



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

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Paul Rangel, Board Chair

Susan Stetzer, District Manager

September 2022 Full Board Minutes

Meeting of Community Board 3 held on Tuesday, September 27, 2022 at 6:30pm via Zoom.

Public Session:

- Laura Sewell - Speaker one - resident speaking in opposition to SLA committee's L.L. approval for Sugar Mouse.
- John Senter - Speaker three - resident speaking in opposition to SLA committee's L.L. approval for Sugar Mouse.
- Monica Rittersporn - speaker four - resident speaking in opposition to SLA committee's L.L. approval for Sugar Mouse.
- Adam Heyman - Speaker five - resident speaking in opposition to SLA committee's L.L. approval for Sugar Mouse.
- Frank Palillo - Speaker six - resident speaking in support of new restaurant on 23 Ave A applying for full L.L. in a section that has already been deemed oversaturated.
- Michael Droney - Speaker seven - Owner of 23 Ave A restaurant speaking on his behalf toward seeking L.L. approval.
- Emily Mossberger - Speaker eight - resident speaking in support of new restaurant on 32 Ave A for L.L. (L.L. = Liquor License)
- Jessica Holt - Speaker nine - Jessica Hault from GrowNYC, local nonprofit. Update on upcoming events. Oct. 1st "stop and drop" exchange and/or donate new and gently used items. Location 100 attorney street. Funded by D.O.S.
- Speaker ten - no show
- Juan Rivera - Speaker eleven - of River Resurrection discussed a plaque unveiling, campaign to save eye and ear building on 14th street. Act to preserve public housing.

Public Officials:

- Mayor Eric Adams: not present
- Public Advocate Jumaane Williams, Phillip Ellison: not present
- Comptroller Brad Landers, Evelin Collado: not present
- Borough President Mark Levine, Erik Cuello: The emergency order has been extended. Executive and full board meetings will be in person, but committee meetings will remain on zoom. Distributed many covid test kits and still have more available in their office. Monkey pox vaccine is still available. Demanding third-party water testing for NYCHA Riis houses water issues. Helping with asylum seekers' arrival. Resource fair coming soon. Special event for Hispanic Heritage month Sept. 29th 6pm-9pm.
- Congressmember Nydia Velazquez, Lingxia Ye: Not present
- Congressmember Carolyn Maloney, Victor Montesinos: Discussed the passing of a anti-gun policy
- Assemblymember Yuh-Line Niou, Amy Vera: Working with NYCHA on Riis water issues. Also working with SLA concerns on the distribution of liquor licenses. Discussed the new center in Masaryk Towers. Also still has PPE available.
- Assemblymember Deborah J. Glick, Charlie Anderson: Discussed upcoming event "protecting democracy" on oct. 3rd 6pm-9pm at Cooper union square. Also discussed the "Shred" event but I missed the date for that. Homelessness referral to Paul's Place at 112 west 14th St. drop-in center.
- Assemblymember Harvey Epstein, Chanel Elliott: Harvey – working with residents of NYCHA Riis houses with their water issues. Got residents \$200 back for days without food and water. Working with SLA about liquor license delay. Working towards the Thompson square park clean-up efforts. Visited asylum seekers at Bellevue men's shelter. Helping with asylum seekers resources.
- State Senator Brian Kavanagh, Patricia Olan gave out over 4,000 test kits and still has more. They enjoyed NYCHA family days. On Oct. 3rd they are rolling out a skilled worker system. Chinatown DRI finalist funding-next step is approval from the state. Some members expressed concerns of the communities nor CB3's input being considered towards this major project.
- State Senator Brad M. Hoylman, Caroline Wekselbaum: Passed a state right to lawyer act, for people who can't afford council). Expressed disappointment with water issues at Riis houses. Passed a cat that would grant residents the right to food and water during an emergency as such.
- Councilmember Christopher Marte, Jennifer Chiao: Attended hearing on the 175 acts where they will now be splitting 24 hour home aide shifts into two 12 hour shifts. They toured P.S. 124 and have received capital funding to remove and rebuild park structures. They have a new budget director. Asking communities input on how to spend 1 million dollars for the community. Deadline is the end of October. Participatory budgeting.

- Councilmember Carlina Rivera, Isabelle Chandler: Julio Rivera will be the new liaison. Isabelle will be the new director of legislation. They enjoyed all the NYCHA family days. They passed abortion package. Partnering with ACA to employ the homeless. Shared 3rd St. music school is having an event on Oct. 3rd. They are also having a toy drive for lightly used toys for asylum seeker children.

Members Present at First Vote:

David Adams	[A]	Andrea Gordillo	[P]	Thomas Rosa	[P]
Yaron Altman	[A]	Kanielle Hernandez	[P]	Robin Schatell	[P]
Sarah Rose Batchu	[P]	Herman Hewitt	[P]	Heidi Schmidt	[A]
Lee Berman	[P]	Trever Holland	[P]	Arnette Scott	[P]
Ana Calderon	[P]	Vaylateena Jones	[P]	Laryssa Shainberg	[A]
Karlin Chan	[P]	Olympia Kazi	[P]	Anisha Steephen	[P]
David Crane	[P]	Jeanette Kim	[P]	Sandra Strother	[P]
Eric Diaz	[A]	Michelle Koppersmith	[P]	Daniel Tainow	[P]
Tareake Dorill	[P]	Mae Lee	[P]	Josephine Velez	[P]
Alistair Economakis	[P]	Wendy Lee	[P]	Troy Velez	[P]
Jaime Felber	[P]	Alysha Lewis-Coleman	[P]	Rodney Washington	[P]
Larry Fenn	[P]	Amanda Liu	[P]	Joshua Waterman	[P]
Shirley Fennessey	[P]	David Louie	[A]	Kathleen Webster	[P]
Kathryn Freed	[P]	Laura Lugo	[P]	Jacky Wong	[P]
Ryan Gilliam	[P]	Paul Rangel	[P]	July Yang	[P]
Debra Glass	[P]	Damaris Reyes	[P]		
Jake Gold	[P]	Richard Ropiak	[P]		

Minutes:

Minutes of June 2022 were approved, as is.

43 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Board Chairperson's Report:

Chairperson Paul Rangel

- Nominating committee formed
 - Alysha Lewis Coleman
 - Larry Fenn
 - Laura Lugo
 - Josephine Velez
 - Rodney Washington
- Mayor order to extend virtual meetings for committees only. Exec and full board are to meet in person for October.
- Continuing the efforts to make public sessions and elected reports shorter.

District Manager's Report:

District Manager Susan Stetzer

- Spoke about conflict-of-interest training and discussed another training coming up for landuse. Board members are urged to attend.
- discussed the Riis water issue and addressed the hands-on hard work from our very own LESREADY Team for their work with Riis houses.
- will be having a meeting with Parks and providers to work on solutions towards Thompson square park cleanup efforts.

Committee Reports:

Executive Committee

- Exec Committee Vote: Secondary Committee Proposal
VOTE: Whereas, Manhattan Community Board 3 in its July 2022 Full Board Meeting approved the new secondary committee structure in its bylaws.

Whereas, secondary committees may be established by the recommendation of the board chairperson and majority vote of the Full board to consider significant topics that do not appear regularly.

Whereas, secondary committees will only meet when called upon

Whereas, the Board Chairperson recommends the following committees to now be placed under the secondary committee structure: Landmarks, Economic Development, and Arts and Culture.

Whereas, these particular committees rarely meet or have agenda items to be considered, and will meet when necessary to accomplish mandated community board work.

Therefore be it resolved, that Landmarks, Economic Development, and Arts and Culture committees are approved to be placed as a secondary committee. The landmarks and economic development committee would no longer be considered a primary committee.

41 YES 1 NO 0 ABS 0 PNV MOTION PASSED

Land Use, Zoning, Public & Private Housing Committee

1. Approval of previous month's minutes
approved by committee
2. DDC: Informational update on 70 Mulberry Street: anticipated schedule for the design phase, into construction
no vote necessary
3. Vote to adjourn
approved by committee

41 YES 1 NO 0 ABS 0 PNV MOTION PASSED

Transportation, Public Safety, & Environment Committee

1. Approval of previous month's minutes
approved by committee
2. DDC: Baxter St (east side btwn Walker & Bayard) convert 2-hour metered to commercial metered parking to accommodate deliveries to restaurants

VOTE: TITLE: Community Board 3 support for Baxter Street 2-hour metered conversion to commercial metered parking to accommodate deliveries to restaurants

WHEREAS, Construction on the Manhattan Borough-based jail (BBJ) on the west side of Baxter street between Walker and Bayard streets has reduced parking availability on the block and the restaurants on the east side of Baxter no longer have available loading / unloading spaces, and

WHEREAS, local businesses on the street have requested replacement loading/unloading as currently delivery trucks often circle the block and area looking for space and end up often parking and unloading from blocks away; and

WHEREAS, Currently, the east side of Baxter Street is a mix of open restaurant dining and 2-hour metered public parking that operates from 8 am – 7pm every day except Sundays: and

WHEREAS, this conversion proposed by the NYC Department of Design and Construction, after consulting with the impacted local businesses, will change approximately 4 car-lengths of parking spots from 2-hour public metered parking to 3-hour commercial metered parking from 7 am – 6 pm Monday – Friday; and

WHEREAS, the Chung Pak senior center on this block would benefit from this as deliveries would not use the one space on the west side of the street and would keep the street clear for access-a-ride and other vehicles serving the seniors; and

WHEREAS, one of the Open Restaurant sheds, AppeTHAlze at 75 Baxter Street, on the east side is abandoned for use by the restaurant that is still active; and

WHEREAS, Mayor Adams stated in *City Land*, "When a dining shed is no longer in use, it's abandoned and it's a safety hazard, we have to tear it down. It can't be a safe haven for rats, it can't be a safe haven for illegal behavior. It has to be a place to allow people to enjoy dining." DOT is removing abandoned sheds at City expense when the restaurant is no longer active, but not for active restaurants, but removing this shed would benefit the block by allowing for more parking to mitigate the pressure on parking caused by the construction of BBJ; so

THEREFORE BE IT RESOLVED CB 3 supports the conversion of the public metered parking spots on Baxter Street to be converted to 3-hour commercial metered parking spots from 7 a.m. to 6 p.m. Monday – Friday to support the local business delivery operations; and also

BE IT RESOLVED that CB 3 requests that the DOT remove that abandoned shed under the current DOT abandoned shed removal program to improve traffic network and allow for more parking on the east side of Baxter to mitigate loss of parking caused by construction of the BBJ.

Bus Stop Applications

3. Academy Express LLC stop at existing MTA stop at 114 3rd Ave
withdrawn
4. Academy Express LLC stop at 212 E 14th St
withdrawn
5. Eagle Bus Inc, Chrystie from Hester to Canal Sts stop at 51 Chrystie Street

VOTE: TITLE: Approve a Curbside Bus Stop for Eagle Bus Inc at 51 Chrystie St, between Canal St and Hester St.

WHEREAS, Eagle Bus Inc. has applied for a designated bus stop for curb-side loading/unloading operations located at 51 Chrystie St, between Canal St. and Hester St. The buses will operate under the Eagle Bus Inc. name, providing service between New York City and East Rutherford, New Jersey with five departures daily at 9am, 10am, 11:30am, 1pm, 2:30pm, and 6pm, and four arrivals daily at 4pm, 5:30pm, 7pm, and 8pm. Eagle Bus Inc. would be approved for only 1 bus at a time loading/unloading; and

WHEREAS, the applicant has entered into an agreement with CB 3 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 CB 3 recommend that DOT issue a permit for Eagle Bus Inc to operate their bus service at a designated curbside bus stop located at 51 Chrystie St, provided that the preceding list of stipulations agreed between the applicant and CB 3 will be attached to the DOT permit.

Block Party

6. Filipino American History Month/Palengke, 10/30, Eldridge St (Rivington St and Delancey St)

VOTE: TITLE: CB 3 To Approve of a block party for Filipino American History Month

CB 3 Manhattan approves of a block party sponsored by University Settlement for Filipino American History Month/Palengke on Sunday, Oct 30th, from 12- 6 PM on the block of Eldridge street between Rivington and Delancey Street. Street closer will begin at 9AM and there will be a sound permit lasting no more than 4 hours.

7. Vote to adjourn
approved by committee

41 YES 1 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. Parks: Proposed plan for renovation of Hamilton Fish Recreation Center

VOTE: TITLE: To Support the reconstruction of the Hamilton Fish Recreation Center

WHEREAS, the Hamilton Fish Recreation Center will be reconstructed; and

WHEREAS, the reconstruction has the following goals:

- Provide ADA access routes to and within the Main Building and two Wing Buildings – E. Houston Street House and Stanton Street House
- Reconfiguration of the Main Building program spaces
- Reconstruct the terrace to be water-tight
- Replace portions of roofs at Main Building and two Wing Buildings
- Repair and replace-in-kind deteriorating portions of exterior components and interior finishes at Main Building and Wing Buildings
- Refurbish existing window frames at Main Building and two Wing Buildings; and

WHEREAS, there is concurrent work occurring with the Hamilton Fish Playground reconstruction; and

WHEREAS, the Hamilton Fish Recreation Center sits in a future 0.2% annual chance floodplain (500-year); and

WHEREAS, the current ADA access to the main building is not code compliant, and there is currently no ADA access to the wing buildings; and

WHEREAS, every effort is being made to preserve the landmark aspects of the building; and

WHEREAS, there was input from community members and the recreation center staff regarding the reconstruction including requests for a larger, flexible youth programming space on the lower level; and

WHEREAS, the reconstruction includes new roof membranes and insulation on all three buildings; and

WHEREAS, the reconstruction includes the following elements in the site plan:

- A reconstructed terrace
- A new 5% slope ADA-compliant path to the first floor of Main Building
- A new planting area and new trees
- Reconstructed stairs, ramp, and landings at the north side of the Main Building
- New and reconstructed ramps and landings at the south side of the Main Building
- Reconstructed ADA-compliant entrance at East Houston Street House
- Reconstructed ADA-compliant entrance at Stanton Street House
- DOT pedestrian light poles; and

WHEREAS, the reconstruction includes the following elements in the floor plan of the Main Building:

- A reconstructed terrace, ramps, and stairs with brick pavers sloped per ADA and a modified exhaust system
- An ADA lift
- A cardio room, multi-purpose dance studio, managers office, and youth programming space
- A toilet at the 1st floor
- Space for public programs
- Modified walls and doors, egress-doors, boiler room, fitness room, and staff areas, so

THEREFORE BE IT RESOLVED, that C B3 supports the proposed Hamilton Fish Recreation Center reconstruction with the following conditions:

- Parks examines the feasibility of adding a more accessible entrance closer to the pool
- Additional seating is added to the changing areas

4. Parks: Proposed plan for renovation of the multi-purpose court in NW corner of Tompkins Square Park
no vote necessary
5. DDC: Pier 42 Update
no vote necessary
6. DDC: ESCR Update
no vote necessary
7. DDC: BMCR update
no vote necessary
8. Parks: Two Bridges funding for Cherry Clinton, Coleman, Allen Street Malls and Captain Jacob parks
no vote necessary
9. Parks: temporary art installation in Columbus Park
no vote necessary
10. Vote to adjourn

approved by committee

41 YES 1 NO 0 ABS 0 PNV MOTION PASSED (excluding Parks item 3)

40 YES 1 NO 0 ABS 1 PNV MOTION PASSED (Parks item 3)

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

1. Approval of previous month's minutes (minutes are deemed approved if no objections) approved by committee
2. DDC: Renovation at 282 E 3rd St Women's Shelter: address code violations, rebuild of the lobby floor & vestibules, new ADA entrance stairs and ramp and other code compliance work

VOTE: TITLE: Support for Third Street Women's Residence improvements to improve safety, accessibility and compliance of facility

WHEREAS, the Henry Street Settlement Third Street Women's Residence needs facility reconstruction improvements for safety and accessibility and to cure building code violations; and

WHEREAS, reconstruction will include: the following elements:

- Façade replacement
- Rebuilding the vestibules and lobby
- A new ADA compliant entrance on 3rd street
- New stairs and ramp
- Upgrades to electrical services
- Replacement of electrical panel covers
- A new generator and acoustical enclosure
- Provision of ground-fault circuit interrupter (GFCI) receptacles

THEREFORE BE IT RESOLVED, that CB 3 supports the proposed Third Street Women's Residence renovation design which will improve safety, accessibility and compliance.

3. Request for extension of Essex Crossing Site 5 reservation for a new school

VOTE: TITLE: Request for Extension of Essex Crossing Site 5 Reservation for a New Joint District 1 / District 2 Pre-K to 8 Public School

WHEREAS, Site 5 of Essex Crossing has been set aside for a new pre-kindergarten through eighth grade school as part of the Seward Park Urban Renewal Area (SPURA) redevelopment for ten years; and

WHEREAS, the reservation of this site is set to expire in 2023, and funding for the construction is not yet included in New York City School Construction Authority's (NYC SCA) capital budget; and

WHEREAS, the property has been placed under the jurisdiction of New York City Department of Housing Preservation and Development, who appear willing to extend the reservation of Essex Crossing Site 5 for a new school; and

WHEREAS, Community Board 3 has cited the need for a new school in its annual District Needs Statement and more extensively in its Essex Crossing School Position paper; so

THEREFORE BE IT RESOLVED, Community Board 3 requests that the reservation of Site 5 of Essex Crossing to be used for a new pre-kindergarten through eighth grade school be extended for 5 years to provide more time for the NYC SCA to include funding for its construction in their capital budget.

4. CAB/CEC reports
no vote necessary
5. Vote to adjourn
approved by committee

41 YES 1 NO 0 ABS 0 PNV MOTION PASSED

SLA & DCA Licensing Committee (AUGUST)

1. Approval of previous month's minutes (minutes are deemed approved if no objections) approved by committee
2. Amend resolution regarding Administrative Approvals to correct stipulations for time as well as class change

VOTE: TITLE: Applicants Granted Administrative Approval Beer/Wine Licenses May Not Apply For A Class Change Or Extension Of Hours Until Having Completed One Year Of Operation

WHEREAS, Community Board 3 created a category of administrative approvals for beer/wine licenses for businesses that close by midnight; and

WHEREAS, the purpose of the administrative approval is to encourage businesses to close early to address the issue of late-night noise as well as to streamline the process for both applicants and CB 3; and

WHEREAS, to ensure that administrative approvals are not used to gain support for a license only as a first step for a higher-impact license; so

THEREFORE, BE IT RESOLVED that applications for change in class to full on-premises licenses or a change in hours for beer/wine licenses supported by administrative approval will require one year of operation before consideration.

Alterations

3. Time (Time Cafe LLC), 105 Canal St (op/alt: reconfigure seating from 1 table/5 seats, 3 counter stools to 5 tables, 10 seats, 10 barstools, 3 counter seats, removal of office, relocation of food prep area to area behind bar/method of operation: extend hours to 2am daily)

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

WHEREAS, Time Café LLC, is seeking an alteration to its existing full on-premises liquor license, in the premises located at 105 Canal Street between Forsyth Street and Eldridge Street, New York, New York; and

WHEREAS, this is an application for a restaurant with a certificate of occupancy of 74 people, five tables with 10 seats and one food counter with ten stools on the ground floor, serving sushi prepared in a food preparation area during all hours of operation, no televisions, and ambient recorded background music only; and

WHEREAS, the applicants seek to change the premises' method of operation from a café closing at 12:00 A.M Sunday to Wednesday and 2:00 A.M. Thursday to Saturday to a sushi restaurant that closes at 2:00 A.M. all nights; and

WHEREAS, there are no other full on-premises liquor licenses within 500 feet, according to the SLA LAMP map; and

WHEREAS, the applicants had been operating a café at this location with a beer wine license that was approved administratively in June 2019 by Community Board 3 with closing hours of 12:00 A.M. all nights; and

WHEREAS, the applicants returned to Community Board 3 in January 2021 asking for an upgrade to a full on-premises liquor license and an extension of hours which the board approved with closing hours of 12:00 A.M Sunday to Wednesday and 2:00 A.M. Thursday to Saturday and which the SLA granted in November 2021; and

WHEREAS, there are zero commercial 311 complaints at this location with NYPD action necessary since 2018 and the operator has no complaints known to the community board; and

WHEREAS, 28 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 to the full on-premises liquor license for Time Café LLC for the premises located at 105 Canal Street, New York, New York, unless the applicant agrees to the following signed notarized stipulations that:

- 1) it will operate as a restaurant, serving sushi prepared in a food preparation area during all hours of operation,
- 2) its hours of operation will be opening no later than 6:00 P.M and closing by 2:00 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 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.

New Liquor License Applications

4. Lava Ground (Seasoned Lower Level LLC), 4 St Marks Pl (wb)
withdrawn
5. Corp to be formed by Mike Droney, 23 Ave A (op)
withdrawn
6. Corp to be formed by Nathan Adler, 42 Market St (op)
withdrawn
7. Heaven's Cookies LLC, 47 2nd Ave (wb)
withdrawn
8. Buddha Bodai Kosher Vegetarian Restaurant (Buddha Bodai Two Kosher Vegetarian Restaurant Inc), 77 Mulberry St (op)
withdrawn
9. Sabo SP LLC, 90 E 10th St (upgrade to op)
withdrawn
10. Sohogozo LLC, 91-93 Baxter St (op)

VOTE: TITLE: Community Board 3 Recommendation To Deny

WHEREAS, Sohogozo LLC, is seeking a full on-premises liquor license, in the premises located at 91-93 Baxter Street between Walker Street and Bayard Street, New York, New York; and

WHEREAS, this is an application for an establishment with a certificate of occupancy of 175 people, 41 tables and 128 seats with one 33 ft-L-Shape on the Ground Floor, Japanese-Mexican food prepared in a full kitchen, serving food during all hours of operation, no televisions, ambient recorded background music only; and

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

WHEREAS, this location is licensed with a full on-premises liquor license as Forlini's Restaurant Inc., which has been in continuous operation since 1943 (<https://ny.eater.com/2020/1/6/21051771/forlinis-closing-little-italy-nyc>) and received its full on-premises liquor license in 1961, which did not have any stipulations, but closed by 11:00 P.M. all nights according to Yelp (<https://www.yelp.com/biz/forlinis-restaurant-new-york>); and

WHEREAS, the applicants have never previously been license holders but one principal, Marcelo Baez, has 17 years of experience in restaurant management, event production, and front-of-house and back-of-house roles most recently at Papatzul (55 Grand Street) located in Community Board 2 as the front of house manager, and the other principal, Alex Watanabe, has 20 years of experience as a financial analyst including three years as the financial manager for the restaurant Her Name was Carmen in SoHo, and their partner, Carlos García, has 20 years of experience as a restaurant general manager and partner at three restaurants in California and Brooklyn; and

WHEREAS, Papatzul, where one of the applicants has been the front of house manager, was fined \$20,000 in April 2021 for 24 violations from February 2021, including four "failure to conform to application" violations and one "failure to comply – unlicensed cabaret" (https://sla.ny.gov/system/files/documents/2021/04/04-14-2021_-_detailed_disciplinary_agenda.pdf); and

WHEREAS, there were zero commercial 311 complaints at 91-93 Baxter Street with NYPD action necessary since 2018; and

WHEREAS, 34 residents who live within two blocks of the location, including 18 residents of 91-93 Baxter Street, signed a petition in favor of the application; and

WHEREAS, the applicants originally appeared at the Community Board 3 SLA meeting in July 2022 where residents raised concerns about the validity of the petition signatures submitted by the applicants, specifically that the petition submitted in the applicants' questionnaire appeared to have the hours of operation added to the PDF digitally after signatures were collected (<https://www1.nyc.gov/assets/manhattancb3/downloads/sla/2022/07/questionnaires/09-91-93-Baxter-Street-Questionnaire.pdf>) and the standalone petition also submitted by the applicants had no hours listed (<https://www1.nyc.gov/assets/manhattancb3/downloads/sla/2022/07/petitions/09-91-93-Baxter-Street-Petitions.pdf>); and

WHEREAS, upon closely reviewing the two petitions the committee suspected that the applicants had collected petition signatures on a sheet that did not include the hours of operation, subsequently added the hours digitally, both rendering the petition signatures moot as the committee could not verify that residents who signed were fully aware of the intended method of operation and suggesting that the applicants had submitted doctored documents as part of their application; and

WHEREAS, during the July 2022 meeting the applicants and their representative provided contradictory and insufficient explanations for the discrepancy including that they decided to seek earlier hours than had originally been asked for so communicated those hours verbally to residents, which still did not explain why a) the applicants hadn't written those hours on the petition form so that residents could clearly understand the method of operation b) the applicants decided to digitally add the hours to the petition form after collecting signatures (https://youtu.be/2V1mvFPbL_c?t=8544); and

WHEREAS, Councilmember Christopher Marte, who represents 91-93 Baxter Street, wrote to the SLA asking that it reconsider its declaratory ruling #2022-01044 that the premises had been continuously licensed because the previous licensee voluntarily surrendered its liquor license upon closure (https://sla.ny.gov/system/files/documents/2022/06/6-22-22_detailed_miscellaneous_agenda.pdf; https://sla.ny.gov/system/files/documents/2022/07/2022-01044_application_of_the_500_law_on_premises_located_at_91-93_baxter_street_manhattan.pdf); and

WHEREAS, several residents of 91-93 Baxter Street submitted a document outlining their opposition to the application to the committee and submitted a petition with six signatures from residents of the building and three from the block in opposition to the application, and also asked for the following stipulations be considered for the application: 1) Sohogozo will operate as a full-service Japanese-Mexican restaurant with a kitchen open and serving food at all hours of operation, 2) Bar and restaurant closing at 12:00 am (7 days a week), 3) outdoor dining closing at 10:00 P.M, 4) installation of soundproofing in restaurant/bar area, 5) no patron use of outside back area (behind restaurant kitchen), 6) no DJs or live music. Sohogozo will play ambient background music only, 7) no gathering or smoking outside on the sidewalk, 8) no lines / events with cover charge, 9) security / doorman to oversee patrons and noise on the sidewalk; and

WHEREAS, a resident of 87 Baxter Street wrote to the committee in opposition to the application; and

WHEREAS, the New York Chinese Association submitted a petition to the committee with 63 signatures from residents of the Chung Pak senior housing building at 96 Baxter Street across from 91-93 Baxter Street, three signatures from residents of 91-93 Baxter Street, and three signatures from residents of 83 Baxter Street in opposition to the application and protesting its proposed late closing hours; and

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a full on-premises liquor license for Sohogozo LLC, for the premises located at 91-93 Baxter Street, New York, New York, because the applicant did not agree to the following stipulations:

- 1) it will operate as a restaurant, with Japanese-Mexican 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. all days and closing by 12:00 all nights,
- 3) it will close all outdoor dining (curbside dining only) 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 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.

11. Jiang Nan (Friendship Foods One Inc), 103 Bowery (upgrade to op)
withdrawn

12. Entity to be formed by Jess Goldfarb, 109 Ludlow St (op)
withdrawn

13. Corp to be Formed, 141 Chrystie St (op)
withdrawn

14. El Primo Red Tacos (El Primo Red Tacos NYC LLC), 151 Ave A (wb)
withdrawn

15. Caribea (Caribea LLC), 203 Allen St (op)

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

WHEREAS, Caribea LLC doing business as Caribea, is seeking a full on-premises liquor license, in the premises located at 203 Allen Street, between Houston Street and Stanton Street, New York, New York; and

WHEREAS, this is an application for an establishment with a pending certificate of occupancy, 14 tables and 28 seats with a full kitchen serving Caribbean food during all hours of operation, no televisions, ambient background music provided by recordings; and

WHEREAS, this location was previously a Domino's Pizza and has never previously been licensed with an on-premises liquor license, according to the SLA LAMP map; and

WHEREAS, there are 29 full on-premises liquor licenses within 500 feet per the SLA LAMP map; and

WHEREAS, the applicant has never previously been a license holder but has worked in this business for 5 years; and

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

WHEREAS, 54 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 Caribea LLC doing business as Caribea, for the premises located at 203 Allen Street, between Houston Street and Stanton, New York, New York, unless the applicant agrees to the following signed notarized stipulations that

- 1) it will operate as a fast-casual Caribbean restaurant, with a full-service kitchen during all hours of operation,
- 2) the restaurant's hours of operation will be opening no later than 11:00 A.M. and closing by 10:00 P.M. all days and a small takeout area with alcohol to-go but without seating will be open until 2:00 A.M. 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 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 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.

16. Congee House Inc, 207 Bowery (op)

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

WHEREAS, Congee House Inc. doing business as Congee Dim Sum House, is seeking a full on-premises liquor license, in the premises located at 207 Bowery, between Rivington Street and Spring Street, New York, New York; and

WHEREAS, this is an application for an establishment with a pending certificate of occupancy for the cellar, ground floor, and mezzanine, 25 tables and 180 seats with one 20-foot bar with eight seats on the ground floor, Cantonese food and dim sum prepared in a full kitchen, serving food during all hours of operation, four televisions, ambient recorded background music only; and

WHEREAS, there are 21 full on-premises liquor licenses within 500 feet per the SLA LAMP map; and

WHEREAS, this location received a temporary retail permit from the SLA on July 22, 2022 that expires on October 20, 2022; and

WHEREAS, this location has previously been licensed with a full on-premises license first as Congee Bowery Restaurant and Bar which received a full on-premises license without stipulations in August 2005 from the SLA and then as Zhen Wei Fang Inc., run by the original operator's son as a hot pot restaurant, which was approved in October 2018 by Community Board 3 for a full on-premises license with closing hours of 11:00 P.M. all nights and ambient recorded background music only and expired in January 2021; and

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

WHEREAS, one resident who lives 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 Congee House Inc., for the premises located at 207 Bowery, New York, New York, unless the applicant agrees to the following signed notarized stipulations that

- 1) it will operate as a restaurant, with Cantonese food and dim sum 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 10:00 P.M. all days,
- 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 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.

17. Corp to be formed by Ronan Downs, 210 Ave A (op)
withdrawn

18. Cafe Joah (Fat Social Club LLC), 212 Ave A (op)

VOTE: TITLE: Community Board 3 Recommendation To Deny

WHEREAS, applicant Fat Social Club LLC doing business as Cafe Joah, 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 a Korean/Japanese Izakaya restaurant with a certificate of occupancy of 74 people, 15 tables and 30 seats with one L-shaped (24' x 7.5') bar with 12 seats, hours of operation of Monday to Friday 7:00 AM – 2:00 AM, and Saturday 8:00 A.M. to 2:00 A.M., with ambient recorded background music and no more than four DJs per evening, no televisions; and

WHEREAS, there are 23 active full on-premises liquor licenses, 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 CB 3 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 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 CB 3 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 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, CB 3 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, this applicant's license at the same premises as the application tonight expired in June 2020, according to the SLA Public License query, but has appeared to continue serving alcohol despite the expiration; 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 18 signatures in support of their petition from residents that live within two block of the premises; and

WHEREAS, when this applicant appeared before this committee in June 2021 with a very similar application, representatives from the North Avenue A Block Association, East 13th A-B Block Association, and the East Village Community Coalition spoke in opposition to the application and the committee denied the application due to the applicant's history of creating quality of life issues and the volume of residents in opposition (<https://www1.nyc.gov/assets/manhattancb3/downloads/minutes/2021/minutes2021-06.pdf>); and

WHEREAS, representatives from the North Avenue A Block Association and the East Village Community Coalition and a resident spoke during the August 2022 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, three other residents wrote to the committee urging that it deny this application because of the applicant's history of causing quality of life issues for the neighborhood; and

WHEREAS, three residents of 210-212 Avenue A and another East Village resident and a character witness spoke in support of the application; and

WHEREAS, Community Board 3 voted on guidance in September 2021 at its full board meeting indicating that it will not generally grant licenses to previously unlicensed locations in saturated areas, which is posted on the Community Board 3 website, (<https://www1.nyc.gov/assets/manhattancb3/downloads/cb3docs/guidance-to-applicants-on-cb3-licensing-priorities.pdf>) in an effort to direct applications to less saturated areas and to be proactive and transparent in supporting the guidelines; 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 LLC doing business as Cafe Joah, 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.

19. Two Snakes LLC, 318 Grand St (op)
withdrawn

Items not heard at Committee

20. Fat Choy (China Bull LLC), 250 Broome St (Store E) (wb/corp change)
administratively approved

21. The Public New York (215 Chrystie LLC, IS Chrystie Management LLC, JJ Hospitality 2 LLC), 215 Chrystie St (op/alt: relocate 17th floor customer bar from east side of floor to middle of floor, reduction of tables and seats)

- administratively approved
- 22. Group Gem LLC, 19-21 Clinton St (wb)
administratively approved
- 23. Immersive Gamebox (Immersive Group Gaming NY LLC), 81 Essex St (wb)
administratively approved
- 24. Kitchen Co Ut (Kitchen Co Ut Inc), 85 Chrystie St (wb)
administratively approved
- 25. 75 Degrees Coffeehouse & Bakery (J&J 4U LLC), 93 1/2 E 7th St (wb)
administratively approved
- 26. Cafe Mocha Inc, 111 1st Ave (North Store) (wb)
administratively approved
- 27. Ays Sushi LLC, 120 St Marks Pl (wb)
administratively approved
- 28. Unique Omakase (Unique Up Inc), 120 1/2 1st Ave (wb)
administratively approved
- 29. No One Home (Footy Haus LLC), 141 Chrystie St (2nd Fl) (wb)
administratively approved
- 30. Tiptara (Purngun LLC), 213 E B'way (wb)
administratively approved
- 31. 61 Hester LLC, 61 Hester St (wb)
administratively approved
- 32. Vote to adjourn
approved by committee

41 YES 1 NO 0 ABS 0 PNV MOTION PASSED

SLA & DCA Licensing Committee (SEPTEMBER)

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

New Liquor License Applications

- 2. Lava Ground LLC, 4 St Marks Pl (wb)

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

WHEREAS, Seasoned Lower Level LLC, doing business as Lava Ground, is seeking a wine beer license, in the premises located at 4 Saint Marks Place (lower level), between Second and Third Avenues, New York, New York; and

WHEREAS, this is an application for an establishment with a certificate of occupancy of 79 people, 16 tables and 44 seats, with pastries/finger food made in a food preparation area, serving food during all hours of operation, 8 televisions, and recorded ambient background music that may be curated by a DJ; and

WHEREAS, this location, also known as Hamilton-Holly House, has never been licensed and was most recently a video game store; and

WHEREAS, the applicant, Alioune Sall, has never previously been a license holder and is the owner of a beverage company, Mawu Lisa Tonics; and

WHEREAS, Alioune Sall previously applied for a license for these premises with a business partner, Bilal Muhammad. Bilal Muhammad previously managed ALS Mediterranean Food in Alabama for six years and launched Weed World Candies in 1999 to advocate for the legalization of marijuana and hemp using a nationwide fleet of mobile vans that sell cannabis lollipops not containing tetrahydrocannabinol (THC) (<https://www.nbcnewyork.com/news/local/weed-world-trucks-towed-over-nyc-parking-mayhem-half-million-bucks-in-ticket-debt/3733962/>); and

WHEREAS, the applicant told Community Board 3 that he is no longer in business with Bilal Muhammad, who appears to have leased the upper level of the premises, because Bilal Muhammad did not want to do things 'right;' and

WHEREAS, a representative from the Village Alliance BID wrote to the committee about Weed World (which we believe to be operating from the level above the lower level of the premises) that "this business has been problematic even before they opened, starting last February. Their truck was illegally parked while openly vending and blaring music for months, with illegal vending marijuana

(NOT CBD) on the sidewalk. Once open in July, they placed a giant speaker on the balcony blasting music that can be heard half a block away, sometimes with a DJ. Two weeks ago, LPC issued a warning letter for the vinyl banner attached to the balcony. The Weed World on 6th Ave has constantly behaved badly according to the 6th Pct;" and

WHEREAS, nine 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 beer license for Seasoned Lower Level LLC doing business as Lava Ground for the premises located at 4 Saint Marks Place (lower level), New York, New York, unless the applicant agrees to the following signed notarized stipulations that:

- 1) it will operate as a Bar/Tavern, with finger food made in a food preparation area, serving food during all hours of operation,
- 2) its hours of operation will be opening no later than 10:00 A.M. all days and closing by 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 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 that may be curated by a DJ, 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 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.

3. Double Shot TB East Village LLC, 42 Ave A (wb)

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

WHEREAS, Double Shot TB East Village, LLC doing business as Two Boots Pizza, is seeking a wine, beer, and cider license, in the premises located at 42 Avenue A, between Avenue A and East 3rd Street, New York, New York; and

WHEREAS, this is an application for an establishment with a certificate of occupancy of 30 people, 9 tables and 30 seats with a stand up bar with no seats, full kitchen, serving food during all hours of operation, no televisions, ambient music only; 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 as Gelsimina Inc. doing business as Two Boots Pizza from September 1998 until it expired in August 2019 and went inactive in June 2020; and

WHEREAS, Community Board 3 gave this applicant administrative approval for a beer wine license for this location in September 2020 with closing hours of 9:00 P.M. Sunday to Thursday and 10:00 P.M. Friday to Saturday

(<https://www1.nyc.gov/assets/manhattancb3/downloads/sla/2020/09/questionnaires/10-42-Avenue-A-Questionnaire.pdf>) and is also a principle at Two Boots West Village (101 7th Avenue S in Community District 2); and

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

WHEREAS, 30 residents who live within two blocks of the location, including eight residents that live above the premises, 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, beer, and cider license for Double Shot TB East Village, LLC Double Shot TB East Village, LLC, for

the premises located at 42 Avenue A, New York, New York, unless the applicant agrees to the following signed notarized stipulations that

- 1) it will operate as a pizzeria, with pizza and related foods being prepared in a full kitchen, and
- 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 closing by 1:00 A.M Friday and Saturday; and
- 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 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. Entity to be formed by Nathan Adler, 42 Market St (op)
withdrawn

5. Ella Funt & Club 82 (RoMaA LLC), 78-82 E 4th St (op)

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

WHEREAS, RoMaA LLC doing business as Ella Funt & Club 82, is seeking a full on-premises liquor license, in the premises located at 78-82 East 4th Street (cellar level and first floor), between Bowery and Second Avenue, New York, New York; and

WHEREAS, this is an application for an establishment with a certificate of occupancy of 160 people on the first floor and 150 people in the cellar, 16 tables on the first floor and 63 tables in the cellar and 42 seats on the first floor and 132 seats in the cellar with a bar that seats eight on the first floor and a bar that seats eight in the cellar, modern French food prepared in a full kitchen and food preparation, serving food during all hours of operation, a projector in the cellar, recorded music at background level on the first floor and live music as part of theatrical performances and live film music scenes with a DJ functioning as a sound technician in the cellar; and

WHEREAS, there are 24 full on-premises liquor licenses within 500 feet per the SLA LAMP map; and

WHEREAS, the business previously located at this address, Stillwater Bar & Grill (East Village 4th St Café Inc), was issued a license by the SLA in September 1999 and expired in December 2019, and was a known quality of life issue for the residents of the building and sustained charges before the SLA on January 10, 2005 for a disorderly premise on November 9, 2003 before the current operator took over the space,

WHEREAS, one of the applicants, Charalambos "Harry" Nicolaou, currently holds a license at this location after he was approved by Community Board 3 for a full on-premises license at this location in August 2019 provided he agree to certain stipulations including operating as a full-service American restaurant, with a kitchen open and serving food during all hours of operation, 2) its hours of operation will be 2:00 P.M. to 4:00 A.M. Mondays through Fridays and 12:00 P.M. to 4:00 A.M. Saturdays and Sundays, 3) it will operate its sidewalk café for sit-down dining only, with an awning extended over the café during its hours of operation, its hours of operation will be 2:00 P.M. to 10:00 P.M. Mondays through Fridays and 12:00 P.M. to 10:00 P.M. Saturdays and Sundays and its sidewalk café area will not be used for waiting or smoking patrons while its café is not operating, 4) it will install soundproofing consistent with the recommendations of a sound engineer and in cooperation with affected building residents and sound from the business will be inaudible in neighboring apartments but due to unforeseen circumstances was unable to open the premises; and

WHEREAS, the applicant is now returning with additional partners for the same premises, and is seeking a license with a similar method of operation for RoMaA LLC, doing business as Ella Funt & Club

82 with daily theatre performances during the day and evening shows on the weekends, as well as screenings of independent and old films five days a week; and

WHEREAS, Charalambos Nicolaou has experience operating three family-operated movie theatres, including Cinema Village, and a café in Queens; another applicant, Lounes Mazouz, has been a waiter, manager, and operator for multiple restaurants and bars in London, Paris, and the United Arab Emirates; and another applicant, Max Reginald Robinson, has been an artistic director and creative director for several theaters,

WHEREAS, in August 2019 the Community Board 3 stated that the purported public interest of adding another full on-premises liquor license to this area is that it would include regular showings of classic and independent films and films from new filmmakers on a block that has been designated an arts block and that benefit applies to this application because it is effectively the same method of operation; and

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

WHEREAS, two residents of the building above the premises wrote in opposition and testified against the late hours on the application; and

WHEREAS, a resident of the block, a resident that lives across the street, and two that live around the corner testified in favor of this application supporting the proposed restaurant and theatre, and one character witness testified in favor; and

WHEREAS, 158 residents who live within two blocks of the location, including 57 residents that live above the proposed premises, 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 RoMaA LLC, for the premises located at 78-82 East 4th Street, New York, New York, unless the applicant agrees to the following signed notarized stipulations that

- 1) it will operate as a modern French restaurant with a theater of performing arts and film, with modern French food prepared in a full kitchen and food preparation area, serving food at all hours of operation,
- 2) its hours of operation will be opening no later than 5:00 P.M. all days and closing by 4:00 A.M on all days,
- 3) it will only use the first floor as a waiting area for ticketholders after 1:00 A.M. all nights (no other patrons), who may be seated until 2:30 A.M.,
- 4) 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,
- 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 only play ambient background on the first floor and may play entertainment level music in the cellar level for performances, consisting of recorded music and live music as part of theatrical performances and live film music scores, and a sound technician that will curate music for performances and may have DJs to curate music for its private parties, and it may have promoted events, scheduled performances and events at which a cover fee will be charged, in conjunction with its business as a live performance and movie theatre,
- 7) it will install soundproofing as necessary in coordination with a sound engineer to ensure no sound is audible or vibrations are felt in surrounding residences,
- 8) it will not have more than two private parties per month and at those private parties it may have a DJ to curate music at entertainment levels,
- 9) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3,
- 10) it will not host pub crawls or party buses,
- 11) it will not have unlimited drink specials with food,
- 12) it will not have "happy hours"
- 13) it will ensure that there are no wait lines outside and will designate an employee for ensuring no loitering, noise or crowds outside,
- 14) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 15) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

6. Sugar Mouse LLC, 101 E 10th St (op)

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

WHEREAS, Sugar Mouse LLC is seeking a full on-premises liquor license, in the premises located at 47-53 Third Avenue (cellar level), at East 10th Street, New York, New York; and

WHEREAS, this is an application for an establishment with a pending certificate of occupancy, 20 tables and 80 seats with one stand up bar with 15 seats, serving pizza and fried snacks prepared in a full kitchen open during all hours of operation, 3 televisions, ambient music, live DJ, and live performances of music; and

WHEREAS, the applicant's proposed method of operation is to be a game hall where patrons can rent table games such as shuffle board, ping pong, billiards, and foosball; and

WHEREAS, the proposed premises are zoned commercial use group 6 and the applicant agreed to move the entrance from East 10th Street to Third Avenue; and

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

WHEREAS, the applicant runs a similar operation in Community District 3 called Sour Mouse at 110 Delancey Street, which was approved by Community Board 3 for a wine beer license in July 2019 and approved for an upgrade to a full on-premises license in August 2021 provided that it would 1) operate as a tavern game hall or room with ping pong tables and shuffleboard, with less than 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 4:00 A.M. all days, 3) not use outdoor space for commercial use, 4) 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) play entertainment level music, consisting of recorded music and live music, and may have scheduled performances seven days a week consisting of amplified live music, standup comedy nights, and karaoke, and it may have DJs on Thursdays, Fridays, and Saturdays, and it may not have third-party promoted events or any event at which a cover fee would be charged; and

WHEREAS, where there have been zero commercial 311 complaints and no complaints known to the community board at the applicant's premises at 110 Delancey Street; and

WHEREAS, this applicant also operated Black Cat LES at 172 Rivington where there were zero commercial 311 complaints at this location with NYPD action necessary since 2018; and

WHEREAS, the applicant intends to open early for public benefit to accommodate students coming after school and has agreed to use the entrance on 3rd Ave for entrance/egress instead of the entrance on East 10th Street; and

WHEREAS, a representative of the 10th St and Stuyvesant Street Block Association wrote a letter and submitted a petition with more than 100 signatures from nearby residents in opposition to the application, the committee received 30 emails from nearby residents against the application (but many of which cited the proposed method of operation as a 'nightclub' which is inaccurate), and 152 residents of East 9th Street signed a petition in opposition to this application; and

WHEREAS, 17 nearby residents, including a representative from the 10th St and Stuyvesant Street Block Association spoke against the applicant because they did not want a late night business disrupting quality of life on East 10th Street some of whom cited evidence of bar crawl participation at the applicant's other operation at 110 Delancey Street (<https://www.eventbrite.com/e/official-halloween-bar-crawl-new-york-ny-4-dates-tickets-232008703277>) contrary to stipulations but upon being made aware promised to rectify, and one resident spoke in support of the applicant because she had been a longtime patron of his other business Black Cat on the Lower East Side; and

WHEREAS, 61 residents who live within two blocks of the location, including 28 residents that live above the premises at 101 East 10th Street, 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 Sour Mouse LLC, for the premises located at 47-53 Third Avenue (cellar level), New York, New York, unless the applicant agrees to the following signed notarized stipulations that

- 1) it will operate as a bar and game hall, with a full kitchen serving pizza and fried snacks during all hours of operation,
- 2) its hours of operation will be opening no later than 2:00 P.M. all days and closing by 1:00 A.M. Sunday to Thursday, closing by 2:00 A.M. Friday to Saturday;
- 3) it will not use 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 only have an entrance on Third Avenue – it may not have an entrance on East 10th Street,
- 6) it may play ambient background level music, consisting of recorded music and live music, and may have scheduled performances seven days a week consisting of amplified live music, standup comedy nights, music jam sessions, jazz open mic nights, and karaoke, and it may have DJs on Thursdays, Fridays, and Saturdays, and it may have third-party promoted events and events at which a fee might be charged by the event organizer,
- 7) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3,
- 8) it will not host pub crawls or party buses,
- 9) it will not have unlimited drink specials with food,
- 10) it will not have "happy hours,"
- 11) it will ensure that there are no wait lines outside and will designate an employee for ensuring no loitering, noise or crowds outside,
- 12) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 13) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

7. Pylos (128 Mac Corp), 128 E 7th St (upgrade to op)

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

WHEREAS, 128 Mac Corp. doing business as Pylos, is seeking an upgrade to a full on-premises liquor license, in the premises located at 128 East 7th Street, between Avenue A and 1st Avenue, New York, New York; and

WHEREAS, this is an application for an establishment with a certificate of occupancy of 70 people, 26 tables and 64 seats, a full kitchen, serving Greek and Mediterranean food during all hours of operation, no television, ambient background music only; and

WHEREAS, there are 28 full, 4 pending, on-premises liquor licenses within 500 feet per the SLA LAMP map; and

WHEREAS, the location has been licensed with a beer wine license since 2003; and

WHEREAS, the applicant withdrew a full on-premise liquor license application for Boukies (which he previously owned) at 29 East 2nd Street at 2nd Avenue in February 2009 due to community concerns and was approved a wine beer license in March 2009 with stipulations to 1) operate a full –service restaurant serving food to within one hours of closing, 2) have hours 11:00 A.M. to 1:00 A.M. Mondays through Thursdays, 11:00 A.M. to 2:00 A.M. Fridays and Saturdays and 12:30 P.M. to 1:00 A.M. Sundays, 3) close its façade at 10:00 P.M., 4) not operate a sidewalk café, 5) have an entrance on 2nd Street, 6) designate an employee to oversee noise and crowds on the sidewalk, and 7) not seek an upgrade of its license; and

WHEREAS, the applicant was then heard and approved to alter its stipulations to add a sidewalk café in February of 2011 for a new DBA Heartbreak Café at the same location with stipulations to 1) have a café of eight (8) tables and thirty-two (32) seats on Second Avenue only, and 2) close its café at 11:00 P.M. all nights. It then sought to upgrade its liquor license in September of 2011 and was denied; and

WHEREAS, there were zero commercial 311 complaints at this location with NYPD action necessary since 2018, there were three 311 DOT complaints for outdoor dining violations in 2022, and this location has not been the subject of any complaints to the community board; and

WHEREAS, 64 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 upgrade to a full on-premises liquor license for 128 Mac Corp. doing business as Pylos, for the premises located at 128 East 7th Street, between Avenue A and 1st Avenue, New York, New York, unless the applicant agrees to the following signed notarized stipulations that

- 1) it will operate as a Greek and Mediterranean restaurant, with a full-service kitchen serving food during all hours of operation,
- 2) its hours of operation will be opening no later than 11:30 A.M. and closing by 12:00 A.M. Wednesdays, Thursdays and Sundays, and opening no later than 5:00 P.M. and closing by 1:00 A.M. Fridays and Saturdays,
- 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,
- 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.

8. Balkan Street (Wolf of 3rd Ave LLC), 145 2nd Ave (wb)

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

WHEREAS, Wolf of 3rd Ave, LLC doing business as Balkan strEAT, is seeking a wine beer license, in the premises located at 145 Second Avenue, at East 9th Street, New York, New York; and

WHEREAS, this is an application for a fast casual restaurant with a certificate of occupancy of 74 people, 12 tables and 34 seats with one rectangular bar in the rear dining room with four seats, with Balkan food prepared in a full kitchen served during all hours of operations, no televisions, and ambient recorded background music only; and

WHEREAS, this location was previously a Starbucks and was not licensed; and

WHEREAS, both applicants have a long history as managers in the hospitality and food industry and are also opening a similar concept at 653 6th Avenue in Manhattan; and

WHEREAS, 25 residents who live within two blocks of the location, including 10 who live above the premises at 145 2nd Avenue, 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 beer license for Wolf of 3rd Ave, LLC, for the premises located at 145 Second Avenue, at East 9th Street, New York, New York, unless the applicant agrees to the following signed notarized stipulations that

- 1) it will operate as a fast casual restaurant, with Balkan food prepared in a full kitchen served during all hours of operations,
- 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 2:00 A.M. Friday 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 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 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.

9. El Primo Red Tacos (El Primo Red Tacos NYC LLC), 151 Ave A (wb)

VOTE: TITLE: Community Board 3 Recommendation To Deny

WHEREAS, El Primo Red Tacos NYC LLC, is seeking a wine beer license, in the premises located at 151 Avenue A, between East 9th St. and East 10th St. New York, New York; and

WHEREAS, the applicant's representative informed Community Board 3 that the applicant would not appear before the board before applying to the SLA; and

WHEREAS, the committee received 31 emails from local residents and 111 signatures from residents within two blocks of the premises asking for earlier hours and to not give the applicant use of the backyard because the sound reverberates and disturbs residences surrounding the backyard and because the saturation of liquor licenses in the area creates quality of life issues; and

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a wine beer license for El Primo Red Tacos, for the premises located at 151 Avenue A, between East 9th St. and East 10th St. New York, New York, because the applicant refused come to Community Board 3 before applying to SLA; and

THEREFORE, BE IT RESOLVED that Community Board 3 requests that the SLA not hear this application before the applicant appears before Community Board 3.

10. Corp to be formed by Ronan Downs, 210 Ave A (op) (Public input occurred on this item in August and in September will only have committee discussion)

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

WHEREAS, Alphabet City Group, LLC, is seeking a full on-premises liquor license, in the premises located at 210 Avenue A, between 13th and 14th Streets, 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'-bar on the first floor with 14 seats, a full kitchen serving food within one hour of closing, four televisions, ambient recorded or live acoustic background music; and

WHEREAS, the applicants have been licensed within New York, Manhattan, and Community District 3, specifically Ronan Downs has held 14 on-premises licenses and was a principal on the license at 232 East 9th Street (9th Street Ventures, LTD) from 1999 to 2010 and holds several on-premises licenses on Stone Street in neighboring Community District 1, and all of the applicants have multiple years of industry experience in Manhattan; and

WHEREAS, there are eight full on-premises liquor licenses within 500 feet per the SLA LAMP map; 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, an application for a full on-premises license for 210 Avenue A was heard by this committee in December 2021 and the committee approved closing hours of 12:00 A.M. Sunday to Tuesday, 1:00 A.M. Wednesday, 2:00 A.M. Thursday to Saturday, once weekly acoustic Jazz music performances without drums, no DJs, no promoted events, and no events with cover fees (<https://www1.nyc.gov/assets/manhattan3/downloads/minutes/2021/minutes2021-12.pdf>) and the license is currently pending with the SLA, and CB 3 is considering the same exact stipulations as that application; 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, there were two commercial 311 complaints at this location with NYPD action necessary since 2018; and

WHEREAS, four local residents wrote an email to CB 3 in opposition to this application citing quality of life issues created by a saturation of liquor licenses in the area; and

WHEREAS, 68 residents who live within two blocks of the location signed a petition in favor of the application including four that live in the building; and

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a full on-premises liquor license for Alphabet City Group, LLC, for the premises located at 210 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 a full kitchen serving American fusion food during all hours of operation,
- 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 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 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 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.

11. Rubsup LLC, 309 E 5th St (op)

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

WHEREAS, Rubsup LLC dba NI YOM, is seeking a full on-premises liquor license, in the premises located at 309 E 5th Street, New York, NY 10003, between 1st and 2nd Avenue, New York, New York; and

WHEREAS, this is an application for an establishment with a pending certificate of occupancy, 14 tables and 30 seats with one bar with 6 seats, Thai food prepared in a full kitchen, serving food during all hours of operation, no televisions, ambient recorded background music only; and

WHEREAS, there are 24 full on-premises liquor licenses within 500 feet per the SLA LAMP map; and

WHEREAS, this location was licensed with a wine beer license to Jiang Diner approved administratively by the committee on November 2019; and

WHEREAS, the applicant has never previously been a licensee; and

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

WHEREAS, there were no additional support and/or opposition to the application; and

WHEREAS, 15 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 Rubsup LLC dba NI YOM, for the premises located at 309 E 5th Street, New York, NY 10003, between 1st and 2nd Avenue, New York, New York, unless the applicant agrees to the following signed notarized stipulations that

- 1) it will operate as a Thai restaurant, with a full-service 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 11:00 P.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 may have "happy hours" until 7:00 P.M. each night
- 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.

12. Two Snakes LLC, 318 Grand St (op)
withdrawn

Items not heard at Committee

13. Pig & Khao (68 Clinton Restaurant Associates LLC), 68 Clinton St (wb/corp change)
administratively approved

14. Sweet Chick (Sweet Chick LES LLC), 178 Ludlow St (op/corp change)
administratively approved

15. LLC to be formed by Scarr Pimental, 22A Orchard St (wb)
administratively approved

16. Sushi Mumi (Sushi Mumi Inc), 130 St Marks Pl (wb)
administratively approved

17. Vote to adjourn
approved by committee

41 YES 1 NO 0 ABS 0 PNV MOTION PASSED (excluding Sept SLA item 6)

36 YES 5 NO 1 ABS 0 PNV MOTION PASSED (Sept SLA item 6)

Landmarks Committee

no meeting scheduled

Vote to adjourn

Members Present at Last Vote:

David Adams	[A]	Andrea Gordillo	[P]	Thomas Rosa	[P]
Yaron Altman	[A]	Kanielle Hernandez	[P]	Robin Schatell	[P]
Sarah Rose Batchu	[P]	Herman Hewitt	[P]	Heidi Schmidt	[A]
Lee Berman	[P]	Trever Holland	[P]	Arnette Scott	[P]
Ana Calderon	[P]	Vaylateena Jones	[P]	Laryssa Shainberg	[A]
Karlin Chan	[P]	Olympia Kazi	[P]	Anisha Steephen	[P]
David Crane	[P]	Jeanette Kim	[P]	Sandra Strother	[P]
Eric Diaz	[A]	Michelle Koppersmith	[P]	Daniel Tainow	[P]
Tareake Dorill	[P]	Mae Lee	[P]	Josephine Velez	[P]
Alistair Economakis	[P]	Wendy Lee	[P]	Troy Velez	[P]
Jaime Felber	[A]	Alysha Lewis-Coleman	[Y]	Rodney Washington	[P]
Larry Fenn	[P]	Amanda Liu	[P]	Joshua Waterman	[P]
Shirley Fennessey	[P]	David Louie	[P]	Kathleen Webster	[P]
Kathryn Freed	[P]	Laura Lugo	[P]	Jacky Wong	[P]
Ryan Gilliam	[P]	Paul Rangel	[P]	July Yang	[P]
Debra Glass	[A]	Damaris Reyes	[P]		
Jake Gold	[P]	Richard Ropiak	[P]		

Meeting Adjourned