



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

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Paul Rangel, Board Chair

Susan Stetzer, District Manager

December 2021 Full Board Minutes

Meeting of Community Board 3 held on Tuesday, December 21, 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, Katrina Asante:

Borough President Gale Brewer, Rosie Mendez:

Congressmember Nydia Velazquez, Lingxia Ye:

Congressmember Carolyn Maloney, Victor Montesinos:

Assemblymember Yuh-Line Niou, Amy Vera:

Assemblymember Deborah J. Glick, Charlie Anderson:

Assemblymember Harvey Epstein, John Blasco:

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

Minutes:

Minutes of October 2021 were approved, as is.

38 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Board Chairperson's Report:

Chairperson Paul Rangel

District Manager's Report:
District Manager Susan Stetzer

Committee Reports:
Executive Committee
no votes necessary

Transportation, Public Safety, & Environment Committee
no meeting scheduled

Economic Development Committee

1. Approval of previous month's minutes
approved by committee
2. MBP: Briefing on \$20 million Downtown Revitalization grant for Chinatown
no vote necessary
3. Report from Arts & Cultural Affairs Subcommittee
no vote necessary
4. Vote to adjourn
approved by committee

38 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Parks, Recreation, Waterfront, & Resiliency Committee

1. Approval of previous month's minutes
approved by committee
2. Parks Manager Update: number of amplified sound concerts in TSP per weekend; weekend staffing at TSP
no vote necessary
3. DDC: ESCR construction update
no vote necessary
4. Vote to adjourn
approved by committee

38 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. Catholic Charities Community Services Beacon Hope: presentation regarding safe haven at 47 Madison St
no vote necessary
3. CAB/CEC reports
no vote necessary
4. Vote to adjourn
approved by committee

38 YES 0 NO 0 ABS 0 PNV MOTION PASSED

SLA & DCA Licensing Committee

1. Approval of previous month's minutes (minutes are deemed approved if no objections)
approved by committee

Alterations

2. Essex (120 Essex Market LLC), 124 Rivington St (alt/op/expand to the basement)

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

WHEREAS, 120 Essex Market LLC doing business as Essex Restaurant, is seeking an alteration to its existing full on-premises liquor license, which allows it to operate within the first floor and mezzanine level of the premises, to add a second kitchen and 44-seats to a dining room in the cellar, in the premises located at 124 Rivington Street, between Essex Street and Norfolk Street, New York, New York; and

WHEREAS, this is an application for an establishment with a certificate of occupancy of 217 people, 18 tables and 113 seats on the first floor, 15 tables and 43 seats in the mezzanine level, and 11 tables and 44 seats in the cellar level with one 23-foot bar with 13 seats on the first floor, New American food

prepared in a full kitchen, serving food during all hours of operation, three televisions, ambient recorded background music; and

WHEREAS, there are 23 establishments with full on-premises liquor licenses within 500 feet per the SLA LAMP map; and

WHEREAS, this applicant was approved for a removal to this location in August 2018 by Community Board 3 from a location directly across the street where it had operated a restaurant in good standing for eighteen years and which it vacated because of demolition of the building for a new large-scale mixed-use development; and

WHEREAS, the applicant was previously issued a full on-premises liquor license by the SLA on July 26, 2000 for its former premises at 120 Essex Street; and

WHEREAS, the applicant has operated in a similar manner at the new location since being approved by the SLA in Fall 2019 without any known community complaints; and

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

WHEREAS, Community Board received a letter of support for this application from the executive director of community group GOLES attesting to the character and operations of the applicants; and

WHEREAS, 45 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 an alteration of the existing full on-premises liquor license for 120 Essex Market LLC, for the premises located at 124 Rivington Street, New York, New York, unless the applicant agrees to the following signed notarized stipulations that

- 1) it will operate as a restaurant, with New American food prepared in a full kitchen, serving food during all hours of operation,
- 2) its hours of operation will be opening no later than 5:00 P.M. and closing by 12:00 A.M. Monday to Wednesday, 1:00 A.M. Thursday and 3:00 A.M. Friday and opening no later than 10:00 A.M. and closing by 3:00 A.M. Saturday and 12:00 A.M. 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 and not have any speakers or TV monitors,
- 4) it will close any front or rear facade doors and windows at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live non-musical performances, or during unamplified live performances or televised sports,
- 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 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.

New Liquor License Applications

3. Proletariat (Derossi 6th Street LLC), 21-23 E 7th St (wb)

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

WHEREAS, Derossi 6th Street LLC doing business as Proletariat, is seeking a wine beer license, in the premises located at 21-23 East 7th Street, between 2nd Avenue and 3rd Avenue, New York, New York; and

WHEREAS, this is an application for an establishment with a certificate of occupancy of 75 people, 12 tables and 50 seats with one 14-foot bar and one 12-foot bar with 24 seats, vegan food prepared in a full kitchen open all hours of operations, no televisions, ambient recorded background music only; and

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

WHEREAS, this location was approved for a wine beer license in March 2010 by Community Board 3 as Porsena and then approved for an expansion into the adjacent storefront in February 2012 with hours of operation of 12:00 P.M. to 11:00 P.M. Sundays through Thursdays and 12:00 P.M. to 12:00 A.M. Fridays and Saturdays; and

WHEREAS, the applicant has operated numerous other eating and drinking establishments, with wine beer and full on-premises liquor licenses, within this neighborhood, with no recent history of complaint for its businesses; and

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

WHEREAS, the applicant did not furnish a petition; and

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a wine beer license for Derossi 6th Street LLC, for the premises located at 21-23 East 7th Street, New York, New York, unless the applicant agrees to the following signed notarized stipulations that

- 1) it will operate as a restaurant, with vegan food prepared in a full kitchen open during all hours of operation with a pop-up concept in the western storefront at 21 East 7th Street and Proletariat at 23 East 7th Street in the eastern storefront,
- 2) its hours of operation will be opening no later than 12:00 P.M. and closing by 1:00 A.M. Sunday, opening no later than 5:00 P.M. to 1:00 A.M. Monday to Thursday, opening no later than 5:00 P.M. to 2:00 A.M. Friday, and 12:00 P.M. to 2:00 A.M. Saturday,
- 3) it will not use outdoor space for commercial use,
- 4) it will close any front or rear facade doors and windows at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live non-musical performances, or during unamplified live performances or televised sports,
- 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.

4. Spain East Inc, 49 Ave B (op)
withdrawn

5. Corp to be formed by Franco Andrade, 49-51 Ave B (op)
withdrawn

6. Dim Sum Sam Inc, 59 2nd Ave (upgrade to op)
withdrawn

7. Team Bodor 3 LLC, 101 Ave A (op)

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

WHEREAS, Team Bodor 3 LLC is seeking a full on-premises liquor license, in the premises located at 101 Avenue A, between East 6th and East 7th Streets, New York, New York; and

WHEREAS, this is an application for an establishment with a certificate of occupancy of 264 people, 27 tables and 78 seats on the first floor and cellar level, with one L-shaped bar on the 1st floor with 15 seats and one L-shaped bar on the cellar floor with 3 seats, with a food prep area, serving food within one hour of closing, no televisions, with entertainment-level music in the form of live performances, DJ sets, and pre-recorded music; and

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

WHEREAS, this location is currently licensed to Moonwalkers Restaurant Corp d.b.a. Pyramid Club with two full on-premise liquor licenses set to expire in April 2022, one of which is for the basement floor, and has been non-operational since March 2020 and officially shut down since April 2021, which was issued a \$3,500 fine in September 2014 following a sale to a minor in October 2013; and

WHEREAS, the applicant the applicant previously operated The Cake Shop at 152 Ludlow Street from 2005 to 2018 and is a partner in The Library at 7 Avenue A; and

WHEREAS, there was one commercial 311 complaint at this location with NYPD action necessary since 2018; and

WHEREAS, Community Board 3 received two emails from community members and two community members spoke at the meeting in support of this application, citing favor for the applicant's other businesses as neighborhood stalwarts and as a character witness for the applicant; and

WHEREAS, 39 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 Team Bodor 3 LLC, for the premises located at 101 Avenue A, New York, New York, unless the applicant agrees to the following signed notarized stipulations that

- 1) it will operate as a café and performance venue, with café food prepared in a food prep area, serving food within one hour of closing,
- 2) its hours of operation will be opening no later than 12:00 P.M and closing by 4:00 A.M all days,
- 3) it will not use any outdoor space for commercial use,
- 4) it will close any front or rear facade doors and windows at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live non-musical performances, or during unamplified live performances or televised sports,
- 5) it will be a full service performance venue all nights with entertainment level volumes, performances will include: live music acts, DJs, LGBTQ performance nights, comedy shows, reading series, youth and high school performances, and puppet shows; it may have promoted events, scheduled performances and events at which a cover fee will be charged all nights a week,
- 6) it will ensure that sound from the premises is not audible in any of the surrounding apartments which will be arranged with a sound engineer, as necessary,
- 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 8:00 P.M. each night
- 11) it will ensure that there are no wait lines outside and will designate an employee, and hire two-four security personnel depending on the evening, to ensure no loitering, noise or crowds outside the establishment,
- 12) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 13) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

8. E Village Bar, 153 1st Ave (op)
withdrawn

9. Saigon Social (Helen's Kitchen LLC), 172 Orchard St (upgrade to op)

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

WHEREAS, Helen's Kitchen LLC doing business as Saigon Social, is seeking a change in class to a full on-premises liquor license, in the premises located at 172 Orchard Street on the corner of Orchard Street and Stanton Street, New York, New York; and

WHEREAS, this is an application for a Vietnamese restaurant with a certificate of occupancy of 74 people, eight tables and 32 seats with one 10 foot rectangle bar with six seats, a full kitchen serving Vietnamese food during all hours of operation, no televisions, ambient recorded background music only; and

WHEREAS, there are 32 full on-premises liquor licenses within 500 feet per the SLA LAMP map; and

WHEREAS, this applicant received administrative approval for a wine beer license in June 2020 from Community Board 3; and

WHEREAS, prior to Saigon Social, in November 2014 Community Board 3 approved this location for a change of class full on-premise liquor license for Mission Cantina LLC, doing business as Mission Cantina with closing hours of 12:00 A.M. all nights although this is a location in an area with numerous full on-premise liquor licenses because 1) the applicant had operated a food-focused restaurant at this location since November 2013 with a wine beer license and had previously operated a similar restaurant one block away, at 154 Orchard Street, from 2012 to 2013, and had an established reputation as a chef; and

WHEREAS, there were five commercial 311 complaints at this location with NYPD action necessary since 2018, however, they all occurred after the hours that Saigon Social is open suggesting that this location is not the source of the 311 calls; and

WHEREAS, one community member wrote to Community Board 3 in support of this application because it is important to allow Vietnamese restaurants to thrive; and

WHEREAS, 16 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 Helen's Kitchen LLC, for the premises located at 172 Orchard Street, New York, New York, unless the applicant agrees to the following signed notarized stipulations that

- 1) it will operate as a restaurant with a full kitchen serving Vietnamese food during all hours of operation,
- 2) its hours of operation will be opening no later than 12:00 P.M. Friday to Sunday and 5:30 P.M. Wednesday to Thursday and closing by 12:00 A.M. all days,
- 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 and not have any speakers or TV monitors,
- 4) it will close any front or rear facade doors and windows at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live non-musical performances, or during unamplified live performances or televised sports,
- 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,
- 11) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 12) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

10. Au Za'atar (188 Ave A Take Out Food Corp), 188 Ave A (upgrade to op)

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

WHEREAS, 188 Ave A Take Out Food Corp., doing business as Au Za'atar, is seeking a change in class of its existing wine beer license to a full on-premise liquor license, for its Lebanese/Middle Eastern restaurant, located at 188 Avenue A, at the corner of Avenue A and East 12th Street; and

WHEREAS, this is an application for an establishment with a Letter of No Objection of 74 people, 22 tables and 44 seats with one L-shaped 18-foot bar with eight seats, Lebanese food prepared in a full kitchen, serving food during all hours of operation, no televisions, ambient recorded background music; and

WHEREAS, there are 10 full on-premises liquor licenses within 500 feet per the SLA LAMP map; and

WHEREAS, this applicant was originally heard and denied by Community Board 3 in January of 2008, when it was proposing to operate a French restaurant; and

WHEREAS, the applicant then opened its business as a twenty-four (24) hour American restaurant with take-out and was then approved by Community Board 3 in February of 2010 for a sidewalk café permit to extend its business to 14 tables and 28 seats outdoors that closed at 10:00 P.M. all days, while representing to the community board that it would not apply for a liquor license for its business; and

WHEREAS, the applicant then applied for and was denied a wine beer license by Community Board 3 in September of 2010 and March of 2011, in part because its prior representation that it would not apply for such a license; and

WHEREAS, Community Board 3 then heard this applicant for a wine beer license in September of 2013 and approved it with stipulations that 1) it would operate a full-service American restaurant, with a kitchen open and serving food during all hours, 2) it would have hours of operation of 8:00 A.M. to 12:00 A.M. all days, 3) it would play recorded background music and not have DJs, live music, promoted events, scheduled performances or events at which a cover fee is charged, 4) it would close its sidewalk café at 10:00 P.M. all days and extend an awning over its cafe, 5) it would have a closed façade with no open doors or windows, 6) it would not apply for an alteration without being heard by this community board, 7) ***it would not apply for a change of class of its license to a full on-premise liquor license***, 7) it would not have happy hours, 8) it would not host pub crawls or party buses, and 9) it would not have wait lines outside; and

WHEREAS, at the time of the approval of its wine beer license by Community Board 3, the applicant also entered into an agreement with the North Avenue A Neighborhood Association that stated in pertinent part that it would not seek a change in class of its liquor license to a full on-premise liquor license; and

WHEREAS, Community Board 3 then heard this applicant for an application to upgrade its license to a full on-premise liquor license in November of 2014 and approved it with stipulations that 1) it would operate a full-service French Arabian restaurant, with a kitchen open and serving food during all hours, 2) it would have hours of operation of 8:00 A.M. to 12:00 A.M. all days, 3) it would play recorded background music and not have DJs, live music, promoted events, scheduled performances or events at which a cover fee is charged, 4) it would close its sidewalk café at 10:00 P.M. all days and extend an awning over its cafe, 5) it would have a closed façade with no open doors or windows, 6) it would not apply for an alteration without being heard by this community board, 7) it would employ security guards for any special events, 8) ***it would restrict the use of its full on-premise liquor license by only serving Arak, a traditional Lebanese drink***, 8) it would not have happy hours, 9) it would not host pub crawls or party buses, 10) it would not have wait lines outside, and 11) it would not sell the assets of its business and would surrender its license upon a sale of its business; and

WHEREAS, at the time of its approval for a full on-premise liquor license, the applicant had engaged in numerous meetings and conversations with residents and representatives of the North Avenue A Neighborhood Association and had represented to them and Community Board 3 that it only wanted such a license to serve Arak; and

WHEREAS, this applicant then elected not to apply to the SLA for a full on-premise liquor license because the SLA will not allow a full liquor license for only one type of liquor; and

WHEREAS, in April 2015 Community Board 3 again denied this applicant for a change in class even though the applicant furnished 68 petition signatures in support for its application, only one signature was from its building and only four signatures were from surrounding buildings, and one resident appeared in its support, there was demonstrated opposition to this application in that the North Avenue A Residents Association and the East 12th Street Block Association, as well as three residents, appeared in opposition to this application and ten residents of adjacent buildings tendered letters in opposition to this application, each stating that there were too many full on-premise liquor licenses within one block of this location; and

WHEREAS, this applicant has held a full on-premise license at 1063 1st Avenue (1063 First Ave Restaurant Corp) in Community Board 8, doing business as Au Za'atar since July 1, 2021; and

WHEREAS, this applicant pled no contest and was given a \$2,000 fine on May 15, 2021 by the SLA for "failure to comply – [EO 202.16](#)," "unauthorized trade name," and "failure to supervise," violations that occurred on February 10, 2021; and

WHEREAS, there were 26 commercial noise 311 complaints at this location with NYPD action necessary since 2018; and

WHEREAS, the North Avenue A Residents Association wrote to Community Board 3 that although it was unable to reach an agreement with the applicant because some members expressed concern about music level with its Open Restaurants seating and some congestion on the sidewalk as well as adding another full license to the neighborhood, it was not in opposition to this application for a change in class and one resident wrote directly to the committee expressing concern about this application because of the overall congestion in the neighborhood causing quality of life issues; and

WHEREAS, a two residents of 184 Avenue A spoke on behalf of the applicant and in support of the application because of their trust in the applicant; and

WHEREAS, 21 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 188 Ave A Take Out Food Corp, for the premises located at 188 Avenue A, New York, New York, unless the applicant agrees to the following signed notarized stipulations that

- 1) it will operate as a restaurant, with Lebanese food prepared in a full kitchen, 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 close all outdoor dining allowed under the temporary Open Restaurants program and any other uses or allowances by 10:00 P.M. all days and not have any speakers or TV monitors,
- 4) it will close any front or rear facade doors and windows at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live non-musical performances, or during unamplified live performances or televised sports,
- 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 ensure that sound from the premises is not audible in any of the surrounding apartments which will be arranged with a sound engineer, as necessary,
- 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 use a reservations and texting system to ensure that patrons do not congregate in front of the restaurant,
- 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.

11. Cafe 199 LLC, 199 2nd Ave (op)

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

WHEREAS, Cafe 199 LLC with a DBA TBD, is seeking a full on-premises liquor license, in the premises located at 199 2nd Avenue, NY, NY, 10003, between 12th and 13th street; and

WHEREAS, this is an application for an establishment with a certificate of occupancy of 75, with eight tables and 24 seats, one L-shaped bar with eight seats, a full kitchen, serving Korean food during all hours of operation, no TVs, ambient recorded background music; and

WHEREAS, there are 9 full on-premises liquor licenses within 500 feet per the SLA LAMP map; and

WHEREAS, most recently this location was Pado, operating for two years as a Japanese restaurant with a restaurant wine license, which closing during the pandemic; and

WHEREAS, the applicant has been a license holder in different forms since 2007, where they previously operated a grocery store and a liquor bar and has held two active beer wine licenses since 2020, both in Flushing, Queens; and

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

WHEREAS, Community Board 3 received no letters for or against the application an;

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 Cafe 199 LLC, for the premises located at 199 2nd Avenue, NY, NY, 10003, unless the applicant agrees to the following signed notarized stipulations that

- 1) it will operate as a full-service restaurant with a full kitchen, serving Korean food all hours of operation,
- 2) its hours of operation will be opening no later than 12:00 P.M. all days, and closing by 11:00 P.M. Sunday to Thursday, and 12:00 A.M Friday and Saturday,
- 3) it will not use outdoor space for commercial use,
- 4) it will close any front or rear facade doors and windows at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live non-musical performances, or during unamplified live performances or televised sports,
- 5) it will play ambient background music only, consisted 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.

12. Relax at Blondie's (Downtown Avenue Hospitality LLC), 210 Ave A (op)

VOTE: TITLE: Community Board 3 Recommendation To Deny

WHEREAS, Jake Riley, Kyle O'Brien, Arnold Gamberg, Scott Vinett, and Robert Stasi are seeking a full on-premises liquor license, in the premises located at 210 Avenue A, at the corner of Avenue A and East 13th Street, New York, New York; and

WHEREAS, this is an application for an establishment with a certificate of occupancy of 130 people, 23 tables and 104 seats with one 23-foot L-shaped bar with 14 seats, full kitchen, serving Neapolitan food open within one hour of closing, four televisions, entertainment-level recorded music and live, acoustic Jazz music played over ten six-inch non-vibrating JBL speakers without subwoofers; and

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

WHEREAS, one of the applicants is currently a full on-premise license holder at The Garret East (206 Avenue A), The Garret West (296 Bleecker Street) and Philomena's BK (790 Grand Street, Brooklyn) and a representative of the North Avenue A Neighborhood Association reported to Community Board 3 that The Garret East, which is across the street from the proposed premises of this application, had created quality of life problems for the neighborhood including lines and noise that were not controlled despite community meetings with the 9th Precinct NCOs; and

WHEREAS, the applicants provided diagrams and invoices showing they had improved the premises' soundproofing; and

WHEREAS, the most recent tenant of the premises, Steelbar 180 Inc. doing business as Percy's was approved for the transfer of the full on-premises liquor license without stipulations by Community Board 3 in June 2010, after informing Community Board 3 that it would operate as a restaurant bar playing only recorded background music but subsequently operated contrary to its stated method of operation by employing live bands; and

WHEREAS, Percy's was then heard for a renewal by Community Board 3 in November 2014, because of persistent noise complaints and a nuisance abatement on June 12, 2013, for underage sales and was denied unless the applicant agreed to make as conditions of its license stipulations that it would 1) operate as a full-service American comfort food restaurant, with a kitchen open and serving food to within one (1) hour of closing, 2) close any façade doors and windows at 10:00 P.M. every night and during amplified performances, including but not limited to DJs, live music, and live nonmusical performances, as well as during any televised sporting events, promoted events and trivia nights, 3) post signs on its façade doors informing customers that it would close doors fifteen (15) minutes before events, 4) not apply for any alteration in its method of operation without first appearing before Community Board 3, 5) conspicuously post this stipulation form beside its liquor license inside of its business, and 6) provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

WHEREAS, this location was previously licensed to Steelbar 180 Incor & Downtown Avenue Hospitality dba Percy's until January 2021, and the license was placed into safekeeping in February 2019 for Non Bona Fide on 12/30/19 but this space has been vacant since at least 2017, but, there is an adjacent storefront that garnered 39 311 commercial noise complaints since 2018 with NYPD action necessary; and

WHEREAS, there currently is a saturation of full liquor licenses and the existing businesses on upper Avenue A are very loud and create frequent quality of life complaints from residents; and

WHEREAS, four local residents, including two residents of 211 Avenue A, wrote in support of the application and as character witnesses for the applicants, and one resident of Stuyvesant Town spoke in support of the application at the meeting; and

WHEREAS, two residents that live above the premises originally wrote to the committee in opposition to the application but the applicants did a walk-through with the tenants who were willing to support the application after talking to the applicants; and

WHEREAS, one resident that lives across the street wrote in and another spoke at the meeting in opposition to the application because of the saturation of liquor licenses in the neighborhood which create quality of life issues for residents and because of specific noise issues with the previous operator; and

WHEREAS, the North Avenue A Neighborhood Association and the 13th Street (A-B) Block Association wrote in opposition to the application because of neighborhood quality of life issues caused by liquor license saturation and because there was no public benefit to the application; and

WHEREAS, 87 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 Jake Riley, Kyle O'Brien, Arnold Gamberg, Scott Vinett, and Robert Stasi, for the premises located at 210 Avenue A, New York, New York, because the applicant did not agree to the following signed notarized stipulations that the committee felt were appropriate for an area that suffers quality of life issues from a saturation of licensed businesses

- 1) it will operate as a restaurant, with a full kitchen serving Neapolitan food and pizza open within one hour of closing,
- 2) its hours of operation will be opening no later than 4:00 P.M. Monday to Friday, and closing by 12:00 A.M. Monday and Tuesday, 1:00 A.M. Wednesday, 2:00 A.M. Thursday and Friday, and opening no later than 12:00 P.M. Saturday and Sunday and will close by 2:00 A.M. Saturday and 12:00 A.M. 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 and not have any speakers or TV monitors,
- 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 ambient recorded background music and live, acoustic Jazz music without drum sets no more than one time a week on Friday or Saturday only, played over ten six-inch non-vibrating JBL speakers without subwoofers, and it will not have DJs, third-party promoted events or any event at which a cover fee will be charged,
- 6) it will ensure that no sound is audible in any surrounding residences, and will work with a sound engineer to address any soundproofing deficiencies, as necessary,

- 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 8:00 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

13. Sushi Hatsune 50 Inc, 50 Eldridge St (wb)
administratively approved

14. Paul's Da Burger Joint (Angel's Spot Inc), 131 2nd Ave (wb)
administratively approved

15. Viva (Viva Natural Pizza Inc), 248 E 5th St (aka 85 2nd Ave) (wb)

VOTE: Community Board 3 denies this application for a beer/wine license at 248 East 5th Street (aka 85 Second Avenue) because the applicant did not provide requested information, including stipulations, to the Community Board after requesting an administrative approval.

16. Vote to adjourn
approved by committee

38 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding SLA items 11, 12, 15)

37 YES 1 NO 0 ABS 0 PNV MOTION PASSED (SLA items 11, 12, 15)

Landmarks Committee

meeting canceled

Land Use, Zoning, Public & Private Housing

1. Approval of previous month's minutes
approved by committee
2. Urban fellow update on sustainability resiliency project:
no vote necessary
3. DCP: presentation of new website tool regarding principles of good urban design:
no vote necessary
4. Report from Public Housing & Section 8 Housing Subcommittee
no vote necessary
5. Vote to adjourn
approved by committee

38 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Vote to adjourn

38 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Members Present at Last Vote:

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

Meeting Adjourned