



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

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Alysha Lewis-Coleman, Board Chair

Susan Stetzer, District Manager

July 2021 Vote Sheet

Executive Committee

1. The Skinny at 174 Orchard St

VOTE: TITLE: To approve the waiver request by The Skinny at 174 Orchard Street for outdoor seating with restrictions.

WHEREAS, the Skinny at 174 Orchard street was supported for a full liquor license by Community Board 3 in 2004 and last appeared before CB 3 in June 2018 for an alteration with the stipulation of no outside commercial, and

WHEREAS, the state Executive Order regarding sale of alcohol during the pandemic allows restaurants and bars outdoor seating to help keep these businesses viable during the pandemic, and the outdoor seating allowed under this Executive Order has been extended, unless these businesses have stipulations with the community board specifically excluding this activity, but allows the business to request a temporary waiver from the stipulations, and

WHEREAS, there are 5 signatures of support from neighbors living on the block, and the business is located in a 1-story building with a hotel adjacent north that takes up half the block, 1 building next door and 3 buildings across the street, and

WHEREAS, the business owner has agreed to the following stipulations:

- All outdoor seating will end at 10pm.
- Outdoor seating will consist of 5 tables, 2 seats each, on the sidewalk adjacent to the building and 5 tables in the roadbed
- No amplified sound outside.
- There will be a designated staff person to monitor outside Friday and Saturday nights and a staff member to monitor the other days of the week.

THEREFORE, BE IT RESOLVED that CB 3 supports the temporary waiver request for outside commercial use with the 4 stipulations stated above by The Skinny until the Executive Order extension of outdoor seating expires.

2. Holidays and accessible locations

VOTE: CB 3 will make best efforts to not schedule meetings on the following religious / ethnic holidays: the first night of Rosh Hashanah, the two nights of Yom Kippur, the first night of Passover, Lunar New Year Eve, and Lunar New Year Day.

3. Emergency Letter

VOTE:

Dear Mayor De Blasio:

Manhattan Community Board 3 requests immediate support to mitigate quality of life issues impacting residents and small businesses in our district. We have recently received constituent complaints regarding late night very loud noise on streets and in parks. This is sometimes associated with individual businesses but often the result of crowds on the street being attracted by third parties attracted to hotspot areas in CB 3. This particularly includes East Village areas including Tompkins Square Park, The Lower East Side commercial area centering around Orchard, Ludlow, Clinton, Delancey, East River Park Amphitheatre, Luther Gulick Park, among the most prominent.

CB 3 has been working closely with the 5th, 7th, and 9th Precincts with the constraints they have because of limited resources and the necessity to address a wide variety of public safety issues. They have created plans to target areas and have designated immediate response, but do not have the resources to manage the quality of life/nightlife issues while also attending to more immediate emergencies.

We have had ongoing communication with our elected officials and agencies, including our precincts. We believe support for the following measures will immediately and effectively mitigate the more extreme impacts of late-night noncompliance:

- **Reinstate NYPD cabaret units** – This specialized cabaret unit has been the most effective at working with businesses.
- **Promote, educate, and enforce the 12:00 A.M. Open Restaurants curfew** – NYPD and businesses are confused in regard to the current Open Restaurants closing time.
- **Additional police resources for hotspots** – NYPD needs more resources to proactively address areas that are consistently hotspots. There are roving DJs, and instant mobs. They disturb residents and have trashed outdoor dining structures and defy curfews and noise codes in parks. While additional resources would be welcome every night, they are especially crucial for weekend nights. These resources could include non-police public safety ambassadors.
- **Additional Park Enforcement Police** – Currently there are only four PEP officers for downtown Manhattan and their shift ends at 7:00 P.M. We need additional PEP officers for hotspot park areas in the evening and night to proactively prevent problems and possibly have joint operations with NYPD. This would address the roving DJs and impromptu concerts.
- **Inspect and enforce for noise level violations** – The Department of Environmental Protection should deploy staff to constant hotspot problem areas on weekends to proactively inspect on noise levels and enforce existing regulations as necessary.

The great majority of complaints regarding late night quality of life issues concern noise. We ask that the City immediately implement the following rule from sidewalk café regulations and have this be a provision of the open restaurant guidelines.

- **Cleanliness and Orderliness** – The applicant must make sure the Open Restaurant area is kept clean and clear of any trash or refuse. No loud or unnecessary noises are permitted from the outdoor dining area, including musical instruments or sound reproduction devices within the café

Community Board 3 will continue to work with our local agencies to best plan and manage current late-night problems and urges the City to support our agencies with additional resources to best serve our community in addressing the ongoing issues in CD3, many of which have been exacerbated by the abrupt end of the COVID-19 emergency.

4. Create standard stipulations for restaurants entering the open restaurant program after July 7
VOTE: To implement standard stipulations to approve with stipulations liquor licensed businesses entering the open restaurant program after July 7 and which require written documentation from the Community Board by the SLA.

Community Board 3 Liquor License Stipulations for Administrative Approval for temporary outdoor dining program

I, _____, as a qualified representative of _____, located at _____, New York, NY agree to the following stipulations:

1. I will close all outdoor seating by 10 pm.
2. I will not have music, amplified sound, TVs outdoors.
3. For sidewalk seating, I will comply with DOT guidelines (attached). I will have _____ tables and _____ chairs.
4. For roadbed seating, I will comply with DOT guidelines (attached). I will have _____ tables and _____ chairs.
5. I will not have wait lines outside. I will have a staff person responsible for ensuring no loitering, noise or crowds outside.
6. I will conspicuously post this stipulation form beside my liquor license inside of my business.
7. Residents may contact the manager/owner at the number below. Any complaints will be addressed immediately. I will revisit the above-stated method of operation if necessary in order to minimize my establishment's impact on my neighbors.

Name: _____ Phone Number: _____

8. I will: _____

I hereby certify that the information provided above is truthful and accurate based upon my personal belief.

Signed _____ Dated _____
Sworn to this _____ day of _____
Notary Public

25 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding Exec items 2, 3, 4)
23 YES 0 NO 2 ABS 0 PNV MOTION PASSED (Exec item 2)
17 YES 4 NO 3 ABS 1 PNV MOTION PASSED (Exec item 3)
24 YES 0 NO 0 ABS 1 PNV MOTION PASSED (Exec item 4)

Land Use, Zoning, Public & Private Housing

1. Approval of previous month's minutes approved by committee
2. Citywide Text Amendment: Health and Fitness (ease regulatory barriers for gyms, spas, etc)
VOTE: TITLE: N210382ZRY--Community Board 3 Approves Health and Fitness Citywide Text Amendment

WHEREAS, Physical Culture or Health Establishments (PCEs) were allowed as an as-of-right use in New York City between 1961 and 1976; and

WHEREAS, concerns regarding prostitution and illicit sexual activity led to a citywide moratorium on PCEs in 1976 and a zoning resolution amendment in 1978 which required a special permit from the Board of Standards and Appeals (BSA) for gymnasiums, steam baths, and membership organizations offering classes in exercise or martial arts in all C2, C4, C5, C6, C8, M1, M2, and M3 districts; and

WHEREAS, the existing PCE special permit requires that the PCE not impair the essential character or future use of the area and involves a background check from the Department of Investigation for all principals involved in the PCE application; and

WHEREAS, this PCE special permit is being reconsidered as an onerous requirement for small businesses trying to open gyms, spas, and massage studios, all of which are part of an industry which was significantly impacted by COVID-19 closures and would benefit from targeted recovery efforts; and

WHEREAS, the City is therefore proposing a citywide text amendment that would remove the BSA special permit requirement for PCEs, would categorize all facilities dedicated to physical fitness and health under 10,000 square feet as recognized Use Group 6 and Use Group 14 uses and those with larger floor areas as Use Group 9, permitting them as-of-right in C2, C4, C5, C6, C8, M1, M2, M3 and high-density C1 districts (C1-8, C1-9 and C1 overlays in R9 and R10 districts); and

WHEREAS, a distinction would be made between high-intensity and low-intensity gym uses that would require DOB approval and noise attenuation requirements prior to issuance of a Certificate of Occupancy to mitigate potential noise conflicts with other neighboring uses; and

WHEREAS, the text amendment would categorize licensed massage therapy as Use Group 4A and Use Group 6B, essentially treating them the same as other health care facilities; and

WHEREAS, the Community Board 3 Land Use Committee has not chosen to review a BSA application for a PCE since 2016, and has a standard of only reviewing these applications in exceptional circumstances which has never been invoked;

WHEREAS, Community Board 3 observes that the situation which prompted the special permit requirement for these facilities in the late 1970's no longer exists, and therefore, we see no need to continue this special permit process.

THEREFORE BE IT RESOLVED, Community Board #3 approves this Health and Fitness Citywide Text Amendment.

3. Vote to adjourn approved by committee

25 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Transportation, Public Safety, & Environment Committee

1. Approval of previous month's minutes
approved by committee
2. DOT: M14 Select Bus Service proposal update
no vote necessary
3. Finalize District Needs Statement
no vote necessary
4. Vote to adjourn
approved by committee

Economic Development Committee

no meeting scheduled

25 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Parks, Recreation, Waterfront, & Resiliency Committee

1. Approval of previous month's minutes and roll call
approved by committee
2. Parks Manager Update
no vote necessary
3. DDC/Parks: East Side Coastal Resiliency update
no vote necessary
4. Finalize District Needs Statement
no vote necessary
5. Vote to adjourn
approved by committee

25 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. Presentation by Lower East Side Service Center re outreach program to connect community members who are suffering from Opioid Use Disorder to treatment
no vote necessary
3. Finalize District Needs Statement
no vote necessary
4. CAB/CEC reports
no vote necessary
5. Vote to adjourn
approved by committee

25 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. Tre (Jersey Boys LLC), 173 Ludlow St (op/method of operation change/add live music)
withdrawn
3. Rockwood Music Corp, 194 Allen St (op/alt/taking over adjacent space previously occupied by Rockwood Entertainment Inc)
administratively approved
4. The Cabinet (Lazerini Jazz LLC), 649 E 9th St (West Store) (op/alt/expanding into adjacent space at 649 E 9th St)

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

WHEREAS, Lazerini Jazz LLC doing business as The Cabinet, is seeking an alteration to its existing full on-premises liquor license, in the premises located at 649 East 9th Street, between Avenue B and Avenue C, New York, New York, to extend its license to the adjacent storefront (also 649 East 9th Street) with the same method of operation; and

WHEREAS, this is an application for an establishment with a certificate of occupancy of 74 people, 19 tables and 38 seats with one 24'6" L-shaped bar with 16 seats and one 20-foot L-shaped bar with eight seats each, hours of operation of 6:00 P.M. to 4:00 A.M. all days, Mexican small bites prepared in a food preparation area, serving food during all hours of operation, no televisions, and ambient recorded background music; and

WHEREAS, there are 11 full on-premises liquor licenses within 500 feet per the SLA LAMP map and the applicant; and

WHEREAS, this applicant has been licensed with a full on-premises liquor license at the east storefront of 649 East 9th Street since October 2004 and has operated at least three other licensed establishments in lower Manhattan, including one in CD3: Golden Hospitality LLC (131 1st Avenue aka 72 East 1st Street), Alfred B Hospitality LLC (531 Hudson Street), and Gee Bee Hospitality LLC (35 West 8th Street) where there were five commercial 311 complaints at this location with NYPD action necessary since 2018; and

WHEREAS, this location was last heard at the committee in October 2006 for a renewal with complaint but the applicant rectified the issues with noise raised at the committee at that time; and

WHEREAS, there were no commercial noise 311 complaints at this location with NYPD action necessary since 2018; and

WHEREAS, eight residents who live within two blocks of the location signed a petition in favor of the application; and

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a full on-premises liquor license for Lazerini Jazz LLC, for the premises located at 649 East 9th Street, New York, New York, unless the applicant agrees to the following signed notarized stipulations that

- 1) it will operate as a cocktail bar, with Mexican small bites prepared in a food preparation area ,
- 2) its hours of operation will be opening no later than 6:00 P.M. to 4:00 A.M. all days;
- 3) it will only use outdoor space for commercial use under the guise of the temporary Open Restaurants program or any other subsequent use until 10:00 P.M.,
- 4) it will close any front or rear façade entrance doors at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances or during unamplified live performances or televised sports, 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 and live music, and will not have DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 6) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3,
- 7) it will not host pub crawls or party buses,
- 8) it will not have unlimited drink specials with food,
- 9) it will not have "happy hours,"
- 10) it will ensure that there are no 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.

New Liquor License Applications

5. Best Speakeasies NYC LLC, 37 Canal St (op)
withdrawn
6. Round K by Sol (Cafe Round K Inc), 78 Canal St (wb)

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

WHEREAS, Café Round K Inc. doing business as Round K By Sol, is seeking a wine, beer, and cider license, in the premises located at 78 Canal Street, between Eldridge Street and Allen Street, New York, New York; and

WHEREAS, this is an application for an establishment with a certificate of occupancy of six people, three tables and six seats with one bar with no seats inside, hours of operation of opening no later than 10:00 A.M all days and closing by 12:00 A.M Sunday through Wednesday and closing by 2:00 A.M Thursday through Saturday, Asian-influenced café food prepared in a food preparation area, serving food during all hours of operation, no televisions, background music only, and

WHEREAS, there are six full on-premises liquor licenses within 500 feet per the SLA LAMP map; and

WHEREAS, this location is currently unlicensed; and

WHEREAS, this applicant has never previously been a license holder but has been the manager at multiple full on-premises licensed businesses including at 171 Banker Street (622 Vanderbilt Restaurant LLC dba Rule of Thirds), 89 East 42nd Street (Wired Chicken GCT LLC dba Art Bird & Whiskey Bar), and, 44 West 29th Street (44 W 29 LLC dba Made Hotel); and

WHEREAS, seven residents of 78 Canal Street and 24 residents of the immediate block signed a petition in favor of this application; and

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a wine, beer and cider license for Round K By Sol, for the premises located at 78 Canal Street, New York, New York, unless the applicant agrees to the following signed notarized stipulations that

- 1) it will operate as a quick casual, with Asian-influenced café food prepared in a food preparation area, serving food during all hours of operation,
- 2) its hours of operation will be opening no later than 10:00 A.M all days and closing by 12:00 A.M Sunday through Wednesday and closing by 2:00 A.M Thursday through Saturday,
- 3) it will only have outdoor dining as permissible during the temporary Open Restaurants program and any subsequent use until 10:00 P.M. all days and will not have any music in any outdoor dining areas,
- 4) it may only use its backyard space for outdoor dining during the temporary Open Restaurants program and only until 10:00 P.M Friday and Saturday only,
- 5) it will have a closed fixed façade with no open doors or windows except the entrance door will close by 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances or during unamplified live performances or televised sports, and will otherwise have a closed fixed facade with no open doors or windows,
- 6) 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,
- 7) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3,
- 8) it will not host pub crawls or party buses,
- 9) it will not have unlimited drink specials with food,
- 10) it may have "happy hours" until 7:00 P.M. each night
- 11) it will ensure that there are no wait lines outside,
- 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.

7. Griffon Q LLC, 119 Orchard St (op)

VOTE: TITLE: COMMUNITY BOARD 3 RESOLUTION TO DENY THE HOTEL LIQUOR LICENSE FOR GRIFFIN Q LLC, FOR 119 ORCHARD STREET A/K/A 120 ALLEN STREET, UNLESS IT AGREES TO CERTAIN RESTRICTIONS ON USE

WHEREAS, the applicant, Griffin Q LLC, Michael Shah, by its qualified representative or principal, is seeking to obtain a hotel liquor license for a basement restaurant and room service in a twelve-story hotel, including the sub-basement and basement, located at 119 Orchard Street a/k/a 120 Allen Street, between Rivington Street and Delancey Street, New York, New York; and

WHEREAS, this is a sale of assets of an existing hotel with a hotel liquor license; and

WHEREAS, the applicant will maintain the primary method of operation of the location for lodging and apartments, with its primary entrance on Allen Street, and only serve alcohol in the restaurant space and for room service to hotel rooms; and

WHEREAS, the interior restaurant, located in the basement and subbasement and 923 square feet in size with a certificate of occupancy of 90 people will have 19 tables and 41 seats, one six-foot bar with six bar stools, hours of operation of 9:00 A.M. to 12:00 A.M. Sunday to Wednesday and 9:00 A.M. to 2:00 A.M. Thursday to Saturday, a kitchen open all hours of operation serving New American food in the restaurant and for room service to hotel rooms, ambient recorded background music; and

WHEREAS, CB3 denied a hotel liquor license on March 9, 2020, when Orchard Street Hospitality LLC came before CB3, for the interior first floor lobby but approved a hotel liquor license for use in the interior restaurant so long as its hours of operation were 6:00 A.M. to 2:00 A.M. all days and the exterior sixth-floor terrace of this location so long as certain stipulations including its hours of operation would be 9:00 A.M. to 6:00 P.M. all days and there would be food service during all of its operating hours; and

WHEREAS, the applicant has experience operating licensed establishments currently at 133 Essex Restaurant LLC dba Sons of Essex (133 Essex Street), 19 Stanton Restaurant LLC dba Rochelle's (19 Stanton Street), Bowery Restaurant Group LLC dba Escondido NYC (146 Bowery), and 1356 Restaurant LLC dba Petaluma (1356-1358 1st Avenue), and Michael Shah has a long-documented history as a bad operator within CB2 and CB3 for multiple locations; and

WHEREAS, the applicant has also been sued by the City of New York for tax evasion associated with his business dealings with a nonprofit organization and properties in Staten Island; and

WHEREAS, the applicant and one of his managers Victor Jung also operated The Raven, located at 53-59 Gansevoort Street, New York, New York, which was approved a full on-premises liquor license for a Mexican restaurant by Community Board #2 on September 20, 2012, and denied its renewal by Community Board #2 on April 23, 2015, because it was operating contrary to its stipulations, in that it was not operating as a bona fide restaurant and was operating as a club lounge; and

WHEREAS, this history includes an application for a full on-premises liquor license for 200 Allen LLC that was denied by CB3 and the SLA in 2018 after the CB3 district manager, then-SLA committee vice-chair, Councilmember Margaret Chin, Senator Brian Kavanaugh, a representative from Assemblymember Yuh-Line Niou's office, a representative of the LES Dwellers, and an adjacent property owner testified against the application and specifically referenced the applicant's lack of adherence to stipulations at Sons of Essex (133 Essex Street) including having DJs, and had an adverse history at previous establishments located in CB2 and CB3; and

WHEREAS, this applicant represented in his application that he had no SLA reports or action within the past three years but he has a long adverse SLA history with the SLA at Rochelle's (19 Stanton Street) as recently as October 2020, when the license was suspended due to covid-related violations including operating past a 12:00 A.M. curfew and fined \$15,000, in September 2018 cited for "failure to conform to application" and fined \$1,500, and in October 2017 cited for many violations including two noise citations and fined \$9,000, and in November 2014 fined \$5,000 for "improper conduct;" and

WHEREAS, there are 46 full on-premises liquor licenses and one pending full on-premises liquor license within five hundred feet of this location per the SLA LAMP map; and

WHEREAS, the applicant furnished 470 petition signatures, 325 of which were from area residents, in support of its application; and

WHEREAS, the LES Dwellers, a local residents' organization, has repeatedly voiced its opposition to this operator and location including submitting and noting that this is an area overrun with hotels and other licensed businesses and any change in its method of operation may significantly impact the immediate area and that this operator has engaged in bad

business practices including utilizing liquor purchased for licensed locations into unlicensed establishments and replacing high end vodka with lower end vodka; and

WHEREAS, one CB3 member area resident submitted a letter in opposition to this application and five residents on behalf of the LES Dwellers appeared in opposition to this application, three of whom spoke about the current situation on the LES and one who spoke specifically about the high-risk nature of this operator based on his previous establishments and pattern of delegating day-to-day operations to employees; and

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application to obtain a hotel liquor license for Griffin Q LLC, Michael Shah, for a ten-story hotel with basement restaurant, located at 119 Orchard Street a/k/a 120 Allen Street, between Rivington Street and Delancey Street, New York, New York unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations, that

Generally,

- 1) the entrance to the hotel will be 120 Allen Street,
- 2) the applicant, in response to community concerns, offered and agreed that Victor Jung will not be part of the operations of this establishment,
- 3) all loading and unloading of guests and garbage pickups will happen on Allen Street,
- 4) service deliveries will be arranged to avoid traffic congestion during deliveries,
- 5) the hotel will not host pub crawls or party buses,
- 6) the hotel will not have unlimited drink specials with food,
- 7) the hotel will only serve alcohol in its basement restaurant and through room service to its hotel rooms,
- 8) it will not sell alcohol or have hotel guests/patrons drink alcohol on the 6th floor terrace or the roof deck,
- 9) the hotel will utilize its staff to ensure that there are no wait lines outside,
- 10) it will not apply for any alteration in its method of operation or for any physical alterations 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; and

With respect to the basement restaurant,

- 1) the entrance to the restaurant will be 119 Orchard Street,
- 2) it will operate as a full-service New American restaurant, with a kitchen open and serving food during all hours of operations,
- 3) its hours of operation will be 9:00 A.M. to 12:00 A.M. Sunday to Wednesday 9:00 A.M. to 2:00 A.M. Thursday to Saturday,
- 4) it will play ambient background music only, consisting of recorded music, and will not have live music, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 5) it may have "happy hours" to 7:00 P.M. each night,
- 6) it will not host pub crawls or party buses,
- 7) it will not have unlimited drink specials with food, including boozy brunches,
- 8) it will utilize staff from the restaurant to ensure that there are no wait lines outside and that there are no patrons loitering or making noise outside around its restaurant entrance,
- 9) it will have a closed fixed façade with no open doors or windows except my entrance door will close by 10:00 P.M. or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances, or during unamplified live performances or televised sports,
- 10) it will conspicuously post this stipulation form beside its liquor license inside of its business,
- 11) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

8. Lucky Star (Parkside 3 NYC LLC), 135 Division St (wb)
withdrawn

9. Segundo Management LLC, 171 E Broadway (op)

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

WHEREAS, Segundo Management LLC, is seeking a full on-premises liquor license, in the premises located at 171 East Broadway, between Rutgers Street and Jefferson Street, New York, New York; and

WHEREAS, this is an application for an establishment with a certificate of occupancy of 140 people, with 27 tables with 66 seats with one 15-foot bar with six seats on the ground floor and eight tables with 12 seats with one 15-foot bar with six seats on the cellar level, hours of operation of 12:00 P.M. to 12:00 A.M. Sunday to Wednesday and 12:00 P.M. to 1:00 A.M. Thursday to Saturday, Italian coastal food prepared in a full-service kitchen, serving food during all hours of operation, ambient recorded background music, no televisions; and

WHEREAS, there are eight full on-premises liquor licenses within 500 feet per the SLA LAMP map; and

WHEREAS, this location was most recently licensed with a full-on premises liquor license as MCFNY2 LLC doing business as Mission Chinese since 2014 with 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 Saturday; and

WHEREAS, this applicant is licensed with full-liquor licenses at two other establishments, including one in CD3: Mr. Fong's (40 Market Street) where there were 86 commercial noise 311 complaints with NYPD action necessary since 2018 and Tribeca Hotel LLC/Tribeca Lobby Bar LLC dba Primo's (95 West Broadway) where there were two commercial noise 311 complaints with NYPD action necessary since 2018; and

WHEREAS, this applicant represented on its CB3 questionnaire that it did not have SLA reports or action within the past 3 years but at the May 29, 2019 meeting of the SLA full board it fined this applicant \$7,500 for a May 12, 2018 "failure to comply – noise" at Mr. Fong's (40 Market Street); and

WHEREAS, there were zero commercial 311 complaints at 171 East Broadway with NYPD action necessary since 2018; and

WHEREAS, one local resident and a representative of the Orchard Street Block Association wrote in opposition of the application because of the noise complaints associated with the applicant's other establishment Mr. Fong's; and

WHEREAS, twelve local residents, the owner of Canal Street restaurant Dimes, and a representative of Orchard Street Runners wrote in support of the application; and

WHEREAS, the SPaCE Block Association wrote in support of the application because the applicant agreed to certain stipulations including closing by 12:00 A.M. Sunday to Wednesday and 1:00 A.M. Thursday to Saturday, that it will soundproof the location so that adjacent residents are not impacted, and that it will not have any crowds or lines outside the establishment; and

WHEREAS, 29 residents who live within two blocks of the location signed a petition in favor of the application; and

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a full on-premises liquor license for Segundo Management LLC, for the premises located at 171 East Broadway, New York, New York, unless the applicant agrees to the following signed notarized stipulations that

- 1) it will operate as a full-service restaurant, with Italian coastal food prepared in a full-service kitchen and served during all hours of operation,
- 2) its hours of operation will be opening no later than 12:00 P.M. to 12:00 A.M. Sunday to Wednesday and 12:00 P.M. to 1:00 A.M. Thursday to Saturday,
- 3) it will only use outdoor space for commercial use under the guise of the temporary Open Restaurants program until 10:00 P.M.,
- 4) it will close any front or rear façade entrance doors at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances or during unamplified live performances or televised sports, and will otherwise have a closed fixed facade with no open doors or windows,

- 5) it will play ambient background music only, consisting of recorded music without subwoofers, 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 install soundproofing anywhere that deficiencies are detected and if necessary, work with a sound engineer to ensure that sound from the premises is not audible in any surrounding apartments,
- 7) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3,
- 8) it will not host pub crawls or party buses,
- 9) it will not have unlimited drink specials with food,
- 10) it may have "happy hours" until 7:00 P.M. each night
- 11) it will ensure that there are no wait lines outside and will designate an employee for ensuring no loitering, noise or crowds outside,
- 12) it will ensure that patrons smoking cigarettes will be contained within the area directly in front of 171 East Broadway,
- 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.

10. To be formed by Travis Corp, 189 E Broadway (op)
 withdrawn

New Liquor License Applications

11. Roberta's (Avenue A Pizza LLC), 15 Ave A (op)
 withdrawn

12. Spiegel (Ride More Inc), 26 1st Ave (op)
 withdrawn

13. French 37 LLC, 37 Canal St (op)
 withdrawn

14. Pinky's Space (Cherry Velvet Inc), 70 E 1st St (wb)

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

WHEREAS, Cherry Velvet Inc. doing business as Pinky's Space, is seeking a wine, beer, and cider license, in the premises located at 70 East First Street, between 1st Avenue and 2nd Avenue, New York, New York; and

WHEREAS, this is an application for an art gallery and tableside painting studio with a certificate of occupancy of 100 people, no tables and seats inside, 2) its hours of operation will be opening no later than 12:00 P.M and it will serving alcohol by 10:00 P.M. all days and may continue to have takeout/delivery only from 10:00 P.M. to 12:00 A.M., with French Southern cuisine prepared in a full kitchen served during all hours of operation, one television, ambient background music; and

WHEREAS, there are 17 full on-premises liquor licenses within 500 feet per the SLA LAMP map; and

WHEREAS, this location is not currently licensed but is known to the CB3 office because of noise complaints from local residents; and

WHEREAS, the applicant has never previously been a license holder but has worked in this business for 25 years; and

WHEREAS, there were 16 commercial 311 noise complaints at this location with NYPD action necessary since September 2020; and

WHEREAS, 34 members of the First Street Block Association voted against granting this application and none voted for the application, and one representative of the block association spoke at the committee meeting, citing multiple reasons for opposition including loud amplified music/crowd noise, sidewalks obstructed by tables, unruly alcohol-fueled customers, and no supervision of the space after closing, and reported that the 9th Precinct NCOs repeatedly spoke to Pinky's about stopping band concerts, but on May 21 and May 22, 2021 the NYPD had to respond to complaints of live, amplified band music; and

WHEREAS, one other resident of East First Street spoke against the application at the committee meeting; and

WHEREAS, a resident of East First Street who wrote in opposition to the application provided many social media posts and reviews suggest that Pinky's is serving alcohol without a liquor license, including:

- An Instagram post from January 17, 2021 stated "the last bar we went to was definitely my favorite, the vibes were immaculate. It was called @pinkyspace and **you could paint and drink there**, the manager here was also super sweet and friendly, definitely will be seeing her soon! **Had some drinks** here and got a charcuterie board too, and as usual everything was delicious" (<https://www.instagram.com/p/CKKottPgObB>)
- a Yelp review from May 7, 2021 stated "We were offered a **lemonade vodka drink** served in those generic Greek coffee cups" ([https://www.yelp.com/biz/pinkys-space-new-york?hrid=c3_OGAX_ymoLhC5xRQrZ8w&utm_campaign=www_review_share_popup&utm_medium=copy_link&utm_source=\(direct\)](https://www.yelp.com/biz/pinkys-space-new-york?hrid=c3_OGAX_ymoLhC5xRQrZ8w&utm_campaign=www_review_share_popup&utm_medium=copy_link&utm_source=(direct)))
- an Instagram post from May 25, 2021 stated "Pull up for some great comedy and **drinks** and food and pink lighting! Lessgettit !!" (<https://www.instagram.com/p/CPTbbV0ggSr>)
- an Instagram post from May 28, 2021 stated "The ICE in the freezer keeps the **XXX** cold 🍹." (https://www.instagram.com/p/CPa4fKRjn2_)

WHEREAS, 40 residents who live within two blocks of the location signed a petition in favor of the application; and

WHEREAS, five residents of East 1st Street and one other local resident spoke in favor of the application because of the community that the applicants create on the block; and

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a wine, beer and cider license for Cherry Velvet Inc., for the premises located at 70 East 1st Street, New York, New York, unless the applicant agrees to the following signed notarized stipulations that

- 1) it will operate as an art gallery and painting space, with French Southern cuisine prepared in a full kitchen served during all hours of operation,
- 2) its hours of operation will be opening no later than 12:00 P.M and it will only serve alcohol until 10:00 P.M. all days and may continue to have takeout/delivery only until 12:00 A.M.,
- 3) it will close all outdoor dining allowed under the temporary Open Restaurants program and any other subsequent uses by 10:00 P.M. all days,
- 4) it will close any front or rear façade entrance doors at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances or during unamplified live performances or televised sports, and will otherwise have a closed fixed facade with no open doors or windows,
- 5) it will play ambient background music only; consisting of recorded music and unamplified, unscheduled, live music only until 10:00 P.M. all days; and will not have DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 6) it will have a publicly accessible restroom,
- 7) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3,
- 8) it will not host pub crawls or party buses,
- 9) it will not have unlimited drink specials with food,
- 10) it will not have "happy hours,"
- 11) it will ensure that there are no wait lines outside and will designate an employee for ensuring no loitering, noise or crowds outside,
- 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.

15. Leroy Garcia, 112 Rivington St (op)

VOTE: TITLE: Community Board 3 Recommendation To Deny

WHEREAS, Leroy Garcia is seeking a full on-premises liquor license, in the premises located at 112 Rivington Street, between Essex Street and Ludlow Street, New York, New York; and

WHEREAS, this is an application for an establishment with a certificate of occupancy of 272 people (100 on the cellar level, 128 on the first floor, and 44 on the mezzanine level) 15 tables and 40 seats, hours of operation of opening no later than 1:00 P.M. all days and closing Sunday to Wednesday by 12:00 A.M. and Thursday to Saturday by 1:00 A.M., café style food prepared in a less than full kitchen served during all hours of operation, four televisions, ambient recorded background music; and

WHEREAS, there are thirty full on-premises liquor licenses within 500 feet per the SLA LAMP map; and

WHEREAS, Community Board 3 denied a full on-premises liquor license for the previous licensee in February of 2005, because it failed to appear and denied an alteration to add a stand up bar to its business in September of 2005 because it had not yet opened; and

WHEREAS, the previous licensee was issued a full on-premises liquor license by the SLA on October 19, 2005, for a method of operation as a lounge with food service and DJs but no live music, scheduled performances, events with cover fees or dancing; and

WHEREAS, Community Board 3 then asked the SLA in October of 2015 to deny the renewal of and either revoke the full on-premises liquor license for the previous licensee or enforce its approved method of operation because the business 1) had not been operating consistent with its method of operation by hosting scheduled performances, dancing without a cabaret license, events with ticket sales and cover fees and not serving food, 2) had been illegally using a mezzanine and exceeding its maximum occupancy, 3) had an emergency egress which illegally and unsafely led into the hallway of the residential portion of 112 Rivington Street where the licensee had ejected unruly drunk patrons who would then pass out, fight and or vomit in the residential hallways, 4) had blocked access to the building water boiler which had resulted in the landlord being unable to access the boiler for repairs without the licensee, thereby resulting in a loss of hot water for residential tenants because the licensee had not been responsive when the boiler needed repairs, 5) had commandeered use of the residential garbage area for its own use, and 6) had received numerous complaints of late night noise from live performances, patrons on the sidewalk and an air horn from residents of surrounding buildings; and

WHEREAS, consistent with the complaints against it, the previous licensee had Environmental Control Board violations from 2009 and 2013, for exceeding maximum occupancy, illegal cabaret and stage, as well as an improper emergency exit, all of which were still open when the business closed and had also entered into a no contest plea before the SLA on May 4, 2007, for improper conduct and an unauthorized bar on December 4, 2005, a no contest plea on April 10, 2010, for failure to conform and unauthorized trade name on January 17, 2009, a no contest plea on August 14, 2009, for unlicensed cabaret on January 17, 2009, a no contest plea on March 28, 2012, for failure to supervise on June 26, 2011, and a no contest plea on May 17, 2013, for exceeding maximum occupancy and a sale to a minor; and

WHEREAS, the previous license for this location was ultimately cancelled by the SLA in 2017; and

WHEREAS, the applicant has held a full on-premises liquor license at 151 First Avenue (Karma) since April 22, 2021, where there have been no commercial 311 complaints with NYPD action necessary since that time, and has ten years' experience as a consultant and promoter to licensed businesses and has also provided licensed businesses with host and security services; and

WHEREAS, the applicant advertised happy hours until 8:00 P.M. (<https://www.facebook.com/LESFLOCB/posts/10227044260877540>) but the CB3 stipulations signed by the applicant provided for happy hours until 5:00 P.M and the applicant advertised scheduled events i.e. (<https://www.facebook.com/LESFLOCB/posts/10226370798601404>; <https://www.facebook.com/LESFLOCB/posts/10227044260877540>) that could not reasonably be construed as "educational talks and presentations and small business and professional networking events" as provided for in its CB3 signed stipulations; and

WHEREAS, a representative of the LES Dwellers sent a letter asking CB3 to deny this application outright because it does not believe that anything besides a "bonafide restaurant" that closes by 1:00 A.M. on weekends should be licensed in the Lower East Side and detailing

various ways it believes the applicant has violated his stipulations at his existing establishment at 51 1st Avenue; and

WHEREAS, three representatives of the condo board at 112 Rivington and six other residents of the building (two of whom spoke at the meeting,) sent letters in opposition to the application because of the myriad problems with the previous commercial tenant and five other local residents wrote emails to the committee opposing the application because the general oversaturation of liquor licenses in the neighborhood leads to quality of life issues; and

WHEREAS, six members of the LES Dwellers appeared before the committee in opposition to this application; and

WHEREAS, 21 residents who live within two blocks of the location signed a petition in favor of the application; and

WHEREAS, the applicant must resolve any ongoing issues with the side entrance that allows patrons to enter the residential portion of 112 Rivington; and

WHEREAS, the applicant submitted incomplete and late information to the committee and was invited to come back to the committee to present a fulsome application but refused; and

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a full on-premises liquor license for Leroy Garcia, for the premises located at 112 Rivington Street, New York, New York.

16. Fish Market II (Mama's Cooking II LLC), 171 Ave A (b)
withdrawn

17. Fine Food and Spirits Inc, 197 2nd Ave (op)
withdrawn

18. 99 Favor Taste Restaurant Inc, 285 Grand St (upgrade to op)

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

WHEREAS, 99 Favor Taste Restaurant Inc., is seeking an upgrade to a full on-premises liquor license, for the premises located at 285 Grand Street, between Forsyth St and Eldridge Street, New York, New York; and

WHEREAS, this is an application for an establishment with a certificate of occupancy of 183 people, 28 tables and 183 seats with a 12' rectangular stand up bar with five seats, hours of operation of 11:00 A.M. to 12:00 A.M. all days, with a full kitchen and food preparation area, serving food at all hours of operation, no televisions, background music only; and

WHEREAS, there are five full on-premises liquor licenses within 500 feet per the SLA LAMP map; and

WHEREAS, this applicant was approved by CB3 for a wine and beer license at this location in August 2014 and has had no known issues and no commercial noise 311 complaints with NYPD action necessary since 2018; and

WHEREAS, the applicant holds a wine and beer license at 728 61st Street, Brooklyn, New York, 11220 (Favor Taste Restaurant Inc. dba 99 Favor Taste) where there were no commercial 311 complaints with action by NYPD necessary since 2018 and a full on-premises at 201 New Dorp, Staten Island; and

WHEREAS, seven residents who live within two blocks of the location signed a petition in favor of the application; and

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a full on-premises liquor license for 99 Favor Taste Restaurant Inc., for the premises located at 285 Grand Street, New York, New York, unless the applicant agrees to the following signed notarized stipulations that

- 1) it will operate as a hot pot and BBQ restaurant with a kitchen open and serving food during all hours of operation,

- 2) its hours of operation will be opening no later than 11:00 A.M. and closing by 12:00 A.M. all days,
- 3) it will not use outdoor space for commercial purposes,
- 4) it will close any front or rear façade entrance doors at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances or during unamplified live performances or televised sports, and will otherwise have a closed fixed facade with no open doors or windows,
- 5) it will play ambient background music only, consisting of recorded music, and will not have 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 ensure that there are no wait lines outside and will designate an employee for ensuring no loitering, noise or crowds 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.

19. Camilla, 324 Grand St (op)

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

WHEREAS, Lotus Grand LLC and Camilla New York LLC doing business as Camilla, are seeking a full on-premises liquor license, in the premises located at 324 Grand Street, between Orchard Street and Ludlow Street, New York, New York; and

WHEREAS, this is an application for an establishment with a certificate of occupancy of 74 people, 16 tables and 64 seats with one 20-foot stand up bar with 15 seats, hours of operation of 3:00 P.M. to 2:00 A.M. Monday to Friday and 11:00 A.M. to 2:00 A.M. Saturday and Sunday, with Mediterranean-inspired food prepared in a food preparation area, serving food during all hours of operation, no televisions, recorded music and unamplified live music; and

WHEREAS, there are 15 full on-premises liquor licenses within 500 feet per the SLA LAMP map but there are no on-premises liquor licenses on this block of Grand Street but there are many empty storefronts and an empty lot and not densely residential; and

WHEREAS, in February 2018 CB3 found insufficient public benefit in approving an application for a full on-premises liquor license for a bar with DJs and live music at entertainment levels, late night hours and a limited menu given that the location has never been licensed, is within close proximity to numerous full on-premises liquor licenses and similar drinking establishments and given the negative history of the applicant in this community and denied the application; now

WHEREAS, the SLA approved a full on-premises license for Trummer Art Holdings LLC dba The Atelier Bar which has been effective since February 2020 but because of the covid emergency this operator has not opened an establishment at this location; and

WHEREAS, applicant James O'Hanlon has been licensed with a full on-premises liquor license since 2015 at 1641 2nd Avenue (The Tequila Gastropub LLC dba The Daisy) since 2015 where there have been no commercial 311 complaints with NYPD action necessary since 2018 and previously held a full on-premises liquor license at 140 7th Avenue South (Agave) from about 2007 to 2014; and

WHEREAS, three residents and a representative of the Orchard Street Block Association wrote in opposition to this application because of the saturation of licenses in this area which have an adverse effect on residents' quality of life; and

WHEREAS, no residents who live within two blocks of the location signed a petition in favor of the application; and

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a full on-premises liquor license for Lotus Grand LLC and Camilla New York LLC, for the premises located at 324 Grand Street, New York, New York, unless the applicant agrees to the following signed notarized stipulations that

- 1) it will operate as a Mediterranean-inspired food prepared in a food preparation area, serving food during all hours of operation,
- 2) its hours of operation of 3:00 P.M. to 2:00 A.M. Monday to Friday and 11:00 A.M. to 2:00 A.M. Saturday and Sunday,
- 3) it will close all outdoor dining allowed under the temporary Open Restaurants program and any other subsequent uses by 10:00 P.M. all days,
- 4) it will have a closed fixed façade with no open doors or windows except my entrance door will close by 10:00 P.M. or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances, or during unamplified live performances or televised sports,
- 5) it will play recorded music that may be curated by a DJ and may have live, unamplified music up to three times a month, and it will not have promoted events, scheduled performances or any event at which a cover fee will be charged,
- 6) it will install soundproofing anywhere that deficiencies are detected and if necessary, work with a sound engineer to ensure that sound from the premises is not audible in any surrounding apartments,
- 7) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3,
- 8) it will not host pub crawls or party buses,
- 9) it will not have unlimited drink specials with food,
- 10) it may have "happy hours" until 7:00 P.M. each night,
- 11) it will ensure that there are no wait lines outside and will designate an employee for ensuring no loitering, noise or crowds outside,
- 12) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 13) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints

Items not heard at Committee

20. Shopsin's General Store (Shopsin's General Store Inc), 88 Essex St (Stalls 8 and 9) (wb)
administratively approved
21. Salon Sucre' LLC, 115 Delancey St (Market Line) (wb)
administratively approved
22. Derossi 7th Street LLC, 122 E 7th St (East Store) (wb)
administratively approved
23. Sami & Susu (Sami & Susu Management LLC), 190 Orchard St (wb)
administratively approved

Other

24. Request to State Legislature to ensure that legislation regarding Community Board process with license applications to serve liquor ensure time and notice for community and Community Board input

VOTE: TITLE: Request to State Legislature to ensure that legislation regarding Community Board process with license applications to serve liquor ensure time and notice for community and Community Board input

WHEREAS, every year the New York State legislature ends the legislative session in June with a flurry of bills to vote into legislation with little notice or transparency to the community, and

WHEREAS, end of session bills are often the result of lobbying by special interest groups but may involve policies that will impact various communities, and

WHEREAS, Manhattan Community Board 3 has observed that there has been legislation concerning liquor license processes that greatly impact our community that have been voted on with little notice or transparency to stakeholders, and

WHEREAS, many years at the end of the legislative session in June elected officials must scramble to contact stakeholders, including community boards, to understand concerns and positions before voting, and

WHEREAS, often these stakeholders are not aware of the pending legislation and have not had time to have informed positions, and

WHEREAS, community boards cannot perform its role as providing a structure for the community to comment and the board to have a public vote as there is not time to schedule the issue, so

THEREFORE, be it resolved that Manhattan Community Board 3 urges our New York State Senate, Assembly, and Governor to be mindful of transparency and community input to our elected representatives, and ensure that legislation – especially legislation that impacts our community in our everyday life as with policies regarding liquor licenses – be introduced with a timeline for the public to inform our elected officials and provide community input.

25. Vote to adjourn

approved by committee

25 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding SLA item 14)

22 YES 3 NO 0 ABS 0 PNV MOTION PASSED (SLA item 14)

Landmarks Committee

no meeting scheduled

By-Laws Committee

no minutes submitted