



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

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Alysha Lewis-Coleman, Board Chair

Susan Stetzer, District Manager

June 2021 Full Board Minutes

Meeting of Community Board 3 held on Tuesday, June 22, 2021 at 6:30pm via Zoom.

Public Session:

Public Officials:

Mayor Bill de Blasio, Andrew Kunkes:

Public Advocate Jumaane Williams, Phillip Ellison:

Comptroller Scott Stringer, Luke Wolf:

Borough President Gale Brewer, Brian Lewis:

Congressmember Nydia Velazquez, Lingxia Ye:

Congressmember Carolyn Maloney, Victor Montesinos:

Assemblymember Yuh-Line Niou, James Lu:

Assemblymember Deborah J. Glick, Charlie Anderson:

Assemblymember Harvey Epstein, Aura Olavarria:

State Senator Brian Kavanagh, Greer Mayhew:

State Senator Brad M. Hoylman, Caroline Wekselbaum:

Councilmember Margaret Chin, Kana Ervin:

Councilmember Carlina Rivera, Isabelle Chandler:

Members Present at First Vote:

| | | | | | |
|---------------------|-----|----------------------|-----|-------------------|-----|
| David Adams | [P] | Linda Jones | [A] | Paul Rangel | [P] |
| Yaron Altman | [P] | Vaylateena Jones | [P] | Damaris Reyes | [P] |
| Jesse Beck | [P] | Tatiana Jorio | [A] | Richard Ropiak | [P] |
| Lee Berman | [P] | Lisa Kaplan | [P] | Thomas Rosa | [P] |
| Karlin Chan | [P] | Olympia Kazi | [A] | Robin Schatell | [P] |
| Jonathan Chu | [P] | Jeanette Kim | [P] | Heidi Schmidt | [A] |
| David Crane | [P] | Michelle Koppersmith | [P] | Laryssa Shainberg | [A] |
| Eric Diaz | [P] | Mae Lee | [P] | Anisha Steephen | [P] |
| Alistair Economakis | [P] | Wendy Lee | [A] | Sandra Strother | [A] |
| Jaime Felber | [P] | Alysha Lewis-Coleman | [A] | Daniel Tainow | [P] |
| Shirley Fennessey | [A] | David Louie | [P] | Josephine Velez | [P] |
| Ryan Gilliam | [P] | Laura Lugo | [P] | Troy Velez | [P] |
| Debra Glass | [P] | Ellen Luo | [P] | Rodney Washington | [P] |
| Andrea Gordillo | [A] | Michael Marino | [P] | Kathleen Webster | [P] |
| Kanielle Hernandez | [P] | Alexandra Militano | [A] | Jacky Wong | [P] |
| Herman Hewitt | [P] | Michael Perles | [P] | Ricky Wong | [P] |
| Trever Holland | [P] | Tareake Ramos | [A] | | |

Minutes:

Minutes of April 2021 were approved, as is.

37 YES 0 NO 1 ABS 0 PNV MOTION PASSED

Board Chairperson's Report:

Chairperson Alysha Lewis-Coleman

- Welcome to all new board members.
- Any board member who'd like to mentor a new member please inform the Chair.
- Committee meetings will continue through August.
- Thank you to Dominick Berg for his years of service on the board. He was not reappointed by the Borough President's office.

District Manager's Report:

District Manager Susan Stetzer

- The city law department has determined that the elections held in November for Community Board officers are valid, although they violated parliamentary procedures. Members who were elected to secretary and treasurer roles have been restored to their positions.
- Police enforcement is needed for noise complaints, unpermitted sound and unpermitted events e.g. rooftop parties, however sweeps and aggressive tactics are discouraged.
- The 9th Police Precinct recently hired 22 new officers. They have additional resources for the weekends.
- The 7th Police Precinct had 12 officers retire and only has 6 new hires. The DM emailed to the elected officials in the 7th Precinct asking them to request additional resources to get more police on weekends. None have responded yet.
- Outdoor eating structures that are out of compliance with DOT regulations are issued cease and desist letters. DOT is not allowed to take away the structures or fine the owners. This is designated non-enforcement by the administration.
- CB3 does not have the resources to check every establishment to see if they are complying with the operational stipulations given by the board. Inquiries are made of establishments where problems are reported.
- Any board member who wants a committee request form should email the DM for one.

Committee Reports:

Executive Committee

no vote necessary

36 YES 0 NO 1 ABS 0 PNV MOTION PASSED

Transportation, Public Safety, & Environment

1. Approval of previous month's minute approved by committee
2. DOT: M14A & D SBS Service Proposal no vote necessary
3. Bus Stop Application: XR Happy Tour Inc - 24 Bowery from Bayard St to Pell St

VOTE: TITLE: Approve a Curbside Bus Stop for X.R. Happy Tour Inc. at 24 Bowery

WHEREAS, X.R Happy Tour Inc. has applied for a designated bus stop for curb-side loading/unloading operations located at 24 Bowery, between Bayard Street and Pell Street. The buses will operate under the X.R. Happy Tour brand name, providing service between New York and Uncansville, CT, with 1 departure daily – Monday – Sunday at 8am. 1 drop-off daily Monday – Sunday at 8pm. X.R. Happy Tour Inc. would be approved for only one bus at a time loading/unloading; and

WHEREAS, The bus stop is an existing bus stop at 24 Bowery that is an existing bus stop for the MTA bus M103 and will replace service for SOE which is no longer in business; and

WHEREAS, we ask the applicant to continue looking for a possible storefront near the proposed bus stop. The storefront would provide an area for passengers to wait for their ride and to use restroom facilities. Those services would reduce the impact on the community; and

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

- Tickets will be sold only online, or at a designated ticket agency not on the street.
- Tickets will be sold only for specific boarding times and will not be oversold.
- Tickets will be sold in an assigned boarding order system so that customers will not need to arrive early to jockey for positions.
- Sidewalk lines will be single file, and only for the next assigned bus.
- There will be a staff person on duty for every arrival and departure to guide loading / unloading, to have direct contact to dispatch to inform passengers of delays, and to engage in crowd and noise control.

- Trash bags will be used to collect litter and will be kept in the storefront, or will leave with the bus.
- Staff will routinely clean up the sidewalk by bus stop.
- Buses will keep to schedules, which will be published online or printed, as much as possible.
- The number of buses at this stop will not exceed the stated number of buses per hour/per day.
- All buses purchased in the future will be equipped with diesel particulate filters and use ultra-low sulfur fuels, and will also be equipped with exhaust gas recirculation emission control technology.

THEREFORE, BE IT RESOLVED, that CB3-Manhattan recommends that DOT issue a permit for X.L Charter Inc. to operate their bus service at the designated curbside bus stop located at 24 Bowery, provided that the preceding list of stipulations agreed between the applicant and CB3 will be attached to the DOT permit.

4. Review/update of District Needs Statement
no vote necessary
5. Vote to adjourn
approved by committee

36 YES 0 NO 1 ABS 0 PNV MOTION PASSED (excluding Transportation item 3)

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

Economic Development Committee

1. Approval of previous month's minutes
approved by committee
2. Update on Special District outreach and planning
no vote necessary
3. Review/update of District Needs Statement
no vote necessary
4. Report from Arts & Culture Subcommittee
no vote necessary
5. BID/CAB Reports
no vote necessary
6. Vote to adjourn
approved by committee

36 YES 0 NO 1 ABS 0 PNV MOTION PASSED

Parks, Recreation, Waterfront, & Resiliency Committee

1. Approval of previous month's minutes
approved by committee
2. Parks Manager Update
no vote necessary
3. DDC/Parks: East Side Coastal Resiliency update
no vote necessary
4. + POOL water-filtering floating pool

VOTE: TITLE: Support for + POOL Water Filtering Pool

To Support the + POOL Water Filtering Pool in the East River in the waters north of the Manhattan Bridge and south of Pier 35

WHEREAS, + POOL is a plus-shaped, water-filtering, floating swimming pool, designed to filter the very river that it floats in through the walls of the pool, making it possible for New Yorkers and its visitors to swim in clean river water; and

WHEREAS, + POOL strives to reclaim the river as a recreational resource for the city, while educating the public about issues affecting our water quality; and

WHEREAS, + POOL filters river water within its walls, removing bacteria, contaminants and odors, leaving only safe, swimmable water that meets local and state standards; and

WHEREAS, in 2015, city-wide site feasibility studies were done to identify a potential home for + POOL, sharing all eleven technically feasible sites for the project with the Mayor's Office. In 2019, NYCEDC released an RFEI for an East River Swim Facility that supports the kind of river swimming + POOL has long proposed along the Brooklyn Bridge Esplanade; and

WHEREAS, in May 2021, + POOL received a "notice to proceed with due diligence" on + POOL in the waters north of the Manhattan Bridge and south of Pier 35, an area which does not have any public pools and a vulnerable and low-income neighborhood classified as an "environmental justice area" by NYC environmental justice law, due to factors including history of systemic racism and inequitable resource distribution¹; and

WHEREAS, + POOL has committed to making this amenity free for everyone and has provided free swim lessons for low-income local youth; now

THEREFORE BE IT RESOLVED, CB3 supports the + POOL Water Filtering Pool in the waters north of the Manhattan Bridge and south of Pier 35 and funding for such installation with the following conditions:

- + POOL must continue to engage with the community especially with the residents who live directly across from the site
- + POOL must be free for everyone with priority given to local residents and must continue to conduct outreach to schools and all types of low-income buildings
- + POOL must conduct studies to examine pedestrian and vehicular traffic impacts
- Bathrooms, 24 hour security and enhanced maintenance for the Esplanade and Pier 35 must be part of the proposal
- + POOL must do outreach with other organizations, such as the Highline, to incorporate lessons about community impacts
- + POOL must return to CB3 at regular intervals to provide timely updates

5. Update on LES Ecology Center Compost site

no vote necessary

6. Review/update of District Needs Statement

no vote necessary

7. Vote to adjourn

approved by committee

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

35 YES 0 NO 2 ABS 0 PNV MOTION PASSED (Parks item 4)

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

1. Approval of previous month's minutes

approved by committee

2. Presentation from Institute for Collaborative Education regarding proposal to move to Lower East Side and request for support for the move.

VOTE: TITLE: Support NY.ICE moving to the Marta Valle Campus

Whereas The Institute for Collaborative Education (NY.ICE) is a District 1 school for middle school students in grades 6-12 with 25 years' experience working with a racially and socioeconomically diverse student body, and

Whereas the NY.ICE model of schooling provides support that includes a robust counseling program featuring 3 full-time social workers and several Social Work interns and NY.ICE is a member of the New York Performance Standards Consortium, and a progressive learning environment where students engage in project-based learning and complete individualized academic projects in place of the NYS Regents Exams and

Whereas NY.ICE which was founded by a social worker who grew up in the Village, has consistently eschewed practices known as the school to prison pipeline by avoiding punishment for behaviors and

Whereas NY.ICE has an extensive history of working with individuals to heal and grow from experiences in which they cause harm or are harmed themselves (often referred to as Restorative Practices) and

Whereas its student-centered model could provide D1 students in the many progressive elementary school's priority placement to a 6-12 school where 95% of students in the past 2 years have graduated on time, enrolled in higher education or workforce development programs and

Whereas NY.ICE's rigorous preparation for higher education results in students outperforming Bronx Science and others in the NY Science and Engineering Festival competition.

¹ <https://www1.nyc.gov/site/cpp/our-programs/environmental-justice-study.page>

Whereas NY.ICE offers four robust arts programs: music, theater, photography and visual arts all of which coach students towards authentically producing and presenting their own work. Programs engage novice artists who in some cases find their passion and pathway to higher education through the arts. Students commit to their arts education attend arts programs in college including music conservatories and visual arts schools, perform at NYC music venues such as DROM throughout the year, stage productions at the WOW café in LES and show their work at the MET and

Whereas students have gone on to play Division 1 basketball, graduate from 4-year colleges, start arts collectives housed in the LES (Onyx Collective) or return to NY.ICE as part-time employees. We work with students to find their best way forward, using many forms of support to guide our children through adolescence.

Whereas NY.ICE is increasing socioeconomic diversity through a Diversity in Admissions (DIA) pilot. In the 2021-2022 the school will set aside 65% of seats for students eligible for Free and Reduced Price Lunch (FRPL) to serve historically underserved low income students of color, and

Whereas NY.ICE currently is inhibited by the cramped space which limits the school's ability to grow programs. For example, in the sciences a flexible space is needed to house the hydroponic garden and include a digital fabrication studio. The counseling and growing restorative justice programs can be expanded with appropriate spaces. Currently the school's 3 full-time social workers do not have office space but instead must use 3 spaces as classrooms that do not meet the code for a DOE classroom and offer grossly insufficient space for learning and

Whereas NY.ICE proposes to relocate to the Marta Valle Campus where the school could offer priority in admissions to D1 students for at least 60% of seats and would offer a quality 6-12 school option to mitigate the need for D1 students who leave the district for middle school

Therefore, be it resolved that Manhattan Community Board 3 supports the New York Institute for Collaborative Education moving to the Marta Valle Campus.

3. 11th Street Community Lab project update and request to support transformation of East Side Community School/Girls Prep vacant courtyard into science lab

VOTE: TITLE: Support to transform the vacant courtyard on the shared campus of the East Community School and Girls Prep LES Middle School into a 4,000 sq. ft. community lab.

Whereas BioBus, Inc. is a non-profit whose missions is to help minority, female, and low-income K - 12 and college students in New York City discover, explore, and pursue science and

Whereas BioBus has reached 300,000 students at more than 800 schools since 2008, primarily in NYC public and charter schools and as far away as Boston, California, and even Egypt and Jordan and,

Whereas BioBus students connect with scientists from diverse backgrounds, learn lab and research skills, practice science communication, and

Whereas students access and become part of the scientific community through introductory science labs aboard our mobile labs at their schools; after school, weekend, and summer programs; and year-long internships, and

Whereas BioBus, CEC1, East Side Community School and Public Prep are asking for support to transform the vacant courtyard on the shared campus of East Side Community School and Girls Prep LES Middle School into a 4,000 sq. ft. community lab, and

Whereas the sidewalk-facing lab, BioBase LES, will offer hands-on science programs in a state-of-the-art research lab to the entire community, with a focus on students in high-needs District 1 schools, and

Whereas at BioBase LES, youth will develop knowledge of and fluency in STEM, as well as a deep self-assuredness derived from being treated as valued members of the scientific community, so

Therefore Community Board 3 supports the proposal to transform the vacant courtyard on the shared campus of East Side Community School and Girls Prep LES Middle School into a 4,000 sq. ft. community lab.

4. District Attorney's Office: Presentation on alternatives to incarceration
no vote necessary

- 5. Review/update of District Needs Statement
no vote necessary
- 6. CAB/CEC reports
no vote necessary
- 7. Vote to adjourn
approved by committee

36 YES 0 NO 1 ABS 0 PNV MOTION PASSED (excluding Human Services item 3)
35 YES 0 NO 2 ABS 0 PNV MOTION PASSED (Human Services item 3)

SLA & DCA Licensing Committee

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

Alterations

- 2. Broome Street Bakery (254 Broome LLC), 254 Broome St (wb/change method of operation: from bakery/cafe to wine bar, from 11am-12am to 11am-2am all days)

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

WHEREAS, 254 Broome LLC doing business as Somm Time, is seeking a full on-premises liquor license, in the premises located at 254 Broome Street, between Ludlow Street and Orchard Street, New York, New York; and

WHEREAS, this is an application for an establishment with a Letter of No Objection of 74 people, one table and 10 seats, hours of operation of opening no later than 4:00 P.M all days and closing by 12:00 A.M. Sunday to Wednesday and 2:00 A.M Thursday to Saturday, serving baked goods and lite fare prepared in a food preparation area during all hours of operation, no televisions, ambient recorded background music; and

WHEREAS, there are 19 full on-premises liquor licenses within 500 feet per the applicant; and

WHEREAS, this location is currently licensed with a tavern wine license with hours of operation from 11:00 A.M. to 12:00 A.M. all days and a method of operation as a bakery, but has been operating as a wine bar since at least 2020 and this application seeks to legalize its current method of operation; and

WHEREAS, this applicant holds nine other full on-premises liquor licenses in New York City, with at least one dating from 1973; and

WHEREAS, there were two commercial 311 noise complaints at this location with action by NYPD necessary since 2018; and

WHEREAS, three residents of 252-254 Broome Street and seven residents from the surrounding two blocks signed a petition in support of the application and one other local resident sent an e-mail to the committee supporting the application and praising the operator; and

WHEREAS, the Orchard Street Block Association and five other local residents wrote to oppose the extension of hours and change of method of operation because of quality of life issues for residents in the vicinity and two local residents joined the meeting to speak in opposition to 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 254 Broome LLC, for the premises located at 254 Broome Street, New York, New York, unless the applicant agrees to the following signed notarized stipulations that

- 1) it will operate as a bakery and wine bar, with bakery goods and lite fare prepared in a food preparation area served during all hours of operation,
- 2) its hours of operation will be opening no later than 4:00 P.M all days and closing by 12:00 A.M. Sunday to Wednesday and 2:00 A.M Thursday to Saturday,
- 3) it will only have outdoor dining as permissible during the ongoing covid state of emergency until 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 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 may have "happy hours" until 7:00 P.M. each night
- 10) it will ensure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 11) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 12) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

New Liquor License Applications

3. Cozy Cafe (Cozy Cafe Corp), 43 E 1st St (upgrade to op)
withdrawn

4. Cinema Paradiso, 44 Ave A (op)

VOTE: TITLE: Community Board 3 Recommendation To Deny Because Applicant Would Not Sign Stipulations — Stipulations Attached

WHEREAS, New Cinema Paradiso 44 Inc. doing business as New Cinema Paradiso, is seeking a full on-premises liquor license, in the premises located at 44 Avenue A, between East 3rd Street and East 4th Street, New York, New York; and

WHEREAS, this is an application for a theatre with a certificate of occupancy of 270 people, six tables and 24 seats with a 14-foot L-shaped bar with 10 seats and 119 theatre seats, hours of operation of opening no later than 12:00 P.M. to 1:00 A.M all days, with light international fare prepared in a food preparation area, serving food during all hours of operation, no televisions, and no music; and

WHEREAS, this location will operate as a movie theatre with multiple scheduled, ticketed events per week; and

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

WHEREAS, this location has previously only had a beer wine license and was formerly the Upright Citizens Brigade Theatre; and

WHEREAS, this applicant has been licensed with a full on-premises liquor license at five locations: two active licenses Local 92 Inc. (92 2nd Avenue) where there were zero commercial 311 noise complaints with NYPD action necessary since 2018 and New Restart Inc (145-147 Mulberry Street) where there were 32 commercial 311 noise complaints with NYPD action necessary since 2018 which the applicant explained was due to general issues in the vicinity of his establishment during Open Streets/Restaurants but suggests issues with the applicant's ability to control outdoor spaces; and three inactive licenses: Sud 123 Incorporated (178 Mulberry Street); New Organico Inc. (89 7th Avenue), and Both Of Us Corp (183 7th Avenue, Brooklyn); and

WHEREAS, there were zero commercial 311 noise complaints at this location with action by NYPD necessary from 2018 to February 2019, when UCB closed; and

WHEREAS, five supporters appeared to speak in support of the application including two residents of the neighborhood and one resident of 42-44 Avenue A and nine residents within a two-block radius of the premises signed a petition in support of this application; and

WHEREAS, two residents of the building across the street appeared to speak against an independent bar at this location and six residents of the building across the street at 141 East 3rd Street signed a petition against the application for an independent bar because of issues with the previous bar at the location but residents supported a theatre that would operate a bar for theatre patrons only; and

WHEREAS, after the May 2021 SLA committee meeting the applicant lied to the Manhattan Borough President's office and told them the committee chair did not allow his supporters to speak in favor of the application; and

WHEREAS, the precedent set by CB3 for the previous establishment at this location is that the bar attached to the theatre was for ticket holders for theatre performances only; and

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a full on-premises liquor license for New Cinema Paradiso 44 Inc. for the premises located at 44 Avenue A, New York, New York, because the applicant would not agree to the following signed notarized stipulations that

- 1) it will operate as a theatre with a bar serving light international fare prepared in a food preparation area, serving food during all hours of operation,
- 2) its hours of operation will be opening no later than 12:00 P.M. and closing by 1:00 A.M. all days, but alcoholic beverages will only be served on days with scheduled performances to ticket holders.
- 3) it may have alcoholic beverage service in the theatre and patrons may take beverages to their seats,
- 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 only have outdoor dining as permissible during the ongoing COVID state of emergency until 10:00 P.M. all days,
- 6) it will not have DJs, but may have scheduled performances and live music in the theatre only, which may be promoted or at which a cover fee may 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 will not have "happy hours,"
- 11) it will ensure that there are no wait lines or congregation 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,
- 14) it will have a designated liaison to work with Community Board 3 on any resident issues.

5. Round K by Sol (Cafe Round K Inc), 78 Canal St (wb)
withdrawn

6. 109 Ludlow Restaurant Co LLC, 109 Ludlow St (op)

VOTE: TITLE: Community Board 3 Recommendation To Deny

WHEREAS, 109 Ludlow Restaurant Co. LLC dba Rendez Vous, is seeking a full on-premises liquor license, in the premises located at 109 Ludlow Street, between Rivington Street and Delancey Street, New York, New York; and

WHEREAS, this is an application for an establishment with a certificate of occupancy of 220 people, 17 tables and 90 seats with three bars: one 15-foot U-shaped bar on the ground floor with 10 seats, one 12-foot L-shaped bar with 10 seats on the mid-level, and one 14-foot straight bar on the lower level with eight seats, hours of operation of opening no later than 5:00 P.M. all days and closing by 12:00 A.M. Sunday to Monday, 2:00 A.M. Tuesday to Wednesday, and 4:00 A.M. Thursday to Saturday, French bistro food prepared in a full kitchen, serving food during all hours of operation, no televisions, no televisions, ambient recorded background music only; and

WHEREAS, there are 25 full on-premises liquor licenses within 500 feet per the SLA LAMP map; and

WHEREAS, the prior operator was originally denied a full on-premises liquor license by Community Board 3 in February of 2009, unless it agreed to make as conditions of its license stipulations that it would 1) operate as a taqueria and bar, serving food during all hours of operation, 2) install soundproofing, 3) have hours of operation of 12:00 P.M. to 4:00 A.M. all days, 4) have a closed façade, 5) have a staff person outside to control patron crowds and noise, 6) have a doorperson or security, as needed, and 7) have DJs in the lowest basement level only; and

WHEREAS, at the time of its alteration hearing in February of 2012, the prior applicant was operating under a stipulation of settlement for a nuisance abatement from 2011, for illegal extension of its premise, exceeding maximum occupancy, unlicensed cabaret and security and sale to minors; and

WHEREAS, the prior operator at this location settled charges before the SLA on August 29, 2012, for extension of premises, unauthorized additional bar and unauthorized alteration on September 16, 2010, unlicensed cabaret on November 25, 2011, unlicensed security and exceeding maximum

occupancy on June 5, 2011, and four (4) sales to minors on January 17, 2011, February 20, 2011 and December 13, 2010; and

WHEREAS, this applicant has two other full-on premises liquor licenses in CD3, including 303 Broome Street (Canary Club) where there were eight commercial noise 311 complaints at this location with NYPD action necessary since October 2019 (when the establishment opened) and 77 Delancey Street (Grey Lady) where there were 38 commercial noise 311 complaints at this location with NYPD action necessary since 2018; and

WHEREAS, the CB3 stipulations provided to the SLA for Canary Club say it will play ambient background music only, consisting of recorded music, on the ground floor and will not have promoted events, scheduled performances or any event at which a cover fee will be charged, but may have up to four (4) musicians, including a piano, no more than four (4) times per week and DJs no more than three (3) times per month in the basement level; and

WHEREAS, Canary Club is regularly hosting scheduled performances, according to its Resy page and its own website, in violation of its SLA stipulations; and

WHEREAS, There is a long adverse history at two existing businesses, both known as Grey Lady, operated by the applicant. One of these businesses is located at 77 Delancey St, and the other is located at 440 W Lake Dr in Montauk, NY; and

WHEREAS, A portion of this adverse history at 77 Delancey St was captured in the SLA full board agenda for 11/8/16. A \$4,500 fine had been imposed on 9/25/13 for these violations:

- Sale to minor on 1/24/13,
- Failure to comply - maximum occupancy on 8/10/12, and

WHEREAS, Another \$2,000 fine had been imposed on 2/24/15 for these violations at 77 Delancey St:

- Failure to comply - noise on 10/18/14, and

WHEREAS, A portion of this adverse history at 440 W Lake Dr in Montauk, NY was captured in the SLA full board agenda for 10/10/18. A \$20,000 fine had been imposed on 1/24/18 for these violations:

- Failure to comply - maximum occupancy on 07/30/17,
- Failure to comply - local regulations on 07/30/17,
- Failure to comply - local regulations on 07/30/17,
- Failure to comply - local regulations on 07/30/17,
- Failure to conform to application on 07/30/17,
- Failure to conform to application on 07/30/17,
- Failure to comply - local regulations on 07/30/17,
- Failure to comply - maximum occupancy on 07/01/17,
- Failure to conform to application on 07/01/17,
- Failure to conform to application on 07/01/17,
- Failure to comply - local regulations on 07/01/17,
- Failure to comply - maximum occupancy on 07/09/17,
- Failure to comply - local regulations on 07/09/17,
- Failure to conform to application on 07/09/17,
- Failure to comply - local regulations on 07/09/17,
- Failure to comply - local regulations on 07/01/17,
- Failure to comply - local regulations on 07/01/17,
- Failure to comply - local regulations on 07/30/17,
- False material statement on 07/30/17,
- Failure to comply - unlicensed security guard(s) on 07/30/17,
- Failure to supervise on 07/30/17,
- Improper conduct on 08/18/17, and

WHEREAS, Another \$1,000 fine had been imposed on 7/11/18 for these violations at 440 W Lake Dr in Montauk, NY:

- Disorderly premises - general on 6/15/17, and

WHEREAS, the LES Dwellers submitted a written statement expressing opposition to this application because it appears to be a club/lounge rather than a restaurant in a heavily saturated area with a history of quality of life issues; and

WHEREAS, two residents of the neighborhood attended to express opposition to the application; and

WHEREAS, 29 residents from the block where the establishment is located, including 7 residents of 109 Ludlow Street, and an additional 14 residents from the surrounding two blocks signed a petition in support of the application; and

THEREFORE, BE IT RESOLVED that, Community Board 3 moves to deny the application for a full on-premises liquor license for 109 Ludlow Restaurant Co. LLC, with a proposed business name of Rendez Vous, for the premises located at 109 Ludlow St, between Rivington St and Delancey St.

7. Mary's (Atlantic Bar Group LLC), 146 Orchard St (op)

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

WHEREAS, Atlantic Bar Group LLC doing business as Mary's, is seeking a full on-premises liquor license, in the premises located at 146 Orchard St, between Stanton Street and Rivington 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 48 seats with one 53' 7" L-shaped bar with 16 seats, hours of operation of 11:00 A.M to 4:00 A.M all days, American comfort food prepared in a full kitchen, serving food during all hours of operation, 3 TVs, ambient recorded background music only that may be curated by a DJ, and

WHEREAS, there are 40 full on-premises liquor licenses within 500 feet per the SLA LAMP map; and

WHEREAS, location was previously licensed with a full-on premises liquor license from December 2013 to December 2020 as Alegre Orchard LLC dba Alegre with latest closing hours of 2:00 A.M. and was previously licensed ; and

WHEREAS, there were 12 commercial 311 complaints at this location with action by NYPD necessary since 2018; and

WHEREAS, the applicants hold a full on-premises liquor license at 247 5th Avenue, Brooklyn NY 10016 (Synthetic Barlogics LLC dba The Commissioner Tavern) where there were zero commercial 311 complaints at this location with action by NYPD necessary since 2018; and

WHEREAS, the LES Dwellers wrote a letter in opposition to this application because it proposes to have later closing hours than the previous establishment and the application appears to be for a bar, not a restaurant in a heavily saturated area; and

WHEREAS, the former chair of Brooklyn Community Board 6, where the applicants operates The Commissioner Tavern, wrote a letter in support of the application, stating that the applicant and his establishment has had a positive impact on the community and encouraging the committee to approve the license; and

WHEREAS, 43 residents from the block where the establishment is located, including 6 residents of 146 Orchard Street, and an additional 25 residents from the surrounding two blocks signed a petition in support 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 Atlantic Bar Group LLC., for the premises located at 146 Orchard St. 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 American comfort food 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 2:00 A.M Sunday to Wednesday and 3:00 A.M. Thursday to Saturday,
- 3) it will only have outdoor dining as permissible during the ongoing COVID state of emergency until 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 that may be curated by a DJ, 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,

- 6) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3,
 - 7) it will not host pub crawls or party buses,
 - 8) it will not have unlimited drink specials with food,
 - 9) it may have "happy hours" until 7:00 P.M. each night
 - 10) it will ensure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
 - 11) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
 - 12) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.
8. The York, 186 Ave B (op)
withdrawn
 9. Blue Monday (East 3rd Street Restaurant LLC), 189 E 3rd St (op)
withdrawn
 10. Plado (Germat of NY Inc), 192 E 2nd St (upgrade to op)

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

WHEREAS, Germat of NY Inc. doing business as Plado is applying for an upgrade to a full on - premises liquor license to operate a full-service restaurant, in the premises located at 192 East 2nd Street between Avenue A and Avenue B; and

WHEREAS, this applicant is proposing to operate with a certificate of occupancy of seventy- four (74) with 14 tables and 32 seats, and a 22-foot L-shaped bar with eight seats, hours of operation of 10:00 AM to 12:00 AM all days, serving Mediterranean tapas food prepared in a full kitchen during all hours of operation, ambient recorded background music only, and one television; and

WHEREAS, was administratively approved for restaurant wine in June 2018 for 19 tables and 75 seats with hours of operation 10:00 AM to 12:00 all days with the following stipulations: 1) it will operate as lounge, serving minimal food during all hours; 2) its hours of operation will be 10:00 AM – 12:00 AM all days; 3) it will close its doors and windows at 10:00 PM all days; 4) it will not commercially use any outdoor space; 5) it will play ambient background music only, consisting of recorded music, and will not have DJs, live music, promoted events, scheduled performances, any event where a cover is charged, with no private parties; 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 without first obtaining the approval of Community Board 3; 8) it will not have any drink specials; 9) It will have "happy hours" that end at 7:00 PM; 10) it will not host pub crawls or party buses; 11) it will not have unlimited drink specials with food; 12) it will ensure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk; 13) it will conspicuously post this stipulation form beside its liquor license inside of its business, and; 14) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

WHEREAS, the applicant has been operating at this location with a restaurant wine license since July 2019; and

WHEREAS, there are 14 full on-premises liquor licenses within 500 feet per the SLA LAMP map; and

WHEREAS, there were zero commercial noise 311 complaints at this location with NYPD action necessary since 2018; and

WHEREAS, 11 residents of the block where the establishment is located signed a petition in support of this application and four local residents spoke at the meeting in support of this application; and

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a full on-premises liquor license for Germat of NY Inc., for the premises located at 192 East 2nd Street, New York, New York, unless the applicant agrees to the following signed notarized stipulations that

- 1) it will operate as a restaurant, with Mediterranean tapas food prepared in a full kitchen served during all hours of operation,
- 2) its hours of operation will be opening no later than 10:00 AM and closing by 12:00 AM all days,
- 3) it will only have outdoor dining as permissible during the ongoing COVID state of emergency until 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 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 may have "happy hours" until 8:00 P.M. each night
 - 10) it will ensure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
 - 11) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
 - 12) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

District Needs Statement

11. Review/update of District Needs Statement
no vote necessary

Alterations

12. Joyface (104 Avenue C Partners LLC), 104 Ave C (op/change method of operation: extend hours from 3am to 4am Thursdays-Saturdays)
withdrawn

New Liquor License Applications

13. The Carnaval, 40 Ave B (op)

VOTE: TITLE: Community Board 3 Recommendation To Deny

WHEREAS, applicant Karla Deleon doing business as The Carnaval, is seeking a full on- premises liquor license, in the premises located at 40 Avenue B, between 2nd Street and 3rd Street, New York, New York; and

WHEREAS, this is an application for an establishment with a certificate of occupancy of 60 people, 20 tables and 60 seats with a 7 x 12 foot L-shape bar with 15 seats, hours of operation of Tuesday to Thursday 3:00 PM to 11:00 PM, Friday 3:00 PM to 12:00 AM, Saturday 11:00 AM to 12:00 AM, Sunday 11:00 AM to 10:00 PM, closed Monday, serving Panamanian food prepared in a full kitchen during all hours of operation, four televisions, ambient recorded background music; and

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

WHEREAS, this location was previously licensed with a full on-premises liquor license as Fonda Avenue B LLC doing business as Fonda since 2011; and

WHEREAS, there were four commercial noise 311 complaints at this location with NYPD action necessary since 2018; and

WHEREAS, the applicant has never previously been a license holder but operates KC Gourmet Empanadas at 38 Avenue B, adjacent to this location, which has been egregiously non-compliant for a year. Following community complaints the CB3 office told them the applicants they should not be playing loud music in the streets and that they were non-compliant with their outdoor seating, but the applicants did not display concern for how this behavior was negatively impacting residents, and. I spoke with a husband and wife--and they were always truly rude and had total lack of concern for their neighbors; and

WHEREAS, two residents reported to the committee and provided visual evidence that this applicant is stocking liquor in its bar at 40 Avenue B and has begun serving liquor on premises without a liquor license and a local business owner reported the same, and that last summer the applicant blasted music from their establishment, and when the video was played during the committee meeting the applicant was asked if she was the person serving the drink in the video, she answered in the affirmative, and she admitted that she had liquor bottles on display; and

WHEREAS, two local residents attended the committee meeting to express concern about loud music that was played at the applicant's adjoining establishment at 38 Avenue B, creating quality of life issues; and

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a full on-premises liquor license for The Carnaval, for the premises located at 40 Avenue B, New York, New York.

14. Musashiya NYC LLC, 46 Bowery (aka 14 Elizabeth St) (op)

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

WHEREAS, Musashiya NYC LLC, is seeking a full on-premises liquor license, in the premises located at 46 Bowery aka 14 Elizabeth Street, between Bayard Street and Canal Street, New York, New York; and

WHEREAS, this is an application for an establishment with a certificate of occupancy of 74 people, three tables (one counter and two tables) with 26 seats and one 11-foot straight bar with six seats, hours of operation of 12:00 P.M. to 2:00 A.M all days, Japanese Yakitori prepared in a full-service kitchen, serving food during all hours of operation, no televisions, ambient recorded background music; and

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

WHEREAS, this location was previously licensed as Win Luck Corp. with a restaurant wine license; and

WHEREAS, this applicant holds a full on-premises liquor license at 38 Rector Street, NY, NY (Poke Fidi LLC dba Chikarashi Issso) there were zero commercial noise 311 complaints at this location with NYPD action necessary since 2018; and

WHEREAS, there were zero commercial noise 311 complaints at this location with NYPD action necessary since 2018; and

WHEREAS, nine residents of Confucius Plaza, the residential building across the street, signed a petition in favor of this application and there was no opposition to the application sent to the committee or voiced at the meeting; and

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a full on-premises liquor license for Musashiya NYC LLC, for the premises located at 46 Bowery aka 14 Elizabeth Street, New York, New York, unless the applicant agrees to the following signed notarized stipulations that

- 1) it will operate as a restaurant, with Japanese Yakitori prepared in a full-service kitchen, serving food during all hours of operation,
- 2) its hours of operation will be opening no later than 12:00 P.M. to 2:00 A.M all days,
- 3) it will not use outdoor space for commercial use,
- 4) 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,
- 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.

15. David's (David Hospitality Group Corporation), 76 Forsyth St (op)
withdrawn

16. alt.cafe (Team Bodor 3 LLC), 84 Stanton St (op)
withdrawn

17. Lullaby Downtown LLC, 151 Rivington St (op)

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

WHEREAS, Lullaby Downtown LLC doing business as Lullaby, is seeking a full on-premises liquor license, in the premises located at 151 Rivington Street, between Suffolk Street and Clinton Street, New York, New York; and

WHEREAS, this is an application for a cocktail bar with a certificate of occupancy of 74 people, seven tables and 34 seats with one 17'8" - rectangular bar with 12 seats, hours of operation of opening no later 12:00 P.M. all days closing by 1:00 A.M. Sunday to Wednesday and 2:00 Thursday to Saturday, cold appetizer-style food served during all hours of operation, no televisions, ambient recorded background music, and

WHEREAS, there are 17 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 from May 2014 to August 2020 as 151 SG Props LLC dba 151 with closing hours of 4:00 A.M. all days; and

WHEREAS, the applicant has never previously been a license holder but has worked in this business for 10 years and was the bar manager of Wit's End in Boston; and

WHEREAS, there were two commercial 311 noise complaints at this location with NYPD action necessary since 2018; and

WHEREAS, a local resident sent a letter to the committee, ten residents noted in the meeting chat that they are opposed to the application, two members of the community, and the Suffolk Street Block Association spoke to the committee against the application because of quality of life issues in the neighborhood created by a proliferation of liquor licenses; and

WHEREAS, 20 residents that are within two blocks of this location signed a petition in favor of this application and two supporters of the application who are not residents spoke positively to the character of the applicants; and

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a full on-premises liquor license for Lullaby Downtown LLC, for the premises located at 151 Rivington 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 cold appetizer-style food served during all hours of operation,
- 2) its hours of operation will be opening no later than 12:00 P.M. all days closing by 1:00 A.M. Sunday to Wednesday and 2:00 Thursday to Saturday,
- 3) it will not use outdoor space for commercial use,
- 4) it will have a closed fixed façade with no open doors or windows except the entrance doors 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,
- 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.

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

19. Fat Buddha (Fat Social Club), 212 Ave A (op)

VOTE: TITLE: Community Board 3 Recommendation To Deny

WHEREAS, applicant Clifford Cho doing business as Fat Buddha, is seeking a full on-premises liquor license, in the premises located at 212 Avenue A, between 13th Street and 14th Street, New York, New York; and

WHEREAS, this is an application for an establishment with a certificate of occupancy of 74 people, 19 tables and 48 seats with one L-shaped (24' x 7.5') bar with 10 seats, hours of operation of Monday to Sunday 7:00 AM – 4:00 AM all days of operation, with a projector and four (4) TVs; and

WHEREAS, there are 23 active full on-premises liquor licenses and 2 pending licenses within 500 feet of the applicant, per the SLA LAMP map; and

WHEREAS, 212 Avenue A was licensed to Lo-Eng Inc DBA Fat Buddha until June 2020 with principals Clifford Cho and Howard Cho. This location as operated by this applicant has a long history of complaints and violations including under the dba Forbidden City (Lo-Eng Inc), in June 2010 CB3 voted to deny the renewal of the full on-premise liquor license because 1) residents who live within a block of this location, in the same building and in adjacent buildings appeared to complain about this location, stating that it cannot manage its patrons who congregate outside of its premise making noise and blocking the sidewalks (see photographs appended hereto) and that the noise and bass emanating from this location cause the walls and floors of the adjacent building located at 214 Avenue A and apartments within the subject building to vibrate and residents to be disturbed by sound, 2) in June of 2010, there have been twenty-three (23) complaints from area residents to Community Board #3 about loud noise and music from this business, and unruly crowds on the sidewalk, 3) many residents appeared before Community Board #3 to speak in opposition to this application, pointing to the apparent lack of or inadequate soundproofing given the excessive noise as well as increase in noise on nights when the business hosts five (5) or six (6) DJs at once and, by its own concession, does nothing to monitor their volume, 4) other than to state that it will eliminate this "DJ showcase," the licensee provided no adequate solution for controlling its patrons outside or rectifying the complaints of noise; and

WHEREAS, this application last appeared in front of CB3 for a renewal with complaint in May 2014, as Lo-Eng Inc DBA Fat Buddha, but 20 residents of the area signed a petition in opposition to the renewal of this license. There have been twelve (12) 311 calls from one (1) resident from September 20, 2013 through April 12, 2014, from 10:00 A.M. to 1:00 A.M., five (5) or forty-five (45) percent of which have been none-crimes corrected. There was also a May 11, 2014 resident complaint to the community board office of noisy and unruly patrons on the sidewalk, persistent noise from patrons and music and noise emanating from the open front door on Sunday nights; and

WHEREAS, the applicants stated that they were the most recent principals of this venue and assumed control of this business in August of 2010. Both were unaware that the prior principals entered into any agreement with the community board and, consequently, they have been hosting DJs five (5) nights per week. They stated that they already have limiters. They stated that they had hired more security a few weeks before to address crowd and noise issues outside; and

WHEREAS, CB3 voted to approve the renewal with complaint in May 2014 unless the applicants agreed to 1) it will not commercially use any outdoor areas, 2) it will employ at least one (1) security guard outside weekdays and at least two (2) security guards outside on Fridays and Saturdays to monitor patron noise and crowds, 3) it will close any façade doors and windows at 8:00 P.M. every night, 4) it will install additional soundproofing consistent with the report of a sound engineer, 5) it will designate an employee other than a security guard to oversee patron noise and crowds on the sidewalk, 6) it will permit only four (4) to five (5) patrons outside to smoke at a time, 7) it will erect stanchions to separate patrons from the public sidewalk, 8) it will post signs directing patrons to be quiet and where to stand when outside, 9) it will monitor DJ and patron sound, including using a limiter to monitor music and bass, 10) it will ensure that interior sound, including music, will be inaudible outside, and 11) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

WHEREAS, in September 2014, this applicant was fined \$6,000 for six violations: failure to comply with several local regulations and also for having unlicensed security guards. Prior, had been fined \$4,000 by the SLA for unauthorized trade name and unauthorized alterations and \$3,000 for sale of alcohol to minor and other violations; and

WHEREAS, this applicant's original license at the same premises was revoked by the State Liquor Authority because on "October 9th, investigators with the state's multi-agency task force and officers with the NYPD observed over twenty patrons standing, congregating and drinking directly in front of the business without facial coverings well past the 11 p.m. NYC curfew for outside dining. Investigators noted the kitchen was closed and there was no evidence of food being served, in addition to numerous patrons entering and exiting the premises with open containers. NYPD officers dispersed the crowd and issued a summons for Executive Order violations," and

WHEREAS, on June 2, 2021, this applicant submitted an offer of cancellation and bond to the SLA for its original license at this location; and

WHEREAS, the applicant was previously licensed locations including, OMOMO located at 11 West 36th Street from 2019 to 2020 and Lo-Eng Inc 212 Avenue A from 2010 to 2020; and

WHEREAS, there were 39 commercial 311 noise complaints at this location with NYPD action necessary since 2018; and

WHEREAS, the applicant provided 17 signatures in support of their petition; and

WHEREAS, the North Avenue A Block Association wrote a letter to the committee and spoke during the committee meeting requesting a denial for this application because the operator has resisted any attempts to work with community members to mitigate issues brought by operating as a club with multiple DJs every evening and the current application appears that the operator intends to do the same with a new license; and

WHEREAS, the East 13th A-B Block Association wrote a letter to the committee requesting a denial for this application because this applicant flouted covid regulations and allowed patrons to gather in front of the location with loud music, generally creating an unruly atmosphere for residents; and

WHEREAS, the head of the East Village Community Coalition spoke in opposition to this application at the committee meeting as did three other local residents including a resident that lives directly across the street; and

THEREFORE, BE IT RESOLVED that Community Board #3 recommends the denial of the application for a full on-premises liquor license for Fat Social Club DBA Fat Buddha, for the premises located at 212 Avenue A between 13th Street and 14th Street, New York, New York because this location as operated by this applicant has a long and persistent history of causing quality of life issues for residents and because of a history of SLA violations that resulted in its license being revoked in October 2020.

20. Entity to be formed by Evangelos Xenopoulos and Patrick Norris, 221 2nd Ave (op)
withdrawn

21. Lighthouse Immersive USA Inc, 299 South St (Pier 36) (op)

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

WHEREAS, Corey Ross, Svetlana Dvoretzky and Vyacheslav Zheleznyakov doing business as Immersive Van Gogh Exhibition, is seeking a full on-premises liquor license, in the premises located at 299 South Street at Pier 36, New York, New York; and

WHEREAS, this is an application for a bar to be located within a temporary immersive experience running until September 6, 2021 at Pier 36, which has a certificate of occupancy of 1,585 people, which will have 15 tables and 50 seats with one 6-foot bar with six seats; hours of operation of 10:00 A.M. to 9:00 P.M. Monday to Thursday, 9:00 A.M. to 10:00 P.M. Friday to Saturday, and 9:00 A.M. to 9:00 P.M. Sunday; café food prepared in a food preparation area, serving food during all hours of operation; ambient recorded background music and un-scheduled non-amplified live musical performances; and

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

WHEREAS, in August 2011, CB3 recommended a denial for a full on-premises liquor license at this location unless the applicant agreed to operate as a full-service café restaurant on the mezzanine level of the second floor of Basketball City, a sport facility with seven (7) basketball courts and amenities, 2) its hours of operation will be 9:00 A.M. to 12:00 A.M. all days, with the exception that it may close as late as 2:00 A.M. for special events, such as corporate parties and fundraisers, 3) it will play ambient background music, consisting of recorded music, during regular business operations, and may have live music and DJs during special events only, but will not have promoted events, scheduled performances or any event at which a cover fee will be charged at any time, and 4) it will designate employees who will be responsible for crowd control and overseeing patrons leaving the building at closing or at the conclusion of any event; and

WHEREAS, there aren't public bathrooms on Pier 35 and there is a concern about the lack of bathrooms outside the exhibit; and

WHEREAS, the applicant's request for outdoor alcohol sales on Pier 36 near the main exit from the exhibition would clearly facilitate public drinking, particularly on the adjacent Pier 35 and in the area under the FDR drive, and

WHEREAS, the applicant has added trash receptacles throughout the entire area, including near the security desk, entrances, and exits on South Street and the East River side, as well as near the outdoor concessions cart to address any litter issues; and

WHEREAS, the applicant is using the security staff employed by Basketball City and is in consultation with the 7th Precinct, and the security staff is overseeing pedestrian and vehicle activity in the South Street parking lot area and along the South Street bike path, as well as security staff at the entrances and exits and as needed; and

WHEREAS, the applicant is opening the Pier 36 gate by 7:00 A.M. all days and closed by dusk in consultation with New York Waterways; and

WHEREAS, the applicants have never previously been a license holder in New York City but has hosted the same event in other cities; and

WHEREAS, three local residents and one CB3 member who is not a member of the committee spoke in opposition to this application; and

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a full on-premises liquor license for Corey Ross, Svetlana Dvoretzky and Vyacheslav Zheleznyakov, for the premises located at 299 South Street, New York, New York, unless the applicant agrees to the following signed notarized stipulations that

- 1) it will operate as a bar located within a temporary immersive experience, with café food prepared in a food preparation area served during all hours of operation,
- 2) its hours of operation of 10:00 A.M. to 9:00 P.M. Monday to Thursday, 9:00 A.M. to 10:00 P.M. Friday to Saturday, and 9:00 A.M. to 9:00 P.M. Sunday
- 3) it will have a closed fixed façade with no open doors or windows except an entrance door which 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,
- 4) it will play ambient background music consisting of recorded music and it may have un- scheduled non-amplified live musical performances, and will not have DJs, promoted events, scheduled performances,
- 5) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3,
- 6) it will not host pub crawls or party buses,
- 7) it will not have unlimited drink specials with food,
- 8) it will not have "happy hours,"
- 9) it will ensure that there are no wait lines outside and will designate employees for ensuring no loitering, noise or crowds outside,
- 10) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 11) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints,
- 12) it will have the necessary amount of cleanup crews, maintenance, and rat-proof refuse and recycling containers along Pier 35 and Pier 36 to address an inevitable increase in litter from the influx of visitors to an already strained area,
- 13) it will deploy staff to guide for-hire vehicles to drop off patrons in the parking lot and not on the street.

Items not heard at Committee

22. Full Tank Moto Cafe (Darkhorse Concepts LLC), 49 Monroe St (wb)
withdrawn
23. Froth New York LLC, 90 Rivington St (wb)
administratively approved
24. Jell & Chill LLC, 110 E 7th St (wb)
administratively approved
25. Sago Hotel (Noga Restaurant LLC), 119 Orchard St (aka 120 Allen St) (op/corp change)
withdrawn
26. HAGS (World Is A Quiche LLC), 163 1st Ave (wb)
administratively approved

- 27. Smashed (Hilmar LLC), 177 Orchard St (wb)
administratively approved
- 28. Elsewhere Espresso (Elsewhere Espresso LLC), 335 E 6th St (wb)
administratively approved
- 29. Evil Katsu (Mugsys Restaurant Group LLC), 435 E 9th St (wb)
administratively approved
- 30. Vote to adjourn
approved by committee

36 YES 0 NO 1 ABS 0 PNV MOTION PASSED (excluding SLA items 1, 2, 4, 6, 7, 14, 17, 21)
35 YES 1 NO 1 ABS 0 PNV MOTION PASSED (SLA item 1)
34 YES 2 NO 1 ABS 0 PNV MOTION PASSED (SLA item 2)
34 YES 2 NO 1 ABS 0 PNV MOTION PASSED (SLA item 4)
35 YES 0 NO 1 ABS 1 PNV MOTION PASSED (SLA item 6)
34 YES 2 NO 1 ABS 0 PNV MOTION PASSED (SLA item 7)
35 YES 0 NO 1 ABS 1 PNV MOTION PASSED (SLA item 14)
35 YES 1 NO 1 ABS 0 PNV MOTION PASSED (SLA item 17)
29 YES 6 NO 2 ABS 0 PNV MOTION PASSED (SLA item 21)

Landmarks Committee

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

36 YES 0 NO 1 ABS 0 PNV MOTION PASSED

Land Use, Zoning, Public & Private Housing

- 1. Approval of previous months minutes
approved by committee
- 2. DCP Informational Presentation: Citywide Text Amendment: Health and Fitness (ease regulatory barriers for gyms, spas, etc)
no vote necessary
- 3. Citywide Hotel Special Permit Text Amendment
VOTE: TITLE: N210406ZRY – "Citywide Hotels Text Amendment"

WHEREAS, the City of New York is proposing a new Citywide text amendment which would require a City Planning Commission special permit for all new hotels and hotel enlargements in zoning districts where hotels are currently permitted as-of-right (C1, C2-4, C4, C5, C6, C8, MX, and paired m1/R districts); and

WHEREAS, this would establish a site-specific ULURP review for any new hotel or hotel enlargement in Community District 3 which would come before the Community Board for a public hearing and recommendation; and

WHEREAS, the new Special Permit findings would require the City Planning Commission to evaluate new hotels for approval based on criteria and findings that the hotel would "not impair the future use or development of the surrounding area"; and

WHEREAS, the land use rationale provided by the City to justify this action is to "minimize conflicts with adjacent uses and protect the safety of hotel guests"; and

WHEREAS, the Draft Environmental Impact Statement for this action includes analysis that projects the proposed text amendment would slow hotel development Citywide, resulting in a hotel room demand of 174,730 rooms with a supply of 127,660 by 2035, resulting in unmet demand of 47,070 hotel rooms, per the economic analysis in this proposal's Environmental Impact Statement²; and

WHEREAS, tourism is the 5th largest industry in New York City, accounting for \$41.4 billion in direct spending in New York City in 2019, and the proposed action is expected to result in a 12% loss of

² Citywide Hotels Text Amendment DEIS, Chapter 3, "Socioeconomic Conditions."
<<https://www1.nyc.gov/assets/planning/download/pdf/applicants/env-review/citywide-hotel/03-deis.pdf>>

visitor spending compared to the no-action scenario and approximately 20,000 less jobs by 2035, per the economic analysis in this proposal's Environmental Impact Statement³;

THEREFORE, BE IT RESOLVED

Community Board 3 approves this text amendment with the following condition:

The significant unmet demand for hotel rooms may incentivize more illegal short-term rentals (such as Airbnb), which would remove housing units from the City's rental market and put upward pressure on housing costs. The city should step up efforts to enforce the regulations on illegal short-term rentals.

4. Review/update of District Needs Statement
no vote necessary
5. Vote to adjourn
approved by committee

36 YES 0 NO 1 ABS 0 PNV MOTION PASSED

Personnel and Board Member Matters Task Force

- Interview and selection of candidates for the ADM position

VOTE: TITLE: Selection of candidate for vacant Assistant District Manager position

WHEREAS, the personnel task force conducted second-round job interviews with two candidates. After conducting these interviews, the candidates were ranked in order of preference.

WHEREAS, it was decided that an offer should be made to the first-choice candidate but if the first choice declines, an offer could be made to the second-choice candidate

WHEREAS, since the time of the interview, one candidate informed the District Manager of decision to accept another job offer recently received

THEREFORE BE IT RESOLVED to approve the personnel task force recommendation for the District Manager to offer the Assistant District Manager position to the remaining candidate.

36 YES 0 NO 1 ABS 0 PNV MOTION PASSED

Vote to adjourn

36 YES 0 NO 1 ABS 0 PNV MOTION PASSED

Members Present at Last Vote:

³ Ibid.

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|---------------------|-----|----------------------|-----|-------------------|-----|
| David Adams | [P] | Linda Jones | [A] | Paul Rangel | [P] |
| Yaron Altman | [P] | Vaylateena Jones | [P] | Damaris Reyes | [P] |
| Jesse Beck | [P] | Tatiana Jorio | [A] | Richard Ropiak | [P] |
| Lee Berman | [P] | Lisa Kaplan | [P] | Thomas Rosa | [P] |
| Karlin Chan | [P] | Olympia Kazi | [A] | Robin Schatell | [P] |
| Jonathan Chu | [P] | Jeanette Kim | [P] | Heidi Schmidt | [A] |
| David Crane | [P] | Michelle Koppersmith | [P] | Laryssa Shainberg | [A] |
| Eric Diaz | [P] | Mae Lee | [P] | Anisha Steephen | [P] |
| Alistair Economakis | [P] | Wendy Lee | [A] | Sandra Strother | [A] |
| Jaime Felber | [A] | Alysha Lewis-Coleman | [A] | Daniel Tainow | [P] |
| Shirley Fennessey | [A] | David Louie | [P] | Josephine Velez | [P] |
| Ryan Gilliam | [P] | Laura Lugo | [P] | Troy Velez | [P] |
| Debra Glass | [P] | Ellen Luo | [P] | Rodney Washington | [P] |
| Andrea Gordillo | [A] | Michael Marino | [P] | Kathleen Webster | [P] |
| Kanielle Hernandez | [P] | Alexandra Militano | [A] | Jacky Wong | [P] |
| Herman Hewitt | [P] | Michael Perles | [P] | Ricky Wong | [P] |
| Trever Holland | [P] | Tareake Ramos | [A] | | |

Meeting Adjourned