



# THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

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Alysha Lewis-Coleman, Board Chair

Susan Stetzer, District Manager

## December 2018 Vote Sheet

### Executive Committee

no votes necessary

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

### Transportation, Public Safety, & Environment Committee

1. Approval of previous month's minutes  
approved by committee
2. Mayor's Office of Criminal Justice/CAU: Manhattan Detention Center Update  
no vote necessary
3. Update on Two Bridges Rezoning Application  
no vote necessary
4. Vote to adjourn  
approved by committee

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

### Parks, Recreation, Waterfront, & Resiliency Committee

no meeting scheduled

### Landmarks Committee

meeting canceled

### Economic Development Committee

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

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

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

1. Approval of previous month's minutes  
approved by committee
2. The NYU Langone Health Community Service Plan: Demographic trends and health in Community District  
no vote necessary
3. Request for support for expanded support for student mental health needs in NYC schools

**VOTE: Resolution: To provide each NYC school a full-time social worker and implement a mental health curriculum across NYC schools.**

**WHEREAS,** students experience a range of mental health issues including: anxiety, depression, obsessive-compulsive disorder and eating disorders;

**WHEREAS,** 8% of New York City high school students have attempted suicide and 13,000 students report feeling depressed;

**WHEREAS,** many students do not have consistent access to mental health support or clear understanding of mental health issues;

**WHEREAS,** students face barriers to getting mental health services including: transportation, cost, guardian intervention, and social stigma;

**WHEREAS**, mental health significantly impacts a student's academic, social and emotional development;

**WHEREAS**, school social workers are trained mental health professionals who address mental health concerns, behavioral concerns, and provide positive behavioral support, academic and classroom support in consultation with guardians, teachers and administrators;

**WHEREAS**, New York State is the first state to include mental health in its required health curriculum;

**WHEREAS**, NYC teachers and administrators have not received basic training on identifying and escalating issues related to student mental health;

**WHEREAS**, for many students there is a stigma attached to mental illness making it less likely those suffering will share with adults or peers;

**WHEREAS**, the stigma attached to mental health is so pronounced people wait an average of eight years between development of a mental health issue and treatment;

**WHEREAS**, the District 2 Middle School Leadership Council (D2 MSLC) focused on the issue of student mental health throughout the 2017-2018 school year;

**WHEREAS**, the D2 MSLC presented a recommendation to the Community Board 3 that each school within District 2 and across New York City be provided dedicated funding for a full-time social worker;

**WHEREAS**, CB3 recommends that each school maintain a 1:100 ratio of social workers to students dedicated to mental health needs;

**WHEREAS**, student mental health impacts student learning, the school environment and school safety;

**THEREFORE, BE IT RESOLVED** that CB3 further urges that the DOE implement a mental health curriculum that helps to socialize mental health issues and provides early-detection training to teachers and administrators;

**THEREFORE, BE IT RESOLVED**, CB3 urges the Department of Education (DOE) to provide a dedicated funding stream toward one full time social worker per 100 students with a minimum of one per school dedicated to mental health needs;

**THEREFORE, BE IT FURTHER RESOLVED**, the CB3 urges the Department of Education to implement a mental health curriculum that recognizes the impact of mental health stigma and provides training to school-based staff on identifying and referring cases of mental illness.

4. Rivington House update  
no vote necessary
5. CAB updates  
no vote necessary
6. Vote to adjourn  
approved by committee

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

**SLA & DCA Licensing Committee**

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

**Alterations**

2. Home Sweet Home & Fig 19 (TLS Chrystie LLC), 131 Chrystie St (alt/op/enlarge bar size, add DJ booth)  
no vote necessary
3. Little Canal (Coffeemen's LLC), 26 Canal St @ Rutgers St (alt/wb/add happy hours and extend Thursday-Saturday hours to 2am)

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

Community Board 3 moves to deny the application for an alteration of the wine beer license for Coffeemen's LLC, doing business as Little Canal, for the premises located at 26 Canal Street, at the corner of Rutgers Street and Canal 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 American restaurant, with a kitchen open and serving food during all hours of operation,
  - 2) its hours of operation will be 7:00 A.M. to 12:00 A.M. Mondays through Wednesdays, 7:00 A.M. to 1:00 A.M. Thursdays, 7:00 A.M. to 2:00 A.M. Fridays, 7:30 A.M. to 2:00 A.M. Saturdays and 7:30 A.M. to 12:00 A.M. Sundays,
  - 3) it will close any front or rear façade doors and windows at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances,
  - 4) it will not commercially operate any outdoor areas,
  - 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 or for any physical alterations without first appearing before Community Board 3,
  - 7) it will not seek a change in class of its liquor license to a full on-premises liquor license without first obtaining the approval of Community Board 3,
  - 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 8:00 P.M. each night,
  - 11) it will insure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
  - 12) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
  - 13) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.
4. Sidewalk Bar & Restaurant (EAE Corp), 94-96 Ave A @ E 6th St (alt/op/renovations and relocation of bar)

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

Community Board 3 moves to approve the application for an alteration of the full on-premises liquor license for EAE Corp., doing business as Sidewalk Bar & Restaurant, for the premises located at 94-96 Avenue A, at the corner of East 6th Street and Avenue A, to wit moving the stage in the back room of the business to the north wall, moving the bar in the front room of the business forward toward the front of the restaurant bar area and adding a handicap accessible bathroom.

**New Liquor License Applications**

5. Sidewalk (Table 20 LLC), 94-96 Ave A @ E 6th St (op)

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

**WHEREAS**, Table 20 LLC is applying for a full on-premises liquor license to operate a restaurant tavern music venue in the premises located at 94-96 Avenue, at the corner of East 6th Street and Avenue A, New York, New York; and

**WHEREAS**, this applicant is proposing to operate a two (2) room restaurant bar performance space with a certificate of occupancy of one hundred forty (140) people, twenty-four (24) tables and one hundred six (106) seats, a thirty-one (31) foot bar with twelve (12) stools, a kitchen open to within half (½) an hour of closing serving "American bistro," hours of operation of 5:00 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 closing its sidewalk café at 11:00 P.M. Sundays through Thursdays and 1:00 A.M. Fridays and Saturdays, windows, recorded and live background music with live music five (5) night per week, scheduled performances and events with cover fees, three (3) televisions, security and happy hours to 8:00 P.M.; and

**WHEREAS**, this applicant has stated that it is purchasing the assets of the existing business; and

**WHEREAS**, the existing business, doing business as Sidewalk Bar & Restaurant, has been continuously licensed since prior to 1993, in that its full on-premises liquor license was issued by the SLA on March 19, 1987; and

**WHEREAS**, the applicant has stated that it intends to maintain the same name and method of operation as the existing business and is hoping to maintain the same staff but will offer live performances five (5) days per week rather than all days as the existing business now does; and

**WHEREAS**, there are twenty-four (24) full on-premises liquor licenses within five hundred (500) feet of this location; and

**WHEREAS**, a representative of the North Avenue A Neighborhood Association appeared in opposition to this application, stating that the existing business has long been operated as a restaurant bar with an outdoor café and performance space hosting scheduled live performances and residents are concerned that the applicant lacks the experience to operate a business of this scale; and

**WHEREAS**, the applicant is composed of principals both of whom have bartending and managerial experience at numerous eating and drinking establishments but who have no experience operating a business where either has held a liquor license; and

**WHEREAS**, the applicant has furnished evidence of community support, in that it provided petition signatures, seventy-seven (77) of which are from area residents, in support of its application; and

**WHEREAS**, given that this is a sale of assets of a restaurant tavern music venue that has operated with a full on-premises liquor license since prior to 1993 and this application will consequently be less strictly scrutinized by the SLA, Community Board 3 feels bound to approve this application with stipulations; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the application for a full on-premises liquor license for Table 20 LLC, with a proposed business name of Sidewalk Bar & Restaurant, for the premises located at 94-96 Avenue A, at the corner of East 6th Street and Avenue A, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service American restaurant, with kitchen open and serving food to within one (1) hour of closing,
- 2) its hours of operation will be 5:00 P.M. to 4:00 A.M. Mondays through Fridays and 11:00 A.M. to 4:00 A.M. Saturdays and Sundays,
- 3) its sidewalk café will close at 11:00 P.M. all days,
- 4) it will employ one (1) security guard during its regular operation and two (2) security guards during any live performances,
- 5) it will install additional soundproofing, if needed,
- 6) 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, in the front room restaurant bar area but will have a closed fixed facade with no open doors or windows in the rear room performance space and the East 6th Street door will be for emergency egress only,
- 7) it will play recorded music and may have live music, promoted events provided it does not use third party or outside promoters, scheduled performances and events with cover fees, but will not have DJs and will have no more than six (6) private parties per year,
- 8) it will play ambient recorded background music in its front room restaurant bar but may have entertainment level live music and scheduled performances five (5) nights per week, between 7:00 P.M. and 12:00 A.M., in the rear room performance space,
- 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.,
- 11) it will not host pub crawls or party buses,
- 12) it will not have unlimited drink specials with food,
- 13) it will not have wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 14) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 15) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

6. Barcade (Barcade Downtown LLC), 6 St Marks Pl btwn 2nd & 3rd Aves (upgrade to op)

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

**WHEREAS**, Barcade Downtown LLC doing business as Barcade, for the premise located at 6 Saint Marks Place, between Second Avenue and Third Avenue, New York, New York, is again seeking a change in class of its existing tavern wine license to a full on-premise liquor license; and

**WHEREAS**, Community Board 3 heard this applicant for a full on-premise liquor license in June of 2014 and denied it for a wine beer license only unless the applicant agreed to make as conditions of its license the stipulations that it would 1) operate a tavern arcade with a kitchen open and serving food to within one (1) hour of closing, 2) have hours of operation of 12:00 P.M. to 2:00 A.M. all days, 3) play recorded background music and not have live music, DJs, promoted events, scheduled performances or events with cover fees, 4) have a closed fixed façade with no open doors or windows, 5) not commercially use any outdoor space, 6) employ at least one (1) security guard Sundays through Wednesdays, two (2) security guards Thursdays through Saturdays and additional security guards as needed, 7) install soundproofing, 8) not apply for an alteration without first appearing before Community Board 3, 9) have happy hours to 7:00 P.M., 10) not host pub crawls or party buses, and 11) not have wait lines outside and have a staff person outside to monitor noise and crowds; and

**WHEREAS**, this applicant was then issued a tavern wine license by the SLA on October 3, 2014; and

**WHEREAS**, this applicant has been operating the existing business since October of 2014; and

**WHEREAS**, Community Board 3 denied an application for a change in class of its tavern wine license to a full on-premises liquor license in January of 2016 because the applicant had been operating only one (1) year, this block of Saint Marks Place has numerous businesses with full on-premises liquor licenses, as well as numerous other licensed businesses, and the applicant had reduced its daytime hours and the time in which it offered food, contrary to its stipulations; and

**WHEREAS**, although this business has now operated for almost four (4) years, it continues to operate with reduced hours for food service, contrary to its stipulations; and

**WHEREAS**, there are twenty-three (23) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant but forty-three (43) full on-premises liquor licenses and four (4) pending full on-premises liquor licenses within five hundred (500) feet of this location per the SLA LAMP map; and

**WHEREAS**, although the applicant counted only six (6) full on premises liquor licenses within one (1) block of its business, Saint Marks Place, between Second Avenue and Third Avenue, has ten (10) full on-premise liquor licenses, fourteen (14) wine beer or tavern wine licenses, including that of the applicant, two (2) pending full on-premise liquor licenses for previously licensed locations, two (2) beer licenses and one (1) retail license; and

**WHEREAS**, the applicant has furnished evidence of community support, in that it provided petition signatures, seventy-three (73) of which are from area residents, in support of its application, although most of the pages containing signatures did not include the application and method of operation, and no person appeared in opposition to this application; and

**WHEREAS**, given that this applicant has been operating its business for almost four (4) years without complaints, Community Board 3 approves the change in class of this tavern wine license to a full on-premises liquor license with the stipulations governing its method of operation; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the application for a change in class to a full on-premises liquor license for Barcade Downtown LLC, doing business as Barcade, for the premises located at 6 Saint Marks Place, between Second Avenue and Third Avenue, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that

- 1) it will operate as a tavern arcade, with a kitchen open and serving food to within one (1) hour of closing,

- 2) its hours of operation will be 12:00 P.M. to 2:00 A.M. all days,
  - 3) it will 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 will be charged,
  - 4) it will close any front or rear façade entrance doors on both floors at 10:00 P.M. every night or when amplified sound is playing and will otherwise have a closed fixed facade with no open doors or windows,
  - 5) it will not commercially operate any outdoor areas,
  - 6) it will employ at least one (1) security guard Sundays through Thursday and at least two (2) security guards Fridays and Saturdays,
  - 7) it will not apply for an alteration of 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 may have "happy hours" to 7:00 P.M.,
  - 10) it will insure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk, and
  - 11) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.
7. Grunhaus (JED Partners LLC), 126 Ludlow St (op) (aka 101 Rivington St)

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

**WHEREAS**, JED Partners LLC has again applied for a full on-premises liquor license to operate a restaurant with a proposed business name of Grunhaus, at the premises located at 126 Ludlow Street a/k/a 101 Rivington Street, at the corner of Ludlow Street and Rivington Street, New York, New York; and

**WHEREAS**, this applicant is seeking to operate an "elevated comfort food" restaurant with a certificate of occupancy of two hundred fifty (250) people, ten (10) tables and fifty-two (52) seats, hours of operation of 10:00 A.M. to 2:00 A.M. all days, a twenty-five (25) foot bar with ten (10) stools and a thirty (30) foot bar with twenty-four (24) stools, a kitchen open from 12:00 P.M. to 2:00 A.M., an open façade consisting of garage doors, recorded background music, security, three (3) private parties per month and happy hours to 8:00 P.M.; and

**WHEREAS**, this applicant was denied a full on-premises liquor license for this location in June of 2017, because the applicant would not agree to make as conditions of its license stipulations that it would 1) operate a full-service American restaurant, with a kitchen open and serving food during all hours of operation, 2) have hours of operation of 7:00 A.M. to 2:00 A.M. all days, 3) not commercially operate any outdoor areas, 4) close any front or rear façade doors and windows at 10:00 P.M. every night, when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances, or during any private parties, 5) not permit sitting by patrons or other people on the frames of any façade doors or windows, 6) 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, 7) have no more than three (3) private parties per month, 8) not apply for any alteration in its method of operation without first appearing before Community Board 3, 9) have "happy hours" to 8:00 P.M. each night, 10) not host pub crawls or party buses, 11) not have unlimited drink specials with food, 12) insure that there are no wait lines outside and designate an employee to oversee patrons and noise on the sidewalk, 13) conspicuously post this 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**, NYLA Café LLC, the existing licensee at this location, then changed its method of without community board approval in April of 2018 from a full-service restaurant to a beer hall, doing business as Grunhaus, with picnic tables, a limited menu and self-service at its counters and bars of both alcohol and food; and

**WHEREAS**, this applicant was then denied a full on-premises liquor license for this location in July of 2018, because 1) the applicant did not appear for review of its application and both the applicant and its attorney communicated to the community board that the applicant had agreed as part of its contract of sale of the business that the applicant would appear before the SLA without first appearing before the community board, 2) the application materials submitted by the applicant included letters and petition signatures in support of its

application which were dated June of 2017, as well as a menu with the same menu items as those in its 2017 application but bearing the business name Grunhaus, and

**WHEREAS**, there are twenty-six (26) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant but there are forty-three (43) full on-premises liquor licenses and three (3) pending full on-premises liquor licenses within five hundred (500) feet of this location per the SLA LAMP map; and

**WHEREAS**, this applicant has experience operating licensed businesses in Community Board 3, including two (2) existing businesses both with full on-premises liquor licenses and minimal complaints; and

**WHEREAS**, the applicant has furnished evidence of community support, in that it provided petition signatures, one hundred forty-nine (149) of which are from area residents, in support of its application; and

**WHEREAS**, this applicant has again submitted its June 2017 application materials which include the proposed business name of Grunhaus; and

**WHEREAS**, the LES Dwellers, a local residents association, submitted a statement in opposition to this application because 1) given that the application materials contain a proposed business name of Grunhaus, it is unclear if the applicant is intending to operate an American restaurant or the existing beer hall with the same business name, 2) Grunhaus is not operating as a full-service restaurant, in that it is operating as a beer hall with picnic tables, a limited food menu of sausages and sides and self-service at counters of both alcohol and food, 3) Grunhaus has already been noncompliant with its stipulations since opening by failing to close the retractable garage doors on both the Ludlow Street and Rivington Street sides of the business at 10:00 P.M., and 4) the applicant submitted dated materials consisting of letters and petition signatures in support of its application which are dated from two years ago; and

**WHEREAS**, Community Board 3 expressed concern that this applicant would maintain the existing method of operation of a beer hall rather than operate as a full-service American restaurant; and

**WHEREAS**, the applicant has agreed that it will operate a full-service restaurant with a different business name from Grunhaus and with earlier closing times than the existing business; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the application for a full on-premises liquor license for JED Partners LLC, with a proposed business name of Grunhaus, for the premises located at 126 Ludlow Street a/k/a 101 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 American restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 10:00 A.M. to 2:00 A.M. all days,
- 3) it will not commercially operate any outdoor areas,
- 4) it will employ one (1) security guard Fridays and Saturdays, from 10:00 P.M. to 2:00 A.M.,
- 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 any private parties,
- 6) it will not permit sitting by patrons or other people on the frames of any façade doors or windows,
- 7) it will 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 will be charged, and it will have no more than three (3) private parties per month,
- 8) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3,
- 9) it may have "happy hours" to 8:00 P.M. each night,
- 10) it will not host pub crawls or party buses,
- 11) it will not have unlimited drink specials with food,
- 12) it will insure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,

- 13) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 14) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

8. Professor Thoms (JHB Acquisition LLC), 219 2nd Ave btwn E 13th & E 14th Sts (op)

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

**WHEREAS**, JHB Acquisition LLC is applying for a full on-premises liquor license to operate a tavern in the premises located at 219 Second Avenue, between East 13th Street and East 14th Street, New York, New York; and

**WHEREAS**, this applicant is proposing to operate a two-story tavern with a certificate of occupancy of one hundred (100) people on the first floor and one hundred fifty (150) people in the basement level, twenty-two (22) tables and seventy-six (76) seats in the basement, a ten (10) foot bar with eight (8) stools on the first floor and a thirty (30) foot bar with twenty-three (23) stools in the basement, hours of operation of 4:00 P.M. to 12:00 A.M. Mondays and Tuesdays, 12:00 P.M. to 2:00 A.M. Wednesdays and Thursdays, 11:00 A.M. to 4:00 A.M. Fridays and Saturdays and 11:00 A.M. to 12:00 A.M. Sundays, a kitchen open during all hours of operation serving "comfort bar food," twenty-six (26) televisions, recorded music and live music consisting of two (2) to three (3) pieces at entertainment levels and happy hours to 7:00 P.M.; and

**WHEREAS**, this applicant has stated that it is purchasing the assets of the existing business; and

**WHEREAS**, the licensee for the existing business, doing business as Professor Thom's, was issued its full on-premises liquor license by the SLA on February 8, 2006; and

**WHEREAS**, there are fourteen (14) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant but there are nineteen (19) full on-premises liquor licenses and three (3) pending full on-premises liquor licenses within five hundred (500) feet of this location per the SLA LAMP map

**WHEREAS**, the applicant has stated that it intends to maintain the same name and method of operation as the existing business and maintain the same staff; and

**WHEREAS**, the applicant has experience working in eating and drinking establishments and has been the manager of the existing business for the past four and a half (4½) years ; and

**WHEREAS**, the applicant has furnished evidence of community support, in that it provided petition signatures, one hundred three (103) of which are from area residents, in support of its application and two (2) residents appeared in support of its application, stating that the business is quiet and well-managed; and

**WHEREAS**, given that this is a sale of assets of a tavern that has operated with a full on-premises liquor license and that the applicant is the existing manager of the business and will maintain the business name, method of operation and staff; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the application for a full on-premises liquor license for JHB Acquisition LLC, with a proposed business name of Professor Thom's, for the premises located at 219 Second Avenue, between East 13th Street and East 14th Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a tavern, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 4:00 P.M. to 12:00 A.M. Mondays and Tuesdays, 12:00 P.M. to 2:00 A.M. Wednesdays and Thursdays, 11:00 A.M. to 4:00 A.M. Fridays and Saturdays and 11:00 A.M. to 12:00 A.M. Sundays,
- 3) it will not commercially operate any outdoor areas,
- 4) it will install additional soundproofing, if needed,
- 5) it will close any front or rear façade entrance doors on both floors at 10:00 P.M. every night or when amplified sound is playing and will otherwise have a closed fixed facade with no open doors or windows,

- 6) it will play ambient background music, consisting of recorded music and live music consisting of acoustic music of no more than three (3) musicians or instruments Saturdays and Sundays during brunch hours, but will not have DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
  - 7) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3,
  - 8) it may have "happy hours" to 7:00 P.M.,
  - 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 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.
9. Mr White (Mr White LLC), 121-123 St Marks Pl btwn 1st Ave & Ave A (upgrade to op)

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

**WHEREAS**, Mr White LLC, doing business as Mr White, is seeking a change in class of its wine beer license to a full on-premises liquor license for its restaurant located at 121-123 Saint Marks Place, between First Avenue and Avenue A, New York, New York; and

**WHEREAS**, the applicant has also reduced its daytime hours of operation and is opening at 12:00 P.M. all days rather than 10:00 A.M. all days as previously stipulated; and

**WHEREAS**, an application for a wine beer license for this applicant was denied by Community Board 3 in February of 2017 unless the applicant agreed to make as conditions of its license the stipulations that it would 1) operate a full-service new Southern cuisine restaurant with a kitchen open and serving food during all hours of operation, 2) have hours of operation of 10:00 A.M. to 12:00 A.M. Sundays through Wednesdays and 10:00 A.M. to 1:00 A.M. Thursdays through Saturdays, 3) not commercially operate any outdoor areas, 4) close any front or rear façade doors and windows at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances, 5) play recorded background music and have live acoustic music consisting of no more than two (2) string instruments playing two (2) times per month no later than 6:00 P.M. but not have DJs, promoted events, scheduled performances or any events at which a cover fee would be charged, 6) have happy hours to 6:00 P.M. each night, 7) not host pub crawls or party buses, 8) not apply for any alteration in its method of operation without first appearing before Community Board 3, 9) not have unlimited drink specials with food, 10) not have wait lines and designate an employee to oversee patrons and noise on the sidewalk, 11) conspicuously post its stipulation form beside its liquor license inside of its business, and 12) provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

**WHEREAS**, the wine beer license for this applicant was issued by the SLA on January 9, 2018; and

**WHEREAS**, the applicant has operated this restaurant with a wine beer license and without any complaints since it opened in February of 2018; and

**WHEREAS**, the applicant furnished petition signatures, fifty-nine (59) of which are from area residents in support of its application, and three (3) area residents appeared in support of its application, citing the benefit of adding a full-service restaurant; and

**WHEREAS**, there are twenty-five (25) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant but twenty-six (26) 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, with eight (8) full on-premises liquor licenses, eleven (11) wine beer licenses, including that of the applicant, and one (1) pending full on-premises liquor license on this block; and

**WHEREAS**, the East Village Community Coalition, a local resident and business owner association, submitted its own written statement and the written statement of the 9th Street

A-1 Block Association and appeared in opposition to this application, and a resident of the street also appeared and submitted a written statement from the George Jackson Academy, located at 6 Saint Marks Place, in opposition to this application, all stating that there is no public benefit in adding a full on-premises liquor license to this block given the number of licensed businesses on the block and in the immediate area; and

**WHEREAS**, notwithstanding opposition from the local neighborhood associations and the number of licensed businesses on this street and given that this applicant is operating a full-service restaurant with moderate hours of operation, including daytime hours of operation, Community Board 3 approves the change in class of this wine beer license to a full on-premises liquor license with stipulations governing its method of operation; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the application for a change in class of a wine beer license to a full on-premises liquor license for Mr White LLC, doing business as Mr White, to a full on-premises liquor license for its restaurant located at 121-123 Saint Marks Place, between First Avenue and Avenue A, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service Southern 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 Wednesdays and 12:00 P.M. to 1:00 A.M. Thursdays through Saturdays,
- 3) it will not commercially operate any outdoor areas,
- 4) it will close any front or rear façade doors and windows at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances,
- 5) it will play ambient background music only, consisting of recorded music and live acoustic music consisting of no more than three (3) string instruments playing two (2) times per month no later than 6:00 P.M., but will not have DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 6) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3,
- 7) it may have "happy hours" to 6:00 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.

10. Ying Ma Corp, 20 Pell St (wb)  
withdrawn

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

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

**WHEREAS**, Second Ave Restaurant Group Inc., doing business as DIA, is seeking a change in class of its wine beer license to a full on-premises liquor license for its restaurant located at 58 Second Avenue, between East 3rd Street and East 4th Street, New York, New York; and

**WHEREAS**, the questionnaire submitted by the applicant indicates that this applicant is also seeking to reduce its daytime hours of operation by seeking to open at 5:00 P.M. Monday through Fridays and 11:00 A.M. Saturdays and Sundays rather than at 9:00 A.M. all days as previously stipulated; and

**WHEREAS**, an application for a wine beer license for this applicant was administratively approved by Community Board 3 in March of 2018 because the applicant agreed to make as conditions of its license the stipulations that it would 1) operate a full-service Italian restaurant with a kitchen open and serving food during all hours of operation, 2) have hours of operation of 9:00 A.M. to 12:00 A.M. all days, 3) not commercially operate any outdoor areas, 4) play recorded background music and not have DJs, live music, promoted events, scheduled performances or any events at which a cover fee would be charged, 5) not apply for an alteration in its method of operation without first appearing before Community Board 3, 6) close any front or rear façade doors and windows at 10:00 P.M. every night or when amplified

sound is playing, including but not limited to DJs, live music and live nonmusical performances, 7) not host pub crawls or party buses, 8) not have unlimited drink specials with food, 9) have happy hours to 7:00 P.M. each night, 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**, the applicant has operated this restaurant for a short period of time and was only issued a wine beer license by the SLA on October 19, 2018; and

**WHEREAS**, this applicant has no experience operating a licensed or similar business; and

**WHEREAS**, the applicant cited no public benefit for the approval of a full on-premises liquor license for its business, rather only stating that it had spent a great deal of money renovating the location and wants to be able to serve cocktails to its patrons; and

**WHEREAS**, the applicant failed to demonstrate community support for this application, in that it submitted one (1) letter from a church parishioner and petition signatures, thirteen (13) of which were from area residents, in support of its application; and

**WHEREAS**, this location has never housed a business with a full on-premises liquor license; and

**WHEREAS**, this location is within two hundred feet of a house of worship, in that this location is next door to the Iglesia de Cristo a/k/a East Side Church of Christ, located at 56 Second Avenue, East 3rd Street and East 4th Street, whose entrance is no more than twenty-five (25) feet from the entrance to this business; and

**WHEREAS**, although the applicant represented that there are six (6) full on-premises liquor licenses within five hundred (500) feet of this location, there are twenty-six (26) full on-premises liquor licenses and two (2) pending full on-premises liquor licenses within five hundred (500) feet of this location per the SLA LAMP map; and

**WHEREAS**, Community Board 3 believes that this applicant should not be approved a full on-premises liquor license given its lack of experience operating a licensed or similar business, its lack of operating history for this business, its lack of community support, the reduction of its daytime hours of operation, given that this location is within five hundred (500) feet of twenty-six (6) full on-premises liquor licenses and because this location is adjacent to an active church; 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 Second Ave Restaurant Group Inc., doing business as DIA, for its restaurant located at 58 Second Avenue, between East 3rd Street and East 4th Street.

12. Samurice NY Inc, 115 Delancey St (wb)  
withdrawn

13. Entity to be formed by Curt Huegel, 213 2nd Ave @ E 13th St (op)

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

**WHEREAS**, an entity to be formed by principal Curt Huegel is applying for a full on-premises liquor license to operate a tavern in the premises located at 213 Second Avenue, at the corner of East 13th Street and Second Avenue, New York, New York; and

**WHEREAS**, this applicant is proposing to operate a tavern with a certificate of occupancy of seventy-four (74) people, twelve (12) tables and thirty-six (36) seats inside and twelve (12) tables and twenty-four (24) seats at a sidewalk cafe, a twenty-six (26) foot bar with twenty (20) stools, hours of operation of 10:00 A.M. to 4:00 A.M. all days inside and 10:00 A.M. to 10:00 P.M. Sundays through Thursdays and 10:00 A.M. to 11:00 P.M. Fridays and Saturdays outside, a prep area serving "classic modern American" food during all hours of operation, three (3) televisions, recorded music and DJs at entertainment levels, security and happy hours to 9:00 P.M.; and

**WHEREAS**, this applicant has stated that it is purchasing the assets of the existing business whose full on-premises liquor license was issued by the SLA on November 8, 2013; and

**WHEREAS**, the existing business has been continuously licensed since prior to 1993, in that the applicant furnished documentation that it had been continuously licensed since 1982; and

**WHEREAS**, although the applicant represented that there are sixteen (16) full on-premises liquor licenses within five hundred (500) feet of this location, there are twenty (20) full on-premises liquor licenses and two (2) pending full on-premises liquor licenses within five hundred (500) feet of this location per the SLA LAMP map; and

**WHEREAS**, the applicant has experience owning and operating numerous eating and drinking establishments with full on-premises liquor licenses; and

**WHEREAS**, the applicant has furnished evidence of community support, in that it provided petition signatures, forty (40) of which are from area residents, in support of its application; and

**WHEREAS**, given that this is a sale of assets of a tavern that has operated with a full on-premises liquor license since prior to 1993 and this application will consequently be less strictly scrutinized by the SLA, Community Board 3 feels bound to approve this application with stipulations; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the application for a full on-premises liquor license for an entity to be formed by principal Curt Huegel, for the premises located at 213 Second Avenue, at the corner of East 13th Street and Second Avenue, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a tavern, with less than a full kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 10:00 A.M. to 4:00 A.M. all days,
- 3) the hours of operation for its sidewalk café will be 10:00 A.M. to 10:00 P.M. Sundays through Thursdays and 10:00 A.M. to 11:00 P.M. Fridays and Saturdays,
- 4) it will close any front or rear façade entrance doors at 10:00 P.M. every night or when amplified sound is playing and will otherwise have a closed fixed facade with no open doors or windows,
- 5) it will play ambient background music, consisting of recorded music, but 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 or for any physical alterations without first appearing before Community Board 3,
- 7) it may have "happy hours" to 9:00 P.M.,
- 8) it will not host pub crawls or party buses,
- 9) it will not have unlimited drink specials with food,
- 10) it will not have wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 11) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 12) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

14. Entity to be formed by Michael Babin, 115 Delancey St btwn Essex & Norfolk Sts (op)

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

**WHEREAS**, an entity to be formed by principal Michael Babin has applied for a tavern wine license for a storefront within the cellar level Essex Market, located at 115 Delancey Street, between Essex Street and Norfolk Street, New York, New York; and

**WHEREAS**, this applicant is seeking to operate a pizza kiosk with no listed certificate of occupancy, communal seating in the market, a ten (10) foot bar with no stools, a prep area serving food during all hours of operation, hours of operation of 11:00 A.M. to 2:00 A.M. all days, no televisions, recorded background music, happy hours to 7:00 P.M. and security from the market; and

**WHEREAS**, given that this applicant will be one vendor in a multi-vendor, below-ground food market hall or commissary located on Delancey Street and given that this kiosk will also service its tavern beer hall operating within the market hall, Community Board 3 would support this application with stipulations governing its use; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the application for a tavern wine license for an entity to be formed by principal Michael Babin, for the premises located at 115 Delancey Street, cellar level, between Essex Street and Norfolk Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a pizza kiosk in a market hall commissary with communal seating, with less than a full-service kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 11:00 A.M. to 2:00 A.M. all days,
- 3) it will not commercially operate any outdoor areas,
- 4) it will 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 seek a change in class to a full on-premises liquor license without first obtaining the approval of Community Board 3,
- 7) it may have "happy hours" to 7:00 P.M. each night,
- 8) it will not host pub crawls or party buses,
- 9) it will not have unlimited drink specials with food,
- 10) it will not have wait lines 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.

15. The Gutter Bar LES LLC, 242 Broome St btwn Essex & Ludlow Sts (op)

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

**WHEREAS**, The Gutter Bar LES LLC has applied for a full on-premises liquor license to operate a cellar level bowling alley, located at 242 Broome Street, between Essex Street and Ludlow Street, New York, New York; and

**WHEREAS**, this applicant is seeking to operate a bowling alley arcade with thirteen (13) bowling lanes, a projected certificate of occupancy of three hundred sixty-four (364) people, twenty-five (25) tables and eighty-eight (88) seats, a one hundred (100) foot bar with one hundred twenty-one (121) stools, a kitchen open during all hours of operation serving Italian food, hours of operation of 12:00 P.M. to 4:00 A.M. all days, a closed façade, twelve (12) televisions and recorded background music; and

**WHEREAS**, this is a new construction building which is part of a large-scale mixed commercial and residential development with an entrance on a narrow one-way street; and

**WHEREAS**, the community requested that a bowling alley be part of this development; and

**WHEREAS**, the applicant has conceded that there are nineteen (19) full on-premises liquor licenses within five hundred (500) feet of this location and the SLA LAMP map reflects that there are also four (4) pending full on-premises liquor licenses within five hundred (500) feet of this location; and

**WHEREAS**, the applicant has operated the same business with a full on-premises liquor license at 200 North 14th Street, Brooklyn, New York for eleven (11) years and in Long Island City for two (2) years; and

**WHEREAS**, the applicant cited the lack of bowling alleys in the surrounding neighborhood as the public benefit for the approval of a full on-premises liquor license for its business; and

**WHEREAS**, the applicant furnished petition signatures, one hundred seventeen (117) of which were from area residents, in support of its application; and

**WHEREAS**, the applicant has agreed that it will incorporate family friendly programming and prices into its method of operation, as well as outreach to local school and community and nonprofit organizations to allow them use of its facility; and

**WHEREAS**, there were five (5) letters from residents and one (1) letter from a local business owner submitted in opposition to hours of operation for this business later than 2:00 A.M. and the Orchard Street Block Association also submitted a letter and a representative appeared in opposition to late night hours; and

**WHEREAS**, given the prior experience of the applicant operating tavern bowling alleys with full on-premises liquor licenses, Community Board 3 would support this application with stipulations governing its use; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the application for a full on-premises liquor license for The Gutter Bar LLC, with a proposed business name of The Gutter Bar, for the premises located at 242 Broome Street, cellar level, between Essex Street and Ludlow Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a tavern bowling alley arcade, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 12:00 P.M. to 4:00 A.M. all days,
- 3) it will not commercially operate any outdoor areas,
- 4) it will employ security to oversee the interior of the entrance and the interior of the business,
- 5) it will install soundproofing,
- 6) it will close any front or rear façade entrance doors at 10:00 P.M. every night or when amplified sound is playing and will otherwise have a closed fixed facade with no open doors or windows,
- 7) it will play ambient background music, consisting of recorded music, but will not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 8) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3,
- 9) it will not have "happy hours,"
- 10) it will not host pub crawls or party buses,
- 11) it will not have unlimited drink specials with food,
- 12) it will not have wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 13) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 14) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

16. 503 East 6th Street Cafe LLC, 117 Ave A btwn E 7th St & St Marks Pl (op)

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

**WHEREAS**, 503 East 6th Street Cafe LLC has applied for a full on-premises liquor license to operate a tavern, located at 117 Avenue A, between East 7th Street and Saint Marks Place, New York, New York; and

**WHEREAS**, this applicant is seeking to operate a tavern with a certificate of occupancy of seventy-four (74) people, fourteen (14) tables and fifty-three (53) seats, a thirty (30) foot bar with twelve (12) stools, hours of operation of 10:00 A.M. to 4:00 A.M. all days, a kitchen open during all hours of operation serving "Irish American pub food," windows closing at 10:00 P.M., three (3) to five (5) televisions, recorded and live background music, twenty (20) private parties per year, patron dancing, security on weekends and other days if needed and happy hours to 8:00 P.M.; and

**WHEREAS**, this is an unlicensed location and was last operated as a tavern with a full on-premises liquor license that was evicted in April of 2017; and

**WHEREAS**, the applicant was notified by Community Board 3 that the zoning in which the business is located does not permit patron dancing; and

**WHEREAS**, although the applicant represented that there are thirty-one (31) full on-premises liquor licenses within five hundred (500) feet of this location, there are thirty-five (35) full on-premises liquor licenses and two (2) pending full on-premises liquor licenses within five hundred (500) feet of this location per the SLA LAMP map; and

**WHEREAS**, the applicant had operated the same business as that proposed here with a full on-premises liquor license at 118 Saint Marks Place, New York, New York, for twenty-four (24) years before that business closed because of increased rent in October of 2018; and

**WHEREAS**, the applicant cited the return of a longstanding business to the neighborhood as the public benefit for the approval of a full on-premises liquor license for its business; and

**WHEREAS**, the applicant furnished petition signatures, fifty-three (53) of which were from area residents, in support of its application; and

**WHEREAS**, the East Village Community Coalition submitted a letter and a representative appeared in opposition to this application, asking that the applicant remove its existing license from 118 Saint Marks Place rather than seek to add another full on-premises license to this area with so many licensed businesses; and

**WHEREAS**, the applicant stated that it was not seeking to remove its existing license because it was adding two principals to its business and the existing license would be allowed to expire; and

**WHEREAS**, given the prior experience of the applicant operating the proposed tavern within one block of this location for twenty-four (24) years, Community Board 3 would support this application with stipulations governing its use; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the application for a full on-premises liquor license for 503 East 6th Street Cafe LLC, with a proposed business name of St Dymphna's, for the premises located at 117 Avenue A, between East 7th Street and Saint Marks Place, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a tavern, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 10:00 A.M. to 4:00 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, consisting of recorded music and live acoustic music consisting of no more than three (3) instruments two (2) times per month, but will not have DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 6) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3,
- 7) it may have "happy hours" to 8:00 P.M.
- 8) it will not host pub crawls or party buses,
- 9) it will not have unlimited drink specials with food,
- 10) it will not have wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 11) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 12) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

17. Plant Based Restaurant East 4th LLC, 87 E 4th St btwn 2nd Ave & Cooper Sq (op)

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

Community Board 3 moves to deny the application for a full on-premises liquor license for Plant Based Restaurant East 4th LLC, for the premises located at 87 East 4th Street, between Second Avenue and Cooper Square, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service plant-based 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 11:00 P.M. Sundays through Wednesdays and 12:00 P.M. to 1:00 A.M. Thursdays through Saturdays,
- 3) it will operate its enclosed sidewalk café as a flower shop with no food or alcohol service,
- 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 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 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 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

Community Board 3 is approving this application for a full on-premises liquor license although this location is in an area with numerous full on-premises liquor licenses because 1) the location was previously a full-service restaurant with a full on-premises liquor license issued by the SLA on July 18, 1997, 2) the applicant is intending to operate a plant-based raw food restaurant with moderate hours of operation which include daytime hours of operation, and 3) the applicant operates three (3) other eating and drinking establishments within the same block which offer plant-based menus.

#### **Hotel Applications**

18. US-Dev Associates LLC, 112 E 11th St btwn 3rd & 4th Aves (op)

**VOTE: TITLE: COMMUNITY BOARD 3 RESOLUTION APPROVING THE HOTEL LIQUOR LICENSE FOR US-DEV ASSOCIATES LLC, FOR 112 EAST 11TH STREET, SUBJECT TO CERTAIN RESTRICTIONS ON USE**

**WHEREAS**, the applicant, US-Dev Associates LLC, by its qualified representative or principal, is seeking to obtain a hotel liquor license for a thirteen (13) story hotel, with cellar and sub-cellar, located at 112 East 11th Street a/k/a 112-120 East 11th Street, between Third Avenue and Fourth Avenue, New York, New York; and

**WHEREAS**, said applicant will maintain the primary method of operation of said location for temporary lodging, with its primary entrance on East 11th Street, and will maintain the following ancillary public uses:

- 1) An interior ground floor lounge of one thousand sixty-one (1,061) square feet, with a capacity seventy-one (71) people, ten (10) tables and twenty-eight (28) seats consisting of lounge seating, twenty-four (24) hour operation, food service during all hours of operation serving a limited menu, a closed façade, access through the hotel entrance, recorded background music, no live music, DJs, promoted events, scheduled performances or events with cover fees, no pub crawls or party buses, happy hours to 8:00 P.M. and no wait lines outside;
- 2) an exterior ground floor terrace as part of the ground floor lounge of five hundred thirty-four (534) square feet, with a capacity of thirty-six (36) people, eight (8) tables and twenty (20) seats consisting of lounge seating, recorded background music, no live music, DJs, promoted events, scheduled performances or events with cover fees, no pub crawls or party buses, happy hours to 8:00 P.M., food service during all hours of operation serving a limited menu, hours of operation of 6:00 A.M. to 10:00 P.M. all days and access through the hotel lobby; and
- 3) an interior ground floor lounge area described as a "grab and go" of one thousand one hundred sixty-six (1,166) square feet, with a capacity of forty-eight (48) people, six (6) tables and thirty-two (32) seats consisting of lounge seating, twenty-four (24) hour operation, food service during all hours of operation serving a limited menu, no alcohol

service but the ability to purchase alcohol from another area of the hotel and bring it to this area, a closed façade, access through the hotel entrance, recorded background music, no live music, DJs, promoted events, scheduled performances or events with cover fees, no pub crawls or party buses, happy hours to 8:00 P.M. and no wait lines outside;

- 4) two (2) interior ground floor meeting rooms which can be opened, combined and converted to additional lounge seating in the "grab and go area" with a capacity twenty-five (25) people, moveable seating, twenty-four (24) hour operation, food service during all hours of operation serving a limited menu, a closed façade, access through the hotel entrance, recorded background music, no live music, DJs, promoted events, scheduled performances or events with cover fees, two (2) televisions, no pub crawls or party buses, happy hours to 8:00 P.M. and no wait lines outside;
- 5) an interior ground floor bar of eight hundred ninety-two (892) square feet, with a capacity of fifty-nine (59) people, five (5) tables and fifteen (15) seats consisting of lounge seating, a thirty-eight (38) foot bar with fourteen (14) stools, twenty-four (24) hour operation, food service during all hours of operation serving a limited menu, a closed façade, access through the hotel entrance, recorded background music, no live music, DJs, promoted events, scheduled performances or events with cover fees, no pub crawls or party buses, happy hours to 8:00 P.M. and no wait lines outside;
- 6) an interior cellar restaurant of two thousand one hundred twenty-seven (2,127) square feet, with a capacity of one hundred thirty-seven (137) people, thirty-two (32) tables and one hundred thirty (130) seats, a kitchen open during all hours of operation serving a full menu, a closed façade, recorded background music, no live music, DJs, promoted events, scheduled performances or events with cover fees, hours of operation of 6:00 A.M. to 3:00 A.M. all days, no pub crawls or party buses, happy hours to 8:00 P.M., no wait lines outside and access through its own entrance west of the hotel entrance;
- 7) an interior cellar private dining room of six hundred ninety-eight (698) square feet, with a capacity of forty-seven (47) people, three (3) tables and thirty-one (31) seats, a kitchen open during all hours of operation serving a full menu, a closed façade, recorded background music, no live music, DJs, promoted events, scheduled performances or events with cover fees, hours of operation of 6:00 A.M. to 3:00 A.M. all days, no pub crawls or party buses, happy hours to 8:00 P.M., no wait lines outside and access through the restaurant entrance west of the hotel entrance;
- 8) an enclosed cellar dining room with a retractable roof of seven hundred eighty-eight (788) square feet, with a capacity of fifty-three (53) people, fifteen (15) tables and forty (40) seats, a kitchen open during all hours of operation serving a full menu, recorded background music, no live music, DJs, promoted events, scheduled performances or events with cover fees, hours of operation of 6:00 A.M. to 3:00 A.M. all days, no pub crawls or party buses, happy hours to 8:00 P.M., no wait lines outside and access through the restaurant entrance west of the hotel entrance;
- 9) an interior cellar bar of one thousand six hundred forty-five (1,645) square feet, with a capacity of eighty-nine (89) people, four (4) tables and twenty-three (23) seats consisting of lounge seating, a seventy-one (71) foot bar with twenty-four (24) stools, food service during all hours of operation serving a limited menu, a closed façade, recorded background music, no live music, DJs, promoted events, scheduled performances or events with cover fees, hours of operation of 6:00 A.M. to 3:00 A.M. all days, no pub crawls or party buses, happy hours to 8:00 P.M., no wait lines outside and access through the restaurant entrance west of the hotel entrance;
- 10) an interior sub-cellar lounge of one thousand six hundred thirty-one (1,631) square feet, with a capacity of one hundred nine (109) people, eighteen (18) tables and thirty-four (34) seats consisting of lounge seating, a thirty-four (34) foot bar with eleven (11) stools, food service during all hours of operation serving a limited menu, a closed façade, hours of operation of 5:00 P.M. to 4:00 A.M. all days, recorded music and DJs but no live music, promoted events, scheduled performances or events with cover fees, no pub crawls or party buses, happy hours to 8:00 P.M., no wait lines outside and access through an entrance at the western end of the hotel and shared with service use and rooftop access;

11) an exterior rooftop lounge of two thousand six hundred eighty (2,680) square feet, with a capacity of one hundred seventy-nine (179) people, with twenty-seven (27) tables and fifty-two (52) seats consisting of lounge seating, a twenty-five (25) foot bar with ten (10) stools, food service during all hours of operation serving a limited menu and alcohol until 12:00 A.M., hours of operation of 4:00 P.M. to 2:00 A.M. all days, recorded background music, no live music, DJs, promoted events, scheduled performances or events with cover fees, no pub crawls or party buses, happy hours to 8:00 P.M., no wait lines outside and access through an entrance at the western end of the hotel entrance and shared with service use and sub-cellar lounge access;

**WHEREAS**, the applicant has operated a similar hotel located at 485 Seventh Avenue since September 21, 2017, and will open two (2) other hotels, including this premises, by 2019 in collaboration with the Marriott International and will work with an experienced food and beverage company that will oversee its public areas; and

**WHEREAS**, the applicant engaged in community outreach by sending mailers to and hosting meetings with residents of adjacent buildings and by hosting meetings with local tenants' associations and the public; and

**WHEREAS**, letters were submitted by three (3) organizations with whom the food and beverage company has partnered and three (3) residents living near its venues in support of its management, a letter was submitted by one (1) area business in support of this application and a letter was submitted by the president of one nearby building in support of this application with reduced hours of operation for the proposed rooftop lounge; and

**WHEREAS**, notwithstanding its experience and demonstration of support for its proposed business plan and food and beverage purveyor, the applicant concedes that its rooftop terrace would be located within fifteen (15) feet of 85 Fourth Avenue, forty (40) feet of 64 Third Avenue, sixty-five (65) feet of 85 East 10th Street and seventy-five (75) feet of 117 East 11th Street and that its ground floor lounge terrace would be located within seventeen (17) feet of residential windows at 85 East 10th Street; and

**WHEREAS**, there are eight (8) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant but twelve (12) full on-premises liquor licenses, including one hotel liquor license, within five hundred (500) feet of this location and one (1) pending full on-premises liquor license for a multi-story event venue on this block per the SLA LAMP map; and

**WHEREAS**, six (6) residents from the surrounding residential buildings and representatives of the East 11th Street Block Association, East Village Owners Renters Association and East Village Community Coalition appeared and the representative of the East Village Owners Renters Association submitted petitions which included two hundred thirty (230) residents of the immediate area in opposition to the proposed outdoor uses in this application, stating that 1) the noise from people and music on the rooftop lounge which can accommodate between one hundred forty (140) and one hundred seventy-nine (179) people will be heard by residents of the adjacent buildings, as well as by residents living streets away, and 2) this hotel has replaced five (5) residential apartment buildings on a side street and its numerous late night venues and rooftop lounge will increase pedestrian and vehicular traffic and late night and weekend noise on the street and in the immediate area which will significantly impact the surrounding residents; and

**WHEREAS**, the applicant submitted a sound study and mitigation plan to address the concerns of residents regarding its proposed rooftop lounge and other outdoor uses and proposed a reduction in its hours of operation for its outdoor areas; and

**WHEREAS**, notwithstanding these efforts, given the concerns raised by community residents about the potential impact of the proposed outdoor areas on residents of the surrounding buildings and their proximity to these areas, Community Board 3 would approve this application with stipulations governing its method of operation, including its proposed outdoor uses; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the application to obtain a hotel liquor license for US-DEV Associates LLC, for a thirteen (13) story hotel with cellar and sub-cellar, located at 112 East 11th Street a/k/a 112-120 East 11th Street, between

Third Avenue and Fourth 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

**Generally,** 1) the entrance to the hotel which is located on East 11th Street, between Third Avenue and Fourth Avenue, will be its primary entrance, 2) all loading and unloading of guests will be effected on East 11th Street; 3) laundry and any service other than emergency service, deliveries and garbage pick-ups will occur on East 11th Street, between the hours of 9:00 A.M. and 4:00 P.M. each day, and garbage will be retained inside of the hotel until pick-up which will also occur between 9:00 A.M. and 4:00 P.M. each day; 4) it may have "happy hours" in its public spaces to 8:00 P.M. each night; 5) it will not host pub crawls or party buses in its public 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 and otherwise specifically described in the following stipulations; 8) it will not have wait lines outside; 9) consistent with the proposed security plan, security guards will be monitoring the hotel during all hours of operation and there will be a security guard or guards specifically designated to oversee the service, sub-cellar lounge and rooftop entrance to check identifications and queue people inside during the hours of operation for these areas, at the elevator to the roof and at the entrance to the roof, in the sub-cellar, in the cellar restaurant and on the roof; 10) it will have a staff person or people at the hotel entrance at all times and outside its business to ensure no wait lines, loitering, crowds or noise outside and will check in guests to the rooftop lounge and sub-cellar bar lounge in an interior corridor off of the East 11th Street entrance for those venues to prevent queuing of patrons on East 11th Street, 11) it will have a separately designated staff person or security guard outside when necessary and an additional staff person or security guard during private parties, to direct vehicular traffic and prevent vehicle queuing and idling on East 11th Street; 12) exterior lights will be at low levels and directed down or away from neighboring windows and will be located at the entrances at ground level and at the thirteenth floor to illuminate the change in materials on the facade; 13) it will not apply for any alteration in its method of operation agreed to by this stipulation or for any physical alteration without first appearing before Community Board 3, 14) it will send a weekly schedule of parties or events to the Ninth Precinct; 15) it will conspicuously post this stipulation form beside its liquor license inside of its business; 16) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

**Specifically,**

**With respect to the ground floor lounge,** 17) it will operate as a lounge, with limited food service from the cellar restaurant kitchen during all hours of operation; 18) it will operate twenty-four (24) hours each day all days; 19) 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; 20) it will have a closed fixed facade with no open doors or windows; 21) its entrance will be the hotel entrance located on East 11th Street; and

**With respect to the ground floor terrace operating as part of the ground floor lounge,** 22) it will operate as a lounge, with limited food service from the cellar restaurant kitchen during all hours of operation but will not have a wait or service station outside on the terrace; 23) its hours of operation will 9:00 A.M. to 9:00 P.M. all days; 24) it will have no music; 25) this area will be soundproofed consistent with the recommendations of a sound engineer, which includes installing sound absorbing panels on perimeter walls; 26) its entrance will be the hotel entrance located on East 11th Street; and

**With respect to the ground floor lounge described as a "grab and go" area,** 27) it will operate as a lounge, with limited food service from the cellar restaurant kitchen and pre-packaged food for sale during all hours of operation; 28) it will operate twenty-four (24) hours each day all days; 29) 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; 30) it will have a closed fixed facade with no open doors or windows; 31) its entrance will be the hotel entrance located on East 11th Street; and

**With respect to the two (2) interior ground floor meeting rooms which can be opened, combined and converted to additional lounge seating in the "grab and go area,"** 32) these will operate as meeting rooms or an additional lounge area, with limited food service from the

cellar restaurant kitchen during all hours of operation; 33) it will operate twenty-four (24) hours each day all days; 34) they 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; 35) they will have a closed fixed facade with no open doors or windows; 36) its entrance will be the hotel entrance located on East 11th Street; and

**With respect to the ground floor bar,** 37) it will operate as a bar lounge, with limited food service from the cellar restaurant kitchen during all hours of operation; 38) it will operate twenty-four (24) hours each day all days; 39) 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; 40) it will have a closed fixed facade with no open doors or windows; 41) its entrance will be the hotel entrance located on East 11th Street; and

**With respect to the cellar level restaurant and private dining room,** 42) these will operate as a full-service American restaurant, with a kitchen open and serving food during all hours of operation; 43) the hours of operation for these areas will be 6:00 A.M. to 3:00 A.M. all days; 44) they 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; 45) these will have a closed fixed facade with no open doors or windows; 46) these will be accessed through a restaurant entrance located west of the hotel entrance on East 11th Street; and

**With respect to the enclosed cellar dining room with a retractable roof or skylight,** 47) this area will operate as an extension of the cellar level full-service American restaurant, with a kitchen open and serving food during all hours of operation; 48) its hours of operation will be 6:00 A.M. to 3:00 A.M. all days; 49) its retractable roof will retract no more than fifty percent (50%) of the roof area and will open no earlier than 9:00 A.M. each day and close no later than 9:00 P.M. each day; 50) it will play ambient background music only, consisting of recorded music, when the retractable roof is closed and will not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged, but will play no music when the retractable roof is open; 51) this area will be soundproofed consistent with the recommendations of a sound engineer, which includes constructing the roof of soundproofed material to prevent the transmission of noise; 52) it will be accessed through the restaurant entrance located west of the hotel entrance on East 11th Street; and

**With respect to the cellar level bar,** 53) it will operate as a bar lounge, with service of the full menu from the cellar restaurant kitchen during all hours of operation; 54) its hours of operation will be 6:00 A.M. to 3:00 A.M. all days; 55) 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; 56) it will have a closed fixed facade with no open doors or windows; 57) it will be accessed through the restaurant entrance located west of the hotel entrance on East 11th Street; and

**With respect to the sub-cellar lounge,** 58) it will operate as a bar lounge with limited food service from the cellar restaurant kitchen during all hours of operation, 59) its hours of operation will be 5:00 P.M. to 4:00 A.M. all days; 60) it will play recorded music and have DJs but will not have live music, promoted events, scheduled performances or any event at which a cover fee will be charged; 61) it will have a closed fixed facade with no open doors or windows; 62) it will be accessed through a shared entrance with service use and rooftop access at the westernmost end of the hotel on East 11th Street; and

**With respect to rooftop terrace lounge,** 63) it will operate as lounge with limited food service from the cellar restaurant kitchen and a thirteenth floor food preparation area during all hours of operation; 64) its hours of operation will be 4:00 P.M. to 10:00 P.M. all days, 65) 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; 66) it will insure that this area is soundproofed consistent with the recommendations of a sound engineer, which includes placing small exterior speakers below the level of the parapet walls, no subwoofers being used in this exterior space, installing an equalizer with a preset limiter set and controlled by hotel staff and it will install a fixed semi-permanent roll-o-cover roof with hard panel sides over the entire rooftop lounge area; 67) it will keep the rooftop lounge fully enclosed during all hours of operation; 68) this area will be

accessed through the shared entrance with service use and sub-cellar lounge access at the westernmost end of the hotel on East 11th Street.

**Items not heard at Committee**

- 19. Seoul Garden Bowery Inc, 43 Mott St (wb)  
no vote necessary
- 20. Wara (JM Food and Drink Inc), 67 1st Ave (wb)  
no vote necessary
- 21. Dim Sum Sam Inc, 59 2nd Ave (wb)  
withdrawn
- 22. Mayanoki (Mayanoki LLC), 620 E 6th St (wb)  
no vote necessary
- 23. Zen 6 (Wiki Wang), 328 E 6th St (wb)  
no vote necessary
- 24. KiKi's (Chinatown Greek Food Services LLC), 130 Division St (wb)  
no vote necessary
- 25. Vote to adjourn  
approved by committee

**36 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding SLA items 6, 7, 9, 16, 18)**

**33 YES 3 NO 0 ABS 0 PNV MOTION PASSED (SLA item 9)**

**35 YES 1 NO 0 ABS 0 PNV MOTION PASSED (SLA items 6, 7, 16, 18)**

**Charter Revision Task Force**

- Proposed comments on charter revision focus areas  
no vote necessary