



# THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

59 East 4th Street - New York, NY 10003

Phone (212) 533-5300

[www.cb3manhattan.org](http://www.cb3manhattan.org) - [info@cb3manhattan.org](mailto:info@cb3manhattan.org)

Alysha Lewis-Coleman, Board Chair

Susan Stetzer, District Manager

June 2020 Full Board Minutes

Meeting of Community Board 3 held on Tuesday, June 23, 2020 at 6:30pm via Zoom.

#### Public Session:

- **Tommy Loeb (LES Resident)** - Lower East Side Resiliency Program. Lawsuit filed by about 94 groups that is currently pending in the Supreme Court. The city originally said it would stop work until fall, but there is a document referenced by the district manager that talks about an early opening and Mr. Loeb asked for it and was told it had to be FOILED, so he submitted a FOIL.
- **Vaylateena Jones (Lower East Side Power Partnership)** – Wrote a letter to NYPD Commissioner Dermot Shea asking to implement disciplinary actions against the police officer involved in the incident on Avenue D on May 2. The group also supports the Safer New York package. Supportive of initiatives to improve quality of life in the neighborhood, especially for young African American men.
- **Sydney Renwick (New York Public Library)** – Targeting July to begin reopening. Working with agency partners to ensure that it's safe. Planning to open eight locations. This will include a grab and go service with books that can be reserved ahead of time. On June 8, NYPL launched its 2020 Summer Reading program "Quest For Adventure" with programs offered digitally.

#### Public Officials:

Mayor Bill de Blasio, Andrew Kunkes:

Public Advocate Jumaane Williams, Lilah Mejia:

Comptroller Scott Stringer, Luke Wolf:

- Called for \$1.1 billion divestment from the NYPD to reinvest in communities most impacted by policing
- Create searchable online database of all police misconduct
- Want to remove press credentialing from the NYPD
- Facing \$9-\$10 billion budget gap, which will require a lot of federal money
- Continuing with audit into the city's response to COVID, subpoenaed the city and didn't receive any documents or a timeline about when it will receive documents

Borough President Gale Brewer, Brian Lewis:

- Bathrooms are available at restaurants. List of all restaurants that asked for outdoor dining will be available online - 3,141 in NYC have applied to have outdoor dining.
- City is thinking of having a mediation process for bad actions for restaurants that have complaints, working with the community boards, potentially using an outside organization for the mediation.
- Ongoing discussion about whether camps will have permits in the parks
- Working on getting fecal matter testing in the city to trace outbreaks
- Contacting residents in census tracts with bad response rates
- Starting to paint Black Lives Matter near Foley Square

Congressmember Nydia Velazquez, Lingxia Ye:

Congressmember Carolyn Maloney, Victor Montesinos:

Assemblymember Yuh-Line Niou, Shivani Gonzalez:

- Calling for community engagement around 70 Mulberry. Need to keep having community input.
- Part of a working group to help raise revenue for the city, including a stock buyback tax, ultra millionaires tax, billionaires tax, and pied-a-terre tax
- Email Shivani if you would like to be on Yuh-Line's daily covid newsletter ([shivan@yuhlineniou.org](mailto:shivan@yuhlineniou.org))

Assemblymember Deborah J. Glick, Charlie Anderson:

- Rent is one of the biggest issues right now
- Small businesses need upfront money to have inventory in store
- Passed a series of police reforms, including taking away shields for disciplinary workers
- Will be working with the community board on outdoor dining – a lot of questions but not a lot of answers. Want this done in a way that is balanced and still unclear with what will happen about stipulations that the CB has worked out with establishments.

- BOE swore that it got all of the ballots out, and blamed any ballots that didn't arrive on the post office. Hoping to get vote by mail to the people so it can become pro forma to vote by mail.

Assemblymember Harvey Epstein, Aura Olavarria:

- Important to do something for small businesses between now and the end of the summer – whether its lease cancellation or partial rent forgiveness.
- Need to work on raising revenue, not austerity – fighting for that with Deborah Glick. Can't cut our way out of the problem.
- We should end 421a – starves the city of much needed revenue and doesn't actually build affordable housing.

State Senator Brian Kavanaugh, Greer Mayhew:

- Legislature passed two Kavanaugh bills - Emergency Rent Relief Act of 2020 which creates a \$100 million rent voucher program and mortgage forbearance
- Sent letter asking Cuomo to extend eviction moratorium

State Senator Brad M. Hoylman, Caroline Wechselbaum:

- Check the board report [HERE](#)
- The State Senate returned to Albany earlier this month to take up a package of important legislation to reform policing in New York, including the following pieces of legislation:
- My legislation, the Police STAT Act, which for the first time would require police departments across New York State to record and report information on who is arrested and ticketed, what race they are, where it happened, and how many people are dying in police custody.
- Legislation to repeal 50-a, a statute that helps to shield police officers' disciplinary records from public scrutiny;
- Legislation that would codify and strengthen the Governor's Executive Order establishing the State Attorney General as a special prosecutor for police violence;
- The Eric Garner Anti-Chokehold Act, which would make it a crime for law enforcement to use a chokehold or otherwise obstruct an individual's breathing; and
- Legislation to create an office to investigate law enforcement misconduct, establish a private right of action for members of a protected class when an individual calls law enforcement on them without justification; affirm the right to medical and mental health attention while in custody of law enforcement; require State Police officers to wear body cameras; and require law enforcement to report weapon discharges.

Councilmember Margaret Chin, Marian Guerra:

- Supports cutting NYPD budget to redirect to social services

Councilmember Carlina Rivera, Isabelle Chandler:

- Council is trying to compliment the work that has been done in Albany
- NYT covered the challenges of contact tracing, but this is new territory and new ground. Carlina will demand more transparency and accountability around the program as necessary.
- Doing a hearing 9:30 am on 6/24 around reopening of public hospitals.
- Workign with community boards to manage open restaurants to make sure SLA is coming through with enforcement.

Members Present at First Vote:

David Adams	[P]	Trever Holland	[P]	Tareake Ramos	[P]
Yaron Altman	[P]	Linda Jones	[P]	Paul Rangel	[P]
Jesse Beck	[P]	Vaylateena Jones	[P]	Carolyn Ratcliffe	[P]
Dominic Berg	[P]	Tatiana Jorio	[P]	Damaris Reyes	[P]
Lee Berman	[P]	Lisa Kaplan	[P]	Richard Ropiak	[P]
Karlin Chan	[P]	Olympia Kazi	[P]	Thomas Rosa	[P]
Jonathan Chu	[P]	Joseph Kerns	[P]	Robin Schatell	[P]
David Crane	[P]	Michelle Kuppersmith	[P]	Heidi Schmidt	[P]
Felicia Cruickshank	[P]	Mae Lee	[P]	Laryssa Shainberg	[P]
Eric Diaz	[P]	Wendy Lee	[A]	Clint Smeltzer	[P]
Alistair Economakis	[P]	Alysha Lewis-Coleman	[A]	Anisha Steephen	[P]
Shirley Fennessey	[P]	David Louie	[P]	Sandra Strother	[A]
Ryan Gilliam	[P]	Ellen Luo	[P]	Josephine Velez	[P]
Debra Glass	[P]	Michael Marino	[P]	Troy Velez	[P]
Andrea Gordillo	[P]	Alexandra Militano	[P]	Rodney Washington	[P]
Herman Hewitt	[P]	Michael Perles	[P]	Kathleen Webster	[P]

Jacky Wong [P] Ricky Wong [P]

Minutes:

Minutes of April 2020 were approved, as is.

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

Board Chairperson's Report:

Chairperson Alysha Lewis-Coleman

- Absent

District Manager's Report:

District Manager Susan Stetzer

- There are [small business grants](#) from the state available for any businesses that made less than \$1.5 million that were damaged during the looting. Please make sure to give your favorite small businesses the information
- Non restaurants can use the sidewalks – they are allowed to extend three feet into the sidewalk as long as they're selling the same items inside and outside the store
- City's plan for re-opening restaurants was poorly rolled out and incomplete, including how SLA stipulations will come into play. Susan is emailing the head of licensing for the SLA to understand the rules, with all other CBs on CC so they get the same information.
- It was decided over the weekend that the city's executive order supersedes all stipulations – stipulations do not count anymore, except for private property would still be subject to stipulations
- If there are issues with how restaurants are running, call 311 and contact Susan, ideally with pictures and/or videos.
- In Phase 2, the office can re-open but there are many requirements to allow the re-opening so Susan is doing everything she can to make it safe and will convene with other
- Civic Engagement Commission formed through one of the charter revisions. They are working with the parliamentarians of metro New York and are inviting all board members to join a parliamentary workshop.

Committee Reports:

**Executive Committee**

no vote necessary

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

**Landmarks Committee**

1. Approval of previous month's minutes  
approved by committee
2. District Needs Statement / Budget Consultation questions  
no vote necessary
3. Explore means, other than landmarking, to preserve the ground floor of 70 Mulberry St as a base for a new building  
no vote necessary
4. Vote to adjourn  
approved by committee

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

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

1. Approval of previous month's minutes  
approved by committee
2. District Needs Statement / Budget Consultation questions  
no vote necessary
3. Vote to adjourn  
approved by committee

**47 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. District Needs Statement / Budget Consultation questions  
no vote necessary
3. Review of Police Incident that Occurred May 2 at 9th St and Avenue D

**VOTE: TITLE: May 2nd Police Incident on 9th Street and Avenue D**

**WHEREAS**, on May 2nd, 2020, in front of a deli on 9th Street and Avenue D, NYPD Officer Francisco Garcia and two partners searched and arrested a man and woman on weapons and marijuana charges in what began as an instance of supposed social distancing enforcement; and

**WHEREAS**, during this arrest, an incident was captured on video in which an African-American bystander named Donni Wright, who was observing the search and arrest, was approached by Officer Garcia while he was brandishing a taser and using it to intimidate bystanders, who then proceeded to slap, punch, and sit on the neck of Mr. Wright as another officer handcuffed him; and

**WHEREAS**, the Manhattan DA has declined to prosecute Donni Wright for any charges related to the arrest; and

**WHEREAS**, Officer Garcia was then placed on modified assignment and internal affairs at NYPD has since investigated the incident and recommended misconduct charges, but no information has been made available regarding the timeline or process for bringing charges; and

**WHEREAS**, detailed information about past disciplinary actions involving Officer Garcia and his partners are also largely unknown because of non-disclosure settlements; and

**WHEREAS**, it has been reported in the media that Officer Garcia has been named in at least 7 previous lawsuits settled by the city for a sum of \$210,000, as a result of previous misconduct incidents<sup>1</sup>; and

**WHEREAS**, we have observed a lack of social distancing enforcement in CB 3 as close as two and three blocks away, particularly outside of restaurants and bars, where residents have complained that lack of social distancing and illegal drinking from open containers is causing a public health hazard; and

**WHEREAS**, it is our observation that social distancing enforcement appears to be deployed in a discriminatory manner as part of a larger pattern of unequal policing, where people of color are being subjected to social distancing investigations and enforcement while white residents living in areas of higher income are allowed to violate social distancing and open container laws with little to no intervention by NYPD; and

**WHEREAS**, based on the video evidence and supporting information about the May 2nd incident on Avenue D and 9th Street, as well as our own observations of patterns of enforcement in Community District 3, we believe that social distancing enforcement is being used as justification to expand the unconstitutional and racially discriminatory "stop-and-frisk" method of detaining and searching civilians for contraband; and

**WHEREAS**, this citywide pattern is further evidenced by information from the Brooklyn district attorney's office that showed of the 40 social distancing violation arrests made between March 17th and May 4th, 35 of those arrested were African-American, 4 were Hispanic, and just 1 was White<sup>2</sup>;

**THEREFORE BE IT RESOLVED**, the officers involved in the May 2nd police violence incident must be held fully accountable for the discriminatory search conducted under the guise of social distancing enforcement and the excessive use of force and arrest of an African-American bystander that followed, and be terminated from their positions; and

**THEREFORE BE IT FURTHER RESOLVED**, social distancing enforcement must be conducted in a uniform and non-discriminatory fashion and should be transitioned to another, more accountable City agency who can execute this important public health mandate in a more responsible and equitable manner.

4. Vote to adjourn  
approved by committee

**47 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding Transportation item 3)**

**46 YES 0 NO 0 ABS 1 PNV MOTION PASSED (Transportation item 3)**

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<sup>1</sup> <https://www.nydailynews.com/new-york/nyc-crime/ny-punch-20200504-pxs6vb5czzbozlggiansyu5mzm-story.html>

<sup>2</sup> <https://www.nytimes.com/2020/05/07/nyregion/nypd-social-distancing-race-coronavirus.html>

**Economic Development Committee**

1. Approval of previous month's minutes  
approved by committee
2. District Needs Statement / Budget Consultation questions  
no vote necessary
3. Immediate Needs of Small Businesses due to the Corona Virus

**MOTION 1:**

**VOTE: TITLE: Resolution for the Immediate Needs of Small Businesses in COVID-19 Crisis**

WHEREAS: The COVID-19 pandemic has had an immediate and devastating effect on small businesses across New York City, and;

WHEREAS: While it is anticipated that a phased re-opening is on the horizon, businesses will need as much support as possible from the City to weather the storm, and;

WHEREAS: Commercial tenants who have either suffered a total loss of revenue or a severe decline in revenue during this pandemic are still bound by their leases to pay rent and any relief must come from individual agreements that tenants make with their landlords, and;

WHEREAS: While closed, many small business permits or licenses have expired and City agencies that process those permits and licenses have not been operating at full capacity during this crisis, and;

WHEREAS: While fines and fees constitute a portion of needed City revenues, when small businesses re-open they cannot bear the burden of onerous fines for minor violations, and;

WHEREAS: The effects of this crisis have already led to the closing of some small businesses and will continue to cause the loss of many more small businesses, requiring City and State authorities to do everything within their power to support and efforts to sustain existing businesses.

WHEREAS There is no funding in the next fiscal year for the Department of Small Business Services (SBS) Commercial Lease Assistance (CLA) program in the FY21 budget. The CLA Program provides free legal representation in connection with commercial leases to underserved, small business owners who otherwise cannot afford counsel.

THEREFORE BE IT RESOLVED: The City should approve funding for SBS's Commercial Lease Assistance program for FY21, and;

BE IT FURTHER RESOLVED: The City must institute cure periods before issuing fines for business violations that do not pose an immediate hazard to the public or workers, and;

BE IT FURTHER RESOLVED: While recently passed Local Laws suspend payments for sidewalk café permit renewals, many businesses applying for their permit for the first time have been unable to obtain a permit due Department of Consumer Affairs (DCA) "holding" the applications, and in order to enable businesses to safely socially distance customers, City should allow applicants who have received full Community Board support to be permitted to operate their sidewalk café while they await a full permit to be issued, and;

BE IT FURTHER RESOLVED: That support for community- based economic development organizations be not only maintained but expanded; The role that BIDs, service non-profit organizations, and other community based organization focused on economic and community recovery efforts is essential now more than ever and must be maintained, Community Board 3 requests the City renew all current funding for these group as well as identify new streams of funding targeted at the neighborhood level toward relief and recovery efforts, and;

BE IT FURTHER RESOLVED: While all businesses have suffered, certain neighborhoods have suffered disproportionate effects, such as Chinatown, the City must set aside funds targeted toward businesses in LMI communities and effectively communicate the availability of these programs in native languages, and;

BE IT FTURTHER RESOLVED: The City must help fund, source and make best efforts in procuring locally manufactured Personal Protective Equipment (PPE) for small businesses such as masks.

**MOTION 2:**

**VOTE: TITLE: RESOLUTION SUPPORTING TAX AND OTHER RELIEF FOR SMALL PROPERTY OWNERS**

**NOTE: There will be a motion to indefinitely postpone this resolution as the legislation has already been introduced in city council, making the issue moot**

WHEREAS: The COVID-19 public health emergency has created a unique set of hardships for residents, merchants and property owners, and;

WHEREAS: Small properties are the predominant building type within Community District 3 and can generally be defined as mixed use buildings with a single tax lot containing ground floor commercial space and residential units on upper floors and are typically no more than 6 stories in height and are built before 1999, and;

WHEREAS: Small properties are the predominant building type within Community District 3 and can generally be defined as mixed use buildings with a single tax lot containing ground floor commercial space and residential units on upper floors and are typically no more than 6 stories in height and are built before 1999, and;

WHEREAS: There has to date been no available relief programs targeted toward or available to small property owners in the five-boroughs for government or lenders, and;

WHEREAS: These small owners have continued to maintain the operations of their building not withstanding in most cases government mandated closures of commercial operations have meant tenants have been unable to pay rent, and;

WHEREAS: There are also economic hardships that have in some cases made residential tenants to be unable to pay rent, and;

WHEREAS: The economic realities of these small properties are dire as they must continue to pay for mortgage payments, utilities, operational costs and real estate related taxes, and;

WHEREAS: Absent relief small property owners have been unable in many cases to offer rent concessions to commercial or residential tenants given the expectation of lenders, services providers and government to make timely payment of property related bills, and;

WHEREAS: Ensuring small property owners are able to maintain financial viability to ensure that they can operate their buildings, many of which house vulnerable low and moderate income residents, without the fear of default or sale that would encourage mid to large size firms filling this void and eliminating the small landlords that make our communities unique, and;

THEREFORE, BE IT RESOLVED: Community Board 3 requests that the City immediately consider and provide for some type of property relief, options for such relief include an option to defer property tax amounts due July 1st to December 31st with no interest or penalty or with a low interest rate, or the ability to abate portions of property tax amounts due that equal the amount of rent forgiven from commercial and residential tenants in April, May and June, and;

BE IT FURTHER RESOLVED: Community Board 3 requests the State work through its authority and Department of Financial services to appropriately craft regulatory relief that would require lenders to reach amicable forbearance agreements with small property owners in documented distress that extend terms and allow for payment flexibility during the current public health emergency.

**MOTION 3:**

**VOTE: TITLE: RESOLUTION SUPPORTING REQUIRED REGULATORY CHANGES TO SUPPORT EXPANSION OF OPEN STREETS PROGRAM & EMERGENCY OUTDOOR SPACE FOR COMMERCIAL ACTIVITY**

**NOTE: There will be a motion to indefinitely postpone this resolution because the SLA has already issued guidelines so issue is moot**

WHEREAS: The COVID-19 public health emergency has created a unique set of hardships for residents, merchants and property owners, and;

WHEREAS: Community Board 3, has endorsed via resolution, attached hereto, that "Community Board 3 supports additional program elements such as the use of parking spaces directly adjacent to establishments with limited occupancy for temporary use as outdoor seating constrained to a similar method of operation they have for indoor space during a phased re-opening", and;

WHEREAS: Community Board 3, has endorsed via resolution, attached hereto, that "That any such program expansion have appropriately pre-determined use restrictions that align with an existing establishments normal operation that encourage the resumption of commercial activity while ensuring limited disruption to residential quality of life that operate no later than 10pm daily on sidewalks or within the road bed directly adjacent to the establishment", and;

WHEREAS: Community Board 3, has endorsed via resolution, attached hereto, that "Community Board 3 requests the City and State and their respective agencies with appropriate jurisdiction expeditiously work to enact these programs in the coming weeks to protect and support small merchants as they begin modified operations in the near future", and;

WHEREAS: Extending existing methods of operation to the adjacent road bed while indoor use restrictions are in place will allow for better social distancing,

WHEREAS: Extending existing methods of operation to the adjacent road bed while indoor use restrictions are in place encourages establishment owners and operators to better manage and secure outdoor spaces where they are directly liable for appropriate operation, and;

WHEREAS: Absent a defined regulatory environment current conditions will worsen as a result of consumer demand and lack of planning for safe and appropriate operation of commercial establishments while indoor use restrictions are in place, and;

THEREFORE, BE IT RESOLVED: Community Board 3 requests that the New York State Liquor Authority (SLA) immediately provide required temporary approval and/or other authorizations during the State of Emergency and in accordance with City regulations, to permit licensed establishments to operate within the parking spaces directly adjacent to their establishments utilizing their existing method of operation.

BE IT FURTHER RESOLVED: Community Board 3 requests that any approval and/or authorization be consistent with a five-borough approach and not limited to review of individual applications as has been the case throughout other jurisdictions within New York State.

- 4. Vote to adjourn  
approved by committee

**47 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding Eco Dev item 3, motions 2 and 3)**  
**47 YES 0 NO 0 ABS 0 PNV MOTION PASSED (to postpone Eco Dev item 3, motions 2 and 3)**

**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. LES Ecology Center Request for Support to remain at current location as long as construction allows

**VOTE: TITLE: Support for The LES Ecology Center to remain at current location as long as construction allows**

**To Support the LES Ecology Center's Request to remain at current location as long as construction allows**

**WHEREAS**, the Lower East Side Ecology Center (LES Ecology Center) has operated a compost, environmental education and stewardship program in East River Park since 1998 with support from Community Board 3 and under a license agreement with the New York City Department of Parks and Recreation (NYC Parks); and

**WHEREAS**, over 3,500 households donate their food scraps through 10 drop off locations that are located within a 3-mile radius to the East River Compost Yard, processing over 15,000 pounds of waste each week; and

**WHEREAS**, 25 local community groups, ranging from community gardens to schools and block associations have received free finished compost from the Ecology Center to care for public open space; and

**WHEREAS**, the LES Ecology Center has used compost to anchor its stewardship program in East River Park and its Street Tree stewardship program to amend depleted soil to contribute to more vibrant

and healthy greenery and trees right here in the Lower East Side, serving the local community by providing thousands of annual volunteer hours; and

**WHEREAS**, NYC Parks has received over 300 cubic yards of free finished compost for use in neighborhood Parks and is in need of managing yard waste such as leaves and weeds generated in Parks year round as well as finished compost to maintain green open space; and

**WHEREAS**, replacing the Compost Yard with a temporary lawn as a mitigation measure for construction impacts of ESCR was not publicly announced by the City and will require the LES Ecology Center to relocate its compost and office operations at a high organizational cost, further undercut by the City's post-coronavirus defunding New York City composting programs and partners; and

**WHEREAS**, the long-term sustainability of the Ecology Center's compost program is threatened by the early removal of its compost site from East River Park; and

**WHEREAS**, the final future design for the area of East River Park currently occupied by the Compost Yard has not yet been included in final ESCR design documents and no information about the final design has been shared at public meetings,

**THEREFORE BE IT RESOLVED THAT**, CB 3 supports the LES Ecology Center's Compost Yard to stay operational in East River Park until ESCR construction reaches this respective part of the Park, currently scheduled for Q3 of 2023; and

**THEREFORE, BE IT FURTHER RESOLVED THAT**, CB 3 supports the LES Ecology Center in its long-term partnership with the City through its compost and environmental stewardship programs to continue to add this substantial value and important service to the community by collaborating with the City to rebuild and continue these programs in our home on the Lower East Side. CB 3 supports the LES Ecology Center in its long-term partnership with the City through its compost and environmental stewardship programs to return to its decades-long site in East River Park after construction to continue to add this substantial value and important service to the community by collaborating with the City to rebuild and continue these programs in its former home in East River Park on the Lower East Side.

4. FDNY: design/renovation plans for EMS Station 4 at Pier 36

**VOTE: TITLE: Support for the Rehabilitation and Flood Mitigation Measures for the FDNY EMS #4 Station Located at Pier 36**

**To Support the Rehabilitation and Flood Mitigation Measures for the FDNY EMS #4 Station Located at Pier 36**

**WHEREAS**, the FDNY EMS #4 station is located on Pier 36 and suffered from severe flooding during Superstorm Sandy; and

**WHEREAS**, this left the station completely without power during a major City emergency, as the electrical system failed as well as the at-grade backup generator, and other mechanical and electrical systems were compromised; and

**WHEREAS**, to avoid future loss of emergency response services in a coastal flooding scenario, the FDNY is planning to elevate the critical systems to a height of 16' above sea level; and

**WHEREAS**, the current at-grade exterior emergency power generator and electrical systems will be set on new steel platforms located at 16' above sea level and protected by steel enclosures, with bollards around the structure to protect against vehicle impact; and

**WHEREAS**, the building's interior will be renovated with an expanded mezzanine between the first and second floors to allow the current first floor offices and kitchen to be elevated above flood and wave-action elevations to a height of 17.96' above sea level; and

**WHEREAS**, while this will not substantially change the exterior appearance of the building, this work will include rooftop mechanical installations which should be largely hidden behind a parapet when viewed from grade, repairs to façade cracking, the replacement of windows, a new parapet replacing a deteriorating wall, new exterior lighting, upgraded signage, door painting, and a new exterior staircase enclosure; and

**WHEREAS**, Community Board 3 is also concerned with the safety of pedestrians and bicyclists at the heavily used EMS secondary entrance; and

**WHEREAS**, residents would benefit from education and understanding of the purpose of the facility and EMS activities,

**THEREFORE BE IT RESOLVED**, that CB 3 supports the rehabilitation and flood mitigation measures for the FDNY EMS #4 Station located at Pier 36; and

**THEREFORE BE IT FURTHER RESOLVED**, that CB 3 request that the FDNY/EMS immediately work with DOT and EDC to provide an additional stop light with pedestrian and bike signals at the secondary entrance; and

**THEREFORE BE IT FURTHER RESOLVED**, that CB 3 request that the FDNY/EMS develop an outreach program for the local community highlighting the importance and functions of this Pier 36 station.

5. East Side Coastal Resiliency Update: Interim Flood Protection Study Status Update and Community Task Force Status Update  
no vote necessary
6. BMCR (Brooklyn Bridge Montgomery Coastal Resiliency) project update  
no vote necessary
7. Parks Manager Update  
no vote necessary
8. Vote to adjourn  
approved by committee

**47 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding Parks item 4)**

**46 YES 0 NO 0 ABS 1 PNV MOTION PASSED (Parks item 4)**

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

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

**47 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 / Budget Consultation questions  
no vote necessary

**Alterations**

3. Ted Arto Inc, 78-80 E 4th St btwn 2nd Ave & Cooper Sq (op/alt/expand lower level for regular film screenings)

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

**WHEREAS**, Ted Arto Inc., with a proposed business name of The Rainbow Inn, is seeking an alteration of a full on-premises liquor license for the premises located at 78-80 East 4th Street, between Second Avenue and Cooper Square, New York, New York, to wit extending its license to the basement; and

**WHEREAS**, the application submitted to Community Board 3 reflects that the applicant is also seeking to install a "cinema type sound system" in the basement for film screenings, use the ground floor for dining and the basement for film screenings events and dining, allow entertainment level sound and music in the basement, host film-related events, add a separate entrance to the basement, add security, change its hours of operation, close its kitchen at 1:00 A.M. so that its ground floor can be used as a waiting area and change the type of food served by the kitchen; and

**WHEREAS**, the applicant is now proposing to operate a two-story French restaurant with a certificate of occupancy of one hundred sixty (160) people on the ground floor and one hundred fifty (150) people in the basement, dining on the ground floor and film screenings and dining in the basement, six (6) tables and forty (46) seats on the ground floor, thirteen (13) tables and seventy (70) seats in the basement and five (5) tables and fourteen (14) seats at a sidewalk café, a twenty-four (24) foot bar with ten (10) stools on the ground floor and a twenty-five (25) foot bar with ten (10) stools and a seven (7) foot service bar in the basement, hours of operation of 12:00 P.M. to 4:00 A.M. Mondays through Fridays and 11:00 A.M. to 4:00 A.M. Saturdays and Sundays inside and 12:00 P.M. to 10:00 P.M. Mondays through Fridays and 11:00 A.M. to 10:00 P.M. Saturdays and Sundays outside, a kitchen serving food to 1:00 A.M. all days, three (3) televisions and one (1) movie projector, recorded music at background level on the ground floor and recorded music, film screenings and DJs at background and entertainment levels in the basement, security and happy hours to 8:00 P.M.; and

**WHEREAS**, this applicant was denied a full on-premises liquor license by Community Board 3 in August of 2019 unless the applicant agreed to make as conditions of its license stipulations that it would 1) operate as a full-service American restaurant, with a kitchen open and serving food during all hours of operation, 2) have hours of operation of 2:00 P.M. to 4:00 A.M. Mondays through Fridays and 12:00 P.M. to 4:00 A.M. Saturdays and Sundays, 3) operate its sidewalk café for sit-down dining only, with an awning extended over the café during its hours of operation and hours of operation of 2:00 P.M. to 10:00 P.M. Mondays through Fridays and 12:00 P.M. to 10:00 P.M. Saturdays and Sundays and not use its sidewalk café area for waiting or smoking patrons while its café was not operating, 4) install soundproofing consistent with the recommendations of a sound engineer and in cooperation with affected building residents and ensure that sound from the business would be inaudible in neighboring apartments, 5) close any front or rear façade entrance doors at 10:00 P.M. every night or when amplified sound was playing and otherwise have a closed fixed facade with no open doors or windows, 6) play ambient background music, consisting of recorded music generally and DJs two (2) times per week, and not have live music, promoted events, scheduled performances or any event at which a cover fee would be charged but may have scheduled performances consisting only of daily film showings as part of its method operation with sound playing slightly higher than ambient level but still inaudible in neighboring apartments, 7) not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3, 8) have "happy hours" to 8:00 P.M. each night, 9) not host pub crawls or party buses, 10) not have unlimited drink specials with food, 11) ensure that there would be no wait lines outside and designate an employee to oversee patrons and noise on the sidewalk, 12) conspicuously post its stipulation form beside its liquor license inside of its business, and 13) provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

**WHEREAS**, this applicant was issued a conditional approval letter for a full on-premises liquor license by the SLA on April 28, 2020; and

**WHEREAS**, there are twenty-nine (29) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant and there are two (2) pending full on-premises liquor licenses within five hundred (500) feet of this location per the SLA LAMP map; and

**WHEREAS**, the public interest of adding another full on-premises liquor license to this area is that it would include regular showings of classic and independent films and films from new filmmakers on a block that has been designated an arts block by New York City and the extension of this license to the basement would permit an expansion and better insulation of this use; and

**WHEREAS**, the applicant has no experience operating a licensed business, but one principal has experience working in family-operated movie theatres and an unidentified café in Queens, New York, and the other principal has experience as a music director, hotel manager and DJ; and

**WHEREAS**, residents of the building appeared to complain during the hearing for the full on-premises liquor license that the existing soundproofing was inadequate because they could hear music and televisions from the previous business, doing business as Stillwater Bar and Grill, in their apartments and stated that they had been working with the community board and the Ninth Precinct to resolve their complaints; and

**WHEREAS**, the applicant has contracted with a sound engineer for recommendations about installing soundproofing and mitigating sound in the apartments above the business and has stated that it will follow its recommendations to soundproof the basement, as well; and

**WHEREAS**, given that the applicant has stated that it will soundproof the business, including the basement, to ensure that sound is inaudible in residential units, Community Board 3 would support this application for the alteration of the full on-premises liquor license 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 the alteration of a full on-premises liquor license for Ted Arto Inc., with a proposed business name of The Rainbow Inn, for the premises located at 78-80 East 4th Street, between Second Avenue and Cooper Square, New York, New York, to wit extending its license to the basement, installing a "cinema type sound system" in the basement for film screenings, using the ground floor for dining and the basement for film screenings events and dining, allowing entertainment level sound and music in the basement, hosting film-related events, adding a separate entrance to the basement, adding security, changing its hours of operation, closing its kitchen at 1:00 A.M. so that its ground floor can be used as a waiting area and changing the type of food served by the kitchen, unless the applicant agrees before the SLA to make as conditions of the license the following signed notarized stipulations that

- 1) it will operate as a full-service French restaurant with a kitchen open and serving food during all hours of operation and with both the ground floor and cellar being used for dining and the cellar also being used for regular film screenings,
- 2) its hours of operation will be 12:00 P.M. to 4:00 A.M. Mondays through Fridays and 11:00 A.M. to 4:00 A.M. Saturdays and Sundays,
- 3) it will operate its sidewalk café for sit-down dining only, with an awning extended over the café during its hours of operation and its hours of operation will be 12:00 P.M. to 10:00 P.M. Mondays through Fridays and 11:00 A.M. to 10:00 P.M. Saturdays and Sundays and it will not use its sidewalk café area for waiting or smoking patrons while its café is not operating,
- 4) it will install soundproofing consistent with the recommendations of a sound engineer on both the ground floor and basement and in cooperation with affected building residents and will ensure that sound from the business is inaudible in and vibrations from the business are not felt by neighboring apartments,
- 5) it will close any front and 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 or during unamplified live performances or televised sports
- 6) it will employ one (1) security guard all days, from 9:00 P.M. to closing,
- 7) it will play ambient background music, consisting of recorded music, on the ground floor and will play recorded music generally and have DJs playing no more than two (2) times per week in the cellar and any sound from films or music in the cellar may be played at background and entertainment levels,
- 8) it may have scheduled performances consisting of daily film screenings in the cellar and may have promoted events in the cellar consisting of film screenings and events related to the film screenings, but it will not have live music or events at which cover fees are charged,
- 9) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3,
- 10) it may have "happy hours" to 8:00 P.M. each night,
- 11) it will not host pub crawls or party buses,
- 12) it will not have unlimited drink specials with food,
- 13) it will ensure that there are no wait lines outside, will cease food and alcohol service on the ground floor at 1:00 A.M. all days in order to use the ground floor as an indoor waiting area after 1:00 A.M. for film screenings and film-related events in the cellar and will have an additional indoor waiting area in the cellar,
- 14) it will designate an employee to oversee patrons and ensure no loitering, noise or crowds on the sidewalk outside of the business and will direct smoking patrons away from the business and to the corner of Second Avenue and East 4th Street,
- 15) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 16) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

**New Liquor License Applications**

4. Avenue A Gourmet LLC, 202 Ave A (op)  
withdrawn

5. Essex Pearl (Essex Pearl by Aquabest LLC), 115 Delancey St btwn Essex & Norfolk Sts (upgrade to op)

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

**WHEREAS**, Essex Pearl by Aquabest LLC, doing business as Essex Pearl, has applied for a change-in-class of its wine beer license to a full on-premises liquor license for its restaurant within the cellar level

Essex Market, located at 115 Delancey Street, between Essex Street and Norfolk Street, New York, New York; and

**WHEREAS**, this applicant operates a seafood restaurant with no listed certificate of occupancy, three (3) tables and sixteen (16) seats, a thirty-five (35) foot bar with twenty-one (21) stools, a twelve (12) foot counter with four (4) stools, a kitchen open during all hours of operation, hours of operation of 10:00 A.M. to 2:00 A.M. all days, no televisions, recorded background music and security from the market; and

**WHEREAS**, this applicant was denied a wine beer license by Community Board 3 in July of 2018 unless the applicant agreed to make as conditions of its license stipulations that it would 1) operate as a full-service seafood restaurant with a retail seafood market in a market hall commissary, with its own seating and a kitchen open and serving food during all hours of operation, 2) have hours of operation of 10:00 A.M. to 2:00 A.M. all days, 3) not commercially operate any outdoor areas, 4) 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, 5) not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3, 6) not seek a change in class to a full on-premises liquor license without first obtaining the approval of Community Board 3, 7) not have "happy hours," 8) not host pub crawls or party buses, 9) not have unlimited drink specials with food, 10) not have wait lines outside, 11) conspicuously post its stipulation form beside its liquor license inside of its business, and 12) provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

**WHEREAS**, this applicant was issued a wine beer license by the SLA on November 22, 2019, and has been operating for approximately seven (7) months; and

**WHEREAS**, there is one (1) full on-premises liquor license within five hundred (500) feet of this location per the applicant but three (3) 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**, given that this applicant is a vendor with a full-service restaurant in a multi-vendor, below-ground food market hall or commissary located on Delancey Street which is a wide avenue, its business has little to no impact on the surrounding community, therefore, Community Board 3 would 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 change-in-class of the wine beer license to a full on-premises liquor license for Essex Pearl by Aquabest LLC, doing business as Essex Pearl, for the premises located at 115 Delancey Street, cellar level, between Essex Street and Norfolk Street, New York, New York, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service seafood restaurant with a retail seafood market in a market hall commissary with its own seating and a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 10:00 A.M. to 2:00 A.M. all days,
- 3) it will not commercially operate any outdoor areas,
- 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 have "happy hours,"
- 7) it will not host pub crawls or party buses,
- 8) it will not have unlimited drink specials with food,
- 9) it will not have wait lines outside,
- 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.

6. Barbula (Yogi Tea Bar Inc), 279 E Houston St btwn Suffolk & Clinton Sts (op)

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

**WHEREAS**, Yogi Tea Bar Inc., with a proposed business name of Barbula, is seeking a full on-premises liquor license to operate a tavern in the premises located at 279 East Houston Street, between Suffolk Street and Clinton Street, New York, New York; and

**WHEREAS**, the applicant is proposing to operate a tavern with a certificate of occupancy of seventy-five (75) people, one (1) couch or bench and twelve (12) seats, a seventeen (17) foot bar with eight (8) stools, 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, a prep area serving appetizers during its hours of operation, accordion doors, one (1) television, security and recorded background music; and

**WHEREAS**, this location was not previously licensed and, although located on a wide avenue, is residentially zoned R8A; and

**WHEREAS**, there are eight (8) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant and two (2) pending full on-premises liquor licenses within five hundred (500) feet of this location per the SLA LAMP map; and

**WHEREAS**, the applicant stated that it has experience operating numerous convenience stores with retail sales licenses, including stores located at 57 First Avenue, New York, New York, 206 Avenue B, New York, 296 Bleecker Street, New York, New York, and at this address and has operated an Indian restaurant at an undisclosed location from 2009 to 2011 which had been issued a full on-premises liquor license by the SLA; and

**WHEREAS**, the applicant has stated that it operated an unlicensed café at this location for the past eight (8) months and is now seeking to reopen the business as a small bar adjacent to its convenience store; and

**WHEREAS**, given that the applicant is proposing to operate a tavern with little foreseeable community impact given its small size and location on a wide avenue and given its experience operating convenience stores within the area, as well as a licensed restaurant, Community Board 3 would approve this application for a full on-premises liquor license with stipulations governing its method of operation, provided that the applicant agree to earlier closing hours; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 recommends the denial of the application for a full on-premises liquor license for Yogi Tea Bar Inc., with a proposed business name of Barbula, for the premises located at 279 East Houston Street, between Suffolk Street and Clinton 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 tavern with less than a full-service kitchen serving food during all hours of operation,
- 2) its hours of operation will be 12:00 P.M. to 12:00 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 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 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.

7. KM1 Hospitality Inc, 58 E 1st St btwn 1st & 2nd Aves (op)

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

**WHEREAS**, KM1 Hospitality Inc. is seeking a full on-premises liquor license to operate a restaurant cocktail lounge in the premises located at 58 East 1st Street, between First Avenue and Second Avenue, New York, New York; and

**WHEREAS**, the applicant is proposing to operate a Latin Caribbean restaurant lounge with no listed certificate of occupancy, seven (7) tables and thirty-three (33) seats, a nine (9) foot bar with six (6) stools, hours of operation of 5:00 P.M. to 2:00 A.M. Sundays through Fridays and 11:00 A.M. to 2:00 A.M. Saturdays and Sundays, a kitchen open to within a half (½) hour of closing, French doors and windows, recorded background music and happy hours to 7:00 P.M.; and

**WHEREAS**, the previous licensee at this location was denied a full on-premises liquor license by Community Board 3 in September of 2017 unless the applicant agreed to make as conditions of its license stipulations that it would 1) operate as a full-service Pan Latin restaurant, with a kitchen open and serving food during all hours of operation, 2) have hours of operation of 4:00 P.M. to 12:00 A.M. Mondays through Thursdays, 4:00 P.M. to 2:00 A.M. Fridays, 11:00 A.M. to 2:00 A.M. Saturdays and 11:00 A.M. to 12:00 A.M. Sundays, 3) not commercially operate any outdoor areas or extend its business outside by having benches or other furniture, 4) install additional soundproofing, 5) close any front or rear façade doors and windows at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances, 6) 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, 7) not apply for any alteration in its method of operation without first appearing before Community Board 3, 8) have "happy hours" to 7:00 P.M. each night, 9) not host pub crawls or party buses, 10) not have unlimited drink specials with food, 11) ensure that there would be no wait lines outside and designate an employee to oversee patrons and noise on the sidewalk, 12) direct smoking patron across the street to the sidewalk bordering the park, 13) conspicuously post its stipulation form beside its liquor license inside of its business, and 14) provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

**WHEREAS**, the previous licensee was then issued a full on-premises liquor license by the SLA on January 17, 2018; and

**WHEREAS**, this premises is located midblock on a residentially zoned street, zoned R8B; and

**WHEREAS**, there are seventeen (17)) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant; and

**WHEREAS**, the applicant has no experience operating a licensed business but noted experience as a barback and bartender; and

**WHEREAS**, residents of the building and representatives of the First Street Block Association appeared to complain that the existing soundproofing of this commercial storefront is inadequate and the residents stated that they had heard noise and felt vibrations from all of the licensed businesses that previously occupied this storefront; and

**WHEREAS**, the applicant has contracted with a sound consultant for recommendations about installing soundproofing and mitigating sound in the apartments and has conducted sound testing of the affected apartment; and

**WHEREAS**, both the residents and the representatives of the block association expressed concerns that the applicant had not adequately or correctly installed soundproofing to ensure that sound would be inaudible to residents; and

**WHEREAS**, provided that the applicant agree to continue soundproofing the business and to ensure that sound from the business is inaudible in residential units, Community Board 3 would support this application or a full on-premises liquor license with stipulations governing its method of operation, including earlier closing hours Sundays through Thursdays; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 recommends the denial of the application for a full on-premises liquor license for KM1 Hospitality Inc., for the premises located at 58 East 1st Street, between First Avenue and Second Avenue, New York, New York, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service Latin Caribbean restaurant, with a kitchen open and serving food during all hours of operation,

- 2) its hours of operation will be 5:00 P.M. to 12:00 A.M. Mondays through Thursdays, 5:00 P.M. to 2:00 A.M. Fridays, 11:00 A.M. to 2:00 A.M. Saturdays and 11:00 A.M. to 12:00 A.M. Sundays
  - 3) it will not commercially operate any outdoor areas and will not place benches in front of the business,
  - 4) it will install soundproofing consistent with the recommendations of a sound consultant and in continued cooperation with affected building residents and the First Street Block Association, including ongoing testing of residential apartments, and will ensure that sound from the business is inaudible to and vibrations from the business are not felt by neighboring residents,
  - 5) it will close any front or rear façade doors and windows at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances or during unamplified live performances or televised sports,
  - 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 fees will be charged,
  - 7) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3,
  - 8) it may have "happy hours" to 7:00 P.M. each night,
  - 9) it will not host pub crawls or party buses,
  - 10) it will not have unlimited drink specials with food,
  - 11) it will not have wait lines outside, will have a staff person responsible for ensuring no loitering, noise or crowds outside of its business and will direct waiting and smoking patrons away from its business and across the street to the sidewalk in front of First Street Garden,
  - 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.
8. City Orchard Brewing (City Orchard Brewing Company LLC), 174 1st Ave btwn E 10th & E 11th Sts (wb) withdrawn
9. Temakase (Temakase NYC LLC), 157 2nd Ave btwn E 9th & E 10th Sts (op)

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

**WHEREAS**, Temakase NYC LLC, with a proposed business name of Temakase, is seeking a full on-premises liquor license to operate a restaurant in the premises located at 157 Second Avenue, between East 9th Street and East 10th Street, New York, New York; and

**WHEREAS**, this is an application for a Japanese restaurant with no listed certificate of occupancy, two eleven (11) foot by nine (9) foot sushi bars, each with eleven (11) stools, and an eight (8) foot stand up bar with no stools, hours of operation of 12:00 P.M. to 12:00 A.M. all days, a prep area serving sushi hand rolls during all hours of operation and recorded background music; and

**WHEREAS**, the previous licensee for this location was denied a full on-premises liquor license by Community Board 3 in May of 2018 unless the applicant agreed to make as conditions of its license stipulations that it would 1) operate as a full-service American Mexican restaurant, with a kitchen open and serving food during all hours of operation, 2) have hours of operation of 5:00 P.M. to 12:00 A.M. Mondays through Fridays and 11:00 A.M. to 12:00 A.M. Saturdays and Sundays, 3) not commercially operate any outdoor areas, 4) close any front or rear façade entrance doors at 10:00 P.M. every night or when amplified sound is playing 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) not apply for any alteration in its method of operation without first appearing before Community Board 3, 7) not host pub crawls or party buses, 8) not have unlimited drink specials with food, 9) have "happy hours" to 8:00 P.M. each night, 10) ensure that there would be no wait lines outside and designate an employee to oversee patrons and noise on the sidewalk, 11) conspicuously post its stipulation form beside its liquor license inside of its business, and 12) provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

**WHEREAS**, the applicant submitted a statement with its questionnaire that it is proposing to operate a "quick bites style" business similar to its existing business and that the applicant should be issued a full on-premises liquor license because its existing business has been well-received by patrons, alcohol would complement its food and this location was previously occupied by a restaurant with a full on-premises liquor license; and

**WHEREAS**, the applicant has stated that it is proposing to operate an upscale sushi hand roll restaurant with a high turnover and high volume; and

**WHEREAS**, there are twenty-eight (28) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant; and

**WHEREAS**, this location has had numerous full-service restaurants, some of which have had full on-premises liquor licenses; and

**WHEREAS**, the applicant has no experience operating a licensed business but has operated a restaurant, doing business as Poke Shop, located at 1720 Sheepshead Bay Road, Brooklyn, New York, since November of 2018, which was issued a conditional approval letter for a tavern wine license by the SLA on October 10, 2019; and

**WHEREAS**, given that the applicant is proposing to operate a high-end hand roll restaurant with reasonable hours of operation in a location that previously operated as a restaurant with a full on-premises liquor license, Community Board 3 would approve 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 Temakase NYC LLC, with a proposed business name of Temakase, for the premises located at 157 Second Avenue, between East 9th Street and East 10th 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 quick-serve sushi restaurant with less than a full-service kitchen serving food during all hours of operation,
- 2) its hours of operation will be 12:00 P.M. to 12:00 A.M. all days,
- 3) it will not commercially operate any outdoor areas,
- 4) it will close any front or rear façade entrance doors at 10:00 P.M. every night 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.

10. Down & Out (Down & Out Brooklyn LLC), 503 E 6th St (op)  
withdrawn

11. Nurse Bettie (Norfolk Hospitality Inc), 106 Norfolk St btwn Rivington & Delancey Sts (op)

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

**WHEREAS**, Norfolk Hospitality Inc., with a proposed business name of Nurse Bettie, is applying for a full on-premises liquor license to operate a tavern in the premises located at 106 Norfolk Street, between Rivington Street and Delancey Street, New York, New York; and

**WHEREAS**, this applicant is proposing to operate a tavern with a certificate of occupancy of seventy-four (74) people, two (2) tables and twelve (12) seats, a counter with four (4) stools and a bench seating three (3) people, a twenty-three (23) foot bar with nine (9) stools, hours of operation of 6:00 P.M. to 4:00 A.M. all days, a prep area serving "pub-style food" during all hours of operation, an open façade, recorded music and DJs at background levels, two (2) private parties per month, one (1) security guard Wednesdays through Saturdays and happy hours to 10:00 P.M.; and

**WHEREAS**, the previous licensee was issued a full on-premises liquor license by the SLA in 2004; and

**WHEREAS**, there are thirteen (13) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant and three (3) pending full on-premises liquor licenses within five hundred (500) feet of this location per the SLA LAMP map; and

**WHEREAS**, the applicant has no experience operating a licensed business but has been the general manager of the existing business at this location since 2006 and intends to maintain its method of operation and business name; and

**WHEREAS**, given that the applicant has worked in the existing business for fourteen (14) years and intends to maintain its method of operation and business name and given that this business has no apparent recent complaint or violations, 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 on-premises liquor license for Norfolk Hospitality Inc. with a proposed business name of Nurse Bettie, for the premises located at 106 Norfolk 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 stipulations that

- 1) it will operate as a tavern with less than a full-service kitchen serving food during all hours of operation,
- 2) its hours of operation will be 6:00 P.M. to 4:00 A.M. all days,
- 3) it will not commercially operate any outdoor areas,
- 4) it will employ one (1) security guard Wednesdays through Saturdays,
- 5) it will close any front or rear façade doors and windows at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances or during unamplified live performances or televised sports,
- 6) it will play ambient background music only, consisting of recorded music and DJs, provided that it will have DJs no more than six (6) times per month, and will not have live music, promoted events, scheduled performances or any event at which a cover fee will be charged and will have private parties no more than two (2) times per month,
- 7) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3,
- 8) it will not host pub crawls or party buses,
- 9) it will not have unlimited drink specials with food,
- 10) it may have "happy hours" to 10:00 P.M. each night,
- 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.

**Items not heard at Committee**

12. B-Side (Flam Able Inc), 204 Ave B (corp change)  
administrative approval
13. Saigon Social (Helen's Kitchen LLC), 172 Orchard St (wb)  
administrative approval
14. Vote to adjourn  
approved by committee

**47 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding SLA item 11)**

**46 YES 0 NO 0 ABS 1 PNV MOTION PASSED (SLA item 11)**

Vote to adjourn

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

**Members Present at Last Vote:**

David Adams	[P]	Ryan Gilliam	[P]	Mae Lee	[P]
Yaron Altman	[P]	Debra Glass	[P]	Wendy Lee	[A]
Jesse Beck	[P]	Andrea Gordillo	[P]	Alysha Lewis-Coleman	[A]
Dominic Berg	[P]	Herman Hewitt	[P]	David Louie	[P]
Lee Berman	[P]	Trever Holland	[P]	Ellen Luo	[P]
Karlin Chan	[P]	Linda Jones	[P]	Michael Marino	[P]
Jonathan Chu	[P]	Vaylateena Jones	[P]	Alexandra Militano	[P]
David Crane	[P]	Tatiana Jorio	[P]	Michael Perles	[P]
Felicia Cruickshank	[P]	Lisa Kaplan	[P]	Tareake Ramos	[P]
Eric Diaz	[P]	Olympia Kazi	[P]	Paul Rangel	[P]
Alistair Economakis	[P]	Joseph Kerns	[P]	Carolyn Ratcliffe	[P]
Shirley Fennessey	[P]	Michelle Koppersmith	[P]	Damaris Reyes	[P]

Richard Ropiak	[P]	Clint Smeltzer	[P]	Rodney Washington	[P]
Thomas Rosa	[P]	Anisha Steephen	[P]	Kathleen Webster	[P]
Robin Schatell	[P]	Sandra Strother	[A]	Jacky Wong	[P]
Heidi Schmidt	[P]	Josephine Velez	[P]	Ricky Wong	[P]
Laryssa Shainberg	[P]	Troy Velez	[P]		

Meeting Adjourned