



# THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

59 East 4th Street - New York, NY 10003

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Paul Rangel, Board Chair

Susan Stetzer, District Manager

## February 2023 Full Board Minutes

Meeting of Community Board 3 held on Tuesday, February 28, 2023 at 6:30pm via Zoom.

### Public Session:

- Val. Jones:
- Ryan Gilliam: FAB - Lower East Side community hero award open. Awards presented in May.
- Garret Russell: Volunteer manager at tompkins sq. park. Looking for funding and community support to maintain the park. Also wants a park gardener to upkeep grass and landscape.
- Marisha : DOT new garbage set out hours 8pm and 6pm for garbage with lid
- Aswin
- Odette Wilkens:
- Theodora Scarato: Environmental communication safety on cell tower radiation. Opposing 5G cell tower
- David Troutman: Opposition of SLA #167 Orchard
- Diem Boyd: Opposition of SLA #167 orchard
- Jeanne Mullen: Opposition of SLA #167 Orchard
- Patrick Walsh: Opposition of SLA #167 Orchard
- Arnold Gore: opposition to 5G cell tower

### Public Officials:

Mayor Eric, Adams Robin Forst:

- SYEP open and SYEP-PRIDE open for ages to ages 14-24. Along with a program called one time amnesty, both can be found at nyc.gov

Public Advocate, Jumaane Williams Socrates Solano: no show

Comptroller Brad Landers, Evelin Collado: no show

Borough President Mark Levine, Yiyi Wang:

District Attorney Alvin Bragg, Lingjun Chen:

- 400 smoke shops eviction

Congressmember Dan Goldman, Lingxia Ye:

- Visited 1st houses to look at roof issues and repair
- Visited compos plaza to address sewage issues
- Working to continue 911 funds

Assemblymember Grace Lee, Fannie Ip:

- Confirmed new office location on grand street and Allen
- Working on budgets, two budget requests for AAPI and arrears on rent for NYCHA and other housing that got left out.

Assemblymember Deborah J. Glick, Roy Ruiz:

- Environmental safety
- Limited protection for pregnancy abortion rights at local clinics
- Working with AM Epstein and other elected officials to help with eye and ear hospital contract

Assemblymember Harvey Epstein, Chanel Elliott:

- Involved with NY Eye and Ear hospital contract, senior somos trip to albany friday march

State Senator Brian Kavanagh, Patricia Olan:

- Engaging with housing issues like 1st houses and compos issues

Councilmember Christopher Marte, Jennifer Chiao:

- Asking for sign on to resolution for gaint jail set for chinatown
- Borough wide sweep to go after landlords that lease illegal smoke shops with AG Braggs.
- Still holding clothing drive

Councilmember Carlina Rivera, Julio Rivas:

- E Waste clean up day on 3.19. At tompkins sq. park
- Tree training on earth day
- Safety plan for Delancy

Members Present at First Vote:

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

Minutes:

Minutes of December 2022 were approved, as is.

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

Board Chairperson's Report:

Chairperson Paul Rangel

- Meeting still on zoom
- Michelle stepped down for SLA chair, Jeanette stepped in as acting chair
- Paul leaving board all together

District Manager's Report:

District Manager Susan Stetzer

- Report issues to police
  - Cell phones being stolen
  - Laced cigarette
- Community center visits

Committee Reports:

**Executive Committee**

Paul Rangel

- Attendance issues
  - Reprimand for Jaime Felber and Herman Hewitt

1. Jaime Felber attendance

**VOTE: TITLE: Resolution to Reprimand Jaime Felber for Inadequate Attendance**

**WHEREAS**, according to CB 3 by-laws, members may be removed from the board for missing over 1/3 of their meeting obligations as defined by the procedures contained in CB 3 by-laws as follows:

H. All Board Members are automatically excused from up to one-third of their obligated meetings to cover short-term illness, work, and other everyday issues that come up.

1. If a Board Member is absent from more than one-third of the Board Member's meeting obligations during a six-month period, the Board Chairperson shall propose that the Executive Committee take action. The Executive Committee may decide that a letter shall be sent either electronically or by regular mail to the Board Member advising the Board Member of their substantial lack of attendance with a copy to the elected official who recommended the Board Member and the Borough President. If the letter is sent and if during the next three months, the Board Member continues to be absent from more than one-third of their meeting obligations, the Board Chairperson shall propose the removal of the Board Member as set forth in Section I below. There shall be two periods for measurement of attendance each year (April to September and October to March).

**WHEREAS**, CB 3 follows a procedure for ensuring board members comply with attendance requirements according to the by-laws as follows:

I. Procedures for Removal or Reprimand of a Board Member for Cause

1. A Board Member may be reprimanded or removed for cause for any of the following reasons:

d. Substantial lack of attendance at Board, committee, subcommittee and/or task force meetings as defined in section H.

**WHEREAS**, Jaime Felber missed 42% of his meeting obligations for the six-month review period between April-September 2022, and Jaime Felber was given a letter explaining the by-laws and that he had a 3-month probation period to improve his attendance,

**WHEREAS**, Jaime Felber missed 66% of his meeting obligations during the three-month probationary period between October – December 2022, and Jaime was given a letter providing him an opportunity to be heard at the February 2023 Executive committee meeting,

**WHEREAS**, Jaime Felber did attend the February 2023 executive committee meeting and suggested his attendance will improve as he adjusts his schedule.

**THEREFORE, BE IT RESOLVED**, CB 3 reprimands Jaime Felber, and he is subject to removal from CB3 if his attendance is deemed inadequate during the next review period.

2. Herman Hewitt attendance

**VOTE: TITLE: Resolution to Reprimand Herman Hewitt for Inadequate Attendance**

**WHEREAS**, according to CB 3 by-laws, members may be reprimanded from the board for missing over 1/3 of their meeting obligations as defined by the procedures contained in CB 3 by-laws as follows:

H. All Board Members are automatically excused from up to one-third of their obligated meetings to cover short-term illness, work, and other everyday issues that come up.

1. If a Board Member is absent from more than one-third of the Board Member's meeting obligations during a six-month period, the Board Chairperson shall propose that the Executive Committee take action. The Executive Committee may decide that a letter shall be sent either electronically or by regular mail to the Board Member advising the Board Member of their substantial lack of attendance with a copy to the elected official who recommended the Board Member and the Borough President. If the letter is sent and if during the next three months, the Board Member continues to be absent from more than one-third of their meeting obligations, the Board Chairperson shall propose the removal of the Board Member as set forth in Section I below. There shall be two periods for measurement of attendance each year (April to September and October to March).

**WHEREAS**, CB 3 follows a procedure for ensuring board members comply with attendance requirements according to the by-laws as follows:

I. Procedures for Removal or Reprimand of a Board Member for Cause

1. A Board Member may be reprimanded or removed for cause for any of the following reasons:

d. Substantial lack of attendance at Board, committee, subcommittee and/or task force meetings as defined in section H.

**WHEREAS**, Herman Hewitt missed 56% of his meeting obligations for the six-month review period between April-September 2022, and Herman Hewitt was given a letter explaining the by-laws and that he had a 3-month probation period to improve his attendance,

**WHEREAS**, Herman Hewitt missed 50% of his meeting obligations during the three-month probationary period between October – December 2022, and Herman was given a letter providing him an opportunity to be heard at the February 2023 Executive committee meeting,

**WHEREAS**, Herman Hewitt did attend the February 2023 executive committee meeting and suggested his attendance will improve as he has reduced his committee assignments to balance out his time,

**THEREFORE, BE IT RESOLVED**, CB 3 reprimands Herman Hewitt, and he is subject to removal from CB3 if his attendance is deemed inadequate during the next review period.

**31 YES 6 NO 3 ABS 0 PNV MOTION PASSED (Exec item 1)**

**33 YES 4 NO 3 ABS 0 PNV MOTION PASSED (Exec item 2)**

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

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

2. OTI/CityBridge: Deployment of 7 LinkNYC kiosks (5G) in CB 3 no vote necessary

3. Need for more than 30 days to post Open Streets agenda and comment from community boards

**VOTE: TITLE: Community Board Request to Extend DOT Comment Period for Open Streets from 30 Days to 60 Days to Allow for CB Posting for Transparency for the Community**

**WHEREAS**, New York City's Open Streets program turns streets into public space, allowing for activities that promote economic development, support schools, and allow New Yorkers to enjoy cultural programming and build community; and

**WHEREAS**, Community Boards are designed to create a structure for the community to have input into decision making for their communities; and

**WHEREAS**, Community Boards publish agendas for the following month for transparent and timely notice to the community; and

**WHEREAS**, more than 30 days is needed for Community Boards to post an agenda and carry out the process through committee and board votes; and

**WHEREAS**, all City agencies allow more time for the Community Board process and allow 45 to 60 days, including DOT, which allows a 45-day consultation period for community board comments for intercity bus permits and has extended that time period 100% of the time when requested by CB 3, and

**WHEREAS**, confirmed Open Streets applications only allow 30 days for public comment, which is not enough time for scheduling, allowing for community input to inform a CB comment, and effectively does not permit public / community board input while it is checking off the box to provide notice to the community, so

**THEREFORE BE IT RESOLVED**, the deadline for public comment for Open Streets should be extended from 30 days to 60 days.

4. Vote to adjourn approved by committee

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

**33 YES 6 NO 0 ABS 1 PNV MOTION PASSED (Transportation item 3)**

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

no meeting scheduled

**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. CAB/CEC reports no vote necessary

3. Presentation on Climate Jobs NY's Carbon Free and Healthy School Campaign

**VOTE: TITLE: Resolution Supporting Carbon Free and Healthy School Buildings**

**WHEREAS**, greenhouse gas emissions are a leading cause of drastic global climate change that is affecting New York City, through worsening air pollution, temperature changes, extreme weather events, flooding, and other impacts.

**WHEREAS**, New York City, and our Borough's front-line, low-wage workers, communities of color, and children bear a disproportionate amount of the effects of the climate crisis;

**WHEREAS**, buildings constitute 70% of carbon emissions in New York City contributing to a health and environmental crisis in our neighborhoods because of energy-inefficient buildings, many of which are public school buildings, and as a result, New York City spends hundreds of millions of dollars in energy costs;

**WHEREAS**, many of these school buildings are in need of infrastructure upgrades and retrofits that will improve the conditions of school buildings to benefit our students, teachers, staff and administrators, and reduce emissions;

**WHEREAS**, the \$275 million the NYC public school system spends annually in energy costs can be dramatically reduced through deep energy efficient building retrofits and installation of renewable energy systems such as solar panels;

**WHEREAS**, now is an opportune time to take advantage of the Federal Inflation Reduction Act's Direct Pay provision for municipalities and school districts to offset up to 50% of investment costs for decarbonization projects of NYC public schools, and enable the projected cost savings from building retrofits and solar installations to outpace the financing costs of the program;

**WHEREAS**, work done under this initiative, when performed under a Project Labor Agreement, will employ thousands of workers across a variety of unionized trades and help New Yorkers from historically marginalized communities access world-class pre-apprenticeship and apprenticeship training pathways to gain the transferable skills that lead to family-sustaining union careers;

**WHEREAS**, this initiative will provide renewable energy for public schools while significantly contributing to the City's targeted 80% reduction in carbon emissions by 2050, and in the process, create good union jobs across the five boroughs;

**WHEREAS**, the New York City school system, our country's largest, has the opportunity to lead the nation in decarbonizing public schools, improving our students' learning environment and the working environment for teachers, staff, and administrators while increasing environmental and economic resiliency of the City's frontline communities;

*BE IT RESOLVED*, that **Community Board 3 in the Borough of Manhattan**, in order to greatly contribute to New York City's decarbonization and resiliency goals and expand economic mobility through the creation of good union jobs, and other workforce development opportunities, including local hiring, strongly supports prioritizing investment in New York City's Fiscal Year 2024 Budget for school building retrofits and solar energy installations to move towards carbon free and healthy schools now.

4. Updates from New York-Presbyterian-Lower Manhattan Hospital  
no vote necessary
5. Vote to adjourn  
approved by committee

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

**SLA & DCA Licensing Committee**

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

**Alterations**

2. Cha Chan Tang (Tea Bistro Inc), 45 Mott St (op/change method of operation: add DJ/alt: move 1st floor from right side to left side and convert to stand up bar, remove karaoke rooms and replace with seating, reconfigure seating)  
withdrawn

**New Liquor License Applications**

3. Viva Cucina Restaurant, 85 2nd Ave (op)  
withdrawn
4. Den Kushi Flori (Double Summon LLC), 107 Norfolk St (op)  
withdrawn
5. Thy Team Inc, 108 Stanton St (aka 162 Ludlow St) (op)

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

**WHEREAS**, Thy Team Inc with a pending trade name, is seeking a full on-premises liquor license, in the premises located at 108 Stanton Street, between Houston and Ludlow Streets, New York, New York; and

**WHEREAS**, this is an application for an establishment with a certificate of occupancy of 40 people, 13 tables and 20 seats with one 5' square stand-up bar, serving café food from a full kitchen, serving food during all hours of operation, no televisions, ambient background music only; and

**WHEREAS**, there are 39 full on-premises liquor licenses within 500 feet per the SLA LAMP map; and

**WHEREAS**, this location previously had a full on-premises liquor license granted to Two Almontes Corp doing business as El Sombrero, which operated 11:00 A.M. to 2:00 A.M. Sunday-Thursday and 11:00 A.M. to 4:00 A.M Friday to Saturday, and expired in September 2022; and

**WHEREAS**, one of the principal applicant holds a liquor license at a bar in Queens CB7, which has been licensed since January 2016 and where there have been no commercial 311 complaints since 2018; and

**WHEREAS**, there were 16 commercial 311 complaints at this location with NYPD action necessary since 2018; and

**WHEREAS**, there were 36 residents who wrote emails to CB3 in opposition to this application citing saturation in the neighborhood; and

**WHEREAS**, 21 residents who live within two blocks of the location signed a petition in favor of the application; and

**THEREFORE, BE IT RESOLVED** that Community Board 3 recommends the denial of the application for a full on-premises liquor license for Thy Team Inc, for the premises located at 108 Stanton Street, New York, New York, unless the applicant agrees to the following signed notarized stipulations that

- 1) it will operate as a café bar, with food prepared in a full kitchen served within 30 minutes of closing,
- 2) its hours of operation will be opening no later than 5:00 P.M. Wednesday to Monday, closing by 12:00 A.M Monday, Wednesday, and Thursday, and closing by 1:00 A.M. Friday, Saturday and Sunday,
- 3) it will not use outdoor space for commercial use,
- 4) it will close any front or rear facade doors and windows at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live non-musical performances, or during unamplified live performances or televised sports,
- 5) it will play ambient background music only, consisting of recorded music, and will not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 6) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3,
- 7) it will not host pub crawls or party buses,
- 8) it will not have unlimited drink specials with food,
- 9) it will not have "happy hours,"
- 10) it will ensure that there are no wait lines outside and will designate an employee for ensuring no loitering, noise or crowds outside,
- 11) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 12) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

6. LSinvest LLC, 112 Stanton St (op)

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

**WHEREAS**, LSinvest LLC, is seeking a full on-premises liquor license, in the premises located at 112 Stanton Street, between Ludlow Street and Essex Street, New York, New York; and

**WHEREAS**, this is an application for an establishment with a certificate of occupancy of 56 people, 22 tables and 56 seats with a 30-foot bar that has 10-12 bar seats, food prepared in a full kitchen and food preparation area, serving food during all hours of operation, music at background levels; and

**WHEREAS**, there are 38 full on-premises liquor licenses within 500 feet per the SLA LAMP map; and

**WHEREAS**, the location is currently licensed to serve wine/beer since November 2021 with operating hours of Sunday-Saturday from 11am-12am and was previously licensed to AAJ Hospitality Inc for wine/beer since 2015;

**WHEREAS**, Community Board 3 adopted guidance in September 2021 that it would not generally support full on-premises liquor license applications in previously unlicensed locations subject to the 500-foot rule that do not show public interest

(<https://www.nyc.gov/assets/manhattancb3/downloads/cb3docs/guidance-to-applicants-on-cb3-licensing-priorities.pdf>); and

**WHEREAS**, 112 Stanton is located in an a very oversaturated area with businesses that are important locations / conditions reported by the Seventh Precinct to have large crowds and grand larcenies and trending crimes such as subjects who approach highly intoxicated individuals and ask for the cell phones and transfer currency electronically or offer laced cigarettes and then steal their property; and

**WHEREAS**, the number of complaints in this area have caused the precinct to close streets in the area, including Stanton Street, on weekend nights to manage the crowds and help disperse the crowds; and

**WHEREAS**, the principal, Lorcan Shannon holds three other full on-premise liquor licenses for Stella & Fly on the Upper East Side, which has had 0 violations, for Jack Diamond's in Kip's Bay, which has had 0 violations, and for the Wolfhound in Astoria, which has had 2 violations that were resolved; and

**WHEREAS**, the principal is advised by Joseph Plunkett, who has 15 years of industry experience as a cook/chef as well as Andreas Sanidiotis, who has 10 years of experience as a bartender and bar manager; and

**WHEREAS**, there were 0 commercial 311 complaints at this location with NYPD action necessary since 2018; and

**WHEREAS**, there were 36 residents who wrote emails to CB3 in opposition to this application citing saturation in the neighborhood and the principal not abiding by their stipulations at their other restaurants; and

**WHEREAS**, 15 residents who live within two blocks of the location, including 4 in the same building, 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 LSinvest LLC for the premises located at 112 Stanton Street, New York, New York, because the location is previously unlicensed as an OP and there are already 38 full on-premises liquor licenses within 500 feet and the NYPD is reporting to Community Board 3 that there are trending crimes in the vicinity focused on customers of the nightlife establishments and traffic and crowd conditions that necessitate police action and there is no public benefit in granting an additional full on-premises liquor license in the area to a location that has never held one.

7. Smashed NYC (Orchard Hospitality Group 2 LLC), 167 Orchard St (op)

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

**WHEREAS**, Orchard Hospitality Group 2 LLC doing business as Smashed NYC is seeking a full on-premises liquor license, in the premises located at 167 Orchard Street, between Stanton and Rivington Street, New York, New York; and

**WHEREAS**, this is an application for an establishment with a pending certificate of occupancy, 28 tables and 129 seats with 1 U-shaped stand-up bar with 11 seats and 1 stand-up bar with 0 seats, burgers prepared in a full kitchen and food preparation area, serving food during all hours of operation, 2 TVs, and streaming services and DJs at background levels; and

**WHEREAS**, there are 41 full on-premises liquor licenses within 500 feet per the SLA LAMP map; and

**WHEREAS**, the location was most recently licensed to Orchard Flavor Partners LLC dba Mother Duck with the operating hours opening no later than 12:00 P.M. Monday-Sunday and closing by 12:00 A.M. Sunday-Wednesday and by 1:00 A.M. Thursday-Saturday, has been licensed since 2015, however the current operation is inactive; and

**WHEREAS**, the applicant has a license holder for Gotham Market at the Ashland in Brooklyn since 2022 and has no previous SLA violations; and

**WHEREAS**, there were 36 residents who wrote emails to CB3 in opposition to this application citing saturation in the area; and

**WHEREAS**, there were 0 commercial 311 complaints at this location with NYPD action necessary since 2018; and

**WHEREAS**, Community Board 3 adopted guidance in September 2021 that it would not generally support full on-premises liquor license applications in previously unlicensed locations subject to the 500-foot rule that do not show public interest (<https://www.nyc.gov/assets/manhattancb3/downloads/cb3docs/guidance-to-applicants-on-cb3-licensing-priorities.pdf>); and

**WHEREAS**, 112 Stanton is located in Orchard Street/Stanton Street/Rivington Street area, a very oversaturated area with businesses that are important locations / conditions reported by the Seventh Precinct to have large crowds and grand larcenies and trending crimes such as subjects who approach highly intoxicated individuals and ask for the cell phones and transfer currency electronically or offer laced cigarettes and then steal their property, and

**WHEREAS**, the number of complaints in this area have caused the precinct to close streets in the area, including Stanton Street, on weekend nights to manage the crowds and help disperse the crowds, and

**WHEREAS**, Although the applicant's method of operation would be a "restaurant specializing in burgers," some aspects of the application are only suitable for operating a bar or club: closing at 4:00 A.M., 3rd party promoted events, DJs, scheduled events, cover charges, and security guards. The method of operation shouldn't allowed at this location. Furthermore,

**WHEREAS**, It shouldn't be necessary to have a full on-premise liquor license to operate a "restaurant specializing in burgers," especially at a location with adverse history, and especially for an application which seems to want to operate as a bar or club.

**WHEREAS**, CB3 would approve this applicant for a beer/wine license only, with other restrictions consistent with the current license at this location:

- closing by 12:00 A.M. Sunday to Wednesday and 1:00 A.M. Thursday to Saturday,
- the basement at this location can only be used for restaurant seating with an open kitchen and will not have a bar;

**THEREFORE, BE IT RESOLVED** that Community Board 3 recommends the denial of the application for a full on-premises liquor license for Orchard Hospitality Group 2 LLC, for the premises located at 167 Orchard Street, New York, New York, because there are already 41 full on-premises liquor licenses within 500 feet per the SLA LAMP map and the area is in an oversaturated area with conditions reported by NYPD of trending crimes focused on customers of the nightlife establishments and traffic and crowd conditions that necessitate police action to close streets during nightlife hours and there is no public interest.

**THEREFORE, BE IT FURTHER RESOLVED** that Community Board 3 would approve this applicant for a beer/wine license only, with other restrictions consistent with the current license at this location:

- 1) closing by 12:00 A.M. Sunday to Wednesday and 1:00 A.M. Thursday to Saturday,
- 2) the basement at this location can only be used for restaurant seating with an open kitchen and will not have a bar.
- 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, 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, promoted events, scheduled performances or any event at which a cover fee will be charged.

8. Jazba NYC LLC, 207 2nd Ave (op)  
withdrawn

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



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

**WHEREAS**, Viva Natural Pizza INC, DBA Viva Cucina is seeking an upgrade to full on-premises liquor license, in the premises located at 248 East 5th St (AKA 85 2nd Avenue) on the corner of 2nd Avenue, New York, New York; and

**WHEREAS**, this is an application for an establishment with a certificate of occupancy for 144 people, and the application states there are 46 tables and 113 seats. There are also two bars. One customer facing 17ft long bar on the ground floor with 5 seats, and one service bar on the second floor approximately 12ft in length. The location has a full kitchen, serving Italian food during all hours of operation. There are no TVs, and the music is listed as background level from streaming services/playlists.

**WHEREAS**, there are 22 full on-premises liquor licenses within 500 feet per the SLA LAMP map; and

**WHEREAS**, this applicant came in front of this board in December 2021, and February of 2022. This location was previously Nai Tapas, which applied for a full liquor license in July of 2018, and then operated with a beer and wine license. When they applied again for a full liquor license in September of 2019, there was confusion as to the proximity of the church, and whether they fell within the 200 ft rule. The applicant withdrew their application until further notice. and

**WHEREAS**, the applicant has been operating at this location since April 2022. and

**WHEREAS**, there were 0 commercial 311 complaints at this location with NYPD action necessary since 2018; and

**WHEREAS**, the board has not received any letters in support or opposition for this application, and

**WHEREAS**, 80 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 Viva Natural Pizza INC, for the premises located at 248 East 5th St (AKA 85 2nd Avenue)], New York, New York, unless the applicant agrees to the following signed notarized stipulations that

- 1) it will operate as an Italian restaurant, serving Italian cuisine during all hours of operation,
- 2) its hours of operation will be opening no later than 11:00 A.M. all days and closing by 12:00 A.M. Sunday to Thursday and closing by 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.

10. Spicy Moon (20X Hospitality at Bowery LLC), 265-267 Bowery (op)

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

**WHEREAS**, 20X Hospitality at Bowery LLC doing business as Spicy Moon, is seeking a full on-premises license, in the premises located at 265-267 Bowery, between East Houston St. and Stanton St., New York, New York; and

**WHEREAS**, this is an application for an establishment with a certificate of 260 people, 41 tables and 170 seats with a bar with 16 seats and 10 tables with 20 seats outdoors, full kitchen serving vegan Szechuan food within two hours of closing, with 2-3 televisions, background ambient music and live music, and no more than 10 private parties a month; and

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

**WHEREAS**, the previous applicant Belse Brewery had a license for restaurant brewer serving beer, cider, wine, and liquor issued on June 2022 with stipulations closing by 1:00 A.M. all days; and

**WHEREAS**, the applicants have one full on-premises liquor license in CB3 and four active on-premises liquor licenses in Manhattan and Brooklyn; and

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

**WHEREAS**, 38 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 20X Hospitality at Bowery LLC doing business as Spicy Moon, for the premises located at 265-267 Bowery, between East Houston St. and Stanton St., New York, New York, unless the applicant agrees to the following signed notarized stipulations that

- 1) it will operate as a restaurant brewer with a full kitchen serving vegan Szechuan food during all hours of operation,
- 2) its hours of operation will be opening no later than 8:00 A.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, consisting of recorded music on the first floor, and may have live music, DJs, and karaoke on the basement level only,
- 6) it will not have promoted events, any event at which a cover fee is charged, scheduled performances, and more than 10 private parties per month,
- 7) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3,
- 8) it will not host pub crawls or party buses,
- 9) it will not have unlimited drink specials with food,
- 10) it may have "happy hours" until 7:00 P.M. each night
- 11) it will ensure that there are no wait lines outside and will designate an employee for ensuring no loitering, noise or crowds outside,
- 12) it will 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. Sushi by M (SushibyM2 LLC), 300 E 5th St (aka 86 2nd Ave) (op)

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

**WHEREAS**, SushibyM2 LLC doing business as Sushi by M, is seeking a full on-premises liquor license, in the premises located at 300 East 5th Street, between 1st and 2nd Avenue, New York, New York; and

**WHEREAS**, this is an application for an establishment with a certificate of occupancy of 70 people, 6 tables and 14 seats with a sushi bar with 20 seats and a stand-up bar with 3 seats, a sushi prep area, serving food during all hours of operation, no televisions, background ambient music only; and

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

**WHEREAS**, the entrance to the premise is on 2nd Ave within 200 feet of a place of worship on 2nd Ave per the SLA LAMP map; and

**WHEREAS**, the location was previously licensed for on-premises liquor license for Vargomez Corp doing business as Mary Ann's, effective December 2015 and expired in November 2017 with hours of

operation from, 12:00 P.M. to 10:00 P.M. Sundays and Mondays, 12:00 P.M. to 10:30 P.M. Tuesdays, 12:00 P.M. to 11:30 P.M. Wednesdays and Thursdays and 12:00 P.M. to 12:00 A.M. Fridays and Saturdays, heard by the community board in April 2010; and

**WHEREAS**, the applicant is a beer wine license holder for Sushi by M since October 2021 and managed Sushi by M at 75 East 4th St before moving to the current location at 300 East 5th St.; and

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

**WHEREAS**, 14 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 SushibyM2 LLC doing business as Sushi by M, for the premises located at 300 East 5th Street, 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 bar tavern, with a sushi food prep area serving sushi during all hours of operation,
- 2) its hours of operation will be opening no later than 12 P.M and closing by 11:30 P.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, 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.

12. Raku (Koufuku LLC), 342 E 6th St (op)

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

**WHEREAS**, Koufuku LLC doing business as Raku, is seeking a full on-premises liquor license, in the premises located at 342 East 6th Street, Store #4, between 1st and 2nd Avenues, New York, New York; and

**WHEREAS**, this is an application for an establishment with a Letter of No Objection of 74 people, 9 tables and 2 counters, and 26 seats with one 11'-7" bar with 5 seats, a full kitchen serving food during all hours of operation, no televisions, and ambient background music only; and

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

**WHEREAS**, this location was previously licensed to Kindred Restaurant LLC doing business as Kindred that ceased operations in August 2022 with a full on-premises liquor license that was inactive as of November 2022 and expires in April 2023, where there were no 311 commercial noise complaints since 2018; and

**WHEREAS**, the applicant currently operates the same restaurant at the same address at Store #6 with a wine/beer license, and operates two other licensed restaurants in CB3 and one licensed restaurant in CB2, all of which have no 311 complaints since with NYPD action necessary since 2018; and

**WHEREAS**, there were 0 commercial 311 complaints at this location with NYPD action necessary since 2018; and

**WHEREAS**, 63 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 Koufuku LLC, for the premises located at 342 East 6th Street, Store #4, New York, New York, unless the applicant agrees to the following signed notarized stipulations that

- 1) it will operate as a Japanese udon restaurant, with a full kitchen serving food at all hours of operation,
- 2) its hours of operation will be opening no later than 12:00 P.M. and closing by 12:00 A.M. ALL DAYS,
- 3) it will close all outdoor dining allowed under the temporary Open Restaurants program and any other 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 that may or may not 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, and more than 3 private parties per year,
- 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.

13. Short Stories (Something Short LLC), 355 Bowery (op)

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

**WHEREAS**, Something Short LLC doing business as Short Stories, is seeking a full on-premises liquor license, in the premises located at 355 Bowery, between 3rd and Cooper Square, New York, New York; and

**WHEREAS**, this is an application for an establishment with a Letter of No Objection of 74 people, 14 tables and 30 seats with one 19'- 3 ¾" bar with 9 seats, fusion food prepared in a full kitchen, serving food during all hours of operation, no televisions, ambient background music only; and

**WHEREAS**, there are 22 full on-premises liquor licenses within 500 feet per the SLA LAMP map; and

**WHEREAS**, this location was previously licensed to 355 Restaurant Group LLC doing business as Short Stories with a full on-premises liquor license that expired in January 2023, and had operating hours of closing by 2:00 A.M. Sunday to Wednesday and closing by 4:00 A.M. Thursday to Saturday, and had disciplinary action due to noncompliance incidents of COVID measures in July 2020; and

**WHEREAS**, the principals have never been licensed but currently work in private dining and events as a chef in the city and have worked in restaurants in the city in a culinary capacity; and

**WHEREAS**, there were 7 commercial 311 complaints at this location with NYPD action necessary since 2018; and

**WHEREAS**, residents living in the building at the premise address, residents living in buildings adjacent to that building, and residents living in the close vicinity voiced strong opposition to this application, citing illicit activities, trash and human waste, loud music and people, and lack of safety; and

**WHEREAS**, 46 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 Something Short LLC, for the premises located at 355 Bowery, New York, New York, unless the applicant agrees to the following signed notarized stipulations that

- 1) it will operate as a fusion restaurant, with a full kitchen 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.

- Sunday to Wednesday and closing by 4:00 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 outdoors,
  - 4) it will employ a doorman/security personnel Thursday to Saturday,
  - 5) it will install soundproofing in consultation with a sound engineer to ensure that sound is not audible in surrounding apartments,
  - 6) 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,
  - 7) it will play ambient background music only, consisting of recorded music, and will not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee will be charged, and more than 8 private events per month,
  - 8) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3,
  - 9) it will not host pub crawls or party buses,
  - 10) it will not have unlimited drink specials with food,
  - 11) it may have "happy hours" until 7:00 P.M. each night,
  - 12) it will ensure that there are no wait lines outside and will designate an employee for ensuring no loitering, noise or crowds outside,
  - 13) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
  - 14) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

Items not heard at Committee

14. Coopers Craft & Cocktails (Trim Castle Corp), 87 2nd Ave (aka 239 E 5th St) (op/corp change) administratively approved
15. Cagen (Cagen Japanese LLC), 412-414 E 9th St (op/corp change) administratively approved

Alterations (continued) (this item is being heard at committee)

16. Reception Bar Inc, 45 Orchard St (wb/alt: add Monday 5pm-midnight to hours)

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

**WHEREAS**, Reception Bar Inc, is seeking an alteration to an existing wine beer license, in the premises located at 45 Orchard Street, between Grand Street and Hester Street, New York, New York; and

**WHEREAS**, this is an application for an establishment with a certificate of occupancy of 74 people, 7 tables and 13 seats with one 20' circular bar with 10 seats, Korean food prepared in a food prep area, serving food during all hours of operation, no televisions, ambient background music only; and

**WHEREAS**, the alteration the applicant is seeking is extending the hours to the following: from 5:00 P.M. to 12:00 A.M. from Monday to Wednesday, 5:00 P.M. to 2:00 A.M. from Thursday to Friday, from 2:00 P.M. to 2:00 A.M. on Saturday, and 2:00 P.M. to 12:00 A.M. on Sunday; and they currently hold the same hours except they do not operate on Monday; and

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

**WHEREAS**, the location is currently licensed for wine/beer and has no adverse history with the SLA; and

**WHEREAS**, the applicant is the current license holder at the premises and has been licensed since September 2022; and

**WHEREAS**, there were 25 commercial 311 complaints at this location with NYPD action necessary since 2018; and

**WHEREAS**, 2 community members and the Orchard Street Block Association wrote emails to CB3 to voice dissent to this application due to complaints of loud music; and

**WHEREAS**, prior to coming before CB3 the applicant addressed a noncompliance issue of outdoor speakers and has since removed the speakers as attested by the applicant and their attorney with photo evidence; and

**WHEREAS**, 35 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 an existing wine beer license for Reception Bar Inc, for the premises located at 45 Orchard Street New York, New York, as the applicant agreed to all the following stipulations except for the stipulation that it close all outdoor dining by 10:00 P.M., CB3's standard stipulation for restrictions on outdoor dining:

- 1) it will operate as a Korean restaurant and bar, with food being prepared in a food prep area being served at all hours of operation,
- 2) its hours of operation will be opening no later than 5:00 P.M. and closing by 12:00 A.M. from Monday to Wednesday, opening no later than 5:00 P.M. and closing by 2:00 A.M. from Thursday to Friday, opening no later than 2:00 P.M. and closing by 2:00 A.M. on Saturday, and opening no later than 2:00 P.M. and closing by 12:00 A.M. on Sunday,
- 3) it will close all outdoor dining allowed under the temporary Open Restaurants program and any other subsequent uses by 10:00 P.M. all days and not have any speakers or TV monitors,
- 4) it will have a closed fixed façade with no open doors or windows except my entrance door will close by 10:00 P.M. or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances, or during unamplified live performances or televised sports,
- 5) it will play ambient 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, and more than 30 private parties a year,
- 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.

Items not heard at Committee (continued)

17. Little Kirin Restaurant LLC, 81 St Marks Pl (wb)  
administratively approved
18. Omakase Sushi By Hiro II Inc, 114 Eldridge St (wb)  
administratively approved
19. El Castillo De Jagua 2 (521 Restaurant Corp), 521 Grand St (wb)  
administratively approved
20. Crispiano (130 Saint Marks LLC), 130 St Marks Pl (wb)  
administratively approved
21. Vote to adjourn  
approved by committee

**28 YES 5 NO 7 ABS 0 PNV MOTION PASSED (amend SLA item 7)**  
**39 YES 0 NO 1 ABS 0 PNV MOTION PASSED (excluding SLA item 5, 7, 10, 13)**  
**38 YES 1 NO 1 ABS 0 PNV MOTION PASSED (SLA item 5)**  
**29 YES 8 NO 3 ABS 0 PNV MOTION PASSED (SLA item 7)**  
**38 YES 1 NO 1 ABS 0 PNV MOTION PASSED (SLA item 10)**  
**38 YES 1 NO 1 ABS 0 PNV MOTION PASSED (SLA item 13)**

Landmarks Committee

meeting canceled

Land Use, Zoning, Public & Private Housing Committee

meeting canceled

Vote to adjourn

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

Members Present at Last Vote:

David Adams	[P]	Karlin Chan	[P]	Jaime Felber	[P]
Yaron Altman	[P]	David Crane	[P]	Larry Fenn	[P]
Sarah Rose Batchu	[P]	Eric Diaz	[P]	Shirley Fennessey	[P]
Lee Berman	[P]	Tareake Dorill	[P]	Kathryn Freed	[P]
Ana Calderon	[A]	Alistair Economakis	[P]	Ryan Gilliam	[P]

Debra Glass	[A]	Alysha Lewis-Coleman	[A]	Laryssa Shainberg	[A]
Jake Gold	[P]	Amanda Liu	[P]	Sandra Strother	[P]
Andrea Gordillo	[P]	David Louie	[P]	Daniel Tainow	[P]
Kanielle Hernandez	[P]	Laura Lugo	[P]	Josephine Velez	[P]
Herman Hewitt	[A]	Paul Rangel	[P]	Troy Velez	[A]
Trever Holland	[P]	Damaris Reyes	[P]	Rodney Washington	[P]
Vaylateena Jones	[P]	Richard Ropiak	[P]	Joshua Waterman	[P]
Jeanette Kim	[P]	Thomas Rosa	[P]	Kathleen Webster	[P]
Michelle Koppersmith	[P]	Robin Schatell	[P]	Jacky Wong	[A]
Mae Lee	[P]	Heidi Schmidt	[P]	July Yang	[P]
Wendy Lee	[P]	Arnette Scott	[P]		

Meeting Adjourned