 2020** – La Guardia Bathhouse/Little Flower Playground, St. Vartans, Tompkins Square, Tanahey, Robert Moses
 - o **Turf improvements at two sites** -Coleman (resod field), Baruch field (underway)
- **Installing new sports coating at seven sites by Spring 2020** – Tanahey, Sara D. Roosevelt, Al Smith Rec Center , St. Vartans, Columbus Park, Coleman, Al Smith Playground
- **Increasing play time at six fields through solar field lights by Spring 2020** - Columbus Park, Coleman Field, Sara D., Baruch Playground, Corlears Hook and Chelsea Park. These lights will extend field play in the spring and fall seasons
- **Prioritizing and accommodating youth league permittees** – Parks will accommodate all youth softball, baseball and soccer leagues in our existing system of fields. Parks will also accommodate as many adults as possible. Parks has reached out to all ballfield permit holders from last year
- **Painting playgrounds and park equipment at approximately 16 sites by Spring 2020** - Columbus Park, Coleman, Al Smith Playground, Al Smith Rec Center, Little Flower Playground, Tanahey Playground, Cherry Clinton, Hamilton Fish, Corlears Hook, Baruch Playground, Tompkins Square, Dry Dock, First Park, St. Vartan, Robert Moses Playground, John Jay.
- **Increasing barbecues sites by Spring 2020** – New grills and picnic tables at Coleman and replacements at Al Smith Recreation Center
- **Transforming Dry Dock Pool into a Cool Pool by Summer 2019**
- **Identifying alternative tennis locations**
 - o John Jay Park courts will be re-striped to formalize the tennis area by Spring 2020
 - o Queensboro Oval (in Manhattan) will be open to NYC Parks tennis permit holders Summer 2019, and for even more weeks (22) per summer starting 2020

Randall's Island is opening a new facility with courts open to NYC Parks tennis permit holders

- **Increasing staffing for recreation, maintenance and operations by Summer 2020**
 - o New playground associates (9 new staff lines) will provide new programming and help organize events and activities for park users
 - o All existing M&O staff for East River Park will remain on the east side of Manhattan, below 34th Street
- **Providing new open spaces and recreational opportunities**
 - o LaGuardia Bathhouse asphalt-to-turf as noted in #2a)
 - o Baruch Bathhouse is the current focus of a community taskforce to transform this long-abandoned building into a community space. The taskforce is reviewing proposals and will discuss recommendations this summer
 - o Pier 42 Phase 1 Upland Park is anticipated to open in 2021 and will include a playground, passive landscapes, a picnic knoll, and a comfort station upland of Pier 42
 - o EDC is currently inspecting the Pier 42 deck to identify near term recreation feasibility and opportunities and EDC recently completed Pier 35
- **Solving the pinchpoint with the Flyover Bridge** –The project to improve connections between East River Park and Stuyvesant Cove Park has been funded with \$56M; and

WHEREAS, one mitigation that has been disclosed is the addition of BBQ pits at Coleman Playground, and the Knickerbocker Village Tenants Association has indicated that they do not think this is an appropriate area for these pits; and

WHEREAS, in the DEIS, a number of proposals for additional mitigations are currently described as being "explored," "investigated," or "assessed," by the City, it is clear that concrete plans for many of these impacts have not been fully identified and committed to at this time; and

THEREFORE BE IT RESOLVED, the City must work with the community and Community Board 3 to clearly and specifically identify these mitigations including clarifying the following:

- Where the DEIS states that "the City is working with other entities with open space resources to identify recreational resources that may be opened to the community during construction," (8.0-4) these other entities have since been identified as NYCHA, the Department of Education, and the Department of Transportation, and these agencies must come together in consultation with the Community Board to identify and disclose all locations and capacity of these other resources, particularly because many existing local area parks and open space resources are primarily turf and hard surfaces; and
- Where the DEIS states that "the City is assessing opportunities to open parts of East River Park as work is completed," (8.0-4) the exact construction phasing and re-opening proposal should be disclosed and the final plan decided on through engagement with the community and consultation with the Community Board;
- Where the DEIS states that the impact of the ESCR Preferred Alternative on the Essential Fish Habitat (EFH Assessment) has not been studied adequately, and the NOAA is requiring a revised assessment with alternatives that will minimize the effects on certain species like herring and striped bass (Appendix G), including the possibility that seasonal work restrictions will be one of the ways to address these effects. If such seasonal restrictions are likely to be imposed, a situation which would adversely affect the construction schedule, the City must inform and consult the community about the likely effects of these restrictions as soon as possible and discuss at the earliest possible opportunity their plan to locate additional funds for mitigation, especially for solutions that provide recreation options in the immediate vicinity, such as barges and special play features; and
- Where the DEIS states that "NYC Parks is exploring providing alternative recreational opportunities throughout the Lower East Side neighborhoods through programs like Shape-Up classes, walking clubs, Arts, greening programs, etc.," (8.0-4) the locations and funding for such programs should be disclosed and discussed with the nearby residents of those proposals prior to enacting them to ensure their feasibility and value to the community;
- Where the DEIS states that "NYDOT is investigating supporting bicycle infrastructure upgrades along the alternate route, including new markings and signage," (8.0-5) it should specify where this re-rerouting and signage would be located and consider this plan as well as additional solutions including more dedicated bicycle lanes on additional routes in consultation with the Community Board. NYC Parks should also consult the Community board on viable solutions for the needs of joggers and walkers;
- Where the DEIS states that "NYC Parks is exploring a Lower East Side Greening program with the opportunity to plant up to 1,000 trees in parks and streets, and create up to 40 bioswales," (8.0-5), Parks should also work with local community organizations to spearhead such a program, as was suggested in a February 2019 Community Board 3 resolution supporting a proposed LES Community Tree Canopy Initiative. We understand the tree planting will start in Fall 2019 but the Parks Department must update the Community Board as soon as possible regarding the proposed schedule and locations. In addition, tree guards and concrete plans for the care of the trees (such as watering) should be included as part of the tree planting operation;
- Where the DEIS states that "the City is exploring purchasing lighting to be used at several Lower East Side parks to extend playing time at fields for permitted use during construction of the proposed project," (8.0-5), and the City has confirmed they will bring the solar lights to Columbus Park, Coleman Field, Sara D., Baruch Playground, Corlears Hook and Chelsea Park, adding an additional four to five hours of field time at some parks during the Fall, it must disclose *all* parks and fields these improvements would be located at, guarantee that the lighting would be funded,

identify whether the improvements would remain at the end of the ESCR construction period, and evaluate the impact of new lighting and playing on any surrounding residential buildings and consult with those local communities and guarantee field priority for local youth leagues;

- Where the DEIS states that "the City is assessing opportunities for improvements to parks and playgrounds in the vicinity," (8.0-5), and the City has identified Columbus Park, Coleman, Al Smith Playground, Al Smith Rec Center, Little Flower Playground, Tanahey Playground, Cherry Clinton, Hamilton Fish, Corlears Hook, Baruch Playground, Tompkins Square, Dry Dock, First Park, St. Vartan, Robert Moses Playground, and John Jay as locations for improvements, it must explicitly identify *all* parks and playgrounds are under consideration, which projects are new and not necessarily already in the capital projects pipeline, what the improvements would be, guarantee that the improvements would be funded and disclose the timeline for said improvements;
- Where the DEIS states that "The City is also assessing the feasibility of utilizing quieter construction methods (i.e., press in pile)" (8.0-5) and considering "selecting quieter equipment models for cranes, generators, compressors, and lifts may result in up to a 10 dBA reduction in noise levels from construction," (8.0-8) it must guarantee the equipment would be actually be available for the duration of the construction period prior to application approvals, and make these methods a condition of any bid or RFP for ESCR construction;
- Where the DEIS states that mitigations are "under consideration" in order to achieve "cost effective reduction of greenhouse gas emissions from the construction of the proposed project" (6.11-16), it should be committed to prior to project approvals that when the construction contracts are put out for bid and/or RFPs are issued, they should require the use of biodiesel fuel on-site, require targets be met for the volume of recycled steel and aluminum generated on-site, and commit contractors to divert as much construction waste as possible for recycling; and

THEREFORE BE IT FURTHER RESOLVED, the following additional mitigations must be included in the East Side Coastal Resiliency project:

- The City must explore immediate and temporary mitigation measures for present and future threats of destructive storms to protect local neighborhoods during the time the park is vulnerable; and
- To ensure neighborhood future protection and storm resilience, the Preferred Alternative plan for the ESCR should also include the ability to add protection for the predicted surge and sea level rise for 2100; and
- The City must provide a more comprehensive and robust explanation of the schedule advantages of the Preferred Alternative over Alternative 3 given that the possible seasonal construction restrictions were not factored into the timeline advantages stated in the rationale of choosing the Preferred Alternative, a solution that is more costly than the Alternative 3 which was developed in consultation with the community; and
- -The City must commit to seek Envision certification, a rating system for infrastructure, to help assess how the ESCR plan will meet or exceed sustainability goals across a range of social, economic, and environmental indicators. And such certification should be provided before the DEIS is finalized ; and
- -Temporary measures for immediate storm protection need to be implemented given that the hurricane season is on the horizon and the damages of a potential storm on a community that is still recovering from the aftermath of Hurricane Sandy would be disastrous and further delay the ESCR project; and
- The City must include social resiliency and community preparedness in its planning and funding including schools, community programming and local long term recovery groups such as LES Ready and CERT, which is recognized by the Office of Emergency Management (OEM)and provide a weekly update email on construction process, alternative spaces and recreation opportunities; and
- The City must agree to regular updates with the Community Board, hold timely community engagement meetings such as town halls, large group presentations, community open houses and other similar events that offer more opportunities for Q&A, information on progress, setbacks and any changes to agreements or Park plans; and

- The City must establish a Community Advisory Group of community and institutional stakeholders of the affected project area that will meet frequently with agencies both during design and construction until project completion with regular reports and meetings made available to community at large; and
- Alternative routes deemed safe for all, including pedestrians, micro mobility users, runners, commuting and recreational cyclists of all ages, must be developed in collaboration with the community and instituted before the Greenway is closed; and
- Every effort must be made to minimize raising dust both in disturbing the soil currently in East River Park and the laying in of imported soil to reduce the drift into residences, schools and public spaces; and
- Topsoil and salt resistant indigenous plants should be considered for reuse to re-establish natural passive areas in park; and
- The City must provide the community a finalized design and timeline for completion of the flyover bridge; and
- The Parks Department must ensure ADA compliant access to and within the park including braille signage, adequate water fountains and adequate lighting for safety and accessibility; and
- The Parks Department must commit to prioritizing permits for local neighborhood youth groups both during construction (except where that would conflict with other local park youth groups) and into the future of the East River Park; and
- The Parks Department should consider sport facilities such as Basketball City, as sites for open space for children and sports leagues; and
- The Parks Department must look at other open space sites in CD3 that have yet to be identified including the Allen Street Malls (CB3's #2 Parks priority), the vacant Allen Street building and the underused lots underneath the Williamsburg Bridge; and
- The Parks Department must work with park stewards to identify and protect biodiversity including identifying alternative habitat areas and transfer usable park materials and plants rescued from East River Park to other alternative open spaces and create new open green spaces near East River Park to help offset the loss of carbon sinks in CB3; and
- The City must undertake the immediate creation of bioswales, tree canopy plantings, and permeable pavers in CB3; and
- The Parks Department must use replacement mature trees in East River Park in areas where they are appropriate; and
- The City must provide temporary space for the LES Ecology Center to continue all environmental education and composting programming during construction and integrate the Ecology Center's long-delayed Compost Yard upgrades into the ESCR project and plan and create a sustainable, resilient building in East River Park so that the LES Ecology Center can continue to offer education and stewardship programming; and
- The City must make available temporary water parks or water play features that are available before the first summer season of the Park's closure.
- The City must continue to work with the Amphitheater Task Force to create a design that is consistent with local needs;
- The City must continue discussions in good faith with Gouvernuer Gardens and provide timely updates to the Community Board about any resolutions; and
- The Parks Department, DDC and all involved agencies must agree to regular updates with the Community Board to report on progress, setbacks and any changes to agreements or park plans; and

- The City must make a definitive commitment to ensure the phased construction or park reopening for the ESCR project, in a manner that does not impact the overall timetable for park closure and project completion, and the City must provide a complete timetable for the phased construction or park reopening plan, and outline any changes this would create for construction impacts; and
- Local residents should be provided assistance to access to other open areas, sports fields and city parks, in the form of Metrocards, shuttle buses, free ferry service or other types of transportation or financial support. As the current Preferred Alternative plan prioritizes access to the new ferry facilities that will remain open throughout the construction period, these especially should be made available at a reduced price or no cost to local residents
- There must be a protocol established before work begins to allow City agency oversight over decision making for contractors during the construction period, with clear avenues for community input established, in order to mitigate against contractor decision making that disregards the quality of life of area residents, and this must be a condition of any bid or RFP for ESCR construction; and

THEREFORE BE IT FURTHER RESOLVED, that Community Board 3 approves with conditions ULURP #C190357PQM to facilitate the East Side Coastal Resiliency project.

7. Vote to adjourn
approved by committee

37 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding Parks items 3, 6)
36 YES 1 NO 0 ABS 0 PNV MOTION PASSED (Parks item 3)
33 YES 3 NO 1 ABS 0 PNV MOTION PASSED (Parks item 6 - ESCR ULURP)

Land Use, Zoning, Public & Private Housing Committee

1. Approval of previous month's minutes
approved by committee
2. Brief Presentation from New Museum: Expansion and Programming
no vote necessary
3. GO Broome Street (50 Norfolk) pre-ULURP Briefing
no vote necessary
4. District Needs Statement / Budget Consultation questions
no vote necessary
5. Report from Two Bridges Community Rezoning Co-Application
no vote necessary
6. Report from Public Housing & Section 8 Housing Subcommittee
no vote necessary
7. Vote to adjourn
approved by committee

37 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Landmarks Committee

meeting canceled

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

1. Approval of previous month's minutes
approved by committee
2. District Needs Statement and Budget Consultation Questions
no vote necessary
3. CAB updates
no vote necessary
4. Vote to adjourn
approved by committee

37 YES 0 NO 0 ABS 0 PNV MOTION PASSED

SLA & DCA Licensing Committee

1. Approval of previous month's minutes
approved by committee
2. District Needs Statement update
no vote necessary

Alterations

3. Claw Daddy (Hachi Enterprises Inc), 185 Orchard St btwn E Houston & Stanton Sts (wb/alt/enlarge premise and bar)

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

WHEREAS, Hachi Enterprises, Inc., doing business as Claw Daddy, is seeking an alteration of its wine and beer license for the premises located at 185 Orchard Street, between East Houston Street and Rivington Street, New York, New York, to wit enlarging the toilet, removing the raw bar, adding booth seating, removing the south wall, enlarging the standup bar to a thirty (30) foot u-shaped bar with twenty-two (22) stools and adding a coat check room, food service area and additional entrance on Orchard Street; and

WHEREAS, the community board questionnaire also reflects that the applicant is seeking to add DJs and security; and

WHEREAS, this is an application for a Cajun Creole seafood restaurant with a certificate of occupancy of seventy-four (74) people, twenty (20) tables and forty (40) seats, a thirty (30) foot bar with twenty-two (22) stools, hours of operation of 5:00 P.M. to 10:00 P.M. Mondays through Thursdays, 5:00 P.M. to 11:00 P.M. Fridays, 12:00 P.M. to 11:00 P.M. Saturdays and 12:00 P.M. to 10:00 P.M. Sundays, a kitchen open all hours, two (2) televisions, recorded music and DJs at background levels, security and happy hours to 7:30 P.M.; and

WHEREAS, this applicant was denied a wine beer license by Community Board 3 in January 2012 unless is agreed to make as conditions of its license stipulations that it would 1) operate as a full-service Japanese sushi restaurant, serving food during all hours of operation, 2) have hours of operation of 4:00 P.M. to 12:00 A.M. Mondays through Wednesdays, 4:00 P.M. to 2:00 A.M. Thursdays, 11:00 A.M. to 2:00 A.M. Fridays and Saturdays and 11:00 A.M. to 12:00 A.M. Sundays, 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, and 4) keep façade doors and windows closed and maintain a closed fixed façade; and

WHEREAS, the applicant was issued its wine beer license by the SLA on February 7, 2012, and has operated its business without apparent complaints since 2012; and

WHEREAS, the applicant has conceded that it completed the proposed alterations and has employed security since March of 2019 and has employed an outside DJ twice a week for the past one and a half (1½) years; and

WHEREAS, the applicant has stated that it uses DJs to oversee the playing of unamplified recorded background music to accompany dining; and

WHEREAS, given that the applicant operates a restaurant with shorter hours of operation, including earlier closing times, than it originally had and has operated this business since 2012 without apparent complaints, Community Board 3 would approve this application with the stipulations governing its method of operation; now

THEREFORE BE IT RESOLVED that Community Board 3 recommends the denial of the application for an alteration of the wine beer license for Hachi Enterprises, Inc., doing business as Claw Daddy, for the premises located at 185 Orchard Street, between East Houston Street and Rivington Street, New York, New York, to wit enlarging the toilet, removing the raw bar, adding booth seating, removing the south wall, enlarging the standup bar to a thirty (30) foot u-shaped bar with twenty-two (22) stools and adding a coat check room, food service area, additional entrance on Orchard Street, DJs and security, 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 Cajun Creole seafood 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 10:00 P.M. Mondays through Thursdays, 5:00 P.M. to 11:00 P.M. Fridays, 12:00 P.M. to 11:00 P.M. Saturdays and 12:00 P.M. to 10:00 P.M. Sundays,
- 3) it will not commercially operate any outdoor areas,
- 4) it will close any front or rear façade entrance doors at 10:00 P.M. every night or when amplified sound is playing and will otherwise have a closed fixed facade with no open doors or windows,
- 5) it will employ a security guard Wednesdays through Saturdays, from 5:00 P.M. to closing,

- 6) it will play ambient background music only, consisting of recorded music and DJs, with a DJ playing unamplified background music Fridays and Saturdays, and will not have promoted events, scheduled performances or any event at which a cover fee will be charged,
- 7) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3,
- 8) it will not seek a change in class to a full on-premises liquor license without first obtaining the approval of Community Board 3,
- 9) it will not host pub crawls or party buses,
- 10) it will not have unlimited drink specials with food,
- 11) it may have "happy hours" to 7:30 P.M. each night,
- 12) it will ensure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 13) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 14) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

New Liquor License Applications

4. Villa Cemita (Villa Cemita Inc), 50 Ave A btwn E 2nd & E 3rd Sts (upgrade/op)

VOTE: TITLE: Community Board 3 Recommendation To Deny

WHEREAS, Villa Cemita, Inc. is applying for a change in class of its wine beer license to a full on-premises liquor license for its restaurant, doing business as Villa Cemita, at the premises located at 50 Avenue B, between East 3rd Street and East 4th Street; and

WHEREAS, this applicant was administratively approved a wine beer license by Community Board 3 in December of 2014 with stipulations that it would 1) operate as a full-service restaurant, with a kitchen open and serving food during all hours of operation, 2) have hours of operation of 7:00 A.M. to 12:00 A.M. all days, 3) not commercially use any outdoor space, 4) install soundproofing, 5) close any façade doors and windows at 10:00 P.M. every night or during any amplified performances, including but not limited to DJs, live music and live nonmusical performances, 6) play recorded background music and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee would be charged, 7) not apply for an alteration without first appearing before Community Board 3, 8) not seek a change in class of its liquor license to a full on-premises liquor license without first obtaining the approval of Community Board 3, 9) not host pub crawls or party buses, 10) not have happy hours, 11) not have wait lines outside, 12) conspicuously post its stipulation beside its license inside its business, and 13) provide contact information for resident complaints and immediately respond to any resident complaints; and

WHEREAS, prior to being approved by Community Board 3 in December of 2014, neighborhood residents met with this applicant to insure that it would operate consistent with its proposed method of operation as a family restaurant with a small rear bar and agreed to support its application for a wine beer license with the above stipulations; and

WHEREAS, prior to November of 2015, neighboring residents complained that this applicant had installed a larger bar in the front of its business without notice to the community inconsistent with its stipulations and contrary to the diagrams it showed residents when it first met with them; and

WHEREAS, there had been no notice of alteration to Community Board 3 for an alteration of the standup bar in this business prior to its installation by the applicant in the front of its business; and

WHEREAS, the applicant was notified of this illegal alteration by Community Board 3 and submitted a notice of alteration, which also included an intention to add a happy hour and to open later than its original stipulations reflected; and

WHEREAS, this applicant was then heard for an application to alter its bar in both November and December of 2015; and

WHEREAS, Community Board 3 denied the alteration because neighboring residents had complained that the applicant was operating contrary to its agreed upon stipulations and the conditions of its license, in that this applicant 1) altered its premise without first appearing before Community Board 3, 2) operated later than 12:00 A.M., 3) left it façade open later than 10:00 P.M., 4) played loud entertainment level music heard by neighboring residents, 5) did not post its stipulations, and 6) advertised drink specials and promotions contrary to its method of operation as a family restaurant and, further, there was evidence that this applicant had been violating the Alcohol Beverage Control

Law, in that it advertised and sold alcohol and mixed drinks containing alcohol, although it has only a wine beer license; and

WHEREAS, consistent with its community board hearing in December of 2015, the applicant entered a conditional no contest plea before the SLA on March 2, 2017, for failure to conform to its application, failure to comply, sale of alcohol without a license, unauthorized alteration, prohibited sales and false material statements from November 12, 2015; and

WHEREAS, the applicant was then heard for an application to alter its bar in April of 2017 and August of 2018 and was denied both times by Community Board 3 because the applicant had made multiple alterations to its business, to wit enlarging and moving its bar, opening its façade, reducing its daytime hours of operation, adding drink specials, including "boozy brunches," and hosting loud events, including sports events, without notice to the SLA, the community or the community board and contrary to its agreement with residents to obtain approval for its wine beer license, and given that the applicant continued to operate inconsistent from its stipulations which are conditions of its license by continuing to have reduced daytime hours of operation, happy hours, unlimited drink specials and pub crawls; and

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

WHEREAS, the district manager of the community board appeared on behalf of herself and residents of her building, 141 East 3rd Street, which is across the street from this location, to state that she viewed the February of 2019 SLA hearing for this applicant and observed it impose stipulations that the applicant 1) not have sandwich boards outside, 2) not have boozy brunches, 3) have a closed façade at all times, 4) not enter enter or allow patrons to enter the residential portion of the building, and 5) not seek to alter its license for at least one (1) year; and

WHEREAS, the district manager further stated that she had observed the façade entrance door propped open two (2) days before its community board hearing and presented a photograph depicting the door, had observed the façade entirely open on other days and had observed that the applicant still hosts "boozy brunches;" and

WHEREAS, a resident and shareholder of the residential portion of the building stated that she has observed the façade open recently and employees have recently entered the residential portion of the building which continues to be a safety concern for building residents; and

WHEREAS, two (2) community board members also noted observing the façade recently open and one of them also stated that she had recently seen a sandwich board outside of the business; and

WHEREAS, consistent with the above described observations, almost all of the YELP reviews of patrons 2019 reference the "boozy brunches" with unlimited pitchers of margaritas and other drinks; and

WHEREAS, 2019 YELP reviews also reference the consumption of alcohol, such as rum and tequila, in margaritas and other mixed drinks, as well as straight; and

WHEREAS, the applicant has denied opening its façade since its February of 2019 SLA hearing, has stated that it no longer hosts "boozy brunches" because it has replaced its large pitchers of drinks with "smaller capacity" pitchers and has stated that any reference to alcohol in patron reviews is mistaken as it only serves wine-based drinks; and

WHEREAS, given that the applicant has made multiple alterations to its business, to wit enlarging and moving its bar, opening its façade, reducing its daytime hours of operation and adding drink specials, including "boozy brunches," without notice to the SLA, the community or the community board and contrary to its agreement with residents to obtain approval for its wine beer license, and given that there is still evidence that it continues to operate inconsistent from its current stipulations which are conditions of its license by continuing to have "boozy brunches" with unlimited drink specials and an open façade and it continues to access the residential portion of its building, Community Board 3 will not now approve its application to serve alcohol; now

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a change in class of its wine beer license to a full on-premises liquor license for Villa Cemita Inc., doing

business as Villa Cemita, for the premises located at 50 Avenue A, between East 3rd Street and East 4th.

5. Udon West (Kunitaka Inc), 11 St Marks Pl (wb)
withdrawn

6. Gongo (Mi-ne Foods Group Inc), 15 St Marks Pl btwn 2nd & 3rd Aves (op)

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

WHEREAS, Mi-ne Foods Group, Inc., with a proposed business name of Gongo, is seeking a full on-premises liquor license for the premises located at 15 Saint Marks Place, between Second Avenue and Third Avenue; and

WHEREAS, the applicant is proposing to operate a Japanese restaurant with a certificate of occupancy of one hundred eighteen (118) people, thirty-four (34) tables and seventy-two (72) seats on two (2) floors with nineteen (19) tables and thirty-eight (38) seats on the ground floor and fifteen (15) tables and thirty-four (34) seats in the basement, an eighteen (18) foot bar with eight (8) stools in the basement, no outdoor space, hours of operation of 11:00 A.M. to 12:00 A.M. Sundays, 11:00 A.M. to 1:00 A.M. Mondays through Thursdays and 11:00 A.M. to 2:00 A.M. Fridays and Saturdays, a kitchen serving food to within half (½) an hour of closing, an open facade, no televisions, recorded background music, three (3) private parties per year and happy hours to 7:00 P.M; and

WHEREAS, this premises is located mid-block on a residentially zoned street, zoned R8B, and was previously operated as an Asian restaurant with a full on-premises liquor license; and

WHEREAS, the previous applicant at this location was issued a full on-premises liquor license by the SLA on November 7, 2012, over community board objection and has operated without apparent complaints since 2012; and

WHEREAS, there are twenty-seven (27) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant but there are thirty-three (33) full on-premises liquor licenses and three (3) pending full on-premises liquor licenses within five hundred (500) feet of this location per the SLA LAMP map; and

WHEREAS, there are thirteen (13) full on-premises liquor licenses, one (1) pending full on-premises liquor license, twelve (12) wine beer licenses, one (1) grocery store selling wine and beer and one (1) liquor store on this block per the SLA LAMP map; and

WHEREAS, the applicant has operated a restaurant located at 136 West 28th Street, New York, New York, with a wine beer license since 2012; and

WHEREAS, the applicant furnished petition signatures, forty (40) of which are from area residents, in support of its application; and

WHEREAS, notwithstanding the number of licensed businesses on this block and given that the proposed use is similar to the business that previously operated at this location, Community Board 3 would approve this application for a full on-premises liquor license with stipulations governing its method of operation; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for a full on-premises liquor license for Mi-ne Foods Group, Inc., with a proposed business name of Gongo, for the premises located at 15 Saint Marks Place, between Second Avenue and Third Avenue, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service Japanese restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 11:00 A.M. to 12:00 A.M. Sundays, 11:00 A.M. to 1:00 A.M. Mondays through Thursdays and 11:00 A.M. to 2:00 A.M. Fridays and Saturdays,
- 3) it will not commercially operate any outdoor areas,
- 4) it will close any front or rear façade 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 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 host pub crawls or party buses,
- 8) it will not have unlimited drink specials with food,
- 9) it may have "happy hours" to 7:00 P.M. each night,
- 10) it will insure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 11) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 12) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

7. Klimat (7th Street Sushi Parks Inc), 77 E 7th St btwn 1st & 2nd Aves (upgrade/op)

VOTE: TITLE: Community Board 3 Recommendation To Deny

WHEREAS, 7th Street Sushi Park, Inc. is again applying for a change in class of its wine beer license to a full on-premises liquor license for its venue, doing business as Klimat, at the premises located on the ground floor and cellar of 77 East 7th Street, between First Avenue and Second Avenue; and

WHEREAS, this applicant is also seeking to add a "stand up mic" all days and promoted events; and

WHEREAS, this applicant was approved a restaurant wine license for a full-service sushi restaurant by Community Board 3 in November of 2005 with stipulations that it would 1) have hours of operation of 12:00 P.M. to 12:00 A.M. Sundays through Thursdays and 12:00 P.M. to 2:00 A.M. Fridays and Saturdays, and 2) not have live music, DJs or promoted events; and

WHEREAS, the applicant was issued its restaurant wine license by the SLA on January 23, 2007; and

WHEREAS, this premises is located mid-block on a residentially zoned street, zoned R8B, and as such is designated a grandfathered noncompliant commercial use, and given its zoning and designation, extension of the commercial footprint from the original commercial space, including into a basement or other floor, and scheduled performances or events with ticketed sales are prohibited; and

WHEREAS, this applicant was then heard for renewal of its restaurant wine license by Community Board 3 in January of 2008, because there had been resident complaints of noise from patrons congregating in front of the business, the applicant acknowledged that it had changed its method of operation from a sushi restaurant to an Eastern European restaurant and bar, doing business as Klimat, and its renewal application was approved; and

WHEREAS, this applicant was denied an application for a change in class of it restaurant wine license to a full on-premises liquor license by Community Board 3 in October of 2008 because 1) there had been numerous complaints from residents of the surrounding buildings and the residential tenants of this building of noise from patrons standing on the sidewalk, of smoke from patrons smoking on the sidewalk rising as high as the sixth floor apartments and of the façade of the business being completely open late into the night, allowing noise from the business to emanate onto the street, 2) the applicant had conceded that there was a noise issue but had no plans to address it, 3) the closing hours of 12:00 A.M. weekdays and 2:00 A.M. Fridays and Saturdays which were listed on the upgrade application to Community Board 3 and in the original stipulation signed by the applicant in November of 2005 were inconsistent with resident observations, website advertising and blogs which indicated that this establishment was open until 4:00 A.M., 4) the applicant conceded that this location was within five hundred (500) feet of at least five (5) full on-premises liquor licenses, and 5) the applicant had failed to demonstrate that there was a public benefit to the upgrade of its license and, in fact, had stated that the application was being made to provide "more stability to the business;" and

WHEREAS, this applicant was again heard for renewal of its restaurant wine license by Community Board 3 in December of 2008, because there had been resident complaints of late night noise from music emanating from its open façade and from patrons making noise on the street in front of the business, as well as for an illegal extension of the business to the cellar, and was denied its renewal unless the applicant agreed to make as conditions of its license stipulations that it would 1) close at 12:00 A.M. weekdays and 2:00 A.M. Fridays and Saturdays, consistent with its original applications to the SLA and this community board, as well as its renewal application to the SLA, 2) close its façade window and front door at 10:00 P.M. every night, 3) designate an employee or employ an additional staff person whose responsibilities would include supervising the patrons standing outside in order to minimize noise, and 4) post signs on its façade asking patrons to keep noise levels down; and

WHEREAS, this applicant was denied an application for a change in class of its restaurant wine license to a full on-premises liquor license and an alteration to extend its hours of operation, changing them from 12:00 P.M. to 12:00 A.M. all nights to 1:00 P.M. to 12:00 A.M. Sundays, 3:00 P.M. to 12:00 A.M. Mondays through Thursdays and 2:00 P.M. to 2:00 A.M. Fridays and Saturdays, by Community Board 3 in December of 2009 because 1) the applicant misrepresented himself at his February 4, 2009 renewal hearing before the SLA, in that he allowed his attorney to incorrectly inform the SLA that he was operating a sushi restaurant which needed to serve wine and sake while, in fact, he had been operating an Eastern European wine bar at this location for almost three (3) years, and he allowed his attorney to misstate that complaints made against him were anonymous although he had appeared before Community Board 3 in October and December of 2008 at which at least six (6) identified residents of his block appeared to complain about the noise and smoke emanating from his business, 2) there were still numerous complaints from residents regarding the noise emanating from the business, as well as from patrons on the sidewalk, which were the same types of complaints that were addressed by the community board in October and December of 2008 and many of the recent complaints were for hours later than 1:30A.M. during the week which was inconsistent from the closing hours of 12:00 A.M. weekdays and 2:00 A.M. weekends agreed to in December of 2008, and noting that at the SLA hearing on February 4 2009, the applicant was informed that it was supposed to be closed at 12:00 A.M. all nights, 3) the applicant had conceded that there were at least four (4) liquor licenses within two hundred (200) feet of it, two (2) abut this establishment on either side and in actuality there were at least thirty-four (34) full on-premises liquor licenses within five hundred (500) feet of this location, and 4) most of the complaints had been regarding noise emanating from a six (6) by six (6) foot garage-like door which comprised the majority of the façade of this business and which the applicant allowed to remain open and which it allowed its attorney to mischaracterize as French windows to the SLA; and

WHEREAS, this applicant was again heard for renewal of its restaurant wine license by Community Board 3 in December of 2011, because there had been continuing resident complaints of late night noise, as well as for an illegal extension of the business to the cellar because it was being used without a certificate of occupancy, illegal commercial use of the cellar in a location which, because it was a zoned grandfathered noncompliant use, commercial use could not be extended from the original commercial footprint, and because the use was for scheduled performances in violation of the residential zoning, and the applicant was denied its renewal unless it agreed to make as conditions of its license stipulation that it would 1) operate as a full-service Eastern European restaurant, serving food to within one (1) hour of closing, 2) have hours of operation of 12:00 P.M. to 12:00 A.M. Sundays through Thursdays and 12:00 P.M. to 2:00 A.M. Fridays and Saturdays, 3) close any facade doors and windows by 10:00 P.M. every night, 4) 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, 5) designate an employee to supervise patrons and noise in front of the business, and 6) post and maintain signs on its façade asking patrons to be quiet.

WHEREAS, at its renewal hearing before Community Board 3 in December of 2011, Community Board 3 asked the applicant to stop the unpermitted activities in the basement and the applicant agreed; and

WHEREAS, this applicant again applied for a change in class of its restaurant wine license to a full on-premises liquor license to Community Board 3 in March of 2018 but withdrew its application after its hearing because the community board referenced the continued illegal commercial use of the basement for scheduled performances based upon its observations that 1) patrons in YELP reviews referred to an open mic night on numerous dates between 2014 and 2016 and live music on numerous dates between 2011 and 2014, 2) the Facebook account for the applicant stated that there were regular comedy shows in the basement which was then and still is known as The Buddha Room, and 3) a website known as Daily Open Mic advertised multiple comedy shows in the basement each day, most recently as the day of the hearing, at 6:30 P.M., 8:30 P.M. and 10:30 P.M., on March 20, 2018 and March 21, 2018 at the same times, on March 23, 2018 and March 24, 2018 at 4:30 P.M., 6:30 P.M., 8:30 P.M. and 10:30 P.M. and on March 25, 2018 at 4:30 P.M., 6:30 P.M. and 8:30 P.M., some of which required the purchase of tickets in advance and others required cover fees; and

WHEREAS, this history bears restating by Community Board 3 because the applicant is now asking that Community Board 3 approve commercial use of the basement for scheduled performances and ticketed sales although the community board notified the applicant in December of 2011 and March of 2018 that such use is not permitted at this location given its zoning; and

WHEREAS, a review of the original application submitted by the applicant to the SLA and received on December 1, 2005, reflects that the applicant submitted an application which included commercial

use of the basement, contrary to the application submitted to Community Board 3 and the New York City Department of Buildings Letter of No Objection for commercial use of the ground floor only; and

WHEREAS, last week, the New York City Department of Buildings began an audit of the propriety of this alteration given the residential zoning of this location; and

WHEREAS, this history also clearly indicates that the applicant is willing to and has changed its method of operation without regard for existing stipulations or the zoning for its location, and has repeatedly misstated its existing and intended method of operation to the SLA and Community Board 3; and

WHEREAS, there are three (3) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant but thirty (30) full on-premises liquor licenses and two (2) pending full on-premises liquor licenses within five hundred (500) feet of this location per the SLA LAMP map; and

WHEREAS, there was a letter submitted from a resident of the block, noting that there are daily scheduled comedy performances for which the schedules are posted online and asking that the community board address the noise and congestion from patrons congregating on the sidewalk on the days performances are scheduled; and

WHEREAS, a representative of the East Village Community Coalition, a local organization representing area businesses and residents, submitted a statement in opposition to this application because the business hosts daily comedy performances, scheduled at 4:30 P.M., 6:30 P.M. 8:30 P.M. and 10:30 P.M., which is inconsistent from its zoning and stipulations; and

WHEREAS, consistent with its history of complaints and changes in its method of operation, the applicant entered sustained charges before the SLA on April 19, 2013, for failure to comply on February 2, 2012; and

WHEREAS, the applicant furnished petition signatures, forty-eight (48) of which are from area residents, and one (1) resident of the building appeared in support of its application; and

WHEREAS, notwithstanding its petition signatures, given that the applicant has made multiple alterations to its business, most significantly extending its commercial use to the basement and hosting daily scheduled performances and ticketed sales, contrary to its stipulations and zoning, Community Board 3 will not now approve a change in class of the restaurant wine license for this applicant to a full on-premises liquor license, nor will it endorse its illegal scheduled performances; now

THEREFORE, BE IT RESOLVED that Community Board 3 again moves to deny the application for a change in class of the restaurant wine license for 7th Street Sushi Park, Inc., doing business as Klimat, for the premises located at 77 East 7th Street, between First Avenue and Second Avenue.

8. Sunrise Entertainment LLC, 235 E 4th St btwn Aves A & B (op)

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

WHEREAS, Sunrise Entertainment LLC, with a proposed business name of Sunday Rose, is seeking a full on-premises liquor license to operate a restaurant at the premises located at 235 East 4th Street, between Avenue A and Avenue B; and

WHEREAS, this applicant is proposing to operate a contemporary American restaurant with a certificate of occupancy of one hundred twelve (112) people, sixteen (16) tables and fifty-six (56) seats, as well as lounge seating in a waiting area, a twenty-three (23) foot by ten (10) foot bar with eight (8) or ten (10) stools, a nineteen (19) foot by ten (10) foot pizza counter with two (2) or three (3) stools, an intention to have a sidewalk cafe, hours of operation of 11:00 A.M. to 12:00 A.M. Sundays, 5:00 P.M. to 1:00 A.M. Mondays through Fridays and 11:00 A.M. to 1:00 A.M. Saturdays, a kitchen serving food during all hours of operation, windows, no televisions, recorded and live music at background levels and happy hours to 8:00 P.M.; and

WHEREAS, the previous licensee was approved a full on-premises liquor license by Community Board 3 in September of 2016 unless it agreed to make as conditions of its license stipulations that it would 1) operate as a full-service French tapas restaurant, 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. Sundays, 5:00 P.M. to 12:00 A.M. Mondays through Thursdays, 5:00 P.M. to 1:00 A.M. Fridays and 10:00 A.M. to 1:00 A.M. Saturdays, 3) close any front façade doors and windows at 10:00 P.M. every night or when amplified

sound is playing, including but not limited to DJs, live music and live nonmusical performances, 4) 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, and have no more than twelve (12) in-house private parties per year, 5) not apply for any alteration in its method of operation without first appearing before Community Board 3, 6) have "happy hours" to 7:00 P.M. each night, 7) not host pub crawls or party buses, 8) not have unlimited drink specials with food, or offer shots or large format beverages, 9) insure that there are no wait lines outside and designate an employee to oversee patrons and noise on the sidewalk, 10) conspicuously post this stipulation form beside its liquor license inside of its business, and 11) provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

WHEREAS, the SLA issued the full on-premises liquor license for the previous applicant with an address of 235-237 East 4th Street, on March 27, 2017; and

WHEREAS, there is one (1) full on-premises liquor license within five hundred (500) feet of this location per the applicant but there are thirteen (13) full on-premises liquor licenses and two (2) pending full on-premises liquor license within five hundred (500) feet of this location per the SLA LAMP map; 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 applicant has entered into an agreement regarding its method of operation with the East 4th Street /Lower Avenue B Block Association regarding its method of operation which includes agreeing to have hours of operation of 11:00 A.M. to 12:00 A.M. Sundays, 5:00 P.M. to 12:00 A.M. Mondays through Thursdays, 5:00 P.M. to 1:00 A.M. Fridays and 11:00 A.M. to 1:00 A.M. Saturdays and to not have live music; and

WHEREAS, although the applicant has no experience operating a licensed business, one of its principles has experience working in the hospitality industry since 2006 and another principle has twenty (20) years' experience as a manager of licensed businesses; and

WHEREAS, the applicant furnished petition signatures, nine (9) of which are from area residents, in support of its application; and

WHEREAS, given these circumstances, Community Board 3 would approve this application for a full on-premises liquor license with stipulations governing its method of operation; now

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a full-liquor license for Sunrise Entertainment LLC, with a proposed business name of Sunday Rose, for the premises located at 235 East 4th Street, between Avenue A and Avenue B, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service contemporary American restaurant, with a kitchen open and serving during all hours of operation,
- 2) its hours of operation will be 11:00 A.M. to 12:00 A.M. Sundays, 5:00 P.M. to 12:00 A.M. Mondays through Thursdays, 5:00 P.M. to 1:00 A.M. Fridays and 11:00 A.M. to 1:00 A.M. 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, and 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 will not host pub crawls or party buses,
- 7) it will not have unlimited drink specials with food,
- 8) it may have "happy hours" to 8:00 P.M, each night,
- 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.

9. New Territories (PG Themes LLC), 190 Orchard St (op)

withdrawn

10. Corp to be formed by Reed Adelson, 118 St Marks Pl btwn 1st Ave & Ave A (op)

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

WHEREAS, a corporation to be formed by principle Reed Adelson is seeking a full on-premises liquor license for the premises located at 118 Saint Marks Place, between First Avenue and Avenue A; and

WHEREAS, the applicant is proposing to operate a restaurant bar with a with a certificate of occupancy of seventy-four (74) people, nine (9) tables and thirty-six (36) seats, a twenty-three (23) bar with ten (10) stools, a backyard with eight (8) tables and thirty (30) seats closing at 10:00 P.M. all days, indoor hours of operation of 4:00 P.M. to 4:00 A.M. Mondays through Fridays and 12:00 P.M to 4:00 A.M. Saturdays and Sundays, a kitchen serving food to within one (1) hour of closing serving "American casual comfort" food consisting of appetizers and sandwiches, a closed façade, no more than two (2) televisions, recorded background music, no promoted events, scheduled performances or events with cover fees, security and happy hours to 7:00 P.M.; and

WHEREAS, this premises is located mid-block on a residentially zoned street, zoned R8B; and

WHEREAS, this location was previously operated for approximately twenty-four (24) years by Cullen Restaurant, Inc. as a tavern, doing business as St. Dymphna's; and

WHEREAS, the previous applicant was last heard by Community Board 3 in October of 2009, after a recent corporate change, for a renewal of its full on-premises liquor license with complaints from residents of illegal commercial use of the backyard and was denied unless the applicant agreed to make as a condition of its license the stipulation that it would cease commercial use of its backyard pending a New York City Department of Buildings audit to determine whether it was legally zoned for such use given that the business is zoned R8B which prohibits an extension of its grandfathered noncompliant commercial use to outdoor areas; and

WHEREAS, there are thirty (30) 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, two (2) pending full on-premises liquor licenses and ten (10) wine beer licenses on this block per the SLA LAMP map; and

WHEREAS, per the applicant, this location is within one hundred sixteen (116) feet of a school, to wit George Jackson Academy, located at 104 Saint Marks Place, between First Avenue and Avenue A; and

WHEREAS, the attorney for the applicant has stated that he believes that this location has been continuously licensed since prior to 1993 based upon statements made by the landlord of this building and also believes that, given that this location was previously licensed with a full on-premises liquor license, it is exempt from the rule prohibiting it from being within two hundred (200) feet of a school despite its proximity to the school located at 104 Saint Marks Place; and

WHEREAS, the applicant has operated a restaurant located at 647 East 11th Street, New York, New York, since 2015 for which a full on-premises liquor license was issued by the SLA on September 16, 2016, over community board objection which has operated without apparent complaints since its opening in 2015; and

WHEREAS, the applicant furnished petition signatures, forty-one (41) of which are from area residents, in support of its application and one (1) resident of the building appeared, stating that he supports this application provided the business does not include commercial use of the backyard, because he had met with the applicant had about its proposed method of operation and believed that the applicant would operate in good faith; and

WHEREAS, the East Village Community Coalition, a local organization representing area businesses and residents, submitted a statement in opposition to commercial use of the backyard by this applicant given its belief that the location is not zoned to permit this use; and

WHEREAS, two (2) other residents of the building submitted written statements objecting to the proposed backyard use given that the noise was unbearable when it was previously used and given that the construction of the backyard does not enable sound to be mitigated; and

WHEREAS, another area resident also appeared and submitted a written statement from the church that operates the school located on this block, both expressing opposition to this application given the

lack of outreach by the applicant to the church and school, given its proximity to the school and given its lack of public benefit; and

WHEREAS, given community and zoning concerns and given the number of existing licensed businesses on this block, Community Board 3 was concerned about granting a full on-premises liquor license to this applicant which included commercial use of the backyard and the proposed hours of operation; and

WHEREAS, notwithstanding the above described opposition and provided that the SLA determines that this location is not within two hundred feet of a school, Community Board 3 would approve this application for a full on-premises liquor license with stipulations governing its method of operation, including no commercial use of the backyard and amended hours of operation; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for a full on-premises liquor license for a corporation to be formed by principle Reed Adelson, for the premises located at 118 Saint Marks Place, between First Avenue and Avenue A, 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 casual comfort food restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 12:00 P.M. to 2:00 A.M. Sundays, 4:00 P.M. to 2:00 A.M. Mondays through Thursdays, 4:00 P.M. to 4:00 A.M. Fridays and 12:00 P.M. to 4:00 A.M. Saturdays,
- 3) it will not commercially operate any outdoor areas, including its backyard,
- 4) it will install soundproofing,
- 5) it will employ a security guard all days form 9:00 P.M. to closing,
- 6) it will close any front or rear façade entrance doors at 10:00 P.M. every night or when amplified sound is playing or during any televised sports events and will otherwise have a closed fixed facade with no open doors or windows,
- 7) it will play ambient background music only, consisting of recorded music, and will not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 8) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3,
- 9) it will not host pub crawls or party buses,
- 10) it will not have unlimited drink specials with food,
- 11) it may have "happy hours" to 7:00 P.M. each night,
- 12) it will insure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 13) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 14) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

11. Teatro Sea (Society of The Educational Arts Inc), 107 Suffolk St btwn Rivington & Delancey Sts (op)

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

WHEREAS, Society of the Educational Arts, Inc., doing business as Teatro Sea, is seeking a full on-premises liquor license for its concession area and legitimate theatre on the ground floor of the premises located at 107 Suffolk Street, between Rivington Street and Delancey Street; and

WHEREAS, this business is located within the Clemente Soto Velez Community Center, a longstanding cultural and arts center within this community; and

WHEREAS, this is an application for a theatre with a certificate of occupancy of one hundred twelve (112) people and a concession area with six (6) tables and fifteen (15) seats, a six (6) foot bar, hours of operation of 11:00 A.M. to 11:30 A.M. all days which includes the location being open one (1) hour before events or performances and two (2) hours after events or performances, food service during all hours of operation, recorded and live music at background and entertainment levels relative to the events or performances that are scheduled, scheduled performances, promoted performances and events and ticketed sales and security or door people from the cultural center where it is housed; and

WHEREAS, this premises is located on a residentially zoned street, zoned R7A; and

WHEREAS, this premises has never housed a business with a full on-premises liquor license but has previously had a concession area with a tavern wine license in the area now applied for as a concession area; and

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

WHEREAS, the applicant noted that this location may or may not be within two hundred (200) feet of a school, that being the Marta Valle High School, with an actual address of 145 Stanton Street, New York, New York, but which encompasses the entire block bounded by Suffolk Street, Stanton Street, Norfolk Street and Rivington Street and has entrances on multiple blocks; and

WHEREAS, the public benefit of granting a full on-premises liquor license to this venue is that it has provided Latin and multicultural performances and events and children's theatre, which include nonprofit performances and events, in this community for the past twenty-two (22) years; and

WHEREAS, the applicant submitted petition signatures, nineteen (19) of which were from area residents, as well as eleven (11) letters from businesses or organizations affiliated with the applicant, in support of its application and one (1) area resident and one (1) area business owner spoke on its behalf as a location that provides a community and cultural benefit; and

WHEREAS, three (3) residents, one of whom also spoke on behalf of the Suffolk Street Block Association, expressed concern about the addition of a full on-premises liquor license in an area with so many licensed businesses and questioned the need for a cultural facility to have a full on-premises liquor license; and

WHEREAS, there was a letter submitted by a resident of the street in opposition to this application given the number of full on-premises liquor licenses in the immediate area and a letter submitted by a resident of the street in support of the applicant but asking that it apply for a wine beer license before applying for a full on-premises liquor license; and

WHEREAS, provided that this location is determined not to be within two hundred (200) feet of a school, given the longstanding cultural benefit this applicant has provided to this community, Community Board 3 will support this application with stipulations governing its method of operation; now

THEREFORE, BE IT FURTHER RESOLVED THAT Community Board 3 recommends the denial of the application for a full on-premises liquor license for the Society of the Educational Arts, Inc., doing business as Teatro Sea, for its concession area and theatre on the ground floor of the premises located at 107 Suffolk Street, between Rivington Street and Delancey Street, New York, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that

- 1) it will operate as a legitimate theatre with an appending concession area,
- 2) its hours of operation will be 11:00 A.M. to 11:30 P.M. all days which include the location being open one (1) hour before events or performances and two (2) hours after events or performances,
- 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 recorded and live music and have scheduled performances, promoted performances and events and ticketed sales, consistent with its operation as a theatre, but will not have DJs 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 only allow ticket holders for performances or events to purchase alcohol,
- 11) it will not sell alcohol during children's theatre or performances for children,
- 12) it will insure that there are no wait lines and will designate an employee responsible to oversee patrons and noise on the sidewalk whether its own employee or an employee of the center where it is housed,
- 13) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 14) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

12. Latin American Theater Experiment Associates Inc, 107 Suffolk St btwn Rivington & Delancey Sts (op)

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

WHEREAS, the Latin American Theater Experiment Associates, Inc., is seeking a full on-premises liquor license for a legitimate theatre on the second floor of the premises located at 107 Suffolk Street, between Rivington Street and Delancey Street; and

WHEREAS, this business is located within the Clements Soto Velez Community Center, a longstanding cultural and arts center within this community; and

WHEREAS, this is an application for theatre space with a certificate of occupancy of seventy-four (74) people, moveable seating depending upon performances, a six (6) foot by four (4) foot bar, hours of operation of 1:00 P.M. to 11:30 P.M. all days which includes the location being open one (1) hour before events or performances and two (2) hours after events or performances, food service during all hours of operation, recorded and live music at entertainment levels relative to the events or performances that are scheduled, promoted performances and events, scheduled performances and ticketed sales and security or door people from the cultural center where it is housed; and

WHEREAS, this premises is located on a residentially zoned street, zoned R7A; and

WHEREAS, this premises has never housed a business with a full on-premises liquor license but has previously had a concession area with a tavern wine license in the area now applied for; and

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

WHEREAS, the applicant noted that this location may or may not be within two hundred (200) feet of a school, that being the Marta Valle High School, with an actual address of 145 Stanton Street, New York, New York, but which encompasses the entire block bounded by Suffolk Street, Stanton Street, Norfolk Street and Rivington Street and has entrances on multiple blocks; and

WHEREAS, the public benefit of granting a full on-premises liquor license to this venue is that it has provided Latino cultural performances and events, which include nonprofit performances and events, in this community since 1982; and

WHEREAS, the applicant submitted petition signatures, nineteen (19) of which were from area residents, as well as eleven (11) letters from businesses or organizations affiliated with the applicant, in support of its application and one (1) area resident and one (1) area business owner spoke on its behalf as a location that provide a community and cultural benefit; and

WHEREAS, three (3) residents, one of whom also spoke on behalf of the Suffolk Street Block Association, expressed concern about the addition of a full on-premises liquor license in an area with so many licensed businesses and questioned the need for a cultural facility to have a full on-premises liquor license; and

WHEREAS, there was a letter submitted by a resident of the street in opposition to this application given the number of full on-premises liquor licenses in the immediate area and a letter submitted by a resident of the street in support of the applicant but asking that it apply for a wine beer license before applying for a full on-premises liquor license; and

WHEREAS, provided that this location is determined not to be within two hundred (200) feet of a school, given the longstanding cultural benefit this applicant has provided to this community, Community Board 3 will support this application with stipulations governing its method of operation; now

THEREFORE, BE IT FURTHER RESOLVED THAT Community Board 3 recommends the denial of the application for a full on-premises liquor license for the Latin American Theater Experiment Associates, Inc., for its theatre space on the second floor of the premises located at 107 Suffolk Street, between Rivington Street and Delancey Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that

- 1) it will operate as a legitimate theatre with a defined concession area,
- 2) its hours of operation will be 1:00 P.M. to 11:30 P.M. all days which include the location being open one (1) hour before events or performances and two (2) hours after events or performances,
- 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 recorded and live music and have scheduled performances, promoted performances and events and ticketed sales, consistent with its operation as a theatre, but will not have DJs 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 only allow ticket holders for performances or events to purchase alcohol,
- 11) it will ensure that there are no wait lines and will designate an employee responsible to oversee patrons and noise on the sidewalk whether its own employee or an employee of the center where it is housed,
- 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.

13. Paint N Pour (TTBEL Holdings Inc), 47-53 Delancey St @ Eldridge St (op)

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

WHEREAS, Ttbel Holdings Inc., with a proposed business name of Paint N Pour, is seeking a full on-premises liquor license for the premises located at 47-53 Delancey Street, at the corner of Eldridge Street and Delancey Street, New York, New York; and

WHEREAS, this is an application for a "paint and sip" studio offering painting classes with food and alcohol service, no listed certificate of occupancy, thirty (30) tables and one hundred four (104) seats with nine (9) tables and thirty-six (36) seats in two (2) rooms and eight (8) tables and thirty-two (32) seats in a third room, an undescribed sidewalk café, a twelve (12) foot service bar, hours of operation of 11:00 A.M. to 11:00 P.M. Sundays, 2:00 P.M. to 11:00 P.M. Mondays through Thursdays, 2:00 P.M. to 1:00 A.M. Fridays and 11:00 A.M. to 1:00 A.M. Saturdays, a kitchen open during all hours of operation serving a menu of appetizers, no answer about the façade and recorded background music; and

WHEREAS, the previous applicant, using an address of 51-53 Delancey Street, a/k/a 141 Eldridge Street, was heard for a full on-premises liquor license by Community Board 3 in February of 2015 but denied a wine beer license unless the applicant agreed to make as conditions of its license stipulations that it would 1) operate as a full-service Asian hot pot restaurant, serving food during all hours of operation, 2) have hours of operation of 11:00 A.M. to 3:00 A.M. all days, 3) not commercially operate any outdoor areas, 4) close any front or rear façade entrance doors at 10:00 P.M. every night and otherwise have a closed fixed facade with no open doors or windows, 5) 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, 6) install soundproofing, 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) insure that there are no wait lines outside and designate an employee to oversee patron crowds 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 previous applicant was issued wine beer license by the SLA on December 2, 2017; and

WHEREAS, although the applicant listed its proposed address as 47-53 Delancey Street, it agreed that it would now use the address for which a license was previously issued, that being 51-53 Delancey Street, a/k/a 141 Eldridge Street; and

WHEREAS, the applicant has stated that it no longer seeking to have a sidewalk café as past of its application; and

WHEREAS, the applicant concedes that there are twelve (12) full on-premises liquor licenses within five hundred (500) feet of this location; and

WHEREAS, this location may be within two hundred (200) feet of a house of worship, that being Templo Adventista del Septimo Dia, a/k/a Delancey Seventh-Day Adventist Church, located at 126 Forsyth Street, on the corner of Delancey Street and Forsyth Street; and

WHEREAS, the applicant has stated that the public benefit of its proposed venue is that it will provide art classes to its patrons, as well as having the potential to "collaborate with community-based organizations and locals schools" to provide free art classes; and

WHEREAS, the applicant submitted petition signatures, seventy-five (75) of which were from area residents, and one (1) resident and one (1) area business owner appeared in support of its application; and

WHEREAS, the applicant has operated the same type of business at 2080 Frederick Douglas Boulevard, New York, New York, since August of 2018, that was issued a full on-premises liquor license by the SLA on July 6, 2018; and

WHEREAS, provided that this location is determined not to be within two hundred (200) feet of a house of worship, given the above described circumstances, Community Board 3 will support this application with 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 Ttbel Holdings, Inc., with a proposed business name of Paint N Pour, for the premises located at 47-53 Delancey Street, a/k/a 51-53 Delancey Street a/k/a 141 Eldridge Street, at the corner of Eldridge 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 stipulation that

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

14. Thailicious (Klai Kungwan LLC), 71 Clinton St btwn Stanton & Rivington Sts (op)

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

WHEREAS, Klai Kungwan LLC, with a proposed business name of Thailicious, is seeking a full on-premises liquor license for the premises located at 71 Clinton Street, between Rivington Street and Delancey Street, New York, New York; and

WHEREAS, this is an application for a Thai restaurant with a certificate of occupancy of seventy-five (75) people, thirteen (13) tables and thirty-four (34) seats, a ten (10) foot bar with five (5) stools, no outdoor space, hours of operation of 11:30 A.M. to 10:30 P.M. Sundays through Thursdays and 11:30 A.M. to 11:30 P.M. Fridays and Saturdays, a kitchen serving food during all hours of operation, a fixed façade, no televisions and recorded background music; and

WHEREAS, the previous applicant was denied a full on-premises liquor license by Community Board 3 in April of 2015 unless the applicant agreed to make as conditions of its license stipulations that it would 1) operate a full-service organic restaurant, with a kitchen open and serving food during all hours of operation, 2) have hours of operation of 8:00 A.M. to 12:00 A.M. Sundays through Thursdays and 8:00 A.M. to 2:00 A.M. Fridays and Saturdays, 3) close any front or rear façade doors and windows at 10:00 P.M. every night or during any amplified performances, 4) install soundproofing, 5) 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, 6) not apply for

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

WHEREAS, the applicant concedes that there are eighteen (18) full on-premises liquor licenses within five hundred (500) feet of this location; and

WHEREAS, the applicant stated that it has operated a similar business without a liquor license at 75 Baxter Street for approximately four (4) years and has experience as a manager of a business that previously served alcohol; and

WHEREAS, the applicant submitted petition signatures, nine (9) of which were from area residents, in support of its application; and

WHEREAS, given the proposed use as a full-service restaurant with moderate hours of operation, Community Board 3 will support this application with 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 Klai Kungwan LLC, with a proposed business name of Thailicious, for the premises located at 71 Clinton Street, between Rivington 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 stipulation that

- 1) it will operate as a full-service Thai restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 11:30 A.M. to 10:30 P.M. Sundays through Thursdays and 11:30 A.M. to 11:30 P.M. Fridays and Saturdays,
- 3) it will not commercially operate any outdoor areas,
- 4) it will close any front or rear façade entrance doors at 10:00 P.M. every night or when amplified sound is playing and will otherwise have a closed fixed facade with no open doors or windows,
- 5) it will play ambient background music only, consisting of recorded music, and 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 host pub crawls or party buses,
- 8) it will not have unlimited drink specials with food,
- 9) it will not have "happy hours,"
- 10) it will ensure 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.

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

16. Black Cat LES, 172 Rivington St Between Clinton & Attorney Sts (wb)

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

WHEREAS, Mansin & Mischa Corp, with a proposed business name of Black Cat LES, is seeking a wine beer license for the premises located at 172 Rivington Street, between Clinton Street and Attorney, New York, New York; and

WHEREAS, the applicant is proposing to operate a coffee shop tavern with a certificate of occupancy of seventy-four (74) people, ten (10) tables and thirty-four (34) seats, a counter, hours of operation of 7:00 A.M. to 12:00 A.M. all days, a prep area serving food during all hours of operation, no televisions, recorded background music and live entertainment level music with live music consisting of acoustic live music, and comedy performances; and

WHEREAS, this premises is located on a residentially zoned street, zoned R7A; and

WHEREAS, this applicant has stated that this is a sale of assets of an existing eating and drinking establishment with the same method of operation and business name; and

WHEREAS, the previous applicant was denied a wine beer license by Community Board 3 in December of 2016 unless the applicant agreed to make as conditions of its license stipulations that it would 1) operate as a coffee shop, with a kitchen open and serving food during all hours of operation, 2) have hours of operation of 7:00 A.M. to 12:00 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 acoustic live music, provided that the acoustic music consist of one (1) to two (2) instruments and would be played no later than 10:00 P.M. each night, and it not have DJs, 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 seek a change in class of its liquor license to a full on-premises liquor license without first obtaining the approval of Community Board 3, 8) have "happy hours" to 7:30 P.M. each night, 9) not host pub crawls or party buses, 10) not have unlimited drink specials with food, 11) ensure that there are no wait lines outside and designate an employee to oversee patrons and noise on the sidewalk, 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, the previous applicant was issued its wine beer license by the SLA on June 22, 2017; and

WHEREAS, this applicant was notified that given the R7A zoning of this location, the business cannot have scheduled performances or performances with ticketed sales but, given that the applicant has represented that its comedy performances consist of an open mic night, Wednesdays and Fridays, from 6:30 P.M. to 8:30 P.M., in which patrons or anyone interested in performing can stand up and perform comedy and in which there are no cover fees or tickets for performances or salaries provided to the performers, Community Board 3 views this element of the business as an amenity to the existing business rather than as a scheduled performance; and

WHEREAS, the applicant has no prior experience operating a licensed business but has ten (10) years' experience working in its family owned restaurants; and

WHEREAS, the applicant submitted petition signatures, twenty-five (25) of which were from area residents, in support of its application; and

WHEREAS, given the above described circumstances, Community Board 3 will support this application with stipulations governing its method of operation; now

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a wine beer license for Mansin & Mischa Corp., with a proposed business name of Black Cat LES, for the premises located at 172 Rivington Street, between Clinton Street and Attorney Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a coffee shop tavern, with less than a full-service kitchen serving food during all hours of operation,
- 2) its hours of operation will be 7:00 AM to 12:00 AM all days,
- 3) it will not commercially operate any outdoor areas,
- 4) it will close any front or rear façade entrance doors at 10:00 P.M. every night or when amplified sound is playing and will otherwise have a closed fixed facade with no open doors or windows,
- 5) it will play ambient background music, consisting of recorded music, as part of its general operation and may have acoustic unamplified live music, provided that the acoustic live music not consist of percussion instruments and will be played between 6:00 P.M. and 9:00 P.M. Sundays only, and it will not have DJs, promoted events, scheduled performances or any event at which a cover fee would be charged,
- 6) it may have an open mic night, consisting of stand-up comedy, Wednesdays through Fridays, between 6:30 P.M. and 8:30 P.M., provided that it is not promoted or accompanied by cover fees or tickets for performances or fees paid to the performers,
- 7) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3,
- 8) it will not seek a change in class of its liquor license to a full on-premises liquor license without first obtaining the approval of Community Board 3,
- 9) it will not host pub crawls or party buses,

- 10) it will not have unlimited drink specials with food,
 - 11) it will not have "happy hours,"
 - 12) it will ensure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
 - 13) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
 - 14) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.
17. Entity to be formed by B Zaslou, 99 Stanton St (new op or corp change)
withdrawn
18. Baker's Pizza (East Village Pizza LLC), 201 Ave A (wb)
withdrawn
19. Shinsen (Bowery Gyokai LLC), 44 Bowery btwn Canal & Bayard Sts (upgrade/op, alt/add new bar)

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

WHEREAS, Bowery Gyokai LLC, doing business as Shinsen, is seeking a change in class of its wine beer license to a full on-premises liquor license for its restaurant located at 44 Bowery, between Canal Street and Bayard Street; and

WHEREAS, the applicant has indicated that it is also seeking to amend its hours of operation to 11:00 A.M. to 2:00 A.M. all days and convert an existing ten (10) foot counter to a stand up bar with six (6) stools; and

WHEREAS, this is an application for a sushi restaurant with a certificate of occupancy of seventy-four (74) people, fourteen (14) tables and forty-two (42) seats, a sushi counter with twelve (12) seats, a ten (10) foot bar with six (6) stools, no outdoor space, hours of operation of 11:00 A.M. to 2:00 A.M. all days, a kitchen open and serving food during all hours of operation, an open façade, one (1) television, recorded background music, three (3) private parties per month and happy hours to 7:00 P.M.; and

WHEREAS, an application for a wine beer license for this applicant was administratively approved by Community Board 3 in May of 2017 because the applicant agreed to make as conditions of its license the stipulations that it would 1) operate a full-service sushi restaurant with a kitchen open and serving food during all hours of operation, 2) have hours of operation of 7:00 A.M. to 12:00 A.M. all days, 3) not commercially operate any outdoor areas, 4) not seek a change in class to a full on-premises liquor license without first obtaining the approval of Community Board 3, 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 apply for an alteration in its method of operation without first appearing before Community Board 3, 7) 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, 8) not host pub crawls or party buses, 9) not have unlimited drink specials with food, 10) have happy hours to 7:00 P.M. each night, 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 applicant was issued a wine beer license by the SLA on May 16, 2018; and

WHEREAS, this applicant was denied a change in class of its wine beer license to a full on-premises liquor license by Community Board 3 in July of 2018 because, in pertinent part, it had only been operating with a wine beer license for less than two (2) months; and

WHEREAS, the applicant has stated that the public benefit of approving a full on-premises liquor license for its restaurant is the absence of Japanese restaurants in the immediate area; and

WHEREAS, the applicant submitted petition signatures, forty-five (45) of which were from area residents, and from the two (2) residents of the building, in support of its application; and

WHEREAS, this applicant has stated that it has seventeen (17) years' experience working in its family's eating and drinking businesses within this community and has been a lifelong resident of this community; and

WHEREAS, there appear to be only two (2) full on-premises liquor licenses within five hundred (500) feet of this location per the SLA LAMP map; and

WHEREAS, given these circumstances, Community Board 3 would approve the change in class of this wine beer license to a full on-premises liquor license for this applicant with stipulations governing the method of operation of the business; 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 Bowery Gyokai LLC, doing business as Shinsen, for the premises located at 44 Bowery, between Canal Street and Bayard Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service sushi 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 2:00 A.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 9:30 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 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 host pub crawls or party buses,
- 8) it will not have unlimited drink specials with food,
- 9) it may have "happy hours" to 7:00 P.M, each night,
- 10) it will not allow patrons to stand between the new stand up bar and the front façade of the business,
- 11) it will insure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 12) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 13) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

20. Entity to be formed by H Cheng, 115 Allen St btwn Rivington & Delancey Sts (op)

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

WHEREAS, East Village Hospitality Group, LLC, with the proposed business name of Double Chicken Please, is seeking a full on-premises license for the premises located at 115 Allen Street, between Rivington Street and Delancey Street, New York, New York; and

WHEREAS, the applicant is proposing to operate a full-service restaurant and cocktail bar with a certificate of occupancy of seventy (70) people, fourteen (14) tables and sixty-two (62) seats, a seven (7) foot by four (4) foot bar with six (6) stools and a twenty-one (21) foot by four (4) foot bar with fifteen (15) stools, hours of operation of 12:00 P.M. to 2:00 A.M. Sundays through Wednesdays and 12:00 P.M. to 4:00 A.M. Thursdays through Saturdays, a kitchen open during all hours of operation serving shared plates and specialty sandwiches and recorded background music; and

WHEREAS, this applicant has stated that this is a sale of assets of an existing eating and drinking establishment with a full on-premises liquor license; and

WHEREAS, the previous applicant was denied a full on-premises liquor license by Community Board 3 in January of 2013 unless the applicant agreed to make as conditions of its license stipulations that it would 1) operate a full-service restaurant, specifically a gastro pub, with a kitchen open and serving food during all hours of operation, 2) have hours of operation of 5:00 P.M. to 2:00 A.M. Mondays through Wednesdays, 5:00 P.M. to 4:00 A.M. Thursdays and Fridays, 12:00 P.M. to 4:00 A.M. Saturdays and 12:00 P.M. to 2:00 A.M. Sundays, 3) 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) close any façade doors and windows at 10:00 P.M. every night, and 5) not commercially use any outdoor areas; and

WHEREAS, the previous applicant was then issued a full on-premises liquor license by the SLA on May 1, 2013; and

WHEREAS, the applicant concedes that there are eighteen (18) full on-premises liquor licenses within five hundred (500) feet of this location; and

WHEREAS, the applicant submitted petition signatures, seventy-eight (78) of which are from area residents, in support of its application; and

WHEREAS, the applicant has prior experience operating licenses businesses, including licensed businesses within this community board, in that the applicant has operated Kura located at 130 Saint Marks Place, New York, New York since February of 2013, Raku located at 349 East 6th Street, New York, New York since October of 2015, Raku Sono located at 48 MacDougal Street, New York, New York since April of 2018 and Patisserie Fouet located at 15 East 13th Street, New York, New York since August of 2018; and

WHEREAS, given these circumstances, Community Board 3 would approve a full on-premises liquor license for this applicant with stipulations governing the method of operation of the business; now

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a full on-premises license for East Village Hospitality Group, LLC, with the proposed business name of Double Chicken Please, for the premises located at 115 Allen Street, between Rivington Street and Delancey Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service Pan Asian restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 12:00 P.M. to 2:00 A.M. Sundays through Wednesdays and 12:00 P.M. to 4:00 A.M. Thursdays through Saturdays,
- 3) it will not commercially operate any outdoor areas,
- 4) it will close any front or rear façade entrance doors at 10:00 P.M. every night or when amplified sound is playing and will otherwise have a closed fixed facade with no open doors or windows,
- 5) it will play ambient background music only, consisting of recorded music, and 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 ensure 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.

Alterations

21. Coney Island Baby (Patty McCarthy's Inc), 169 Ave A btwn E 10th & E 11th Sts (op/alt)

VOTE: TITLE: Community Board 3 Recommendation To Deny

WHEREAS, Patty McCarthy's, Inc., doing business as Coney Island Baby, is seeking an alteration of its full on-premises liquor license for the premises located at 169 Avenue A, between East 10th Street and East 11th Street, to wit removing a platform, adding a door, adding a return on a banquette, removing a photo booth, adding a wall, adding a banquette and installing a moveable platform; and

WHEREAS, the applicant has represented that this alteration application is being made to garner retroactive approval from Community Board 3 for unauthorized alterations which were already completed and for which a SLA violation was issued and a settlement reached that is now only pending payment; and

WHEREAS, this applicant was issued a full on-premises liquor license by the SLA on May 10, 1990; and

WHEREAS, the location has been a longstanding bar which until recently was operated by principle Michael Stuto in a responsible manner; and

WHEREAS, the applicant was last heard for an alteration of its full on-premises liquor license, to wit reconfiguring its back room to provide additional seating, adding a seven (7) foot bar and a seven (7) foot stage for live performances to its back room and adding a five (5) foot by four (4) foot window to its front façade, by Community Board 3 in September of 2013 and was denied unless the applicant agreed to make as conditions of its license stipulations that it would 1) continue to operate as a tavern, 2) not commercially use any outdoor areas, specifically its backyard, 3) close any facade doors

and window, specifically its proposed window of no greater than five (5) feet by four (4) feet, at 10:00 P.M. every night and extend awnings over window when open, and 4) install soundproofing to its back room; and

WHEREAS, Community Board 3 approved the alteration in September of 2013 because principle Michael Stuto had entered into an agreement with the North Avenue A Neighborhood Association, a local tenants' association, who was working on behalf of area residents to address concerns raised about the proposed alterations and because of his longstanding good reputation as a business owner and community participant; and

WHEREAS, this principle more recently left this corporation which then closed the business, commenced alterations in March of 2018 and reopened in April of 2018, doing business as Coney Island Baby; and

WHEREAS, representatives of the North Avenue A Neighborhood Association and the East Village Community Coalition, a local business owners' and tenant's association, have appeared to express concern about this application given that 1) residents are frustrated because they met with the principle who has since left the business because he was a longstanding good operator and community partner to carefully review the alterations in 2013 to ensure that the business could operate as a live performance venue and bar without disrupting neighbors and now the remaining principles have altered the business without community or other notice which has severely disrupted neighbors, 2) the previous alteration to create a soundproofed back room was so the business could host comedic and acoustic music performances and the existing principles have eliminated the soundproofed room which contained noise and is now hosting amplified bands which have caused loud music to emanate from the business to the street and neighboring apartments, 3) the present principles have moved and enlarged the stage so that it is now placed against an uninsulated brick wall and beneath a tin ceiling which has resulted in noise from music travelling to the street and into neighboring apartments, 4) contrary to its stipulations and not included in the present alteration application, the present principles have installed accordion doors in the front of its business in place of the four (4) foot by five (5) foot preexisting window and when these doors are open, significant noise travels outside the business, and 5) contrary to its existing stipulations and its license, this operator has also been observed placing tables outside where alcohol is served; and

WHEREAS, two (2) residents of the building submitted letters, one of whom appeared and one of whom has moved because of the persistent noise, in opposition to these unauthorized alterations and asked that they be remediated through stipulations because 1) since the opening of the business in April of 2018, they have lost the ability to live peacefully in their apartments because the music is unbearably loud, deafening and persistent, and 2) whatever soundproofing the applicant claims to have installed is inadequate to insulate noise from music travelling to neighboring apartments; and

WHEREAS, corroborative of these complaints, there have been one hundred thirteen (113) 311 commercial noise complaints for this business in the past year, nine (9) of which required a police response to correct and approximately twenty percent (20%) of which could not be processed because they did not contain caller information; and

WHEREAS, the applicant sent a representative on its behalf who could not speak to the complaints of noise, stated that she believed that the location had been recently soundproofed although she did not know when and had no documentation of the soundproofing that was done and represented that the applicant would engage in any steps necessary to address outstanding complaints; and

WHEREAS, the applicant furnished ten (10) petition signatures, seven (7) of which are from building residents, in support of its application; and

WHEREAS, Community Board 3 informed the representative of the applicant that the license for the existing corporation does not extend to any outside area and consequently, in addition to being contrary to its existing stipulations, it is also not legal to serve alcohol on the sidewalk in front of the business; and

WHEREAS, given that the present complaints appear to be directly related to the unauthorized alterations done in March of 2018 and for which the applicant now appears, and given that the existing business is now operating inconsistent from the September of 2013 stipulations agreed to by the corporation, Community Board 3 and resolved that it would only support these alterations provided the applicant agree to enter into stipulations governing its method of operation and addressing the consequence of the alterations; and

WHEREAS, the applicant has since informed Community Board 3 that it will not agree to the stipulations; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for the alteration of the full on-premises liquor license for Patty McCarthy's Inc., now doing business as Coney Island Baby, for the premises located at 169 Avenue A, between East 10th Street and East 11th Street, to wit removing a platform, adding a door, adding a return on a banquette, removing a photo booth, adding a wall, adding a banquette and installing a moveable platform, because the applicant will not agree to make as conditions of its license the following stipulations that

- 1) it will operate as a tavern, with less than a full-service kitchen serving food during all hours of operation,
- 2) it will not commercially operate any outdoor areas, including its backyard,
- 3) it will install additional soundproofing consistent with the recommendations of a sound engineer and in cooperation with affected tenants at 169 Avenue A to ensure that sound is inaudible in the residential portion of 169 Avenue A,
- 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 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 conspicuously post this stipulation form beside its liquor license inside of its business, and
- 7) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

22. Marshall Stack (Bridge & Tunnel LLC), 66 Rivington St @ Allen St (op/alt/move door to Allen St side of space)

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

WHEREAS, Bridge & Tunnel LLC, doing business as Marshall Stack, is seeking an alteration of its wine beer license for its tavern located at 66 Rivington Street, at the corner of Allen Street and Rivington Street, to wit moving its entrance door from the corner of Rivington Street and Allen Street to its façade on Allen Street; and

WHEREAS, a review of the questionnaire submitted to Community Board 3 also reflects that the applicant is seeking to add unspecified live music to its method of operation; and

WHEREAS, this is an application for a tavern with no listed certificate of occupancy, eight (8) tables and thirty-two (32) seats, a thirty (30) foot bar with eighteen (18) stools, hours of operation of 4:00 P.M. to 2:00 A.M. Mondays through Wednesdays, 4:00 P.M. to 4:00 A.M. Thursdays and Fridays, 1:00 P.M. to 4:00 A.M. Saturdays and 1:00 P.M. to 2:00 A.M. Sundays, a kitchen open to within one (1) to four (4) hours of closing, windows, two (2) televisions, live and recorded background music and happy hours to 7:00 P.M.; and

WHEREAS, the wine beer license for this applicant was issued by the SLA on July 19, 2006, and this business has operated without apparent complaints since September of 2006; and

WHEREAS, this applicant was denied a change in class of its wine beer license to a full on-premises liquor license by Community Board 3 in March of 2018 unless the applicant agreed to make as conditions of its license stipulations that it would 1) operate as a tavern, with a prep area serving food during all hours of operation, 2) have hours of operation of 4:00 P.M. to 2:00 A.M. Mondays through Wednesdays, 4:00 P.M. to 4:00 A.M. Thursdays and Fridays, 1:00 P.M. to 4:00 A.M. Saturdays and 1:00 P.M. to 2:00 A.M. Sundays, 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, 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) 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) ensure 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, when the application was considered in March of 2018, the applicant notified Community Board 3 that it was within two hundred (200) feet of a house of worship, to wit Lamb's Church of the

Nazarene, located at 61 Rivington Street, between Allen Street and Eldridge Street, that it believed to be closed and Community Board 3 considered this information and incorporated it into its resolution; and

WHEREAS, Community Board 3 was not then presented with and did not then consider the proximity of this location to another house of worship, to wit The Church of Grace to Fujianese, located at 133 Allen Street, between Rivington Street and Delancey Street; and

WHEREAS, the applicant has now represented that it cannot obtain a full on-premises liquor license because it is within two hundred (200) feet this house of worship and is seeking an alteration to move its entrance so that it is no longer within this measurement; and

WHEREAS, given that this business has operated without complaints for approximately thirteen (13) years, Community Board 3 will approve this alteration with stipulations governing the method of operation of the business; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for an alteration of the wine beer license of Bridge & Tunnel LLC, doing business as Marshall Stack, for the premises located at 66 Rivington Street, at the corner of Allen Street and Rivington Street, to wit moving its entrance door from the corner of Rivington Street and Allen Street to its façade on Allen Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a tavern, with a kitchen open and serving food to within one (1) hour of closing,
- 2) its hours of operation will be 4:00 P.M. to 2:00 A.M. Mondays through Wednesdays, 4:00 P.M. to 4:00 A.M. Thursdays and Fridays, 1:00 P.M. to 4:00 A.M. Saturdays and 1:00 P.M. to 2:00 A.M. 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 ambient background music only, consisting of recorded and live music, with live music consisting of unamplified music of no more than three (3) instruments or players, playing Sundays only no later than 11:00 P.M., and will not have DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 6) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3,
- 7) it will not host pub crawls or party buses,
- 8) it will not have unlimited drink specials with food,
- 9) it may have "happy hours" to 7:00 P.M. each night,
- 10) it will use the door located at the corner of Rivington Street and Allen Street only as an emergency egress, the door will have no exterior hardware and it will be closed at all times,
- 11) it will ensure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 12) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 13) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

23. Rabbit House (Rabbit House Hospitality LLC), 76 Forsyth St (wb/alt/add live music and slide show) withdrawn

Hotel Applications

24. The Allen Hotel (Allen Street Hospitality LLC), 139 Orchard St @ Rivington & Allen Sts (op)

VOTE: TITLE: COMMUNITY BOARD 3 RESOLUTION DENYING THE HOTEL LIQUOR LICENSE FOR ALLEN STREET HOSPITALITY LLC, FOR 139 ORCHARD 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 139 Orchard Street, bounded by Rivington Street, Allen Street and Orchard Street, New York, New York; and

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

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

- 1) an interior first floor restaurant facing Allen Street of one thousand three hundred fifty-six (1,356) square feet with a capacity of one hundred eleven (111) people, twenty-eight (28) tables and eighty-four (84) seats, a thirteen (13) foot service bar, hours of operation of either 6:00 A.M. to 4:00 A.M. all days, a kitchen open and serving global cuisine to within two (2) hours of closing, recorded music and DJs at background levels, a fixed façade facing Allen Street and an open façade facing its interior courtyard, access through its own entrance on Rivington Street or the hotel entrance on Orchard Street and happy hours to 8:00 P.M.;
- 2) an interior first floor bar cafe facing Allen Street and Rivington Street as part of its first floor restaurant of one thousand three hundred eighty-four (1,384) square feet with a capacity of one hundred eighteen (118) people, twelve (12) tables and twenty-eight (28) seats, a forty-five (45) foot bar with twenty-five (25) stools, hours of operation of 6:00 A.M. to 4:00 A.M. all days, a kitchen open and serving global cuisine to within two (2) hours of closing, recorded music and DJs at background levels, an open façade on Allen Street and Rivington Street, access through its own entrance on Rivington Street or the hotel entrance on Orchard Street and happy hours to 8:00 P.M.;
- 3) a sidewalk café on Allen Street operating as an extension of the restaurant facing Allen Street and Rivington Street, with five (5) tables and twenty (20) seats, 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 consisting of global cuisine during all hours of operation and no music;
- 4) a sidewalk café on Rivington Street and Allen Street operating as an extension of the bar café, with thirteen (13) tables and fifty-two (52) seats with ten (10) tables and forty (40) seats located on Allen Street and three (3) tables and twelve (12) seats located on Rivington Street, hours of operation of 8:00 A.M. to 12:00 A.M. Mondays through Thursdays, 8:00 A.M. to 1:00 A.M. Fridays and Saturdays and 10:00 A.M. to 12:00 A.M. Sundays, food service consisting of global cuisine during all hours of operation and no music;
- 5) a second-floor terrace operating as an extension of the restaurant facing Allen Street and Rivington Street of one thousand one hundred (1,100) square feet, with a capacity of sixty-nine (69) people, twenty-five (25) tables and forty-eight (48) seats consisting of tables, chairs and lounge seating, a service bar of unspecified size, hours of operation of 7:00 A.M. to 7:00 P.M. all days, food service during all hours of operation, no music and access through an outdoor staircase accessible through the interior courtyard;
- 6) a ground floor exterior courtyard in the middle of the lot which would be part of the hotel restaurant of five hundred sixty-three (563) square feet with a capacity of forty (40) people, ten (10) tables and forty (40) seats, hours of operation of 7:00 A.M. to 2:00 A.M. all days, food service consisting of global cuisine during all hours of operation, no music and accessible through the restaurant;
- 7) an interior first floor lobby bar cafe facing Orchard Street of nine hundred seventy (970) square feet with a capacity of sixty-six (66) people, eleven (11) tables and twenty-eight (28) seats consisting of lounge seating, a fifteen (15) foot bar with seven (7) stools, hours of operation of 6:00 A.M. to 4:00 A.M. all days, food service from the central kitchen serving New York centric food to within two (2) hours of closing, recorded music and DJs at background levels, an open façade and access through the hotel entrance on Orchard Street;
- 8) a sidewalk café on Orchard Street operating as an extension of the lobby bar cafe, with three (3) tables and twelve (12) seats, hours of operation of 8:00 A.M. to 12:00 A.M. Mondays through Thursdays, 8:00 A.M. to 1:00 A.M. Fridays and Saturdays and 10:00 A.M. to 12:00 A.M. Sundays, food service consisting of New York centric cuisine during all hours of operation, and no music;
- 9) an interior sixteenth floor bar lounge of nine hundred twenty (920) square feet, with a capacity of thirty (30) people, nine (9) tables and twenty-one (21) seats consisting of tables, chairs and couches, a twelve (12) foot bar with four (4) stools, hours of operation of 6:00 A.M. to 4:00 A.M. all days, food service from the cellar kitchen to within two (2) hours of closing consisting of a limited American bar menu, recorded music and DJs at background level, an open façade facing Allen Street and a fixed façade facing Orchard Street;
- 10) an exterior sixteenth floor terrace facing Allen Street, with no listed square feet or capacity, twenty-four (24) seats comprised of lounge seating, hours of operation of 6:00 A.M. to 2:00 A.M.

all days, food service to within two (2) hours of closing consisting of a limited American bar menu, recorded background music and access through the sixteenth floor lounge;

- 11) an exterior sixteenth floor terrace facing Orchard Street with no listed square feet or capacity, twenty (20) seats comprised of lounge seating, hours of operation of 6:00 A.M. to 2:00 A.M. all days, food service to within two (2) hours of closing, recorded background music 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, this applicant withdrew its application before Community Board 3 in June of 2018 and September of 2018, to complete its application, engage in community outreach and respond to community board and community questions raised during its hearing; and

WHEREAS, this application was ultimately denied by Community Board 3 in November of 2018 and March of 2019 given its primary entrance was first proposed to be located at 140 Allen Street which was 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, as well as for other reasons outlined below; and

WHEREAS, this applicant has now presented a new application having moved its primary entrance to Orchard Street, thereby negating the prevailing issue of its proximity to a house of worship; and

WHEREAS, Community Board 3 finds upon a review of its current application that the applicant is now seeking the maximum allowable public use for its proposed indoor and outdoor venues, thereby discarding community board and community negotiations that have occurred over the past year; and

WHEREAS, its representatives, having appeared on its behalf and without any of the principles, have explained that the applicant wants the community board to create stipulations regarding its proposed public venues and apply to the SLA "to see what it can get;" and

WHEREAS, its representatives have explained that the façade would be open on the ground floor on either side of the Orchard Street entrance, on either side of the Rivington Street entrance, on Allen Street north of its interior courtyard, in the sixteenth floor tavern lounge facing Allen Street and from the south side of the restaurant into the south side of the interior courtyard and, where the façade can open, it would consist of hangar doors which open from ground to ceiling like garage doors; and

WHEREAS, its representatives have also explained that its employees would access the proposed sidewalk café on Allen Street through exit doors from its restaurant into its interior courtyard and through an egress from the courtyard onto the sidewalk and that said restaurant doors and egress would not function as entrances which would allow the applicant to remain in compliance with the two hundred (200) foot rule given that its Allen Street façade is within one hundred sixty-seven (167) feet of the house of worship located at 133 Allen Street; and

WHEREAS, although this is the fifth time this application is being heard and allowing for the modifications that were made as the result of moving the primary entrance, there are elements of this proposed plan which also remain outstanding, such how and when DJs would be used in the proposed public venues and how many televisions there would be and their locations; and

WHEREAS, there are twenty-eight (28) 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; and

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, including a hotel located on the same block of Orchard Street as this hotel; and

WHEREAS, notwithstanding the above-described conditions, the applicant has asserted that the approval of a full on-premises liquor license for this location 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, 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 gross 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 (see <https://newsweek.com/hotels/lower-east-side-1401571>) 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 that 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 have resulted in a public safety and sanitation crisis; and

WHEREAS, letters were previously submitted by two (2) tenants associations and representatives of three (3) block or tenants associations and six (6) residents previously 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, and 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 and smaller rooms for lodging; and

WHEREAS, twenty (20) area residents appeared in opposition to this application at its most recent hearing before Community Board 3, ten (10) of whom, including a representative of the Lower East Side Dwellers, a local residents organization, restated all of the previous concerns expressed about this application during the past four (4) hearings, as well as the collective consternation that the applicant has abandoned its negotiations with the community and any agreements that had been reached about methods of operation of the proposed public venues; and

WHEREAS, the applicant previously furnished petition signatures in support of its application, only fifteen (15) of which were 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, previously 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 in October of 2018 and now resubmitted as part of this most recent application 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, despite the traffic concerns voiced by area residents, the applicant 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 during the fourth iteration of its application added a restaurant entrance to the already overburdened Rivington Street and has stated that its hotel entrance now 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 substantial community concerns, the Lower East Side Dwellers has been working with the applicant on behalf of area residents for the past year to try to mitigate the impact of noise and pedestrian and vehicular traffic from this development on this community and had reached a partial agreement about its proposed outdoor uses to mitigate their impact on neighboring residents; 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, 3) its Orchard Street sidewalk café be located within twenty-five (25) of apartment windows, 4) its Rivington Street sidewalk café would be located within twenty-five (25) feet of apartment windows, and 5) its ground floor courtyard would be located within twenty-five (25) feet of apartment windows at 79 Rivington Street and within thirty (30) feet of apartment windows at 143 Orchard Street; and

WHEREAS, the sound study commissioned by the applicant in August of 2018 and now resubmitted as part of its most recent application 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 applicant had previously agreed to mitigate the impacts of its outdoor uses because these uses would exist within close proximity to residential apartment buildings, its most recent application reflects no agreement to do this; 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 any iteration of this application and proposed business will have a significant negative impact on the surrounding community; 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 because 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, notwithstanding the above enumerated circumstances, Community Board 3 believes that the SLA will recognize a public benefit in the addition of this large-scale business to this area because it generally benefits City and State development which could have been accomplished through another type of development and so Community Board 3 had resolved to support this application provided that the applicant agree to stipulations governing its method of operation and addressing community and community board concerns raised during the past year; and

WHEREAS, the applicant has since informed Community Board 3 that it will not agree to the stipulations; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application to obtain a hotel liquor license for Allen Street Hospitality LLC, for a seventeen (17) story hotel, located at 139 Orchard Street, bounded by Rivington Street, Allen Street and Orchard Street, New York, New York, because the applicant will not agree to make as conditions of its license the following stipulations, that

Generally, 1) the entrance to the hotel which is located on Orchard Street, south of Rivington Street, will be its primary entrance; 2) all loading and unloading of lodgers to the hotel will be effected on Orchard Street at the Orchard Street entrance; 3) deliveries, service vehicles and garbage pick-ups will be on Orchard Street, north of the hotel entrance between 7:00 A.M. and 7:00 P.M., and garbage will be retained inside the hotel until pick-up; 4) it will coordinate its garbage pickups with other businesses to minimize the impact of additional trucks to the street; 5) it may have "happy hours" to 8:00 P.M. in its public spaces; 6) it will not host pub crawls or party buses; 7) it will not have unlimited drink specials with food in any of the areas where food is served; 8) it will insure that soundproofing or sound baffling measures are installed in its publicly accessed spaces, consistent with the recommendations of a sound engineer to prevent noise from emanating outside or to residential apartments; 9) security guards will be monitoring the hotel during all hours of operation and there will be a security guard specifically designated to oversee the Orchard Street hotel entrance during all hours; 10) it will have staff people outside its business when needed to insure that there are no wait lines, loitering, crowds or noise outside and will have staff people responsible for directing vehicular and pedestrian traffic and preventing queuing and idling vehicles around its business; 11) exterior lights will be at low levels and directed down or away from neighboring windows or will be low level path lighting on terraces; 12) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3; 13) it will provide a telephone number for residents to call with complaints and will immediately respond to any resident complaints; and 14) it will host quarterly meetings within its first year of operation to address community concerns or complaints; and

Specifically,

With respect to the ground floor lobby bar café, 15) it will operate as a bar café appended to the lobby with food service from the hotel cellar kitchen during all hours of operation; 16) the lobby check-in area will be open twenty-four (24) hours each day; 17) the bar café will have hours of operation of 6:00 A.M. to 2:00 A.M. all days; 18) ambient background music only, consisting of recorded music, will be played in this area and it will not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged; 19) it will have a closed fixed facade with no open doors or windows; 20) given that the main hotel entrance and service entrance are located on Orchard Street and given the narrow construction of the street and sidewalk, there will be no commercial use of any outdoor space on Orchard Street, including a sidewalk café; 21) its entrance will be the primary hotel entrance located on Orchard Street, between Rivington Street and Delancey Street; and

With respect to the ground floor restaurant facing Allen Street and Rivington Street, 22) it will operate as a full-service restaurant, serving global cuisine, with its own kitchen open and serving a full menu during all hours of operation; 23) its hours of operation will be 6:00 A.M. to 2:00 A.M. all days; 24) it will play ambient background music only, consisting of recorded music, and will not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged; 25) it will close any façade doors and windows on Allen Street north of its interior courtyard 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 and will have a closed fixed facade with no open doors or windows on Allen Street south of its courtyard, on Rivington Street and facing its interior courtyard; 26) it will not commercially use any outdoor space on Rivington Street, including a sidewalk café; 27) it will have its own entrance on Rivington Street and may also be accessed through the hotel entrance; and

With respect to the ground floor outdoor seating on Allen Street and Rivington Street, 28) provided that a sidewalk café permit is obtained to operate this area and it is legal to have outdoor tables and seats within two hundred (200) feet of a house of worship, it will be operated as an amenity to and extension of the ground floor restaurant facing Allen Street; 29) there will be no more than ten (10) tables and twenty (20) seats in one row of two-top tables on Allen Street north of its interior courtyard and no more than seven (7) tables and fourteen (14) seats in one row of two-top tables on Allen Street south of its interior courtyard; 30) there will be food service from the restaurant kitchen during all hours of operation; 31) its hours of operation will be 8:00 A.M. to 10:00 P.M. Mondays through Saturdays and 10:00 A.M. to 10:00 P.M. Sundays; 32) there will be no music at any time; 33) waitstaff will access the sidewalk café by exiting the restaurant into the interior courtyard and exiting the interior courtyard onto Allen Street; and

With respect to the ground floor interior courtyard, 34) it will operate as a garden and as a quiet gathering space for hotel guests and patrons; 35) there will be no food or alcohol service in this area

at any time; 36) in order to allow the restaurant staff to access the sidewalk café, the hours of operation for this area will be 8:00 A.M. to 10:00 P.M. Mondays through Saturdays and 10:00 A.M. to 10:00 P.M. Sundays; 37) there will be no music in this area at any time; 38) given the proximity of the courtyard to residential apartment windows at 79 Rivington Street and 143 Orchard Street, any doors or windows into the courtyard will be closed at all times; 39) given its proximity to residential apartment windows at 79 Rivington Street and 143 Orchard Street, this area will be soundproofed consistent with the recommendations of a sound engineer, including installing vegetation and solid sound baffling panels to baffle sound between this area and apartments and installing a sound absorbing canopy which would be extended over this area during its hours of operation; and

With respect to the second floor terrace facing Allen Street and Rivington Street, 40) it will operate as a garden and as a quiet gathering space for hotel guests and patrons; 41) there will be no food or alcohol service in this area at any time; 42) there will be no stand up or service bar in this area; 43) its hours of operation will be 7:00 A.M. to 7:00 P.M. all days; 44) there will be no music in this area at any time; 45) given its proximity to residential apartment windows at 79 Rivington Street, this area will be soundproofed consistent with the recommendations of a sound engineer, including installing vegetation and solid sound baffling panels to baffle sound between this area and apartments; 46) it will be accessed through a staircase leading from the interior courtyard to the terrace; and

With respect to the sixteenth floor interior tavern lounge, 47) it will operate as a tavern lounge with food service from the hotel cellar kitchen during all hours of operation; 48) its hours of operation will be 6:00 A.M. to 2:00 A.M. all days; 49) it will play ambient background music only, consisting of recorded music, and will not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged; 50) it will close any façade doors and windows facing Allen Street 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 and will have a closed fixed facade with no open doors or windows facing Orchard Street; 51) it will be accessed through the hotel; 52) there will be a security guard assigned to monitor access to and capacity of this area when necessary; and

With respect to the sixteenth floor exterior terrace facing Allen Street, 53) it will operate as an extension of the sixteenth floor interior tavern lounge with food service from the hotel cellar kitchen during all hours of operation; 54) its hours of operation will be 9:00 A.M. to 11:00 P.M. all days; 55) there will be no music in this area at any time; 56) it will be accessed through the sixteenth floor interior tavern lounge; and

With respect to the sixteenth floor exterior terrace facing Orchard Street, 57) it will operate as an extension of the sixteenth floor interior tavern lounge with food service from the hotel cellar kitchen during all hours of operation; 58) its hours of operation will be 9:00 A.M. to 11:00 P.M. all days; 59) there will be no music in this area at any time; 60) it will be accessed through the sixteenth floor interior tavern lounge.

New Liquor License Applications

25. Jiblis Mediterranean Kitchen (Jiblis Foodies LLC), 175-177 E Houston St a/k/a 200 Allen St (op)

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

WHEREAS, Jiblis Foodies LLC has applied for a full on-premises liquor license to operate a restaurant, with a proposed business name of Jiblis Mediterranean Kitchen, in the premises located at 175-177 East Houston Street a/k/a 200 Allen Street, with an entrance on East Houston Street, between Allen Street and Orchard Street, and an entrance on Allen Street, between East Houston Street and Stanton Street, New York, New York; and

WHEREAS, this applicant is seeking to operate a Mediterranean restaurant with no listed certificate of occupancy, thirty-two (32) to thirty-five (35) tables and one hundred twelve (112) seats on the ground floor and basement, hours of operation of 9:00 A.M. to 12:00 A.M. Sundays and Mondays, 9:00 A.M. to 1:00 A.M. Tuesdays and Wednesdays and 9:00 A.M. to 1:30 A.M. Thursdays through Saturdays, a kitchen open to within one (1) hour of closing, a bar of unspecified size with fifteen (15) stools on the ground floor and a raw bar of unspecified size,, no answer about the façade, no televisions, recorded background music ending at 11:30 P.M. Sundays and Mondays and 12:00 A.M. Tuesdays through Saturdays; and

WHEREAS, the previous licensee for this location was previously denied by Community Board 3 in April of 2011 unless it agreed to make as conditions of its license stipulations that it would 1) operate as a full-service American restaurant in the basement, serving food during all hours of operation, and a coffee shop, bakery and restaurant on the ground floor, serving food during all hours of operation,

2) have hours of operation for its ground floor café of 12:00 A.M. to 12:00 A.M. every day and hours for its basement restaurant of 11:00 A.M. to 2:00 A.M. every day, 3) triple soundproof the windows in its basement restaurant which face a shared residential courtyard and install sound resistant curtains in said windows, or employ any more effective method of baffling sound and light after an evaluation by a sound engineer, 4) not commercially use said shared courtyard, and 5) play ambient background music only, consisting of recorded music; and

WHEREAS, there are thirty-seven (37) full on-premises liquor licenses within five hundred (500) feet of this location; and

WHEREAS, this applicant has entered into a memorandum of understanding regarding its method of operation with the Lower East Side Dwellers, a local residents' organization, as well as with the landlord of 179 East Houston Street, on behalf of himself and his tenants, which states, in pertinent part, that 1) both floors will be used as dining rooms, 2) there will be no commercial use of the courtyard and any lighting in the courtyard would be at low levels and will be turned off at 11:00 P.M. each night, 3) it will install soundproofed windows and doors in the courtyard, 4) it will install light and sound baffling curtains around the upper part of the courtyard, 5) it will replace the ventilation system in the courtyard and on the roof, 6) there will be no dancing, security or wait lines, and 7) any façade doors and windows, including entry doors, will be closed at all times; and

WHEREAS, although the applicant listed no experience operating a licensed business, the applicant has experience working in and managing similar business since 1999; and

WHEREAS, the applicant furnished petition signatures, eighty-nine (89) of which are from area residents, in support of its application and one (1) resident and one (1) patron of the existing business where the applicant works appeared on its behalf and characterized him as a responsible business operator and responsive neighbor who has improved the neighborhood; and

WHEREAS, given the above described circumstances, Community Board 3 will approve this application with stipulations governing the method of operation of the proposed business; now

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a full on-premises liquor license for Jiblis Foodies LLC, with a proposed business name of Jiblis Mediterranean Kitchen, for the premises located at 175-177 East Houston Street a/k/a 200 Allen Street, with an entrance on East Houston Street, between Allen Street and Orchard Street, and an entrance on Allen Street, between East Houston Street and Stanton 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 Mediterranean restaurant on both the ground floor and basement, will not operate the basement as a separate bar area and will have 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, 5:00 P.M. to 1:00 A.M. Tuesdays and Wednesdays, 5:00 P.M. to 1:30 A.M. Thursdays and Fridays, 10:30 A.M. to 1:30 A.M. Saturdays and 10:30 A.M. to 12:30 A.M. Sundays,
- 3) it will not commercially operate any outdoor areas, including the courtyard area,
- 4) it will install soundproofing, including installing soundproofed doors and windows around the courtyard,
- 5) it will have a closed fixed façade, with no open doors or windows, at all times, including the courtyard doors and windows,
- 6) it will play ambient background music only, consisting of recorded music, and will not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee will be charged and music will be turned off at 11:30 P.M. Sundays and Mondays and 12:00 A.M. Tuesdays through Saturdays,
- 7) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3,
- 8) it will not host pub crawls or party buses,
- 9) it will not have unlimited drink specials with food,
- 10) it will ensure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 11) it will not have dancing,
- 12) it will install light resistant curtains to the courtyard windows and will have dim lighting in the courtyard that will be turned off at 11:00 P.M. to prevent light from disturbing neighbors,
- 13) it will conspicuously post this stipulation form beside its liquor license inside of its business, and

- 14) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

Items not heard at Committee

26. Time Cafe (Time Cafe LLC), 105 Canal St (wb)
no vote necessary
27. Big Apple Food Group LLC, 23 St James Pl (wb)
no vote necessary
28. Dig Inn (Dig Inn 127 4th Avenue LLC), 127 4th Ave (wb)
no vote necessary
29. Fire & Water (Derossi Asia LLC), 111 E 7th St (wb)
no vote necessary
30. Joe's Shanghai (East Moon Corp), 46 Bowery (wb)
no vote necessary
31. AOI Kitchen LLC, 320 E 6th St (wb)
no vote necessary
32. Kabisera (Kabisera Kape LLC), 151 Allen St (wb)
no vote necessary
33. Punto Rojo Restaurant Panaderia Colombiana Corp, 221 1st Ave (wb)
no vote necessary
34. Future You Cafe (Norteamerica Coffee Company LLC), 117-119 E 7th St (wb)
no vote necessary
35. Skin Contact LLC, 76 Orchard St (wb)
no vote necessary
36. Smor (TwoBones Catering LLC), 441 E 12th St (wb)
no vote necessary
37. La Margarita (Hieb Corp), 168 Ludlow St (corp change)
no vote necessary
38. Crif Dogs (Crif Dogs Enterprises Inc), 113 St Marks Pl (corp change)
no vote necessary

Old Business

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

VOTE: TITLE: Community Board #3 Recommendation To Deny

WHEREAS, Saica LLC is seeking a full on-premises liquor license to operate a restaurant lounge in the premises located at 165 Allen Street, between Stanton Street and Rivington Street, New York, New York; and

WHEREAS, this was originally an application for an American restaurant and lounge with no listed certificate of occupancy, eighteen (18) tables and forty-two (42) seats on the ground floor and twenty (20) tables and sixty-eight (68) seats on the second floor, a twenty-four (24) foot bar with twenty-five (25) stools on the ground floor and a sixteen (16) foot bar with thirteen (13) stools on the second floor, a sidewalk café, hours of operation of 11:00 A.M. to 1:00 A.M. Sundays through Wednesdays and 10:00 A.M. to 3:00 A.M. Thursdays through Saturdays, a kitchen open during all hours of operation, an open façade, recorded and live music and DJs at background and entertainment levels, scheduled performances and events with cover fees, patron dancing, security and happy hours; and

WHEREAS, Community Board #3 informed the applicant that it would have to separately apply to DCA for a sidewalk café permit because 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, this location has been unoccupied for approximately four (4) years but was previously operated as a full-service restaurant with recorded background music; and

WHEREAS, this location was last approved an alteration to the existing restaurant by Community Board #3 in September of 2006, to wit adding an additional upstairs bar, provided the applicant agreed to make as conditions of its license the stipulations that it would 1) maintain its method of operation on both floors as a full-service restaurant, serving food until one (1) hour of closing, 2) operate the upstairs as a full-service sit-down restaurant, 3) close at 12:00 A.M. weeknights and 1:00 A.M. weekends, 4) not have live music or DJs, and 5) close any facade doors or windows at 10:00 P.M.; and

WHEREAS, although unoccupied by any full-time business in the past several years, the location was being subleased as an event space for an approximate two (2) year period, in which sub-lessees were being issued temporary permits by the SLA to serve alcohol during events; and

WHEREAS, the events included loud music and people which caused numerous complaints from adjacent residents and resulted in the district manager of Community Board #3 asking the SLA curtail the issuance of the temporary permits; and

WHEREAS, there are nineteen (19) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant but there are twenty-four (24) full on-premises liquor licenses and one (1) pending full on-premises liquor license within five hundred (500) feet of this location per the SLA LAMP map; and

WHEREAS, this applicant has no experience operating a licensed business and has never held a liquor license but notes that its chef and manager have had experience working in licensed businesses; and

WHEREAS, the applicant has furnished evidence of community support, in that it provided petition signatures, one hundred twelve (112) of which are from area residents, and two (2) people appeared in support of its application; and

WHEREAS, three (3) residents of the adjacent building located at 167 Allen Street, New York, New York, appeared to express concerns about noise and vibrations from music travelling through the walls of this unsound-proofed space, as well as from a ventilation system; and

WHEREAS, Community Board #3 was concerned about granting a full on-premises liquor license to this applicant given that this applicant is proposing to operate a performance venue without having any experience operating a licensed business; and

WHEREAS, given these concerns and the concerns of residents of the adjacent buildings, this applicant obtained the recommendation of a sound engineer in collaboration with neighboring residents to soundproof the interior and ventilation system and has reduced its hours of operation, eliminated DJs as part of its general operations, its stage and events with cover fees and will have live music only as an accompaniment to drinking and dining; and

WHEREAS, recognizing the efforts made by the applicant to modify its proposed method of operation to address community concerns, Community Board #3 had resolved to support this application with stipulations governing the method of operation of the proposed business; and

WHEREAS, since that community board resolution in its favor, the applicant has informed Community Board #3 that it cannot agree to the stipulations; now

THEREFORE, BE IT FURTHER RESOLVED THAT Community Board #3 recommends the denial of the application for a full on-premises liquor license for Saica LLC, with a proposed business name of Dizzy's, for the premises located at 165 Allen Street, between Stanton Street and Rivington Street, New York, New York, because the applicant would not agree to make as conditions of its license the following stipulation that

- 1) it will operate as a full-service American restaurant with a kitchen open and serving food during all hours of operation and with both the ground and second floors being used for sit-down dining consistent with its operation as a full-service restaurant,
- 2) its hours of operation will be 11:00 A.M. to 1:00 A.M. Sundays through Wednesdays and 11:00 A.M. to 2:00 A.M. Thursdays through Saturdays,
- 3) it will not commercially operate the second-floor terrace which will only be used as a garden not accessible to patrons and the façade to the terrace will be closed at all times,
- 4) it will install soundproofing consistent with the plans of an acoustical engineer, including 1) installing soundproofing to ensure that sound is inaudible to and vibrations are not felt by residents in adjacent buildings and conducting a sound assessment with neighboring residents after the business is open to evaluate whether mitigation efforts are successful, 2) encasing a new HVAC system in its own rooms on the roof at the front and back of the building to mitigate the impact of sound and vibrations on neighboring residents, and 3) installing a set limiter,
- 5) it will close any ground floor 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, will have a closed fixed front façade with no open doors or windows on the second floor and will have a closed fixed skylight,
- 6) it will play ambient recorded background music as part of its regular business operations and may have live music, played at ambient background level and consisting of no more than three (3) players or instruments, playing no more than four (4) days per week, from 7:30 P.M. to 10:00 P.M.

- and during weekend brunch from 12:00 P.M. to 2:00 P.M., and players or instruments will be positioned on the second floor in the front of the business and limited by a set limiter,
- 7) it may have DJs played at ambient background level at private events no more than twelve (12) times per year but will not have DJs as part of its regular business operations and will not have promoted events, scheduled performances or events at which cover fees are charged,
 - 8) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board #3,
 - 9) it may have "happy hours" to 7:00 P.M. each night,
 - 10) it will not host pub crawls or party buses,
 - 11) it will not have unlimited drink specials with food,
 - 12) it will insure that there are no wait lines outside and will designate an employee responsible to oversee patrons and noise on the sidewalk,
 - 13) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
 - 14) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints

40. Vote to adjourn
approved by committee

37 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding SLA items 3, 16)
36 YES 1 NO 0 ABS 0 PNV MOTION PASSED (SLA items 3, 16)

Economic Development Committee

1. Approval of previous month's minutes
approved by committee
2. District Needs Statement/ Budget Consultation questions
no vote necessary
3. Report from Arts & Cultural Affairs Subcommittee
no vote necessary
4. Vote to adjourn
approved by committee

37 YES 0 NO 0 ABS 0 PNV MOTION PASSED

New Business

Vaylateena Jones gave an update from the world trade center health program survivors steering committee.

Vote to adjourn

37 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Members Present at Last Vote:

David Adams	[P]	Herman Hewitt	[P]	Nancy Ortiz	[P]
Yaron Altman	[A]	Trever Holland	[P]	Michael Perles	[P]
Jesse Beck	[A]	Linda Jones	[A]	Paul Rangel	[P]
Dominic Berg	[A]	Vaylateena Jones	[P]	Carolyn Ratcliffe	[P]
Lee Berman	[P]	Tatiana Jorio	[P]	Damaris Reyes	[P]
Victoria Berrios	[P]	Meghan Joye	[A]	Richard Ropiak	[A]
Lisa Burriss	[A]	Lisa Kaplan	[P]	Robin Schatell	[P]
Karlin Chan	[P]	Olympia Kazi	[P]	Heidi Schmidt	[P]
Jonathan Chu	[P]	Joseph Kerns	[P]	Laryssa Shainberg	[A]
David Crane	[P]	Michelle Koppersmith	[P]	Clint Smeltzer	[P]
Felicia Cruickshank	[P]	Mae Lee	[A]	Anisha Steephen	[P]
Paul DeRienzo	[P]	Alysha Lewis-Coleman	[A]	Sandra Strother	[A]
Eric Diaz	[P]	Han Lo	[A]	Josephine Velez	[P]
Alistair Economakis	[P]	Ellen Luo	[P]	Rodney Washington	[P]
Shirley Fennessey	[P]	Michael Marino	[P]	Kathleen Webster	[P]
Ryan Gilliam	[P]	Alexandra Militano	[P]	Jacky Wong	[P]
Debra Glass	[P]	Therese Mitchell	[A]		

Meeting Adjourned