



# THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

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Paul Rangel, Board Chair

Susan Stetzer, District Manager

## March 2022 Full Board Minutes

Meeting of Community Board 3 held on Tuesday, March 22, 2022 at 6:30pm via Zoom.

### Public Session:

#### Public Officials:

Mayor Eric Adams:

Public Advocate Jumaane Williams, Phillip Ellison:

Comptroller Brad Landers, Evelin Collado:

Borough President Mark Levine, Tricia Shimamura:

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, Chanel Elliott:

State Senator Brian Kavanagh, Emily Leng:

State Senator Brad M. Hoylman, Caroline Wekselbaum:

Councilmember Christopher Marte, Jennifer Chiao:

Councilmember Carlina Rivera, Isabelle Chandler:

#### Members Present at First Vote:

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

#### Minutes:

Minutes of January 2022 were approved, as is.

**42 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**

1. Presentation and request for support of Hue Arts NYC's recommendations

**VOTE: TITLE: To Support Hue Arts NYC's Six Recommendations to City-wide Lawmakers**

WHEREAS: Community Board 3 is home to more than 50 arts and cultural organizations, a majority of whom are led by and/or serve People of Color-led (Black, Indigenous, Latino, Asian, Pacific Islander, Middle Eastern) constituencies and communities that reside in the CB3 area.

WHEREAS: Recognizing people of Color-led (Black, Indigenous, Latino, Asian, Pacific Islander, Middle Eastern) organizations are a critical part of supporting important work by artists, emerging artists, and creative professionals, many of whom go on to make major contributions to American arts and culture.

WHEREAS: Recognizing these entities provide "a sense of belonging, history, and pride; and showcase the rich stories and creative practices that make up the tapestry of many People of Color (POC) communities."

WHEREAS: The Hue Arts NYC report provides a first-of-its-kind attempt to provide insight on the impact of People of Color-led arts organizations.

WHEREAS: CB3 is home to a high level of respondents to the research survey.

WHEREAS: Such organizations have faced significant and historic undercapitalization.

THEREFORE, BE IT RESOLVED: Community Board 3 supports the recommendations put forth by the initiative:

- 1) Create a designated \$100M fund for POC arts and cultural entities.
- 2) Establish a substantive baseline budget line for POC arts in the city's annual budget.
- 3) Invest in place as a long-term strategy for POC arts stability and thriving.
- 4) Foster career and community building among professionals at POC arts entities.
- 5) Self-determine data needs and priorities for and about POC arts entities.
- 6) Invest in higher & sustained visibility for POC arts entities in NYC.

2. Dissolution of Chinatown Neighborhood Planning Subcommittee

**VOTE:** The Chinatown Neighborhood Planning Subcommittee met once in July 2017. Two of the original members are currently on the Board. The goal of the subcommittee was to make recommendations to the land use committee within a year regarding small business, economic development, affordable housing, transportation, and culture/arts. For various reasons this committee was not activated and has been dormant for the last five years. Therefore, this subcommittee will be dissolved as there is no current activity in this subcommittee.

**42 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding Exec item 2)**

**41 YES 0 NO 1 ABS 0 PNV MOTION PASSED (Exec item 2)**

**SLA & DCA Licensing Committee**

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

**Hotel Applications**

2. Moxy Lower East Side (Bowery Street Associates LLC), 145 Bowery (op)

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

**WHEREAS,** Bowery Street Associates LLC and an entity to be formed by Tao Group (David Lichtenstein, Jason Strauss, and Noah Tepperberg) doing business as Moxy Lower East Side, is seeking a hotel license with full liquor, in the premises operating as a hotel located at 145 Bowery, between Broome Street and Grand Street, New York, New York; and

**WHEREAS,** this is an application for six food and beverage establishments within a newly constructed hotel with a pending certificate of occupancy of 1169 people; 126 tables and 522 seats with five bars with 59 seats; an outdoor terrace on the 16th floor; full kitchen, serving food during all hours of food and beverage operations; five televisions; live music in the sub-cellar level only no more than 12 times

a year for special events only; DJs in the sub-cellar ground floor lounge (Silver Lining), ground floor bar, and top floor (16th floor) indoor lounge only; entertainment level music in the subcellar and background music in all other locations; and

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

**WHEREAS**, this is a newly constructed hotel with no history of licensing and is the second Moxy hotel in Community Board 3, located at 112 East 11th Street; and

**WHEREAS**, the applicant proposes to operate six food and beverage areas within the hotel:

- *Sub-cellar lounge* - open from 5:00 P.M. to 4:00 A.M. all days, 11 tables with 62 seats, one 22-foot bar with ten seats
- *Cellar restaurant* - open from 11:00 A.M. to 4:00 A.M. all days, 38 tables with 198 seats, one 20-foot bar with 11 seats
- *Ground floor lounge (Silver Lining)* - open from 11:00 A.M. to 4:00 A.M. all days, 24 tables with 71 seats, one 20-foot bar with 11 seats
- *Ground floor bar & hotel lounge* - open 24 hours serving alcohol from 9:00 A.M. to 4:00 A.M., 28 tables with 105 seats, one 18-foot bar with ten seats
- *Top floor (16th floor) lounge (indoor)* - open from 11:00 A.M. to 4:00 A.M. all days, 14 tables with 64 seats, one 17-foot bar with 14 seats
- *Top floor (16th floor) balcony (outdoor)* - open from 11:00 A.M. to 12:00 A.M. all days, 11 tables with 22 seats, soundproofing will be installed; and

**WHEREAS**, this applicant has an extensive history operating licensed establishments in New York, including the Moxy East Village (112 East 11th Street in Community Board 3) and nightclubs such as Marquee and Tao in Chelsea and Lavo in Midtown, and restaurants such as Lavo, Tao Downtown and Tao Uptown, along with establishments in Los Angeles, Las Vegas, and multiple international locations; and

**WHEREAS**, the community board has received minimal complaints about the operations at the Moxy East Village and the applicant has always been responsive and corrected any issues expediently; and

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

**WHEREAS**, the applicant submitted a sound study and mitigation plan to address the concerns of residents regarding its proposed rooftop lounge that for the outdoor balcony on the 16th floor recommended the applicant only use four small speakers with woofers that not exceed 6 inches in diameter that are placed no higher than three feet above the roof and that subwoofers should not be used; and

**WHEREAS**, two 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 Bowery Street Associates LLC and an entity to be formed by Tao Group (David Lichtenstein, Jason Strauss, and Noah Tepperberg), for the premises located at 145 Bowery, New York, New York, unless the applicant agrees to the following signed and attached notarized stipulations that

- 1) it will operate as a hotel with food and beverage operations as follows, with bar/lounge food and snacks and Japanese food in the restaurant served during all hours of operation,
- 2) its food and beverage hours of operation will be:
  - a. *Sub-cellar lounge* - open from 5:00 P.M. to 4:00 A.M. all days,
  - b. *Cellar restaurant* - open from 11:00 A.M. to 4:00 A.M. all days
  - c. *Ground floor lounge (Silver Lining)* - open from 11:00 A.M. to 4:00 A.M. all days
  - d. *Ground floor bar & hotel lounge* - open 24 hours serving alcohol from 9:00 A.M. to 4:00 A.M.
  - e. *Top floor (16th) lounge (indoor)* - open from 11:00 A.M. to 4:00 A.M. all days,
  - f. *Top floor(16th) balcony (outdoor)* - open from 11:00 A.M. to 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 only ambient background music in all locations with the exception of the sub-cellar lounge which may have entertainment-level music, and it may have recorded music, DJs, and live music up to 12 times per year at special events only, and will not have 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 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,
- 13) it will follow the recommendation of the sound study regarding its outdoor balcony on the 16th floor and only use four small speakers with woofers and without subwoofers, that not exceed 6-inches in diameter placed no higher than three feet above the roof.

### **New Liquor License Applications**

3. Corp to be formed / Gemini and Scorpio, 6 St Marks Pl (op)

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

**WHEREAS**, Gemini & Scorpio LLC doing business as TBD, is seeking a catering establishment full liquor license, in the premises located at 6 St. Marks Place (third and fourth floors only), between Second Avenue and Third Avenue, New York, New York; and

**WHEREAS**, this is an application for an establishment with a certificate of occupancy of 60 people that will be seated in private rooms showing an immersive cocktail/art experience, 18 tables and 54 seats, full kitchen preparing international and American food, serving food during all hours of operation, no more than two 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 previously licensed as a karaoke bar doing business as Saint Marks Karaoke, whose wine and beer license expired in December 2020; and

**WHEREAS**, the applicant has never previously been a license holder but has worked in the events business for twenty years as the proprietor of the Gemini & Scorpio loft in Gowanus, Brooklyn; and

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

**WHEREAS**, a resident of the building expressed concerns about soundproofing because of issues with the past operations; 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 Gemini & Scorpio LLC, for the premises located at 6 St. Marks Place (third and fourth floors only), New York, New York, unless the applicant agrees to the following signed notarized stipulations that

- 1) it will operate as a reservations-only immersive art/cocktail experience in private rooms (similar to karaoke), with international and American food prepared in a full kitchen served food during all hours of operation,
- 2) its hours of operation will be opening no later than 5:00 P.M. all days and closing by 12:00 A.M. Monday to Wednesday and 2:00 A.M. Thursday to Sunday,
- 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 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 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 install soundproofing as necessary in consultation with a sound engineer so no sound from the premises is audible in surrounding apartments,
  - 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 system to ensure that patrons do not crowd outside the establishment,
  - 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.
4. TT's (TTS EV LLC), 24 1st Ave (op)  
withdrawn
  5. 51 Avenue B LLC, 51 Ave B (op)

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

**WHEREAS**, principals Mina Ibrahim and Mido Emad doing business as El Pulpo, is seeking a full on-premises liquor license, in the premises located at 51 Avenue B, between East 3rd Street and East 4th Street, New York, New York; and

**WHEREAS**, this is an application for an establishment with a pending certificate of occupancy or Letter of No Objection, 13 tables and 50 seats with one 15-foot bar, a full kitchen serving Mexican food during all hours of operation, one television, ambient recorded background music; and

**WHEREAS**, there are 12 full on-premises liquor licenses within 500 feet per the SLA LAMP map; and

**WHEREAS**, this location was previously licensed as Max Restaurant which had no history of any complaints known to the community board; and

**WHEREAS**, the applicants have never previously been a license holder but have been in the business for many years and managed multiple restaurants in New York City and one operates an Italian restaurant in Bloomfield, New Jersey (<https://www.themontclairgirl.com/popolari-restaurant-bloomfield-nj/>); and

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

**WHEREAS**, the East 4th Street/Lower Avenue B Block Association wrote in support of the applicants so long as they agreed to certain stipulations, including operating a restaurant, closing all outdoor dining by 10:00 P.M. all days, closing by 12:00 A.M. Sunday to Wednesday and 1:00 A.M. Thursday to Saturday, and installing extra soundproofing if necessary; and

**WHEREAS**, 56 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 principals Mina Ibrahim and Mido Emad , for the premises located at 51 Avenue B, New York, New York, unless the applicant agrees to the following signed notarized stipulations that

- 1) it will operate as a restaurant, with Mexican food prepared in a full kitchen served during all hours of operation,
- 2) its hours of operation will be opening no later than 11:00 A.M. all days and closing by 12:00 A.M. Sunday to Wednesday and 1:00 A.M. Thursday to Saturday,
- 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 outdoor speakers or TV monitors,
- 4) it will not use its backyard for commercial usages,
- 5) 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,

- 6) it will play ambient background music only, consisting of recorded music, and will not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 7) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3,
- 8) it will not host pub crawls or party buses,
- 9) it will not have unlimited drink specials with food,
- 10) it may have "happy hours" until 7:00 P.M. each night,
- 11) it will ensure that there are no wait lines outside and will designate an employee for ensuring no loitering, noise or crowds outside,
- 12) it will use a reservations and texting system to keep customers from crowding in front of the establishment,
- 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.

6. Xica Cantina LLC, 94 Ave A (op)

withdrawn

7. Thayer (Moonless Night LLC), 99 Ave B (wb)

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

**WHEREAS**, Moonless Night, LLC. Thayer, is seeking a wine and beer license, in the premises located at 99 Ave. B, between East 6th and East 7th, New York, New York; and

**WHEREAS**, this is an application for an establishment with a certificate of occupancy of 97 people, four tables and 21 seats with one 23-foot bar with three stools, comfort food prepared in a food preparation area, serving food during all hours of operation, there will be background-level live music consisting of singer/songwriters and keyboardists up to five times per year and the remaining time will be ambient recorded background music only, and one television; and

**WHEREAS**, there are 12 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 license as Manitoba's, which closed in 2019 and for which there were no known complaints to the community board; and

**WHEREAS**, the applicant has never previously been a license holder but has worked in the business as a bartender and a captain since 2004 and from 2019 to present at Jolene Restaurant located at 54 Great Jones St. and from 2014 to present at Jeffreys Grocery at 172 Waverly Place; and

**WHEREAS**, 34 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 wine and beer license license for Moonless Night LLC., for the premises located at 99 Ave. B, New York, New York, unless the applicant agrees to the following signed notarized stipulations that:

- 1) it will operate as a bar/tavern, with comfort food being served during all hours of operation,
- 2) its hours of operation will be opening no later than 9:00 A.M and closing by 12:00 A.M Tuesday to 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 outdoor 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, consisting of recorded music, and may have background-level live music consisting of singer/songwriters and keyboardists up to five times per year and it may have scheduled book/poetry readings promoted via social media, but no DJs and there will be no 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 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.

8. Il Posto Accanto (And Another One Inc), 190 E 2nd St (op)

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

**WHEREAS**, Il Posto Accanto, Inc. doing business as Il Posto Accanto, is seeking an upgrade to a full on-premises liquor license, in the premises located at 190 East 2nd Street, between Avenues A and B, New York, New York; and

**WHEREAS**, this is an application for an establishment with a certificate of occupancy of 40 people, 6 tables with 16 seats and one 16-foot stand-up bar, full kitchen, serving Italian food during all hours of operation, one television, and ambient recorded background music only; and

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

**WHEREAS**, this location is currently licensed to the same operators to serve beer and wine, and there was no adverse history since 2015 except for a violation in June 2020 for failure to comply with local regulations (serving alcohol without a food order [https://sla.ny.gov/system/files/documents/2020/11/11-10-2020\\_-\\_detailed\\_disciplinary\\_agenda.pdf](https://sla.ny.gov/system/files/documents/2020/11/11-10-2020_-_detailed_disciplinary_agenda.pdf)); and

**WHEREAS**, the applicant has been licensed at this location with a restaurant wine license since February 1999; and

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

**WHEREAS**, four residents of the block emailed Community Board 3 to support the application and 11 residents of the street and surrounding area spoke during the meeting to support the application; and

**WHEREAS**, 91 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 Il Posto Accanto, Inc., for the premises located at 190 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 Italian cuisine prepared in a full kitchen, serving food at all hours,
- 2) its hours of operation will be opening no later than 12:00 P.M. all days and closing by 12:00 A.M Sunday to Wednesday and closing by 2:00 A.M Thursday to Saturday,
- 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 outdoor 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 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.

9. Clock Out NYC (Great Clock Out LLC), 191 Orchard St (op)

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

**WHEREAS**, Dresden Baluyot and Jose Aponte, doing business as Clock Out, are seeking a full on-premises liquor license, in the premises located at 191 Orchard Street, between Houston Street and Stanton Street, New York, New York; and

**WHEREAS**, this is an application for an establishment with no certificate of occupancy or letter of no objection. The application states 12 tables and 3 counters inside, as well as 8 tables outside in the backyard, for a capacity of 58 indoor and 32 outdoor. There will also be 1 bar approximately 28-foot long with 19 seats. Its proposed hours of operation are opening no later than 4:00 P.M. Monday to Friday, 11:00 A.M., Saturday and Sunday, and closing by 2:00 A.M. Sunday - Wednesday, and 4:00 A.M. Thursday to Saturday and asks for closing hours of 12:00 A.M. all days for the backyard. The application calls for shareable plates of American comfort food with Latin/Asian fusion, serving food 11:00 A.M. - 1:00 A.M. Sunday to Wednesday and 11:00 A.M. - 3:00 A.M. Thursday to Saturday. There will be four TVs, DJs, and music will be both background and entertainment level; and

**WHEREAS**, there are 37 full on-premises liquor licenses within 500 feet per the SLA LAMP map; and

**WHEREAS**, this location was previously The Sixth Ward, which was granted a license to operate a vegetarian restaurant in 2007 and closed in 2015 after having its license revoked by the SLA for operating outside its stated method of operation (<https://www.dnainfo.com/new-york/20150422/lower-east-side/les-vegetarian-bar-loses-liquor-license-for-serving-burgers-steaks/>); and

**WHEREAS**, The Sixth Ward was a known problem to the community board, with SLA complaints of operating beyond its stipulations, operating beyond the legal capacity without applying for a certificate of occupancy, and using an illegal back yard that did not meet DOB requirements; and

**WHEREAS**, the applicant is also the owner and operator of The Cabin Bar located at 205 East 4th Street, which came before this committee in May 2018; and

**WHEREAS**, the committee received several emails about The Cabin Bar describing illegal parties in the backyard, which is not zoned for commercial use, including "cigar parties" that caused noise and air issues for residents in proximity, and there were 11 311 complaints at The Cabin Bar with NYPD action necessary since 2018; and

**WHEREAS**, the applicant has shown himself to be a bad neighbor and unwilling to work with Community Board 3 to mitigate the conditions causing complaints coming from operating beyond its legal stipulations; and

**WHEREAS**, the committee received 55 form opposition letters organized by the LES Dwellers noting the issues with the Sixth Ward and overall quality of life issues in the vicinity caused by a saturation of liquor licenses; and

**WHEREAS**, a representative from the LES Dwellers sent a letter in opposition to the application detailing the many issues that The Sixth Ward caused while also stating that the applicant is operating outside his stipulations at The Cabin Bar and thus should not be given another license; and

**WHEREAS**, a 191 Orchard Street resident wrote to the committee asking that the committee deny this application because of the longstanding issues that the Sixth Ward caused for residents; and

**WHEREAS**, 184 residents who live within two blocks of the location signed a petition in favor of the application; and

**WHEREAS**, a representative from the East 4th Street Lower Avenue B Block Association spoke in opposition to this application noting that the block association had met with the applicant, who agreed not to have live music with the SLA and with the block association but has had live music anyway, and also that the applicant has broken other stipulations including allowing crowds on the sidewalk impeding pedestrian egress and using the backyard; and

**WHEREAS**, one resident of 191 Orchard Street and one resident of the adjacent meeting spoke at the meeting in favor of the application and three other Community Board 3 residents spoke in favor of the applicants as character references; and

**WHEREAS**, two residents of 191 Orchard Street spoke at the meeting in opposition to the application because of the quality of life issues that the Sixth Ward caused residents and two other LES residents



spoke in opposition to the application because they feel it is a high impact application with late hours that is inappropriate for an already oversaturated neighborhood; and

**THEREFORE, BE IT RESOLVED** that Community Board 3 recommends the denial of the application for a full on-premises liquor license for Dresden Baluyot and Joey Aponte, for the premises located at 191 Orchard Street, New York, New York, because of ongoing quality of life issues caused by the applicants' current establishment, The Cabin located at 205 East 4th Street and the existing quality of life issues caused by oversaturation in the vicinity of 191 Orchard Street.

**Items not heard at Committee**

10. All Day Food LLC, 1-5 Oliver St (wb)  
administratively approved
11. El Sitio (El Sitio LLC), 46 Mulberry St (wb)  
administratively approved
12. International Center of Photography Corp, 79 Essex St (wb)  
administratively approved
13. Eat Rite Inc, 130 1st Ave (wb)  
administratively approved
14. 130 Saint Marks LLC, 130 St Marks Pl (wb)  
administratively approved
15. Moko (Moko Omakase LLC), 138 2nd Ave (wb)  
administratively approved
16. Hard to Explain (MSC Hospitality LLC), 224 E 10th St (wb)  
administratively approved
17. Kalye (Kalye NYC LLC), 249 Broome St (b)  
administratively approved
18. Dua Kafe (Dua Byrek Inc), 520 E 14th St (wb)  
withdrawn

**Expansion onto Municipal Property (not heard)**

19. Spes (Woman in Wine LLC), 413 E 12th St (expansion onto municipal property)  
administratively approved
20. Vote to adjourn  
approved by committee

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

**Landmarks Committee**

meeting canceled

**Land Use, Zoning, Public & Private Housing**

1. Approval of previous month's minutes  
approved by committee
2. Update on 265 South Street development  
no vote necessary
3. Urban fellow update on sustainability resiliency project  
no vote necessary
4. Revision of CB 3 Housing Questionnaire  
no vote necessary
5. Vote to adjourn  
approved by committee

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

**Transportation, Public Safety, & Environment Committee**

1. Approval of previous month's minutes  
approved by committee
2. NY Road Runners informational presentation for March 20 Half Marathon Canal St Chrystie to Allen; Allen/Pike Canal to South St; South St Pike Slip to Montgomery; FDR  
no vote necessary
3. Vote to adjourn  
approved by committee

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

**Economic Development Committee**

no meeting scheduled

**Parks, Recreation, Waterfront, & Resiliency Committee**

1. Approval of previous month's minutes  
approved by committee
2. Parks Manager Update  
no vote necessary
3. DDC: ESCR update  
no vote necessary
4. Basketball City: reopening of basketball courts  
no vote necessary
5. Public art Sculptors Guild: Informational presentation of group exhibition on Allen Street malls  
no vote necessary
6. Brooklyn Bridge Manhattan: request for support to create a park with a skate park underneath the Brooklyn Bridge

**VOTE: TITLE: Support for the Brooklyn Bridge Banks and Dugout Space along Robert F. Wagner Pl. and community desire to re-open and activate these spaces for community recreation**

**WHEREAS**, it has long been a priority of Manhattan Community Board 3 to create additional active recreation space for the areas that have very little such open space, such as Two Bridges, and Chinatown, and

**WHEREAS**, the area under the Brooklyn Bridge was an important and heavily used recreation area that housed the Brooklyn Banks skate park and other recreation spaces which provided both active and passive recreation opportunities to the community; has been closed off to the public due to ongoing construction on the Brooklyn Bridge; and

**WHEREAS**, Manhattan Community Board 1 has also identified another potential new active recreation area, the Dugout, that can serve school age and adolescent youth, and is now a largely empty large space beneath the Brooklyn Bridge off Robert F. Wagner Sr. Pl and South Street that is controlled by the New York City Department of Transportation (DOT), but appears to be very underutilized; and

**WHEREAS**, DOT has reported in a written memo to CB 1 that they expect work on the Brooklyn Bridge to be near continuous for the next decade and beyond. Further, that the space known as the Dugout is an essential DOT off-street facility that houses several DOT operational divisions, including Bridges, Facilities, Roadway Repair Maintenance, and Fleet Divisions. DOT said it plans to add additional operations to the space in the near future; and

**WHEREAS**, it has been reported to CB 3 by CB 1 that Rodney Rosado, NYPD 5th Precinct Community Affairs Officer attended the November CB1 Waterfront, Parks & Cultural Committee meeting and reported that while NYPD has not revisited security for that area for some time due to ongoing construction on the Bridge, that NYPD wants to give back whatever areas they're able to under the bridge to the public, but that it depends on the Bridge construction schedule. Further, if and when construction allows for a return of public use, NYPD would conduct a security assessment to determine what specific measures would need to be taken; and

**WHEREAS**, designed by renowned landscape architect M. Paul Friedberg, The Brooklyn Banks skate park is a New York City cultural and historical landmark to both local and international action sports enthusiasts since its construction in 1972, the Brooklyn Banks is most identifiable as a red brick plaza with large embankment structures on the east side of the park. It has been reported to CB 3 by CB 1 that in early May 2020, the recent removal of the bricks, on the one side of the banks between Rose and Pearl streets, sparked outrage, fear and sadness throughout the skateboard community, action sports community at large and neighboring communities, and even the local community in the neighborhood; and

**WHEREAS**, the CB 1 community has long advocated to return the space under the Brooklyn Bridge for community use as both active and passive recreation space, and in re-opening the arches for commercial and community use; and

**WHEREAS**, the non-profit group "Brooklyn Bridge Manhattan" has indicated that are committed to continuing extensive community outreach and this engagement will continue and include youth of all ages including the neighboring NYCHA Smith Houses; and

**WHEREAS, CB 1 reports that** dozens of speakers attended the November 2021 CB1 Waterfront, Parks & Cultural Committee meeting to express their support of returning space under the Brooklyn Bridge to public use, specifically regarding the Brooklyn Banks Skate Park for which members of the public expressed a deep personal connection and passion for; and

**WHEREAS, it is reported that** over 50,000 people have signed a petition to Save the Brooklyn Banks skatepark; and

**WHEREAS, it is reported by CB 1 to CB 3 that** the Principal of the Urban Assembly School for Emergency Management within the Murry Bergtraum School spoke during the public comment period at the CB1 meeting that they have been eager to use the space for the seven years that they have been there and reported that the space nearby them is mainly used as a parking lot and does not see work on a day-to-day basis. The space could be used by the school for Physical Education classes, and as an outdoor learning space during the pandemic; now

**THEREFORE BE IT RESOLVED,** that CB3 supports CB 1 and urges that DOT, NYPD, Parks Dept. and our elected officials work together with the community towards the common goal of returning and converting this space under the Brooklyn Bridge back to the public. This space includes the swath of land on the north and the south side of the Brooklyn Bridge and all of the ramps surrounding it, starting from Park Row to the West and ending at South Street to the East, between Robert F. Wagner Sr. Place at the North and Frankfurt/Dover Street to the South; and

**THEREFORE BE IT FURTHER RESOLVED,** that this includes reinstating the Brooklyn Banks Skate park, and establishing the Dugout space and areas referenced above in order to transform it into a multi-use area of both passive and active recreation that serves all members of the community, including the community north of the Brooklyn Bridge and elsewhere, and which potentially could incorporate market and event uses; and

**THEREFORE BE IT FURTHER RESOLVED,** that the arches should be included in this revisioning as means of reinstating business and/or community amenity uses; and

**THEREFORE BE IT FURTHER RESOLVED,** that CB3 recognizes both the global and local significance of the Brooklyn Banks Skate park; and

**THEREFORE BE IT FURTHER RESOLVED,** that this re-envisioning should be comprehensive and also address connections and level changes such as the connection through One Police Plaza and connections from the Brooklyn Bridge walkway to the ground level; and

**THEREFORE BE IT FURTHER RESOLVED,** that any historic architectural materials found in connection with the reconstruction of the Brooklyn Bridge should be appropriately handled by the relevant authorities; and

**THEREFORE BE IT FURTHER RESOLVED,** that CB3 supports the proposal with the caveat that the proposed park, if developed through a public/private partnership, will remain a public park open and free to all; and

**THEREFORE BE IT FURTHER RESOLVED,** that CB3 supports CB 1 to request that the Brooklyn Bridge Banks and Dugout Space along Robert F. Wagner Pl. proposal to re-open and activate these spaces for community recreation.

7. Vote to adjourn  
approved by committee

**42 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding Parks item 6)**

**40 YES 0 NO 0 ABS 2 PNV MOTION PASSED (Parks item 6)**

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

1. Approval of previous month's minutes  
approved by committee
2. Planning for future panels  
no vote necessary
3. Follow up to 8-point mental health plan for NYC  
no vote necessary
4. CAB/CEC reports  
no vote necessary

5. Vote to adjourn  
approved by committee

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

Vote to adjourn

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

Members Present at Last Vote:

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

Meeting Adjourned