



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

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Gigi Li, Board Chair

Susan Stetzer, District Manager

May 2016 Vote Sheet

Executive Committee

VOTE: TITLE: Support of Community Board 9 Resolution Regarding Lifting of Deed Restrictions

Whereas, it has become evident to CB 3 that the current process by which a restrictive deed imposed by the City of New York is lifted is flawed in that procedures do not allow for notification of and input by the relevant Community Board, City Council Member, or Borough President; and

WHEREAS, CB 9 passed the following resolution at their May 2016 meeting,

WHEREAS The City Department of Investigations, the NYC Comptroller's office and the State Attorney General's office are investigating the removal of certain deed restrictions on formerly City-owned property which were intended to ensure the future use of the property be for not-for-profit community space, including on a Lower East Side property which had the specific purpose of being operated as a health care facility for people with HIV or AIDS. The deed restriction stated that this property would serve as this type of facility in perpetuity. The Department of Citywide Administrative Services allowed the removal of this deed restriction in exchange for payment of \$16 million. The details and reasoning behind the lifting of the deed restriction are the subject of the various investigations; and

WHEREAS Manhattan Community Board 9 has learned that a similar situation has occurred regarding property that was sold to the Dance Theater of Harlem (DTH) with a deed restriction to preserve the property as a not for profit community space, with the deed restriction lifted for the price of \$875,000; and

WHEREAS The community supported DTH obtaining the land to expand its studio space and provide dormitory space for staff, dancers and students. CB9 and members of the community are dismayed to find that the property has now been sold to a private developer with no restrictions; and

WHEREAS CB9 believes that these are not isolated incidents, but rather a seemingly disturbing trend in the acceleration of the removal of deed restrictions by the City; and

WHEREAS in most instances when property owners seek significant changes to permitted usage of their property, such as rezoning, use variances, density or height variances from City agencies such as the City Planning Commission, the Landmarks Preservation Committee, or the Board of Standards and Appeals, they are required to submit their application to the local Community Board for a public hearing and recommendation or waiver; and

WHEREAS said requirements require the local Community Board and community be fully and accurately informed and have an adequate period of time to evaluate and comment on such changes; and

WHEREAS In both of these publicized instances none of the above mentioned mechanisms for information, transparency or comment had been met.

THEREFORE BE IT RESOLVED that CB9 requests a complete audit of DCAS' procedures by the City Comptroller's office regarding the aforementioned properties as well as full disclosure of any and all pending requests for deed restriction removals; and

FURTHER BE IT RESOLVED that DCAS explain its present application and review procedures that allowed these (and possibly other) properties to have deed restrictions removed without community knowledge or input; and

FURTHER BE IT RESOLVED that DCAS or any other agency that may have the authority to remove such restrictions require applicants to file their proposals with the local Community Boards, Council Members, and relevant Borough Presidents listing the properties, current restrictions, proposed justification for removal of restrictions, fees involved and the destination of those fees and the proposed community benefit. The review will require a Community Board hearing and recommendation or waiver. Further, the requests (applications) should be received by the relevant parties with ample time to evaluate and comment on the validity and/or necessity of such deed restriction removals.

Therefore be it resolved that CB 3 fully supports the positions taken by CB 9, in order to increase transparency of, and incorporate public input into, the process for altering deed restrictions.

40 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Transportation & Public Safety and Environment Committee

1. Approval of previous month's minutes
no vote necessary
2. Presentation and recommendations by Urban Planning Fellow on Chinatown Pedestrian Circulation Study
no vote necessary
3. DOT presentation on final design of upgrade of 2-way protected bicycle lane on Chrystie Street from Canal Street to Houston

VOTE: TITLE: Support for Chrystie Street Bike Lane

WHEREAS, Community Board 3 Manhattan previously passed a resolution in support of the Chrystie Street Bike Lane in March 2016, which is hereby incorporated by reference and reads as follows:

WHEREAS, Community Board 3 passed a resolution asking for safety improvements to Chrystie Street in February of 2015. Current conditions on Chrystie Street all but guarantee hazards for cyclists and drivers alike with severely faded bike lanes in the southbound direction, and with uneven and hummock-filled surfaces; and

WHEREAS, The community has expressed much support for a bike lane on Chrystie Street and improvements to the corridor; and

WHEREAS, Southbound cyclists on Second Avenue must regularly contend with double parked vehicles and garage driveways blanketing the west side of the street; and

WHEREAS, DOT's design creates a 2-way protected bike lane on the east side of Chrystie Street between Houston Street and Canal Street, allows cyclists to use the east side of the Street separated from light industrial traffic, improves the transition for cyclists from Second Avenue to Chrystie Street and creates more direct path to the Manhattan Bridge; and

WHEREAS, Bike counts on Chrystie Street were 2,989 cyclists in a 14-hour period, thereby indicating heavy use by cyclists; and

WHEREAS, Improvements to the intersection of Chrystie Street and Delancey Street include a protected signal phase to reduce conflicts with pedestrians, cyclists and vehicles; and

WHEREAS, The plan calls for the reconfiguration of traffic islands at Chrystie Street north of Canal Street and Second Avenue north of Houston Street, in order to improve traffic flow and increase pedestrian safety; and

THEREFORE BE IT RESOLVED, That Community Board 3 supports the proposed design of a 2-way bike lane on Chrystie Street and the pedestrian safety measures that will be installed along the Chrystie Street corridor; and

FURTHER BE IT RESOLVED, That DOT has agreed to hold public stakeholder meetings during the daytime with community groups including but not limited to the Sara D. Roosevelt Park Coalition. DOT will work with Sara D. Roosevelt Park Coalition on

outreach to other stakeholders and solicit feedback. They will return to the Transportation Committee with a final design in May.

WHEREAS, Community Board 3 Manhattan recommended that the Department of Transportation (DOT) investigate Chrystie Street for potential safety enhancements to benefit all road users, including possible two way protected bike lane facilities on the east side of Chrystie Street adjacent to Sara D Roosevelt Park, additional pedestrian refuge islands along the entire corridor, and a smoother surface for all vehicles via a freshly milled and repaved street surface; and

WHEREAS, Community Board 3 Manhattan requested that DOT work with local stakeholders, including the Sara D. Roosevelt Park Coalition, and conduct visioning sessions to get community input, before DOT develops a proposal for a redesign of Chrystie Street bike/traffic lanes; and

WHEREAS, Community Board 3 Manhattan requested that DOT return for input on a final design;

WHEREAS, DOT hosted a public workshop on April 13 with local stakeholders, including the Sara D. Roosevelt Park Coalition and incorporated their input into the design; and

THEREFORE BE IT RESOLVED, that Community Board 3 Manhattan supports DOT's plans to enhance traffic safety by installing a two way protected bicycle lane on Chrystie Street.

4. Request for loading zone Mon-Fri 8am-6pm, west side of Chrystie Street between Stanton/Rivington Streets

VOTE: TITLE: Support for installation of 'no parking' signage on west side of Chrystie Street between Stanton and Rivington Streets

WHEREAS, the current regulations on the western side of Chrystie Street permit alternate side of the street parking with street cleaning in the evening. Most of the block is regulated by "no parking" signage; and

WHEREAS, the current regulations are causing double parking and congestion near a storefront along a part of the block that permits parking; and

WHEREAS, "no parking" regulations at this site would be consistent with regulations along the rest of the block and would be consistent with the commercial character of the corridor as it would allow for expeditious curbside loading and unloading by customers and businesses; so

THEREFORE BE IT RESOLVED, the Community Board 3 asks NYCDOT to install "no parking" signage in the unrestricted area of the block so that the entire block has consistent parking regulations.

5. Request for installation of speed hump on Bialystoker Place (Willett St) between Delancey St and Grand St

VOTE: TITLE: Support for Speed Hump on Willett Street (Delancey/Grand)

WHEREAS, in June 2013 a constituent living on Grand Street contacted the DOT and requested the installation of a speed hump on the block of Willett Street between Delancey and Grand Streets; and

WHEREAS, the constituent's complaint was a combination of vehicles speeding to make the light at Grand St., unusually heavy traffic from vehicles accessing the Williamsburg Bridge, and a very large number of pedestrians, including many elderly, children, and those with disabilities, crossing back and forth across Willett Street between the residential area to the east and a synagogue, nursing home and senior housing on the west side; and

WHEREAS, DOT issued the constituent a letter in December 2015 stating that Bialystoker Place (Willett Street) between Delancey Street and Grand Street met the criteria for a speed hump and that the speed hump would be installed pending Community Board 3 approval; and

WHEREAS, CB 3 did not know about this request until April 2016 and was not able to offer approval previously; so

THEREFORE BE IT RESOLVED, Community Board 3 supports the installation of a speed hump on the block of Willett Street between Delancey and Grand Streets and asks that DOT complete the installation expeditiously.

6. Request for loading zones for Extell development at 500-530 East 14th Street (one on Avenue A and two on 14th Street)

VOTE: TITLE: Community Board 3 to Approve two loading zones of 75 feet each, at 224 Avenue A and 512 East 14th Street, to mitigate loading on East 13th Street

WHEREAS, The Extell development at 500 E 14th Street is a residential building with ground floor commercial space; and

WHEREAS, the back of the building on E 13th Street has a planned loading dock as required by zoning text; and

WHEREAS, the residents of East 13 Street have requested that their block not be used for loading and unloading as it is a residential street with many families, even though the north side of the block is zoned commercial to accommodate the commercial storefronts on E 14th Street; and

WHEREAS, Extell wishes to minimize the use of the loading dock on E 13th Street to comply with the residents' request; and

WHEREAS, a grocery store is being planned for the corner retail space on Avenue A and 14th, but requires designated loading space on Avenue A, and

WHEREAS, currently Avenue A has no loading spaces for the entire length, which has resulted in deliveries in bus stops, double parking for deliveries, and blocking of bike lanes, and

WHEREAS, the two spaces being requested for loading zones are currently inaccessible to traffic or parking as they are pedestrian walkways necessary to accommodate construction, there has been no problems with safety or accessibility by buses or other vehicles, and

WHEREAS, Extell is therefore requesting 2 loading zones, at 224 Avenue A and 512 East 14th Street, of 75 feet each; and

WHEREAS, these two loading zones will displace approximately 4 parking spaces each, but will allow Extell to use commercial zones and not a residential block; and

WHEREAS, Extell Development has agreed to exercise its best efforts to discourage tenants from using the 13th Street loading dock for garbage storage and/or removal; so

THEREFORE BE IT RESOLVED, that Community Board 3 supports loading zones of 75 feet each, at 224 Avenue A and 512 East 14th Street, to mitigate loading on E 13th Street.

40 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding Transportation item 6)

38 YES 0 NO 0 ABS 2 PNV MOTION PASSED (Transportation item 6)

SLA & DCA Licensing Committee

1. Approval of previous month's minutes
no vote necessary / approved by committee

Renewal with Complaint

2. Royale (Jeflo & Co Ltd), 157 Ave C btwn E 9th & E10th Sts (op)
no vote necessary
3. Old Man Hustle LLC, 39 Essex St btwn Hester & Grand Sts (op)

VOTE: TITLE: Community Board 3 Recommendation To Deny And To Ask The SLA To Investigate For Revocation

WHEREAS, Old Man Hustle LLC, doing business as Old Man Hustle, is seeking the renewal of its full on-premises liquor license for the premises located at 39 Essex Street, at the corner of Grand Street and Essex Street, New York, New York; and

WHEREAS, Community Board 3 denied this applicant for a full on-premises liquor license in February of 2014, unless it agreed to make as conditions of its license the stipulations that it would 1) operate as a tavern performance space, 2) have hours of operation of 4:00 P.M. to

1:30 A.M. all days, 3) play ambient background and entertainment level music, consisting of recorded music and acoustic live musicians, and not have DJs, promoted events 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 or at 8:00 P.M. if live music was playing, 5) not commercially use any outdoor areas, 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) install soundproofing, consisting of a vinyl acoustic barrier and audio dampening foam, and 10) provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

WHEREAS, this applicant was originally issued a full on-premises liquor license by the SLA on June 26, 2014; and

WHEREAS, in January of 2016 this applicant applied for a corporate change to remove two of its three principles from the corporation leaving the remaining principle Jesse Danoff, as well as for an alteration of its full on-premises liquor license by extending its closing time of 1:30 A.M. all days to 4:00 A.M. all days; and

WHEREAS, at that time Community Board 3 moved to deny the application for a corporate change, unless the applicant agreed before the SLA to make as conditions of its license the stipulation that it would install additional soundproofing consistent with the recommendation of a sound engineering and in conjunction with affected residential tenants so that any noise and bass would be inaudible and undetectable outside of the business; and

WHEREAS, Community Board 3 also moved to deny the alteration of the full on-premises liquor license because residents appeared in opposition to this application, citing summonses received by the applicant for selling alcohol to minors, it operating inconsistent from the conditions of its license by keeping the business open past its closing time of 1:30 A.M., advertised closing times of 3:00 A.M. Sundays through Thursdays and 4:00 A.M. Fridays and Saturdays on its website, it serving alcohol past its legally allowed closing time, the absence of food service at the business, the façade being open past stipulated times and complaints of unreasonable noise coming from the business after its legal closing time as evidenced by eighteen (18) 311 calls they documented, from November 5, 2015 to December 19, 2015, between 2:00 A.M. and 4:00 A.M.; and

WHEREAS, this applicant received summonses on June 18, 2015 and June 25, 2015, for selling alcohol to minors and was nuisance abated on December 19, 2015, for which it has entered into a stipulated settlement, which includes a security guard at its entrance on weekends, from 9:00 P.M. to closing, use of identification scanners and training of its staff; and

WHEREAS, residents continue to complain about the business being open past 1:30 A.M. and sometimes later than 4:00 A.M., unreasonable noise and vibrations from music and bass emanating from the business into surrounding apartments, patrons drinking outside of the business, lack of control of patrons and noise and a lack of response to complaints by the managing principal, Jesse Danoff;

WHEREAS, consistent with these continued complaints, in the past year there have been fifty-four (54) 311 calls with thirty-four (34) calls resulting in non-criminal police action and there have been twenty-eight (28) 311 calls from January 2, 2016 through April 1, 2016, between 8:00 P.M. and 3:30 A.M., twenty (20) of which have resulted in non-criminal police action;

WHEREAS, consistent with his refusal to sign any additional stipulations to ameliorate complaints during his January of 2016 hearing before Community Board 3, principle Jesse Danoff refused to make any statement or address the continued complaints when he appeared for his renewal hearing before Community Board 3; and

THEREFORE, BE IT FURTHER RESOLVED that Community Board 3 moves to deny the renewal of the full on-premises liquor license for Old Man Hustle LLC, doing business as Old Man Hustle, for the premises located at 39 Essex Street, at the corner of Grand Street and Essex Street; and

THEREFORE, BE IT FURTHER RESOLVED that Community Board 3 asks that the SLA investigate for revocation the full on-premises liquor license for Old Man Hustle LLC, doing business as

Old Man Hustle, for the premises located at 39 Rivington Street, at the corner of Grand Street and Essex Street, for operating inconsistent from the conditions of its license.

Applications within Saturated Areas

4. Baker's Pizza (Baker's Pizza LLC), 201 Ave A btwn E 12th & E 13th Sts (wb)

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

To deny the application for a beer cider license for Baker's Pizza LLC, doing business as Baker's Pizza, for the premises located at 201 Avenue A, between East 12th Street and East 13th Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service pizza 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 12:00 A.M. Sundays through Thursdays and 12:00 P.M. to 2:00 A.M. Fridays and Saturdays, but it will serve alcohol from 12:00 P.M. to 12:00 A.M. all days,
- 3) it will close any front or rear façade doors and windows at 10:00 P.M. every night or during any amplified performances, 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 live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 5) it will not commercially operate any outdoor areas,
- 6) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 7) it will not have "happy hours,"
- 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 will not have wait lines outside,
- 12) it may a decorative piano on its premises but will not allow it to be played after 10:00 P.M.,
- 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.

5. French Headquarter LES (Wild East Corp), 51 Ave B (wb)
withdrawn

6. Serafina, 98 Rivington St @ Ludlow St (op)

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

Understanding that this is a sale assets of a location which previously operated as an Italian restaurant with a full on-premises liquor license, Community Board 3 moves to deny the application for a full on-premises liquor license for a corporation to be determined, with principals Fabio Granato and Vittorio Assaf, with a proposed business name of Serafina, for the premises located at 98 Rivington Street, at the corner of Ludlow Street and Rivington 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 Italian restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 11:00 A.M. to 1:00 A.M. Sundays through Wednesdays and 11:00 A.M. to 2:00 A.M. Thursdays through Saturdays,
- 3) it will operate a sidewalk café, consisting of eight (8) tables and sixteen (16) seats, with closing hours of 10:00 P.M. Sundays through Thursdays and 11:00 P.M. Fridays and Saturdays,
- 4) it will close any front or rear 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,
- 5) it will play ambient background music only, consisting of recorded music, and will not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,

- 6) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 7) it will not have "happy hours,"
- 8) it will not host pub crawls or party buses,
- 9) it will not have unlimited drink specials with food,
- 10) it will not have wait lines outside and will designate an employee responsible to oversee patrons on the sidewalk and ensure no crowds or noise outside,
- 11) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 12) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints

Community Board 3 is approving this application for a full on-premises liquor license although this is a location in an area with numerous full on-premises liquor licenses 1) this applicant has experience operating numerous licensed businesses, including numerous businesses with this proposed name and method of operation, in New York City without complaints, 2) the applicant has demonstrated support for this application, in that it has furnished one hundred forty-three (143) signatures from area residents in support of its application, and 3) there is an existing Italian restaurant at this location with a full on-premises liquor license.

7. To be Determined, 509 E 6th St (op)
withdrawn

Sidewalk Cafe Application

8. Atlas Cafe (Bab Elkadra LLC), 73 2nd Ave (item moved to not heard at committee) (no change from current sidewalk cafe)
no vote necessary
9. Copper & Oak (MFM Brandy LLC), 157 Allen St btwn Stanton & Rivington Sts

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

To approve the application for a sidewalk café permit for two (2) tables and five (5) seats for MFM Brandy LLC, doing business as Copper & Oak, at the premises located at 157 Allen Street, between Stanton Street and Rivington Street, because the applicant has signed a change agreement which will become part of its DCA license that

- 1) its café will consist of two (2) tables and five (5) seats, and
- 2) its hours of operation will be 5:00 P.M. to 10:00 P.M. Sundays through Thursdays and 5:00 P.M. to 11:00 P.M. Fridays and Saturdays.

10. Mimi Cheng's Dumplings (Joyful Eats LLC), 179 2nd Ave btwn E 11th & E 12th Sts

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

To approve the application for a sidewalk café permit for six (6) tables and twelve (12) seats for Joyful Eats LLC, doing business as Mimi Cheng's Dumplings, at the premises located at 179 Second Avenue, between East 11th Street and East 12th Street, because the applicant has signed a change agreement which will become part of its DCA license that

- 1) its café will consist of six (6) tables and twelve (12) seats, and
- 2) its hours of operation will be 11:30 A.M. to 9:30 P.M. Sundays through Wednesdays and 11:30 A.M. to 10:00 P.M. Thursdays through Saturdays.

Alterations

11. Saint Marks Karaoke (6 Saint Marks Inc), 6 St Marks Pl btwn 2nd & 3rd Aves (wb/alt/extend hours of operation to 2 am Sun-Thurs; 4 am Fri, Sat)

VOTE: TITLE: Community Board 3 Recommendation To Deny

WHEREAS, 6 Saint Marks Inc., doing business as Saint Marks Karaoke, for the premises located at 6 Saint Marks Place, between Second Avenue and Third Avenue, is seeking an alteration of its wine beer license, to wit extending the hours for ceasing the service of alcohol from 1:00 A.M. Sundays through Thursdays and 2:00 A.M. Fridays and Saturdays to 2:00 A.M. Sundays through Thursdays and 4:00 A.M. Fridays and Saturdays; and

WHEREAS, Community Board 3 heard this applicant for a wine beer license in November of 2011 and denied its application unless the applicant agreed to make as conditions of its license the stipulations that it would 1) operate a full-service Korean restaurant and karaoke lounge, serving food to within one (1) hour of closing, 2) serve alcohol no later than 1:00 A.M. Sundays through Thursdays and 2:00 A.M. Fridays and Saturdays, 3) play recorded background music and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged, 4) close its façade at 10:00 P.M. every night, and 5) employ

two (2) security guards at the door and one (1) security guard inside for every seventy-five (75) people; and

WHEREAS, this applicant then applied for and obtained a wine beer license from the SLA, which was issued on January 27, 2012; and

WHEREAS, although the applicant furnished fifty-seven (57) petition signatures in support of its application, there was demonstrated opposition to this application in that representatives of the Saint Marks Block Association and the 8 Saint Marks Tenants Association appeared in opposition to this application, stating that the block has too many liquor licensed businesses and too much pedestrian traffic and noise from the existing businesses and, further, residents have complained about the loud singing patrons blocking the sidewalk in front of the business and residential entrance of 8 Saint Marks Place; and

WHEREAS, this business has advertised operating hours of 2:00 P.M. to 4:00 A.M. Sundays through Thursdays and 2:00 P.M. to 6:00 A.M. Fridays and Saturdays, a method of operation which is inconsistent from its location on Saint Mark Place which is a residentially zoned street; and

WHEREAS, Saint Marks Place, between Second Avenue and Third Avenue, has eleven (11) full on-premises liquor licenses, twelve (12) wine beer licenses, including the subject location, one (1) pending full on-premises liquor license and two (2) retail licenses; and

WHEREAS, despite its residential zoning, this block is already overwhelmed by vehicular traffic, noise from horn honking and an increased pedestrian presence as a result of the existing licensed business and extending the hours for serving alcohol for this business would contribute to an increase in to these already overwhelming conditions; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for an alteration of the wine beer license for 6 Saint Marks Inc., doing business as Saint Marks Karaoke, for the premises located at 6 Saint Marks Place, between Second Avenue and Third Avenue, to wit extending the hours for ceasing the service of alcohol from 1:00 A.M. Sundays through Thursdays and 2:00 A.M. Fridays and Saturdays to 2:00 A.M. Sundays through Thursdays and 4:00 A.M. Fridays and Saturdays.

New Liquor License Applications

12. Saluggi's East Inc, 399 Grand St btwn Clinton & Essex Sts (op)

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

Understanding that this applicant has entered into an agreement with the Seward Park and Canal East Block Association regarding its method of operation (attached hereto), Community Board 3 moves to deny the application for a full on-premises liquor license for Saluggi's East Inc., with a proposed business name of Saluggi's, for the premises located at 399 Grand Street, between Clinton Street and Essex 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 Italian restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 8:00 A.M. to 1:00 A.M. Sundays through Wednesdays and 8:00 A.M. to 2:00 A.M. Thursdays through Saturdays,
- 3) it will close any front or rear façade doors and windows at 10:00 P.M. every night or during any amplified performances, 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 live music, DJs, 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 without first appearing before Community Board 3,
- 6) it may have "happy hours" to 7:00 P.M. each night,
- 7) it will not host pub crawls or party buses,
- 8) it will not have unlimited drink specials with food,
- 9) it will designate an employee responsible to oversee patrons on the sidewalk and ensure no crowds or noise 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.

13. Nishiwaki LLC, 217 Eldridge St btwn Stanton & Rivington Sts (op)

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

Understanding that this location was previously operated as a restaurant with a full on-premises liquor license, Community Board 3 moves to deny the application for a full on-premises liquor license for Nishiwaki LLC, for the premises located at 217 Eldridge Street, between Stanton Street and Rivington 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 Omakase Japanese restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 6:00 A.M. to 1:00 A.M. all days,
- 3) it will not commercially operate any outdoor areas, including its roof,
- 4) it will close any front or rear 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, and will otherwise have a closed fixed façade with no open doors or windows,
- 5) it will play ambient background music only, consisting of recorded music, and will not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 6) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 7) it will not have "happy hours,"
- 8) it will not host pub crawls or party buses,
- 9) it will not have unlimited drink specials with food,
- 10) it will not have wait lines outside,
- 11) it will have a twenty (20) foot bar which will be used for sit down sushi dining only,
- 12) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 13) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints

Community Board 3 is approving this application for a full on-premises liquor license although this is a location in an area with numerous full on-premises liquor licenses 1) this applicant has managerial experience in other licensed establishments and will open this business with a chef who has extensive experience working in Japanese restaurants, 2) the applicant has demonstrated support for this application, in that it has furnished eighty-six (86) signatures in support of its application, and 3) this is a preexisting restaurant with full on-premises liquor license.

14. La Contrada (CJFM LLC), 67 2nd Ave @ E 4th St (op)

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

Provided that this location is not within two hundred (200) feet of a house of worship, to wit the Iglesia de Cristo, East Side Church of Christ, located at 56 Second Avenue, between East 3rd Street and East 4th Street, and the Iglesia Almanza Cristiana y Misionera, located at 76 Second Avenue, between East 4th Street and East 5th Street, Community Board 3 moves to deny the application for a full on-premises liquor license for CJFM LLC, for the premises located at 67 Second Avenue a/k/a 84 East 4th Street, at the corner of Second Avenue and East 4th 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 Italian restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 8:00 A.M. to 11:00 P.M. Sundays through Wednesdays and 8:00 A.M. to 12:00 A.M. Thursdays through Saturdays,
- 3) it will close any front or rear façade entrance doors at 10:00 P.M. every night or during any amplified performances, including but not limited to DJs, live music and live nonmusical performances,
- 4) it will play ambient background music only, consisting of recorded and live acoustic music, will not have DJs, promoted events, scheduled performances or any event at which a cover fee will be charged, and live music will consist of no more than two acoustic instruments and its façade will be entirely closed while acoustic live music is playing,

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

15. San Marzano (Evir Corp), 117 2nd Ave @ E 7th St (upgrade/op)

VOTE: TITLE: Community Board 3 Recommendation To Deny

WHEREAS, Evir Corp., doing business as San Marzano, is seeking a change in class of its wine beer license to a full on-premises liquor license for its restaurant located at 117 Second Avenue, at the corner of Second Avenue and East 7th Street; and

WHEREAS, the wine beer license for this applicant was denied by Community Board 3 in May of 2011, unless the applicant agreed to make as conditions of its license the stipulations that 1) it would operate a full-service Italian restaurant, serving food to within one (1) hour of closing, 2) have hours of operation of 11:00 A.M. to 1:00 A.M. Sundays through Thursdays and 11:00 A.M. to 3:00 A.M. Fridays and Saturdays, 3) close its façade at 10:00 P.M. every day, and 4) play recorded background music and not have DJs, live music, promoted events, scheduled performances or any events at which a cover fee is charged; and

WHEREAS, at the time that it was heard for a wine beer application, this applicant was informed by Community Board 3 that it was within two hundred (200) feet of a house of worship, to wit New Middle Collegiate Church, located at 112 Second Avenue, between East 6th Street and East 7th Street; and

WHEREAS, the applicant has obtained letters (attached hereto) from New Middle Collegiate Church in support of its application for a full on-premises liquor license, as well as describing its ancillary use as a community center, in the hopes that the SLA will find this church not to be operating exclusively as a house of worship; and

WHEREAS, the minister of New Middle Collegiate Church submitted a revised letter (attached hereto), stating that it is a full-time house of worship and supporting only a wine beer license for the applicant, after learning from Community Board 3 that the applicant intended to use its letter in support of its efforts to raise questions about the use of the church as exclusively a house of worship; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for a change in class of a wine beer license to a full on-premises liquor license for Evir Corp., doing business as San Marzano, for the premises located at 117 Second Avenue, at the corner of Second Avenue and East 7th Street, because it is within two hundred (200) feet of a house of worship, to wit New Middle Collegiate Church, located at 112 Second Avenue, between East 6th Street and East 7th Street.

16. MJK Foods LLC, 32 Mulberry St btwn Mosco & Bayard Sts (op)

no vote necessary

17. Ichibantei (Ichibantei Pub Inc), 401 E 13th St btwn 1st Ave & Ave A (upgrade/op)

VOTE: TITLE: Community Board 3 Recommendation to Deny

WHEREAS, Ichibantei Pub Inc., doing business as Ichibantei, is seeking a change in class of its wine beer license to a full on-premises liquor license for its restaurant located at 401 East 13th Street, between First Avenue and Avenue A; and

WHEREAS, the wine beer license for this applicant was denied by Community Board 3 in April of 2012, unless the applicant agreed to make as conditions of its license the stipulations that 1) it would operate a full-service Japanese restaurant, serving food during all hours of operation, 2) have hours of operation of 1:00 P.M. to 11:30P.M. all days, 3) close its façade at 10:00 P.M. every day, and 4) play recorded background music and not have DJs, live music, promoted events, scheduled performances or any events at which a cover fee is charged; and

WHEREAS, this applicant was then heard by Community Board 3 in September of 2015, for an alteration application to reduce its daytime hours and extend its closing hours and was denied unless the applicant agreed to make as conditions of its license the stipulations that 1) it would operate a full-service Japanese restaurant, serving food during all hours of operation, 2) have hours of operation of 3:00 P.M. to 2:00 A.M. Mondays through Thursdays, 3:00 P.M to 3:00 A.M. Fridays and Saturdays and be closed Sundays, 3) close its façade at 10:00 P.M. every day, 4) play recorded background music and not have DJs, live music, promoted events, scheduled performances or any events at which a cover fee is charged, 5) not apply for an alteration without first appearing before the community board, 6) not have happy hours, 7) not host pub crawls or party buses, 8) not have wait lines outside, 9) conspicuously post its stipulation form beside its liquor license inside of its business, and 10) provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

WHEREAS, the applicant has been operating with a wine beer license for less than one (1) year and has already applied for a reduction of its daytime hours and an extension of its closing hours; and

WHEREAS, the approval of a full on-premises liquor for this applicant in this location is inconsistent with the residential character of East 13th Street, between First Avenue and Avenue A, as well as with the small scale of this business; and

WHEREAS, the applicant has furnished inadequate evidence of support for this change of class of its license from the surrounding residents, in that it furnished only sixteen (16) petition signatures in support of its application from area residents; and

WHEREAS, the applicant has conceded that there are eleven (11) full on-premises liquor license within five hundred (500) feet of this location;

WHEREAS, this applicant has failed to state a public benefit for the granting of this full on-premises liquor license, in that it has stated only that it is seeking to offer soju; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for a change in class of a wine beer license to a full on-premises liquor license for Ichibantei Pub Inc., doing business as Ichibantei, for the premises at located at 401 East 13th Street, between First Avenue and Avenue A.

- 18. To be Determined, 130 Orchard St (op)
withdrawn
- 19. Comfort Inn Financial District (Manhattan Hotel Management LLC), 154 Madison St @ Pike St (op)
no vote necessary

Items not heard at Committee

- 20. Udon West (Kanae Inc), 11 St Marks Pl (op/corp change)
no vote necessary
- 21. Libation (Brackluinn Rest Inc & 137 Ludlow Holdings LLC), 137 Ludlow St (op/corp change)
no vote necessary
- 22. Antler Dispensary (Antler Dispensary Inc), 123 Allen St (wb/corp change)
no vote necessary
- 23. Wafels & Dinges (DeGeest LLC), 15 Ave B (wb/corp change)
no vote necessary
- 24. Tai Thai Thailand Home Cooking (Tai Thai Thailand Home Cooking Inc), 78 E 1st St (wb/corp change)
no vote necessary
- 25. Tonkatsuya (Ira Asian Restaurant Inc), 328 E 6th St (wb)
no vote necessary
- 26. To be Determined, 195-197 Ave B (wb)
no vote necessary
- 27. 148 Food Group LLC, 148 E B'way (wb)
no vote necessary
- 28. Baby Brasa, 129 Allen St (wb)
no vote necessary
- 29. WDI New York LLC, 85 4th Ave (wb)
no vote necessary
- 30. Kotobuki (BEY United LLC), 56 3rd Ave (wb)
no vote necessary

31. Request to include CB 3 participation in decisions regarding ABC Law Working Group recommendations that will impact lower Manhattan communities

VOTE: TITLE: Community Board 3 Request To Participate In Decisions Regarding Alcohol Beverage Control Law Working Group Recommendations That Will Impact Lower Manhattan Communities

WHEREAS, the New York State Liquor Authority convened an Alcoholic Beverage Control Law Working Group to make recommendations to the ABC law, and

WHEREAS, many community boards, including Community Board 3, devote much of the boards' time to working with the New York Police Department, businesses and the public to resolve many of the quality of life and economic development issues that result from the licensing of many businesses, particularly in residential areas, and

WHEREAS, the Working Group was composed of many members of the related industries except for community boards, and

WHEREAS, community boards were not notified of the convening of the Working Group and were not in any manner asked to provide representation, and

WHEREAS, the New York State Liquor Authority appointed one community board representative to attend the meetings, but this community board representative repeatedly explained that this board did not represent other boards, and

WHEREAS, community boards were not allowed to observe the meetings or have access to agendas to forward stakeholder input and perspective into decisions and recommendations, and

WHEREAS, lawyers who represent applicants before the New York State Liquor Authority and who are not members of the working group were invited to the first meeting to observe but community boards were excluded, and

WHEREAS, the community boards in New York City with the greatest saturation of licensed businesses were not represented on the working group, and

WHEREAS, the working group included members of the previous Alcohol Beverage Control Law revision working group, except for community board representatives, and so

THEREFORE BE IT RESOLVED that Community Board 3 requests that an additional meeting of the Working Group be convened to allow for participation and recommendations from diverse community boards, particularly those in Manhattan and Brooklyn, that must plan and serve their communities based on implementation of New York State Liquor Authority decisions and the Alcoholic Beverage Control Law.

Old Business

32. 215 Chrystie LLC, IS Chrystie Management LLC & VS-Chrystie LLC, 215 Chrystie St (hotel op); IS Chrystie Management LLC & VS-Chrystie LLC, 215 Chrystie St btwn E Houston & Stanton Sts (restaurant op)

VOTE #1 TO APPROVE THE HOTEL LIQUOR LICENSE:

COMMUNITY BOARD #3 RESOLUTION APPROVING THE HOTEL LIQUOR LICENSE FOR 215 CHRYSTIE LLC, IS CHRYSTIE MANAGEMENT LLC AND VS-CHRYSTIE LLC, FOR 215 CHRYSTIE STREET, SUBJECT TO CERTAIN RESTRICTIONS ON USE

WHEREAS, the applicant, 215 Chrystie LLC, IS Chrystie LLC and VS-Chrystie LLC, by its qualified representative or principal, is seeking to obtain a hotel liquor license for a twenty-five (25) story hotel and residential building, located at 215 Chrystie Street, between East Houston Street and Stanton Street, New York, New York; and

WHEREAS, said applicant will maintain the primary method of operation of said location for temporary and permanent lodging, with its primary hotel and residential entrances on Chrystie Street, and will maintain the following ancillary public uses:

- 1) A second floor interior bar lounge overlooking Chrystie Street, three thousand thirty (3,030) square feet in size, accessed through the lobby entrance, with a capacity to seat ninety (90) people, ten (10) tables and eighty-two (82) seats comprised of lounge and lobby seating and low

tables, a twenty-three (23) foot bar, coffee bar and buffet with no stools, limited food service provided by the ground floor restaurant during all hours of operation, recorded background music and hours of operation of 8:00 A.M. to 4:00 A.M. all days;

- 2) An additional second floor interior bar lounge facing Bowery, one thousand six hundred (1,600) square feet in size, also accessed through the lobby entrance, with a capacity for sixty-five (65) people, fifteen (15) tables and forty-eight (48) seats comprised of lounge seating and low tables, a twenty-five (25) foot bar with twelve (12) stools, limited food service provided by the ground floor restaurant during all hours of operation, recorded music and DJs at background and entertainment levels and hours of operation of 8:00 A.M. to 4:00 A.M. all days although the applicant is proposing to open this area in the afternoons;
- 3) Two (2) interior sixteenth floor meeting rooms and event spaces with anterior waiting area and food prep area of an aggregate two thousand five hundred (2,500) square feet, accessed through the lobby entrance, with a capacity for one hundred ninety (190) people, with moveable seating to be configured for meetings, presentations or banquets, moveable bars for banquets and private events, a food preparation area serviced by the ground floor restaurant, dancing for private events or banquets, live and recorded music and DJs that would use the hotel sound system but no scheduled performances, events with cover fees no outside promoted events and hours of operation of 8:00 A.M. to 4:00 A.M. all days; and
- 4) an exterior sixteenth floor terrace, one thousand four hundred seventy-two (1,472) square feet in size, with a capacity of fifty (50) people, for use in conjunction with the use of the indoor areas on the sixteenth floor only, moveable seating with a maximum of six (6) tables and forty-eight (48) seats, recorded background music and hours of operation of 8:00 A.M. to 2:00 A.M. all days with the possibility of erecting a soundproofed tent and having hours of operation of 8:00 A.M. to 4:00 A.M. all days; and
- 5) an interior seventeenth floor bar lounge, one thousand nine hundred twenty (1,920) square feet in size, accessed through the lobby entrance, with a capacity of seventy-two (72) people, twenty (20) tables and sixty-four (64) seats comprised of lounge seating and low tables, a twenty-four (24) foot bar with twelve (12) stools, a limited menu during all hours of operation served from the restaurant kitchen, recorded and live music and DJs and hours of operation of 8:00 A.M. to 4:00 A.M. all days; and
- 6) an exterior seventeenth floor terrace, one thousand eight hundred (1,800) square feet in size, access through the hotel lobby, with a capacity of ninety-five (95) people, twelve (12) tables and eighty (80) seats, including lounge seating and day beds, a seventeen (17) foot bar with eight (8) stools, hours of operation of 8:00 A.M. to 2:00 A.M. all days with the possibility of erecting a soundproofed tent and having hours of operation of 8:00 A.M. to 4:00 A.M. all days; and
- 7) a cellar and sub-cellar interior performance space lounge for private events and occasional public use, entitled "The Arts Club," four thousand seventy (4,070) square feet in size, accessed through its own entrance on Chrystie Street north of the main hotel entrance and behind part of the front garden, with a combined capacity of two hundred twenty-five (225) people on both floors, ten (10) tables and thirty-two (32) seats on the cellar level composed of lounge seating, thirty (30) tables and one hundred thirty-four (134) seats of flexible configuration in the sub cellar, a nineteen (19) foot by three (3) foot bar with no stools in the cellar and an eighteen (18) foot by fifteen (15) foot bar with no stools in the sub cellar, stage shows, live performances, film screenings, dancing, promoted events, scheduled performances and events with cover fees, recorded and live music and DJs, no food service unless catered for private events and hours of operation of 12:00 P.M. to 4:00 A.M. all days; and
- 8) an exterior ground floor garden, four thousand five hundred eighty (4,580) square feet in size, abutting Christie Street, accessed through the lobby walkway, with nine (9) tables and forty (40) seats comprised of casual seating at benches and tables, no food or alcohol service but the ability for patrons to purchase food and alcohol indoors and eat and drink outside, no music and hours of operation of 7:00 A.M. to 12:00 A.M. all days; and

WHEREAS, although this is a newly constructed hotel abutting residential buildings in an area with numerous licensed premises and long observed pedestrian and vehicular traffic congestion, this applicant has worked with neighboring residents of the large residential building located at 10 Stanton Street, has entered into a memorandum of understanding with the tenants board of that building

(appended hereto) and has conducted traffic, security and sound analyses to plan for its projected impact on this community; and

WHEREAS, this applicant has experience operating numerous other hotels in New York City, including the currently operating Gramercy Park Hotel, and has contracted with an experienced restaurateur to operate its ground floor eating and drinking venues; and

WHEREAS, this applicant has committed to hiring locally and has met with the Lower East Side Employment Network to effect the employment of area residents at its hotel; now

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the application to obtain a hotel liquor license for 215 Chrystie LLC, IS Chrystie LLC and VS-Chrystie LLC, for a twenty-five (25) story hotel and residential building, located at 215 Chrystie 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

Generally, 1) the entrance to the hotel which is located on Chrystie Street, between East Houston Street and Stanton Street, will be its primary entrance and the hotel and hotel amenities will be located in the sub cellar through the seventeenth floor; 2) the residential entrance will be located on Chrystie Street, between East Houston Street and Stanton Street, south of the hotel entrance, and will be overseen by its own doorman, and the residential units will be located on the eighteenth through twenty-fifth floors; 3) all loading and unloading of guests will be effected on Chrystie Street; 4) deliveries and garbage pick-ups will occur in the parking lot of 10 Stanton Street, between the hours of 7:00 A.M. and 6:00 P.M., and garbage will be retained inside of the hotel until pick-up; 5) it will not host pub crawls or party buses in any of its areas; 6) it will not have unlimited drink specials with food in any of the areas where food is served; 7) it will insure that soundproofing or sound baffling measures are constructed in its publicly accessed spaces, consistent with the recommendations of a sound engineer; 8) consistent with its proposed security plan, it will have security guards outside its business to insure that there is no loitering, crowds or noise outside and will have security guards specifically designated to direct vehicular and pedestrian traffic when it is hosting simultaneous events, or if otherwise needed, and will provide the weekly itinerary for its public uses to the 5th Precinct; 9) exterior lights will be at low levels, located on the first story of the hotel only and directed down or away from neighboring windows; 10) it will not apply for any alteration in its method of operation without first appearing before Community Board #3, 11) it will provide a telephone number for residents to call with complaints and will immediately respond to any resident complaints; 12) for the first twelve (12) months of operation, it will host quarterly or more frequent meetings with residents to address any resident concerns; and

Specifically,

With respect to the second floor lobby bar facing Chrystie Street, 13) its hours of operation will be 6:00 A.M. to 4:00 A.M. all days; 14) it will be accessed through the hotel lobby entrance; 15) it will have a closed fixed facade with no open doors or windows; 16) it will have limited food service from the restaurant kitchen during all hours of operation; 17) only recorded background music will be played and there will be no live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged; and

With respect to the second floor bar facing Bowery, 18) its hours of operation will be 8:00 A.M. to 4:00 A.M. all days although it is planned that it will open in the afternoons; 19) it will be accessed through the hotel lobby entrance; 20) it will have a closed fixed facade with no open doors or windows; 21) it will have limited food service from the restaurant kitchen during all hours of operation; 22) there will be recorded music and there may be DJs two (2) to three (3) times per week, at background and entertainment levels, but there will be no live music, promoted events, scheduled performances or any event at which a cover fee will be charged; and

With respect to the sixteenth floor interior event and meeting spaces, 23) it will have hours of operation of 6:00 A.M. to 4:00 A.M. all days; 24) it will be accessed through the hotel lobby entrance; 25) it will have a closed fixed facade with no open doors or windows, except for the double doors that access the exterior terrace and which may be open during events in which the terrace is used; 26) it will have moveable seating that can be configured for meetings, presentations or banquets and moveable bars during banquets and private events; 27) it will have a "pre-function" food preparation and waiting area and will provide food service through the restaurant kitchen for events and banquets; 28) it may have dancing in conjunction with private events or banquets and may have live and recorded music and DJs, at background and entertainment levels, but any imported musicians or

DJs would use the hotel sound system, and there will be no promoted events hosted by outside promoters, scheduled performances or events with cover fees; and

With respect to the sixteenth floor exterior terrace, 29) it will be used in conjunction with the indoor areas on the sixteenth floor and not separately operated; 30) it will have moveable seating for no more than fifty (50) people; 31) it will have hours of operation of 6:00 A.M. to 2:00 A.M. all days; 32) only recorded background music will be played and there will be no live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged; 33) to minimize music travelling from the terrace, in addition to any other recommendations of a sound engineer, no subwoofers will be used in this exterior space, music levels will be limited by hotel staff and any exterior speakers will be placed below the level of parapet walls; and

With respect to the seventeenth floor bar lounge known as "The Sky Bar," 34) its hours of operation will be 8:00 A.M. to 4:00 A.M. all days; 35) it will be accessed through the hotel lobby entrance; 36) it will have a closed fixed facade with no open doors or windows; 37) it will have limited food service from the restaurant kitchen during all hours of operation; 38) there will be recorded, music, live music and DJs, at background and entertainment levels, but there will be no promoted events, scheduled performances or any event at which a cover fee will be charged; and

With respect to the seventeenth floor exterior terrace, 39) its hours of operation will be 8:00 A.M. to 2:00 A.M. all days; 40) it will be accessed through the hotel lobby entrance; 41) it will operate as a bar lounge with lounge seating and with limited food service from the restaurant kitchen during all hours of operation; 42) only recorded background music will be played and there will be no live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged; 43) to minimize music travelling from the terrace, in addition to any other recommendations of a sound engineer, no subwoofers will be used in this exterior space, music levels will be limited by hotel staff and any exterior speakers will be placed below the level of parapet walls; and

With respect to the cellar and sub cellar event space known as "The Arts Club," 44) it will operate as a performance space lounge for private events and occasional public use, with moveable seating to accommodate the different uses, but will not be used as a regularly operating publicly accessible nightclub or lounge; 45) it may host stage shows, live performances and film screenings, as well as have dancing, in-house promoted events, scheduled performances, events with cover fees, recorded and live music and DJs; 46) it will be accessed through its own entrance on Chrystie Street north of the main hotel entrance and behind part of the front garden or through the interior of the hotel; 47) its hours of operation will be 12:00 P.M. to 4:00 A.M. all days; 48) it may have food service; 49) it will be soundproofed consistent with the recommendations of a sound engineer, including the installation of door seals on the entrance doors to minimize noise from people and music travelling through the doors; 50) there will be no wait lines outside and any waiting patrons who do not fit into the cellar or sub cellar areas will wait in the interior ground floor space leading to the lobby; 51) it will have security guards specifically designated to direct vehicular and pedestrian traffic when it is hosting events in this area; and

With respect to the ground floor garden abutting Chrystie Street, 52) it will be located within the building line on either side of the exterior walkway leading to the ground floor entrance of the hotel and will be surrounded by a wall abutting Chrystie Street; 53) it will be operated as casual seating for hotel patrons and the public; 54) there will be no more than nine (9) tables and forty (40) seats comprised of casual seating at benches and tables in this garden; 55) there will be no food or alcohol service in this garden but patrons may purchase food and alcohol indoors and eat and drink in this area; 56) there will be no music at any time; 57) it will not have or advertise "happy hours" in this area; 58) security guards will be responsible for insuring that no one will exit the garden with alcohol; and 59) its hours of operation will be 7:00 A.M. to 12:00 A.M. all days; and

VOTE #2 TO APPROVE THE FULL ON-PREMISES LIQUOR LICENSE:

COMMUNITY BOARD #3 RESOLUTION APPROVING THE FULL ON-PREMISES LIQUOR LICENSE FOR IS CHRYSTIE MANAGEMENT LLC AND VS-CHRYSTIE LLC, FOR THE GROUND FLOOR AREAS LOCATED AT 215 CHRYSTIE STREET, SUBJECT TO CERTAIN RESTRICTIONS ON USE

WHEREAS, the applicant, IS Chrystie LLC and VS-Chrystie LLC, by its qualified representative or principal, is seeking to obtain a full on-premises liquor license for ground floor areas, located at 215 Chrystie Street, between East Houston Street and Stanton Street, New York, New York; and

WHEREAS, said applicant is proposing the following uses:

- 1) An interior first floor market, restaurant bar and coffee bar, one thousand nine hundred fourteen (1,914) square feet in size, accessed through the lobby entrance, with a maximum occupancy of fifty-five (55) people, eight (8) tables and forty (40) dining seats, a thirty (30) foot by nine (9) foot bar with nine (9) stools, with the market being comprised of a fifteen (15) foot cafeteria style counter area with buy-and-go-foods, a kitchen open during all hours of operation and offering a full menu, recorded background music and hours of operation of 6:00 A.M. to 4:00 A.M.;
- 2) An interior first floor restaurant, one thousand five hundred (1, 500) square feet in size, accessed through the market, restaurant bar and coffee bar, with a maximum occupancy of one hundred fourteen (114) people, twenty-one (21) tables and one hundred fourteen (114) seats for dining, no bar, a kitchen open during all hours of operation and serving a full menu, a closed façade except in the rear of the restaurant were two (2) sets of double doors open onto the garden dining area, recorded background music and hours of operation of 6:00 A.M. to 4:00 A.M. all days;
- 3) An exterior garden for dining as an amenity to the restaurant, one thousand eight hundred (1,800) square feet in size, with a maximum occupancy of seventy-four (74) people, twenty-three (23) tables and seventy-four (74) seats for dining, a twelve (12) foot bar with no stools, recorded background music and hours of operation of 6:00 A.M. to 12:00 A.M. all days; and

WHEREAS, the exterior garden will abut residential buildings located along Bowery on its western side and faces a portion of the back of the large residential building, located at 10 Stanton Street, on its southern side; now

THEREFORE BE IT RESOLVED that Community Board #3 moves to deny the full on-premises liquor license for IS Chrystie LLC and VS-Chrystie LLC, for ground floor areas, located at 215 Chrystie 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 its market and restaurant and coffee bar as a full-service restaurant in its bar and dining area, with a kitchen open and serving a full menu during all hours of operation, and as a cafeteria-style restaurant in its market area where buy-and-go food will be available,
- 2) it will operate its interior restaurant as a full-service restaurant, with kitchen open and serving a full menu during all hours of operation and with seating for dining only,
- 3) it will operate its exterior garden as an amenity to the restaurant, with seating for dining only and a full menu served during all hours of operation,
- 4) its hours of operation for its interior restaurant and market and restaurant and coffee bar will be 6:00 A.M. to 4:00 A.M. all days,
- 5) its hours of operation for its exterior restaurant garden will be 8:00 A.M. to 10:00 P.M. all days,
- 6) it will close the two (2) sets of double doors accessing the garden at 10:00 P.M. every night or during any amplified performances, including but not limited to DJs, live music and live nonmusical performances, and will otherwise have a closed fixed façade with no open doors or windows in the other areas of the restaurant, market and restaurant and coffee bar,
- 7) it will play ambient background music only in its interior and exterior areas, consisting of recorded music, and will not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 8) it will install soundproofing consistent with the recommendations of a sound engineer, which include adding sound absorbing batting to the wall surrounding the exterior garden to minimize noise travelling to adjacent apartments and insuring that any recorded background music played in the exterior garden is inaudible to all residential neighbors surrounding the garden,
- 9) it will only have a service bar in the exterior garden,
- 10) its interior and exterior areas will only be accessed through the ground floor lobby entrance of the hotel,
- 11) it will not apply for any alteration in its method of operation without first appearing before Community Board #3,
- 12) it will not host pub crawls or party buses,
- 13) it will not have unlimited drink specials with food,
- 14) it will not have wait lines outside, and
- 15) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

40 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding SLA old business)

34 YES 2 NO 0 ABS 0 PNV MOTION PASSED (SLA old business)

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

1. Approval of previous month's minutes

no vote necessary

2. Astor Place Opening Celebration: a free cultural/performing arts festival in celebration of the completed Astor Place/Cooper Square renovation project

VOTE: TITLE: Support for a one-time use of the staging area at the 7th street crossing outside of Peter Cooper Park for the opening celebration of Astor Place

CB 3 supports a one-time time use of the staging area at the 7th street crossing outside of Peter Cooper Park for the opening celebration of Astor Place.

3. Request for support for design of Package 4 of the East River Esplanade (Catherine to Pike/Allen Street)

VOTE: TITLE: Support for the design of Package 4 of the East River Esplanade (Catherine to Pike/Allen Street)

WHEREAS, EDC initially presented the plan for East River Esplanade South, Package 4 of the East River Waterfront Esplanade from Catherine to Pike/Allen Street in July 2013; and

WHEREAS, Community Board 3 approved the proposed plan in a resolution incorporated hereinto:

WHEREAS, NYCEDC presented the Site Plan Referral for Waterfront Coalition for East River Esplanade South, Package 4: East River Waterfront Esplanade – Catherine to Pike/Allen Street;

WHEREAS, present plans include the following:

- Skateboarding zone with safety elements incorporated into the overall designs
- Bleacher seating with varying wooden seating
- Ping pong and various exercise equipment
- Cantilevered fishing bump out decks
- Plantings in ground level sections extended beyond the shadow of the FDR Drive
- Artificial turf informal ball play area
- Catch basins for storm water drainage pipes

WHEREAS, the four month bidding process should be completed around November 2013, and construction on the site is to begin at the end of 2013 or early 2014;

WHEREAS, EDC established a Memorandum of Understanding with NYC Parks Department for ongoing maintenance of the public space, and will work to ensure that no permitting will be required for the artificial turf field so any member of the public may utilize the site for informal play;

WHEREAS, solar lighting will be considered along the site where possible;

WHEREAS, EDC agrees to allow the opportunity to revisit the skateboarding zone should certain public safety elements become problematic;

NOW THEREFORE BE IT RESOLVED, that Community Board 3 approves and supports the proposed plans, providing that all aspects of the waterfront are fully ADA accessible for the entire waterfront esplanade.

WHEREAS, the project has been delayed due to a conflict with one of DEP's water mains that is also on the site; and

WHEREAS, EDC has been in discussions with DEP and they believe they are now close to getting final DEP approval for the project and will be able to continue; and

WHEREAS, EDC reports nothing has changed in the design since the original presentation and approval in 2013, except to incorporate the community's desire to remove the skateboarding area and EDC is now presenting this plan again because of the amount of time that has passed; so

THEREFORE BE IT RESOLVED, Community Board 3 supports the revised design of Package 4 of the East River Esplanade from Catherine Street to Pike/Allen Street, providing that all aspects of the waterfront are fully ADA accessible for the entire waterfront esplanade.

4. Report from Park Manager
no vote necessary
5. Report from Arts Subcommittee
no vote necessary

Block Party

6. Back to School Fair, 8/27/16, Manhattan Church of the Nazarene, Rivington St (Allen St & Eldridge St)

VOTE: CB 3 supports the Back to School Fair sponsored by Manhattan Church of the Nazarene at Rivington St (Allen St & Eldridge St) on August 27.

40 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Land Use, Zoning, Public & Private Housing Committee

1. Approval of previous month's minutes
no vote necessary / approved by committee
2. Development team: Update on Essex
no vote necessary
3. District Needs Statement Update-preliminary work
no vote necessary
4. Procedures to lift deed restrictions

VOTE: TITLE: Community Board 3 support for legislation codifying the Mayor's Executive Order 17 (Public Notice of Requests to Remove or Modify Deed Restrictions) and call for the development of a publicly accessible database documenting all deed restrictions.

Whereas, it has become evident to CB 3 that the current process by which a restrictive deed imposed by the City of New York is lifted is flawed in that procedures do not allow for notification of and input by the relevant Community Board, City Council Member, or Borough President; and

Whereas, the City Council Governmental Operations Committee will likely hold a hearing regarding legislation codifying the Mayor's Executive Order No. 17 (Public Notice of Requests to Remove or Modify Deed Restrictions); and

Whereas, Executive Order No. 17 provides that:

- a. A public notice shall be published in the City Record for at least seven consecutive business days commencing at least thirty days and no more than forty days prior to the public hearing;
- b. Notice of the public hearing shall be mailed to the Community Board in which the subject property is located and to the Borough President and the Council Member who represent the area in which the subject property is located;
- c. The public hearing shall be held within the Community District in which the subject property is located; and
- d. A public file containing copies of the calendar document and other public documents shall be made available to the Community Board in which the subject property is located for public review at said Community Board's office no later than twenty days prior to the public hearing.

Whereas, in addition to the provisions of Executive Order No. 17, the proposed legislation must require development of a publicly available, easily searchable database of properties with deed restrictions imposed by the City of New York; so

Therefore be it resolved, the proposed legislative framework is at a minimum what CB 3 finds necessary in order to increase transparency and community input; and

Be it further resolved, CB3 expects the governmental operations hearing will be one of many opportunities for greater community input and transparency into the process of lifting deed restrictions; and

Be it further resolved, a publicly available, easily searchable database is essential so that the public, Community Boards, and elected officials may be aware of deed restrictions in their community and participate in decision-making with regard to the lifting of a deed restriction.

5. Predatory equity in the Lower East Side: involvement of banks and landlords and update on organizational initiatives

no vote necessary

40 YES 0 NO 0 ABS 0 PNV MOTION PASSED

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

1. Approval of previous month's minutes
no vote necessary / approved by committee
2. Support for Public Advocate's initiative for affordable childcare in NYC/Campaign for Children presentation on child care priorities

VOTE: TITLE: Support for wage parity for Early Child Care Staff and teachers

WHEREAS, it is a priority listed within the City Council's response to the preliminary budget to invest 33.5 Million dollars annually to ensure immediate pay equity between the DOE and ACS Early Learn Directors, Assistant Directors, Family Child Care Coordinators and teachers; and

WHEREAS, Community Board 3 has a high number of community based organizations that run Early Learn Child care programs that employ teachers, staff and directors, many of whom are women of color and are from this community; and

WHEREAS, wage parity for early childhood education staff and teachers is a recommendation included in Public Advocate Letitia James' policy report entitled "Child Care in New York City, Part II, Investing in Child Care" dated November 2015,

THEREFORE BE IT RESOLVED, that CB3 supports funding to ensure wage parity between the NYC DOE and the ACS Early Learn teachers and staff.

3. Mount Sinai request for support to expand EMS services

VOTE: TITLE: Support for Mount Sinai Expansion of EMS Services

WHEREAS, Mount Sinai has served the health care needs of Community District 3 residents and beyond; and

WHEREAS, Mount Sinai would like to continue serving the city and individual communities by expanding its primary operating territory for Advanced and Basic Life Support services to include all five boroughs of New York City; and

WHEREAS, an application to expand service territory is judged in part on public need, defined as "the demonstrated absence, reduced availability, or an inadequate level of care in ambulance or emergency medical service available to a geographical area which is not readily correctable through the reallocation or improvement of existing resources"; and

WHEREAS, the large growth in the number of 911 emergency calls has placed a heavy burden on the New York City Fire Department's ability to allocate EMS resources throughout New York City, including CB 3, which has led to longer response times for emergency services; and

WHEREAS, the growing number of ambulance transports for discharged patients and inter-facility transfers adds further strain to ambulance resources; and

WHEREAS, the recent bankruptcy filing of TransCare has negatively impacted existing resources in the region, resulting in the need for entities such as Mount Sinai to fill the void of ambulance services; so

THEREFORE BE IT RESOLVED, CB 3 supports the application for an expansion in service area of Mount Sinai EMS Services to meet a public need through decreased response times and increased access to medical care.

4. Update on the Zadroga Act, which created the WTC health program and request for support for WTC Environmental Health Center to continue as administrator of WTC Survivor Program

VOTE: TITLE: Support for NYC Health + Hospitals' World Trade Center Environmental Health Center's application to continue to administer the World Trade Center Health Program's Survivor Program

WHEREAS, Community Board 3 (CB 3) has been a long-time supporter of the WTC Environmental Health Center program which provides care to 'WTC Survivors' - residents, area workers and students with health problems related to 9/11; and

WHEREAS, NYC Health + Hospitals is preparing a response to a contract solicitation by the National Institute for Occupational Safety and Health, a division of the U.S. Centers for Disease Control and Prevention, that would extend a contractual relationship with the World Trade Center Environmental Health Center for another five years; and

WHEREAS, The World Trade Center Environmental Health Center program is well positioned to continue to care for the physical and mental health needs of the current population of WTC Survivors; and

WHEREAS, Under the extension, World Trade Center Environmental Health Center's goals will be to continue to:

- Operate a Clinical Center of Excellence that assesses and treats WTC-related physical and mental health conditions of residents, students, workers, or passersby who may still be sick from 9/11;
- Assess and treat children and adolescents who have 9/11-related health or behavior problems;
- Work in partnership with community and labor organizations and residents affected by 9/11; and
- Provide these services at no out of pocket expense for its recipients; and

WHEREAS, CB 3 commends the WTC Environmental Health Center for its important work to address the health problems from the attacks of September 11, 2001; now

THEREFORE BE IT RESOLVED THAT CB3 strongly supports the contract extension for the WTC Environmental Health Center for another five years.

5. Presentation regarding Cancers in the WTC Survivor Population
no vote necessary

40 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding Human Services item 3)

40 YES 0 NO 0 ABS 0 PNV MOTION PASSED (Human Services item 3)

Economic Development Committee

no meeting scheduled

Personnel Committee

- Managerial raises

VOTE: Whereas, the Community Board 3 total budget has a surplus of "Other Than Personal Services" money due in large part to monies rolled over annually into this budget from unused "Personal Services" budget, created by the City funding Community Boards the same dollar amount for back dated Citywide managerial increases; and

Whereas, Community Board 3's "Personal Services" and "Other Than Personal Services" budgets, along with additional funding sources that the office has access to, can allow for a one time base salary increase of \$2,000 for each the District Manager (a 2.5% increase) and Assistant District Manager (a 4% increase); and

Whereas, the District Manager and Assistant District Manager are unquestionably dedicated to the Board and community that they both work and live in; and

Whereas, Community Board 3's District Manager, Susan Stetzer, has not received a discretionary raise since 2012, the only discretionary raise since starting in the position of District Manager in 2004; and

Whereas, Community Board 3's District Manager ranks 10 out of 59 in pay compared to the City's other District Managers, is paid the second lowest of Manhattan District Managers, yet is the second most senior one in the borough, and is paid well below the Citywide average by \$13,000; and

Whereas, Ms. Stetzer is on call 24 hours, seven days a week, as evidenced by her long hours during the E. Village gas explosion, not to mention for other routine work; and

Whereas, a base salary increase of \$2,000 is not representative of her work, does not provide full parity compared to her peers, and would only bring her to being the fourth lowest paid District Manager in Manhattan; and

Whereas, the Board believes that a discretionary raise of greater than \$2,000 is warranted based on her high level of performance, e.g. her emergency coordination work during the E. Village gas explosion, it is fiscally prudent to approve an increase this year; and

Whereas, the Assistant District Manager, Tabatha Ann Renz, is paid below the average salary of her peer's salaries across the City, has performed exceptionally well in her first year in the position, and is not paid on par with higher paid Assistant District Managers despite her education and experience; and

Whereas, a base salary increase of \$2,000 would not move her up in the rankings of her peers and isn't representative of her full work value, it would bring her slightly above the Citywide Assistant District Manager pay average by \$530; therefore,

Be it resolved that Community Board 3 approves, as soon as practical, a base salary increase of \$2,000 each for the District Manager and Assistant District Manager.

40 YES 0 NO 0 ABS 0 PNV MOTION PASSED