



# THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

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Paul Rangel, Board Chair

Susan Stetzer, District Manager

## October 2022 Full Board Minutes

Meeting of Community Board 3 held on Tuesday, October 25, 2022 at 6:30pm at PS 20, 166 Essex Street.

### Public Session:

Frank Palillo - Speaking in support of 23 Ave A Bar Corp

Michael Drony - Speaking in support of 23 Ave A restaurant liquor license

Patrick Kuczynski - Speaking in support of 23 Ave A restaurant license.

Laura Sewell - Speaking against 23 Ave A Bar Corp.

Dale Goodson - Speaking in support of changes to liquor licensing policy.

Clint Smeltzer - Speaking against SLA #2 and SLA #5

Kate Puls - Speaking against changes to SLA guidelines and 23 Ave A

### Public Officials:

Mayor Eric Adams: Not present

Public Advocate Jumaane Williams, Socrates Solano: Not present

Comptroller Brad Landers, Evelin Collado: Not present

Borough President Mark Levine, Yiyi Wang: Not present

Congressmember Nydia Velazquez, Lingxia Ye: Not present

Congressmember Carolyn Maloney, Victor Montesinos: Not present

Assemblymember Yuh-Line Niou, Hong Hui Yu: Not present

Assemblymember Deborah J. Glick, Roy Ruiz: Reminder - there are 4 proposals on the ballot next month. Highlight she testified on 100percent affordable housing at the WTC new construction site.

Assemblymember Harvey Epstein, Chanel Elliott: Not present

State Senator Brian Kavanagh, Patricia Olan: Not present

State Senator Brad M. Hoylman, Caroline Wekselbaum: Update on legislation in response to criminalized gender affirming care around the country. Presenting a bill to create a safe haven in NY for gender affirming care. It would also protect physicians who provide gender affirming care. Reminder – there are four proposals on the ballot next month.

Councilmember Christopher Marte, Jennifer Chiao: The council member has been working with the tenants at 75 Mulberry to facilitate returning to building after the fire there. Has not been able to reach the landlord. Held a rally on the rat impact program this week.

Councilmember Carlina Rivera, Julio Rivas: The Councilmember has attended hearings on the conditions at Rikers Island. The councilmember attended a hearing last month to ban the use of solitary confinement or extended lockdown. Recent hearing held regarding the drugs in our jails and the increase in overdose cases. She is sponsoring the creation of a citywide greenway masterplan.

District Attorney Alvin Bragg, Lingjun Chen: Not present.

### Members Present at First Vote:

|                   |     |                     |     |                      |     |
|-------------------|-----|---------------------|-----|----------------------|-----|
| David Adams       | [A] | Tareake Dorill      | [P] | Jake Gold            | [A] |
| Yaron Altman      | [A] | Alistair Economakis | [P] | Andrea Gordillo      | [A] |
| Sarah Rose Batchu | [P] | Jaime Felber        | [A] | Kanielle Hernandez   | [P] |
| Lee Berman        | [P] | Larry Fenn          | [P] | Herman Hewitt        | [P] |
| Ana Calderon      | [A] | Shirley Fennessey   | [P] | Trever Holland       | [P] |
| Karlin Chan       | [P] | Kathryn Freed       | [P] | Vaylateena Jones     | [P] |
| David Crane       | [P] | Ryan Gilliam        | [P] | Jeanette Kim         | [P] |
| Eric Diaz         | [P] | Debra Glass         | [P] | Michelle Koppersmith | [P] |

|                      |     |                   |     |                   |     |
|----------------------|-----|-------------------|-----|-------------------|-----|
| Mae Lee              | [P] | Richard Ropiak    | [P] | Daniel Tainow     | [P] |
| Wendy Lee            | [P] | Thomas Rosa       | [P] | Josephine Velez   | [A] |
| Alysha Lewis-Coleman | [P] | Robin Schatell    | [A] | Troy Velez        | [P] |
| Amanda Liu           | [P] | Heidi Schmidt     | [A] | Rodney Washington | [P] |
| David Louie          | [P] | Arnette Scott     | [A] | Joshua Waterman   | [A] |
| Laura Lugo           | [P] | Laryssa Shainberg | [P] | Kathleen Webster  | [A] |
| Paul Rangel          | [P] | Anisha Steephen   | [A] | Jacky Wong        | [A] |
| Damaris Reyes        | [P] | Sandra Strother   | [P] | July Yang         | [P] |

Minutes:

Minutes of October 2022 were approved as written.

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

Board Chairperson's Report:

Chairperson Paul Rangel

Will be back on zoom next month for committee meeting. The Emergency Executive Order was extended by the mayor on Saturday. The order expires every 30 days.

District Manager's Report:

District Manager Susan Stetzer

Tonight the board is voting on district needs. In chapter 10 Of the city charter the community boards are required to submit district needs. Many organizations used this document including elected and nonprofits. Assistant Dist. Manager resigned this week.

The Police Department will, on December 3rd hold a gun buy back from 11 – 4. We would ask for help from the committee members with outreach for this event.

The office is receiving many complaints about garbage, including in Thompkins Sq. Park.

The office is receiving many noise complaints from bars.

The office is receiving complaints about homelessness. You cannot force a homeless individual to accept shelter. Homeless individuals consider the shelters unsafe.

Committee Reports:

**Executive Committee**

no vote necessary

**Nominating Committee**

no vote necessary

The nominees for the executive committee are as follows: Paul Rangel - Chair; Eric Diaz - 1st Vice Chair; Tareake Dorill - 2nd Vice Chair; Amanda Liu - Treasurer; Kanielle Hernandez - 1st Secretary; Laryssa Shainberg - 2nd Secretary.

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

1. Approval of previous month's minutes (minutes are deemed approved if no objections)  
approved by committee
2. DCP: Zoning 101 Presentation  
no vote necessary
3. FY'2024 District Needs Statement and Capital & Expense Priorities  
**VOTE:** To approve the FY 2024 District Needs Statement and Capital & Expense Priorities.
4. Vote to adjourn  
approved by committee

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

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

1. Approval of previous month's minutes  
approved by committee
2. MTS: Revisit proposed bus layover south curb of E 1st St: 7-10 am; 3-7pm and shift taxi stand from south E 1st St to north side  
**VOTE: TITLE: CB 3 support for MTA bus layover on E 1st Street with E 4th Street route**

Whereas, MTA/NYCT (New York City Transit) has proposed an MTA Bus layover on the south curb of E 1st St between East Houston and 1st Ave that would serve as layover from: 7-10am; 3-7pm, 5 days a

week, Monday through Friday. The taxi stand currently at that location would be moved to the north curb of the same block, and

Whereas, On Friday morning, June 24, an articulated MTA bus was observed to be stuck in the intersection of East 4th St and First Ave, which created hazard to public safety because that block is along a first responder's route. We have been informed by NYCT that the stuck bus had been attempting to turn onto that block as part of the route that NYCT Road Operations have been using to turn around the Houston Street buses to have them lay up on 1st St.

Whereas, DOT has analyzed that turn radius from 1st Ave onto 4th St and deemed it adequate, however it is evident that additional space would be helpful to complete the turn safely, so CB3 would like DOT to daylight that corner, by removing parking spaces near the corner of 4th St/1st Ave.

Whereas, the turn off of 4th St onto Ave A is onto one southbound lane of Ave A adjacent to the dedicated bus lane. There are conflicts with vehicles that are parking/standing in the moving lanes or bus lane at that intersection that would conflict with this layover, and we ask NYPD to take measures such as current enforcement while implementing automated enforcement. We also ask that the stop bar for the northbound traffic on Ave A at the 4th St stoplight be moved further south to create additional turning space for the turning motion of the buses.

Whereas the MTA reviewed alternate layover locations and alternate routes to get buses to this location and they were deemed infeasible. They found this layover to be necessary for the M15 route.

Therefore, be it resolved that CB3 Manhattan approves of the proposed bus layover on the south curb of E 1st St between East Houston and 1st Ave that would serve as layover from: 7-10am; 3-7pm, 5 days a week, Monday through Friday. To facilitate successful bus movement along the layover route from 1st Ave across 4th St to Ave A, we are asking for NYPD and DOT to daylight 1st Ave and 4th St and move the stop bar for northbound Ave A and take enforcement measures to prevent illegal parking and standing at the intersection of 4th St and Ave A.

3. FY'2024 District Needs Statement and Capital & Expense Priorities

**VOTE:** To approve the FY 2024 District Needs Statement and Capital & Expense Priorities.

Bus Stop Applications

4. Academy Express LLC stop at existing MTA stop at 114 3rd Ave

**VOTE: TITLE: Rejection of support for an Academy Express LLC stop at the existing MTA stop at 114 3rd Ave, between 13th and 14th Streets for pick up/drop off**

WHEREAS NYU has an existing transportation service with shuttle routes through the community district 3 and beyond, connecting NYU facilities and residences. Academy Bus LLC, who provides that service to NYU, have applied for a DOT permit for a curbside loading and unloading permit at 3rd Ave between 14th and 13th Streets; and

WHEREAS by providing privately contracted transportation services for NYU students, faculty and employees, NYU is diverting demand away from available public transportation options including duplicating portions of MTA provided subways and bus routes, and the extensive Citi bike system. Specifically, the location of the proposed bus stop is within 0.2 miles of 8 subway lines (L, N, Q, R, W, 4, 5, 6) and numerous local and express bus lines, and

WHEREAS it would be beneficial to the community if that NYU demand for transit showed up in the ridership counts conducted regularly by MTA/NYCT. Those ridership numbers determine funding and scheduling adjustments in public transit services provided by the MTA/NYCT. By offering a redundant, private alternate to public city buses, true transit ridership numbers are misrepresented due to a dilution of the ridership pool; and

THEREFORE IT BE RESOLVED CB3 recommends that DOT does not approve this permit to Academy Express LLC for curbside loading and unloading at 114 3rd Ave because the entirety of the private transportation system operated by Academy Bus for NYU is unnecessary and harmful to community district 3.

5. Academy Express LLC stop at 212 E 14th St

**VOTE: TITLE: Rejection of support for an Academy Express LLC stop at 212 E 14th St, at 3rd Ave SE corner for pick-up/drop-off**

WHEREAS NYU has an existing transportation service with shuttle routes through the community district 3 and beyond, connecting NYU facilities and residences. Academy Bus LLC, who provide that

service to NYU, have applied for a DOT permit for a curbside loading and unloading permit at 212 E 14th St, at 3rd Ave SE corner; and

WHEREAS by providing privately contracted transportation services for NYU students, faculty and employees, NYU is diverting demand away from available public transportation options including duplicating portions of MTA provided subways and bus routes, and the extensive Citi bike system. The location of the proposed bus stop is within 0.2 miles of 8 subway lines (L, N, Q, R, W, 4, 5, 6) and numerous local and express bus lines, and

WHEREAS it would be beneficial to the community if that NYU demand for transit showed up in the ridership counts conducted regularly by MTA/NYCT. Those ridership numbers determine funding and scheduling adjustments in public transit services provided by the MTA/NYCT. By offering a redundant, private alternate to public city buses, true transit ridership numbers are misrepresented due to a dilution of the ridership pool; and

THEREFORE IT BE RESOLVED CB3 recommends that DOT does not approve of this permit to Academy Express LLC for curbside loading and unloading at 212 E 14th St because the entirety of the private transportation system operated by Academy Bus for NYU is unnecessary and harmful to community district 3.

6. Vote to adjourn  
approved by committee

**33 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding Transportation item 2)**  
**31 YES 2 NO 0 ABS 0 PNV MOTION PASSED (Transportation item 2)**

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

1. Approval of previous month's minutes  
approved by committee
2. Parks Manager Update  
no vote necessary
3. Parks: Update on street tree planting and bioswales  
no vote necessary
4. DDC: ESCR parallel conveyance update  
no vote necessary
5. DDC: BMCR Update  
no vote necessary
6. FY'2024 District Needs Statement and Capital & Expense Priorities  
**VOTE:** To approve the FY 2024 District Needs Statement and Capital & Expense Priorities.
7. Vote to adjourn  
approved by committee

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

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

1. Approval of previous month's minutes  
approved by committee
2. Streetworks: Program presentation with focus on CD 3  
no vote necessary
3. FY'2024 District Needs Statement and Capital & Expense Priorities  
**VOTE:** To approve the FY 2024 District Needs Statement and Capital & Expense Priorities.  
**(Quorum was not present at Committee)**
4. CAB/CEC reports  
no vote necessary
5. Vote to adjourn and accept District Needs Priority  
approved by committee

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

**SLA & DCA Licensing Committee**

1. Approval of previous month's minutes  
approved by committee
2. Amend guidance for license saturation areas to clarify unlicensed locations  
**VOTE: TITLE: Community Board 3 Guidance To Liquor License Applicants**

**WHEREAS**, Community Board 3 offers the following guidance for liquor license applicants. This guidance will inform applicants regarding policies that inform CB 3’s votes as well as create consistency in policies informing the Board's recommendations. The guidance will additionally allow meetings to be shorter and more efficient, which is a benefit to applicants, board members, and the public.

Prior to submitting your application, CB3 suggests you review previous CB3 SLA questionnaires, resolutions, and meeting recordings, which are available on the CB3 website.

- For applications subject to the 500-foot rule, full on-premises liquor license applications for locations that have never been licensed in saturated areas will generally not be supported, such as portions of the East Village (especially Avenue A and St. Marks Place) and the upper Lower East Side (Allen Street to Essex Street, East Houston Street to Delancey Street) areas, but the number of licenses and quality of life complaints in all areas will be considered. Residential streets, including those with commercial overlays, will be considered differently than busy commercial avenues.
- For applications in problem areas that are likely to be approved by the State Liquor Authority, CB 3 will consider stringent stipulations, such as early closing hours, that address persistent quality of life issues like late night noise and congested streets and sidewalks.
- CB 3 always adheres to zoning regulations when making recommendations. Before presenting a business plan, please check the zoning of the proposed location. A common mistake is applying for method of operations not compliant to residential zoning. This would include expansion of existing space at nonconforming locations in residential areas and non-compliant method of operation. Under the current Open Dining regulations, that includes any outdoor space not on municipal property. R and C-1 zoning prohibits scheduled performances, outdoor use on private property, and ticketed events. Please check the Certificate of Occupancy for proposed locations.

3. FY'2024 District Needs Statement

**VOTE:** To approve the FY 2024 District Needs Statement.

Alteration

4. Betty (Henry Street Pretzels LLC), 193 Henry St (op/alt/method of operation: extend hours to 10am to 2am each day)

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

**WHEREAS**, Henry Street Pretzels LLC doing business as Betty, is seeking an alteration to its full on-premises liquor license, in the premises located at 193 Henry Street, between Jefferson Street and Clinton Street, New York, New York; and

**WHEREAS**, this is an application for an establishment with a certificate of occupancy of 51 people in the ground floor and 22 people in the cellar level, six tables with 42 seats and one 10-foot by 4-foot bar with eight stools on the ground floor and five tables with 20 seats on the cellar level, New American food prepared in a full kitchen open until 11 P.M., serving food during all hours of operation, no televisions, ambient recorded background music and live, acoustic music in the cellar; and

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

**WHEREAS**, Community Board 3 approved a full on-premises liquor license for this applicant at these premises in August 2021 with closing hours of 12:00 A.M. all days and an otherwise identical method of operation; and

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

**WHEREAS**, one resident wrote in opposition to this application describing noisy sidewalk conditions that they attributed to this establishment; and

**WHEREAS**, six 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 for Henry Street Pretzels LLC, for the premises located at

193 Henry Street, New York, New York, unless the applicant agrees to the following signed notarized stipulations that

- 1) it will operate as a restaurant, with New American food prepared in a full kitchen open until 11:00 P.M. and 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, 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,
- 3) 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,
- 4) it will play ambient background music only, consisting of recorded music, on the ground floor and it may have live, acoustic music in the cellar level, and will not have, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 5) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3,
- 6) it will not host pub crawls or party buses,
- 7) it will not have unlimited drink specials with food,
- 8) it may have "happy hours" until 7:00 P.M. each night,
- 9) it will ensure that there are no wait lines outside and will designate an employee for ensuring no loitering, noise or crowds outside,
- 10) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 11) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

New Liquor License Applications

5. Corp to be formed by Mike Droney, 23 Ave A (op)

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

**WHEREAS**, 23aveBarCorp., is seeking a full on-premises liquor license, in the premises located at 23 Avenue A, between East Houston Street and East 2nd Street (first floor and cellar), New York, New York; and

**WHEREAS**, this is an application for an establishment with a pending certificate of occupancy, 11 tables and 24 seats with one 20-foot L-shaped bar with 10 seats on the first floor and seven tables with 14 seats in the cellar, American food prepared in a full kitchen, serving food during within one hour of closing, two televisions, ambient recorded background music only; and

**WHEREAS**, there are 13 full on-premises liquor licenses within 500 feet per the SLA LAMP map; and

**WHEREAS**, this location was licensed with a full on-premises license from 2008 until 2018 as Canas Restaurant Inc. dba Yerba Buena, which Community Board 3 approved in November 2007 with closing hours of 12:00 A.M. all nights, then the premises became a coffee shop that operated until recently; and

**WHEREAS**, the location has been unlicensed since June 30, 2018 according to the SLA; and

**WHEREAS**, the applicant has held two full on-premises liquor licenses in Manhattan, at Punch Bar & Grill/Wined Up Wine Bar at 913 Broadway (from 2010-2020) and Gleason's at 312-314 West 58th Street (2018- 2020) which had 2 AM closing all nights; and

**WHEREAS**, 74 residents who live within two blocks of the location including 12 residents of 23 Avenue A signed a petition in favor of the application; and

**WHEREAS**, four residents of 23 Avenue A, including at least one on the first floor overlooking the proposed premises, testified in favor of the application because they support the applicant and think his establishment will be a positive influence on the block; and

**WHEREAS**, one resident of 141 East 3rd Street testified against the application because of the noise that residents endure as a result of the saturation of liquor licenses in the area and the district manager, who lives within two blocks of 23 Avenue A, testified against the application in her personal capacity because of the saturation in the area that leads to negative quality of life impacts for residents; and

**THEREFORE, BE IT RESOLVED** that Community Board 3 recommends the denial of the application for a full on-premises liquor license for Michael Droney, for the premises located at 23 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 American food prepared in a full kitchen, serving food during within one hour of closing,
- 2) its hours of operation will be opening no later than 11:00 A.M. all days and closing by 12:00 A.M. Sunday to Wednesday and 1:00 A.M. Thursday to Saturday,
- 3) it will close all outdoor dining allowed under the temporary Open Restaurants program and any other subsequent uses by 10:00 P.M. all days and not have any 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.

6. Dim Sum Palace (Dim Sum VI Inc), 27 Division St (wb)

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

**WHEREAS**, Dim Sum VI Inc. doing business as Dim Sum Palace, is seeking a wine beer license, in the premises located at 27 Division Street New York, NY 10002, between Bowery and Manhattan Bridge, New York, New York; and

**WHEREAS**, this is an application for an establishment with a certificate of occupancy of 175 people, 22 tables and 196 seats with a full kitchen serving Chinese food during all hours of operation, 3 televisions, ambient recorded background music; and

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

**WHEREAS**, the location previously held a restaurant wine license for Sun Shine Seafood Restaurant Inc. from March 2016 to September 2022; and

**WHEREAS**, this applicant holds three on-premises liquor licenses: Dim Sum Palace Inc. (334 W. 46th Street) since March 2022, Dim Sum Yan Inc. (33 West 33rd Street) since December 2021, and Dim Sum Palace Yan Inc. (28 West 56th Street) since September 2021, and holds a restaurant wine license at one location in Community District 3 as Dim Sum Sam Inc. (59 2nd Avenue) since June 2021, and with two issued pending temporary eating place beer licenses at Dim Sum Palace Express Inc. (28 E 23rd Street) and Dim Sum Time Inc. (240 W 40th Street); and

**WHEREAS**, in November 2021 Community Board 3 approved a full on-premises license for this applicant for an almost identical operation at 6 Chatham Square (a block from the proposed premises) but the premises were destroyed by a fire in May 2022 (<https://thevillagesun.com/five-alarm-fire-hits-chinatown-restaurant>); and

**WHEREAS**, there were seven commercial 311 complaints at this location with NYPD action necessary since 2018; 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 Dim Sum VI Inc. doing business as Dim Sum Palace, for the premises located at 27 Division Street New York, NY 10002, between Bowery and Manhattan Bridge, New York, New York, unless the applicant agrees to the following signed notarized stipulations that

- 1) it will operate as a full-service restaurant serving Chinese food prepared in a full kitchen during all hours of operation,
- 2) its hours of operation will be opening no later than 10:00 A.M and closing by 2:00 A.M. on Sundays to Thursdays and from 10:00 A.M. to 4:00 A.M. Fridays and Saturdays,
- 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.

7. Cellar 36 (NF Cellar Inc), 36 Market St (wb)

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

**WHEREAS**, NF Cellar Inc. doing business as Cellar 36, is seeking a wine beer license, in the premises located at 36 Market Street, between Henry Street and Madison Street, New York, New York; and

**WHEREAS**, this is an application for an establishment with a certificate of 74 people, six tables and 22 seats with a front bar with eight seats and a back counter with 4 seats, a food preparation area serving cheese and charcuterie during all hours of operation, no television, ambient background music; and

**WHEREAS**, there are 3 full on-premises liquor licenses within 500 feet per the SLA LAMP map; and

**WHEREAS**, this location was previously unlicensed as a Chinese grocery store; and

**WHEREAS**, the applicant has never previously been a license holder; and

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

**WHEREAS**, one resident testified that the area is noisy which causes quality of life issues; and

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

**THEREFORE, BE IT RESOLVED** that Community Board 3 recommends the denial of the application for a wine beer license for NF Cellar Inc. doing business as Cellar 36, for the premises located at 36 Market Street, between Henry Street and Madison Street, New York, New York, unless the applicant agrees to the following signed notarized stipulations that

- 1) it will operate as a wine bar, with small plates and cheese and charcuterie prepared in a food preparation area,
- 2) its hours of operation will be opening no later than 5:00 P.M. and closing by 2:00 A.M all days with cheese and charcuterie during all hours of operation,
- 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.

8. Pony Boy Bar LES LLC, 120 Orchard St (op)  
withdrawn

9. Fishmarket II (Mama's Cooking II LLC), 171 Ave A (upgrade to op)  
withdrawn

10. L & A of Sea Corp, 178 Stanton St (wb)

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

**WHEREAS**, L & A of Sea Corp. doing business as Toriya, is seeking a wine and beer license, in the premises located at 178 Stanton Street, between Clinton Street and Attorney Street, New York, New York; and

**WHEREAS**, this is an application for an establishment with a certificate of occupancy of 68 people, 30 tables and 60 seats, Japanese Izakaya comfort food prepared in a full kitchen and food preparation area, with a kitchen open until 1:00 A.M. all nights and food served during all hours of operation, with recorded music at background levels; and

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

**WHEREAS**, the location has been previously licensed with a wine beer license for Creative Restaurant Concepts LLC, doing business as Stanton Street Kitchen, that has been inactive since 2017 and with a wine beer license for Colors NY Restaurant LLC that expired in 2021; and

**WHEREAS**, the applicant, Sung Jin Ahn is currently a license holder for Izakaya Toribar A & L of NY Corp, an izakaya and yakitori restaurant on the Upper East Side that was established in 2020, and has no SLA reports or actions in the last five years; and

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

**WHEREAS**, 16 residents who live within two blocks of the location, including four who 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 and beer license for L & A of Sea Corp., for the premises located at 178 Stanton Street, New York, New York, unless the applicant agrees to the following signed notarized stipulations that

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

11. Beverly's (Grand Exhibitions Group LLC), 297 Grand St (op)  
withdrawn

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

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

**WHEREAS**, Two Snakes LLC doing business as TBD, is seeking a full on-premises liquor license, in the premises located at 318 Grand Street (cellar level), between Broome and Allen Streets, New York, New York; and

**WHEREAS**, this is an application for a cellar-level bowling alley with a certificate of occupancy of 175 people, eight tables and 74 seats with two rectangular bars – the main bar with 16 seats and the second bar with six seats, bar/tavern food prepared in a food preparation area, serving food until within one hour of closing, with recorded music that may be curated by DJs or played from a jukebox at both background and entertainment levels; and

**WHEREAS**, there are 18 full on-premises liquor licenses within 500 feet per the SLA LAMP map; and

**WHEREAS**, the location was previously a fabric warehouse and was not previously licensed and thus there were no commercial noise complaints at this location; and

**WHEREAS**, one principal, Adam Moonves, is a full on-premises license holder for Mr. Fong's LLC at 40 Market Street in Community District 3, which has been operating since 2015 without any disciplinary actions from SLA, and at Tribeca Hotel LLC at 129 Chambers Street in Community District 2, which has been operating since 2018 without any disciplinary actions from SLA, and the other principal, Hardeep Manak, is the founder of Berlin Currywurst Restaurant in Chelsea Market; and

**WHEREAS**, the applicant's operation Mr. Fong's elicited noise complaints from neighbors when it first opened but after intervention from the community board has ceased to be a problem location; and

**WHEREAS**, a representative of the Orchard Street Block Association wrote to the committee in opposition to the application because of quality of life problems caused by the number of liquor licenses in the vicinity; and

**WHEREAS**, 101 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 Two Snakes LLC, for the premises located at 318 Grand Street, New York, New York, unless the applicant agrees to the following signed notarized stipulations that

- 1) it will operate as a Bar/Tavern and Bowling Alley, with bar/tavern food served until one hour within closing,
- 2) its hours of operation will be opening no later than 5 P.M. on Monday-Friday and 3 P.M. on Saturday-Sunday and closing by 2 A.M all nights,
- 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 may play background and entertainment level music, consisting only of recorded music, which may be played over a jukebox or by a DJ no more than three times per week, and will not have live music, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 6) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3,
- 7) it will not host pub crawls or party buses,
- 8) it will not have unlimited drink specials with food,
- 9) it may have "happy hours" until 7:00 P.M. each night
- 10) it will ensure that there are no wait lines outside and will designate an employee for ensuring no loitering, noise or crowds outside,
- 11) it will only check IDs inside the establishment to ensure that there are no queues on the street and security guards will ensure that no patrons congregate outside the entrance when leaving,
- 12) it will direct all patrons exiting to smoke to Grand Street,
- 13) it will only have an entrance on Orchard Street that goes directly to the cellar and will never use the ground floor for any operations,
- 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.

Items not heard at Committee

- 13. Shake Shack (Shake Shack Astor Place LLC), 20 3rd Ave (wb/corp change) administratively approved
- 14. International Bar (Justified LLC), 102 1st Ave (op/corp change) administratively approved
- 15. AMC Village 7 (American Multi-Cinema Inc), 66 3rd Ave (wb) administratively approved
- 16. Chomp Chomp (Krua Thai NYC Corp), 78 E 1st St (wb) administratively approved
- 17. Caleta Holdings LLC, 131 Ave A (wb) administratively approved
- 18. Shake Shack (Shake Shack New York LLC), 131 Rivington St (wb) administratively approved
- 19. Vote to adjourn approved by committee

**Motion made and seconded to return SLA item 2 to committee**

**14 YES 18 NO 0 ABS 0 PNV MOTION DID NOT PASS**

**33 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding SLA items 2, 5)**

**20 YES 12 NO 1 ABS 0 PNV MOTION PASSED (SLA item 2)**

**25 YES 8 NO 0 ABS 0 PNV MOTION PASSED (SLA item 5)**

Arts & Cultural Affairs Committee

no meeting scheduled

Economic Development Committee

no meeting scheduled

Landmarks Committee

no meeting scheduled

District Needs Statement and Budget Priorities

- FY'2024 District Needs Statement and Capital & Expense Priorities  
**VOTE:** To approve the FY 2024 District Needs Statement and Capital & Expense Priorities.

**33 YES 0 NO 0 ABS 0 PNV MOTION PASSED (FY 2024 District Needs Statement)**

**32 YES 0 NO 0 ABS 1 PNV MOTION PASSED (FY 2024 Capital Priorities)**

**30 YES 0 NO 0 ABS 3 PNV MOTION PASSED (FY 2024 Expense Priorities)**

Vote to adjourn

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

Members Present at Last Vote:

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

Meeting Adjourned