



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

59 East 4th Street - New York, NY 10003
Phone (212) 533-5300
www.cb3manhattan.org - mn03@cb.nyc.gov

Tareake Dorill, Board Chair

Susan Stetzer, District Manager

October 2023 Full Board Minutes

Meeting of Community Board 3 held on Tuesday, October 24, 2023 at 6:30pm at PS 20, 166 Essex Street.

Public Session:

Cortney Bond - Sip Champagne LLC Thank you and looking forward to opening
Stefanie Mercado Altman – Health Solutions, Develop smoke free environment website:
www.NYCSMOKEFREE.ORG
Vincent K Jenkins – Housing, Public Housing, supporting Community Center

Public Officials:

Mayor Eric Adams, Socrates Solano : Jobs have been recovered from COVID, NYC have trained 500o nurses, Rats – Sanitation Fall 2024, landlords will required to contain trash, Virtual Express Care Telehealth abortion care

Public Advocate Jumaane Williams, Melissa: Legislative – Dyslexia Screening in City jails, passed 21 bills, Worst landlords list coming out at the end of year.

Comptroller Brad Landers, Evelin Collado:

Borough President Mark Levine, Yiyi Wang: Borough passed the Right of Counsel, Community Board Training coming back, EEO, Conflict of Interest. Manhattan day of action 11/4

District Attorney Alvin Bragg, Peter Tse:

Congressmember Dan Goldman, Lingxia Ye: Saturday Job Fair CUNY City Tech, Details on the flyer provided by office. Congressman Dan Goldman submitted a statement about Hamas and the conflict in Israel/Palestine (Gaza). Cease Fire is not yet supported by Congressman Dan Goldman

Assemblymember Grace Lee, Kanielle Hernandez: 2 pressers, Illegal Cannabis stores, going after landlords to stop renting to illegal cannabis stores. Columbia University does not want to notify pass and present patients of his actions.

Assemblymember Deborah J. Glick, Roy Ruiz: Updates: Joint Hearing with Senate Environmental Committee spoke about the Bottle Bill not updated since 1997. Question would this be brought before the next session. It is not planned to be brought before the next session but would like for it to move up as soon as possible. Hearing on the Extended Reducer Responsibility Program, adding more items to recyclable list. Hearing on October 31 on Cannabis legislation. Mount Sinai Beth Israel announced the closing, asking for the Hospital to speak with the community as the closing contradicts the merger of Mount Sinai with Beth Israel.

Assemblymember Harvey Epstein, Chanel Elliott: Not in attendance

State Senator Brian Kavanagh, Patricia Olan: Two bill were signed, to help subsidized Housing, Grace Lee, and Brian Kavanagh working together to close illegal Cannabis store. Keeping up with Capital Plans with Housing.

Councilmember Christopher Marte, Jennifer Chiao: Participatory Budgeting, Working on Community Members working to rename a street after photojournalist Courtney, Film Shoot bill to pay small business loss of profit during filming. Halloween celebration

Councilmember Carlina Rivera, Eddie Armador: Updates: Participatory Budget, Tree Survey, Community Events.

Members Present at First Vote:

David Adams	[P]	Eric Diaz	[A]	Debra Glass	[A]
Sarah Rose Batchu	[P]	Tareake Dorill	[P]	Andrea Gordillo	[A]
Lee Berman	[P]	Alistair Economakis	[A]	Herman Hewitt	[P]
Solomon Blecher	[P]	Jaime Felber	[A]	Trever Holland	[P]
Thanh Bui	[P]	Larry Fenn	[P]	Vaylateena Jones	[P]
Karlin Chan	[A]	Nagnouma Fofana	[A]	Kelvin Joyner	[A]
Ariadna Chua	[A]	Kathryn Freed	[P]	Nancy Kong	[P]
Vincent Cirrito	[P]	Shawn Garcia	[P]	Michelle Koppersmith	[P]
David Crane	[P]	Ryan Gilliam	[A]	Dianne Lake	[P]

Mae Lee	[P]	Richard Ropiak	[P]	Sandra Strother	[P]
Michael Levario	[P]	Thomas Rosa	[P]	Daniel Tainow	[P]
Amanda Liu	[P]	Jayleen Rosario	[P]	Josephine Velez	[P]
Laura Lugo	[A]	Angel Sacarello	[P]	Rodney Washington	[P]
Indrani Nicodemus Rivera	[P]	Robin Schatell	[P]	Joshua Waterman	[A]
Grauken Olivares	[P]	Arnette Scott	[P]	Kathleen Webster	[P]
Damaris Reyes	[A]	Clint Smeltzer	[P]		
Jailene Rodriguez	[P]	Emma So	[P]		

Minutes:

Minutes of July 2023 were approved, as is.

35 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Board Chairperson's Report:

Chairperson Tareake Dorill

David Crane – Pull for Debate, item is discussed on that one item. This vote on this now, is different, requires a second.

Pull is NOT – to mean to send something back to committee. Pull means let discuss separately.

Pull is NOT – Is not to kill an item and that requires a vote

Valateena Jones

9/11 Compensation Report - There is a need for younger persons affected by 9/11 research on the health affect. Youth Outreach to participate in the research.

District Manager's Report:

District Manager Susan Stetzer

Upgrades to several pedstratin ramps, State open the window for Cannabis application – very little guidance.

The last item is the District Needs and Public Priorities. May – July items were discussed in committee for about three months, in July it was finalized with last suggestions. Budget Priorities were discussed in September with agencies. This is agency money and not a council meeting. This is telling agencies how we want money spent in our community. In December, the problems with the project on Delancey and Grand Street.

Committee Reports:

Executive Committee

no votes necessary

Nominating Committee

November full board meeting, it will be in November full board meeting. The nominating are closed. Nominate must be in person is the nomination are made on the floor. Self-nominations are ok from the floor.

Chair

Andrea Gordilla

Tareake Dorill - did not accept nomination

Vice Chair

Sarah Batche

Tareake Dorill - Did not accept nomination

Second Vice Chair

Michael Lorviao

Sandra Sothers - did not accept nomination

Secretary

Arnette Scott

Vice Secretary

Diane Lake

Treasurer

Kay Webster

Bylaw Committee

no votes necessary

Land Use, Zoning, Public & Private Housing Committee

1. Approval of previous month's minutes approved by committee
2. DDC request for support for PV788-FAC 122 Community Center Facade Reconstruction, 150 1st Ave
VOTE: TITLE: Community Board 3 support for PS 122 Community Center Facade Reconstruction, 150 1st Avenue

WHEREAS, 122 Community Center is a performance and theater arts space and community center; and

WHEREAS, 122 Community Center is housed in former PS 122 and is home to The Alliance for Positive Change, Mabou Mines, Movement Research, Painting Space 122 and Performance Space New York; and

WHEREAS, 122 Community Center is undergoing Façade Reconstruction, the scope of which includes:

1. Stone and Restoration Mortar
Remove and replace all brownstone with new durable cast stone color matched to existing mortar color.
2. Cast Stone Coping and Brick Masonry Efflorescence
At roof coping, remove existing cast stone, install new membrane and self-adhered flashings, and reinstall the cast stone.
3. Window Lintels and Beauty Caps
Replace corroded fourth-floor lintels and reinstall window beauty caps that have become dislodged.
4. West Portico Roof
Replace portico roof and subframing, replace restoration mortar at columns and supporting structure.
5. Code-Compliant Metal Railing at Roof
Installation of a code-compliant parapet railing to provide fall protection and safety along 5th Floor roof area.
6. Installation of Roof Pavers
Install precast roof pavers at the west roof area on the 5th Floor to prevent damage to roof membrane.
7. Brick Masonry Parapets
At locations where existing brick is loose, remove face brick on the parapet, install brick ties in the backup wythes, and reset the brick; and

WHEREAS, the construction is anticipated to start in the Spring of 2025 and take approximately 650 consecutive calendar days, completing in Winter of 2026;

WHEREAS, 122 Community Center is an important part of CB3, housing theaters, art organizations, and community organizations that contribute positively to the neighborhood;

THEREFORE, BE IT RESOLVED, that Community Board 3 Supports DDC's proposed PV788-FAC 122CC Façade Reconstruction.

3. First review of Citywide text amendment for Economic Opportunity
no vote necessary
4. FY'2025 District Needs Statement and Capital & Expense Priorities
VOTE: To approve the FY'2025 District Needs Statement and Capital & Expense Priorities.
5. Vote to adjourn
approved by committee

36 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Transportation, Public Safety, Sanitation & Environment Committee

1. Approval of previous month's minutes approved by committee
2. Comments on Open Dining proposed rules
VOTE: TITLE: Community Board 3 Comments of Open Dining Proposed Rules

WHEREAS, the NYC Open Streets: Restaurants and Open Restaurant temporary programs were created in Spring 2020 to allow for expanded seating for restaurants in selected streets and additional seating on sidewalks to both help restaurants survive and continue to provide jobs and to allow for safer, socially distanced seating; and

WHEREAS, in February 2021 when Community Board 3 counted restaurants using the temporary program, Community District 3 (CD 3) had 869 open restaurants total and 580 with roadway seating, which was the 2nd highest total of open restaurants in Manhattan; and

WHEREAS, DOT is working with partner agencies to develop proposed rules for "Dining Out NYC" — New York's permanent outdoor dining program — in order to establish design requirements as well as siting, material, and operational guidance for restaurants that apply to provide roadway dining and sidewalk dining for their customers; and

WHEREAS, the temporary programs in effect since Spring 2020 have proven to be a benefit to many eating and drinking establishments and for residents who seek to dine out in a safe manner. The programs have also exposed many problems that need to be remedied, as the Community Board 3 (CB 3) office has been inundated with complaints from both residents and businesses; and

WHEREAS, CB 3, along with Community Board 6 and our councilmembers, co-sponsored a town hall in January 2021 attended by over 100 people to hear the impacts of Open Restaurants on the community and the difficulties in operating businesses under these programs; and

WHEREAS, DOT hasn't published their proposed rules as of the October 2023 meeting of CB 3's Transportation, Public Safety, Sanitation & Environment Committee. However, DOT won't commit to providing more than a 30-day notification period, which is insufficient for a community board to review and comment and vote on a position during a monthly cycle of meetings. As a direct result, the community boards have limited options for input - CB 3- Manhattan is submitting comments about issues that must be addressed by any proposed rules, rather than comments on the particular rules that DOT and partner agencies are going to propose; and

WHEREAS, DOT has published the rules on October 19, CB 3 has modified the resolution from the October 10 committee meeting to incorporate additional comments as necessary to the published proposed rules; and

WHEREAS, the following have been identified to be addressed and incorporated in the rules:

- 1) Curb lane structure should not be more than waist height and should not block air, light, and view of businesses across the street; Current proposed rules allow vertical screening 6 feet above the base of the roadway café, which will prevent sightline of businesses across the street. This is bad for local businesses and for residents and tourists;
- 2) Umbrellas and barriers for sidewalk dining should not extend into pedestrian area of the sidewalk;
- 3) Due to situations where there are no standing zones or other restricted uses during certain times of the day or week, there should be flexible rules that allow for portable curb lane dining areas;
- 4) There needs to be sufficient designated agency staff to inspect compliance of all outdoor dining, with any noncompliance clearly explained in writing to the business with date of deadline for compliance. The burden of compliance reporting should not fall on the Community Boards;
- 5) There should not be roadside dining on the outside of a protected bike lane that require customers and wait staff to cross bike lanes, which creates a dangerous situation between cyclists and pedestrians;
- 6) For sidewalk cafes in historic areas, businesses will not be required to submit architect's drawings for the entire building if only the front is impacted;
- 7) There must be one lead agency for community boards to work with, including follow-up, given that currently, DOT, DSNY, NYPD, DOHMH and DHS will all lead interagency enforcement. With five agencies involved with enforcement, there will be issues with coordination and potential chaotic enforcement. Areas of jurisdiction must be clearly defined;
- 8) There will not be any outdoor music or outdoor amplified music and indoor music should be heard in the establishment only. There should be education and awareness campaigns regarding rules for outdoor sound and precedence of state liquor stipulations over city regulations for serving of alcohol. This should be clearly stated on the website. The rules propose referral to MEND to mediate noise complaints. This is not a viable alternative as most all outdoor dining includes liquor licenses with stipulations for outdoor serving of alcohol. MEND resolutions are secret and are often not compliant with method of operation as listed in the establishments on state liquor license. Dedicated enforcement of the liquor license is necessary.
Also, rules appear to be contradictory in allowing noise that is in compliance with noise code (which allows a specific decibel level) and saying no amplified sound and no sound emanating from outdoor dining. This should all be clarified and also noted whether this includes noise other than music. The rules also allow amplified sound and noise when authorized pursuant to a street

activity event. This would include all weekly open streets that are 100 percent for open dining and currently a significant problem causing many complaints;

- 9) If a shed is removed due to noncompliance, DOT should charge back the cost to the business;
- 10) Garbage bags should not be placed on the street next to the sheds, as businesses are required to clean 18" into the street and 18" around the sheds. This needs to be made clear to businesses and this needs to be continually inspected and enforced;
- 11) Sheds must be built in a manner that will allow cleaning underneath flooring, as the current structures with fixed floors and siding/walls create unsanitary rodent habitats and infestations;
- 12) Regulations for no smoking need to be enforced;
- 13) Businesses must maintain the approved seating/occupancy plan and require that all patrons be seated at the tables and not allowed to stand and turning it into a large gathering or party on the street;
- 14) The City's 311 app needs to have a clear choice on the main menu for reporting restaurants that are out of compliance and for lodging complaints of the issues related to the outdoor dining rules;
- 15) Sidewalk Cafes—Community Boards are given 40 days to schedule and comment in the rules. Community Boards need 60 days to schedule for the following month, hold a hearing, and have a vote by the full board;
- 16) Roadway Cafes—Community Boards and Council Members together are given 30 days to schedule for the following month, hold a hearing, and have a vote by the full board. Additionally, council members should not have their comment period start until they hear from the community board. Community Boards should be given 60 days to comment and then send their comments to the council members to consider and have comment period start at that time;
- 17) The proposed rules allow for sidewalk cafes and roadside dining to remain open until midnight during the week and 1:00 a.m. on weekends. All of Community Board 3 hospitality businesses are in mixed residential and commercial use districts. All outdoor dining in residential areas such as CB 3 must end by 10 PM to allow residents, and especially those with children, to sleep;
- 18) Rules seem to allow storage of tables and chairs on sidewalk and in roadbed structures. Sidewalk café rules always required storage inside the business to allow for cleaning. Cleaning is still an issue and there should not be outdoor storage that prevents cleaning.

3. Amended criteria for administrative review of street events
no vote necessary

4. FY'2025 District Needs Statement and Capital & Expense Priorities

VOTE: To approve the FY'2025 District Needs Statement and Capital & Expense Priorities.

Street Festivals

5. Halloween Barbecue, 10/28, Canal St (Orchard Street and Allen Street)

VOTE: To deny due to non-appearance. Applicant had been contacted and confirmed appearance.

6. Vote to adjourn

approved by committee

36 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Parks, Recreation, Waterfront, & Resiliency Committee

1. Approval of previous month's minutes

approved by committee

2. Parks Manager Update

no vote necessary

3. FY'2025 District Needs Statement and Capital & Expense Priorities

VOTE 1:TITLE: RESOLUTION IN SUPPORT OF 1% FOR PARKS CAMPAIGN

To provide a letter of support for New Yorkers for Parks Campaign to secure 1% of NYC budget for Parks

WHEREAS, the Mayor recently put forward the Preliminary Budget proposal, which the City Council is currently reviewing; and

WHEREAS, the Administration had previously committed to increasing the budget for the Department of Parks and Recreation (Parks Department) to 1% of the total city operating budget, which would mean nearly \$1 billion annually. However, the proposed Preliminary Budget failed to follow through on that pledge by proposing a \$60 million cut to the Parks Department budget. This equals .5% of the overall budget (in comparison, 10% is allocated for the construction of new jails); and

WHEREAS, New York City parks have suffered decades of reduced funding and operating on a skeleton staff, never having fully recovered after the 70s and 80s recession. The Covid-19 pandemic has demonstrated how important parks are and called attention to a historic lack of funding for the Parks

Department. There was a Parks Department budget cut two fiscal years ago with the onset of Covid, and within a matter of weeks the condition of parks across the city degraded significantly just as usage was skyrocketing; and

WHEREAS, There has been a hiring freeze at the Parks Department over the last two years. 250 positions were eliminated just from the most recent cut. That cut has been temporarily masked by federally funded positions that have been working in our parks over the last fiscal year. Nearly 3,200 employees currently working in parks are federally funded, and those positions will expire at the end of June. Additionally, about 250 City Council funded positions are set to expire at the end of June. This totals 3,450 parks positions that will no longer exist on July 1, leaving the City's parks in certain risk of immediately degrading in conditions and in safety; and

WHEREAS, Community Board 3 is experiencing major disruption at East River Park along with other parks along the perimeter have been and will be closed during the construction of critical resiliency infrastructure projects especially post-Sandy. Maintaining parks in our community has been challenged significantly by the lack of enough park maintenance staff, pruners, gardeners and PEP officers; and

WHEREAS, Community Board 3 voted to affirm these needs for Parks' funding in our 2023FY District Needs Statement; so

THEREFORE BE IT RESOLVED THAT, Community Board 3 urges Mayor Eric Adams to fulfill his previous commitment of 1% of the total city operating budget to be allocated to the Parks Department. This funding is essential not only to maintain the conditions and safety (via both Parks Enforcement Patrol and Urban Park Rangers) of the parks, but also for protecting natural areas and combating climate change.

VOTE 2:To approve updated FY2025 District Needs Statement and Capital & Expense Priorities.

4. Vote to adjourn
approved by committee

34 YES 0 NO 0 ABS 2 PNV MOTION PASSED

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

1. Approval of previous month's minutes
approved by committee
2. Right to Counsel NYC Coalition: Request for support for Statewide Defend RTC Legislation and Statewide Right to Counsel bill S2721/A1493

VOTE: TITLE: Community Board 3 Supports a Right to Counsel For All New York State Residents Who Face Losing Their Homes in Legal Proceedings

WHEREAS, a substantial number of people facing eviction and foreclosure proceedings across New York State live in poverty, are not able to afford or obtain counsel to represent them, and must appear in court unrepresented, while the vast majority of NYS landlords have counsel, and

WHEREAS, eviction and foreclosure proceedings are technical legal proceedings in which lawyers generally appear for the petitioners and the rules of evidence and procedural and substantive law all apply; they are consequently very difficult for unrepresented parties to navigate, and

WHEREAS, representation by counsel in eviction and foreclosure proceedings keeps people in their homes and communities and out of the homeless shelters and provides fundamental fairness and due process for those who face losing their homes, and

WHEREAS, in New York City and in the 20-plus cities, states and counties with a Right Counsel in eviction proceedings, statistics have borne out these benefits of Right to Counsel, and have also demonstrated that Right to Counsel reduces default evictions, and overall eviction filings, and

WHEREAS, the consequences of eviction and foreclosure are dire for low-income people: there is a deficit of affordable housing, and low-income families and individuals who lose their homes in legal proceedings often end up in homeless shelters or in housing that is less affordable than the housing they must leave; and they suffer from loss of employment, missed schooling and damage to physical and mental health, and

WHEREAS, these dire consequences for those who lose their homes in turn result in huge costs to the City and State of New York in providing shelter, social services and other services, such that Right to Counsel, in reducing these costs, would pay for itself in the long term, while also preventing multiple, compounding harms to New Yorkers and

WHEREAS, Statewide Right to Counsel (Joyner-A1493/May-S2721), which would create a right to counsel in eviction and foreclosure proceedings for ALL New Yorkers, is currently pending in the State legislature and, in votes in the Assembly, and had 28 Senate cosponsors, with a majority of NYC's State legislators in both houses cosponsoring the legislation,

WHEREAS, though many New York City residents have a Right to Counsel, Statewide Right to Counsel legislation would bring many benefits to New York City residents, ensuring ALL New York City residents have a right to counsel, strengthening mandates on our court system to enforce tenants' rights, and conferring counsel in tenant-initiated cases, and

WHEREAS, the full funding of Statewide Right to Counsel legislation would include funds to enable zealous representation and best legal practices across NYC civil legal services providers; enable NYC providers to cover ALL New York City residents facing eviction and displacement; and enable the administering state body to research and address the effects of the national civil attorney shortage on New York State's ability to provide civil legal services for New Yorkers,

THEREFORE, BE IT RESOLVED THAT, the Community Board 3 Manhattan supports Statewide Right to Counsel for ALL New Yorkers who face losing their homes in legal proceedings and urges the State Assembly, Senate, and Governor to pass and fully fund Statewide Right to Counsel in the FY 2024 budget.

3. FY'2025 District Needs Statement and Capital & Expense Priorities
VOTE: To approve the FY'2025 District Needs Statement and Capital & Expense Priorities.
4. CAB/CEC reports
no vote necessary
5. Vote to adjourn
approved by committee

36 YES 0 NO 0 ABS 0 PNV MOTION PASSED

SLA & DCA Licensing Committee

1. Approval of previous month's minutes
approved by committee
2. FY'2025 District Needs Statement
VOTE: To approve the FY'2025 District Needs Statement.

New Liquor License Applications

3. BSMNTNYC Inc, 45 Mott St (op)
withdrawn
4. Sunflower East Village (RJM Hospitality LLC), 88 2nd Ave (op)
withdrawn
5. Han Dynasty (Han Dynasty East Village Corp), 98 3rd Ave (op)

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

WHEREAS, Han Dynasty East Village Corp doing business as Han Dynasty, is seeking a full on-premises liquor license, in the premises located at 98 Third Ave, between E 12th and E 13th Streets, New York, New York; and

WHEREAS, this is an application for an establishment with 37 tables and 96 seats with 1 bar with 14 seats, a full kitchen, serving food during all hours of operation; and

WHEREAS, there are 10 full on-premises liquor licenses within 500 feet per the SLA LAMP map (7 are within a two-block radius, with 5 on the same block); and

WHEREAS, the premises was previously the location of Bar None, which had closed by July 2022. That license was first issued in March 1998; and

WHEREAS, the applicant has numerous other licensed establishments. Two have been in CB3-Manhattan (the other Han Dynasty location on the same block since 2013 and Spicy Moon at 265-267

Bowery since June 2023); two other Han Dynasty locations (at 2350 Broadway in CB7-Manhattan since 2015, and at 1 Dekalb Ave in CB2-Brooklyn since 2017); and two in Philadelphia, PA and

WHEREAS, 3 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 Han Dynasty East Village Corp, for the premises located at 98 Third Ave, New York, New York, unless the applicant agrees to the following signed notarized stipulations that

- 1) it will operate as a full-service restaurant, with Asian food served during all hours of operation,
- 2) its hours of operation will be opening no later than 11:30 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 outdoor 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, and will also have acoustic live music at background level consisting of no more than three musicians, with no DJs, promoted events, scheduled performances, any event at which a cover fee will be charged, no more than 2 private events 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, including boozy brunches, with food,
- 9) it may have "happy hours" until 6:30 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. Entity to be formed by Patrick Cremin, 107 1st Ave (op)
withdrawn

7. Hanoi House (King Me Kong LLC), 115 St Marks Pl (op)

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

WHEREAS, King Me Kong, doing business as Hanoi House, is seeking a temporary retail permit with a full liquor license, in the premises located at 115 St Marks Place, between Avenue A and 1st Avenue, NY, NY; and

WHEREAS this is an application for an establishment with a certificate of occupancy of 74 people, with one indoor table, and 22 seats. This is to be a private dining room extension of Hanoi House. There will be one satellite bar, with no seats, and no direct guest access. This is next to the currently operating Hanoi House restaurant, and while there is no full kitchen, full menu of Vietnamese cuisine will be served using their kitchen during all hours of operation. There is one projector screen, and 2 small sonos speakers. Music will be played at background, conversational level.

WHEREAS, there are 23 active full on-premises liquor licenses within 500 feet per the SLA LAMP map; and (only for full liquor and if there are more than 3 full op licenses).

WHEREAS, This location was previously operated by the applicant from 2019-2020 as Hanoi Soup Shop. The plan now is for them to use the location for private dining and catering events, with the Hanoi House kitchen - located at 119 St Marks Place - used for food prep. Prior to that, this location was licensed to Mr Bing of 115 St Marks LLC, who held a beer & wine license, and had hours from 10am-12am all days.

WHEREAS, the applicant has been running the next door restaurant - Hanoi House - since it was approved by this board in 2016. and

WHEREAS, there was 1 commercial 311 complaint at this location with NYPD action necessary since 2018; and

WHEREAS, one letter of support was received by this board; and

WHEREAS, The District Manager spoke regarding their outdoor shed and outdoor seating, that their liquor license does not extend to, their liquor license state no outdoor use, the applicant needs to apply to the State Liquor Authority to extend their license to the outdoor space; and

WHEREAS, 28 residents - 5 of whom live in the building - 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 King me Kong LLC, for the premises located at 115 St Marks Place, New York, New York, unless the applicant agrees to the following signed notarized stipulations that

- 1) It will operate as a private dining room, with Vietnamese food served during all hours of operation.
- 2) its hours of operation will be opening no later than 12:00P.M. and closing by 11:30 P.M. all days.
- 3) It will close all outdoor dining allowed under the temporary Open Restaurants program and any other outdoor 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, including boozy brunches, 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.

8. JV US HF 14th St I LLC, 124 E 14th St (op)

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

WHEREAS, JV US HF 14th ST 1 LLC, is seeking a full on-premises liquor license, in the premises located at 124 East 14th Street, between Third Avenue and Fourth Avenue, New York, New York; and

WHEREAS, this is an application for a restaurant (booth) within a food hall that seats up to 225 people, 13 tables and 98 seats, a common backyard patio with a maximum occupancy of 100 and seating for 60, full kitchen and food preparation area, serving food during all hours of operation, this specific booth has seating for 20 people, TVs and background recorded music throughout the food hall; and

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

WHEREAS, the applicant is taking over the booth currently operated by Top Hops Beer Shop, one of 13 food vendors operating in the Urbanspace Union Square food hall, located in the ground floor of Zero Irving, a 22 floor mixed-use commercial building that completed construction in August 2023; the booth, Top Hops Beer Shop, has an on-premises liquor license; and

WHEREAS, co-applicant Stephen Hanson is founder and president of BR Guest Hospitality, a group of restaurants and bars in New York City, Atlantic City, Las Vegas, and other cities, who has had an interest in nearly 50 liquor licenses from 1974 through present day, including 34 in New York City; co-applicants Alexandre Gaudalet and Nicholas Newman each have two current liquor licenses in New York City; and

WHEREAS, 25 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 JV US HF 14th ST 1 LLC, for the premises located at 124 East 14th Street, New York, New York, unless the applicant agrees to the following signed notarized stipulations that:

- 1) it will operate as a restaurant, with a full kitchen serving food all hours of operation,
- 2) its hours of operation will be opening no later than 11:00 A.M. and closing by 12:00 A.M. all days,
- 3) it will share the common backyard patio,
- 4) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3,
- 5) it will not host pub crawls or party buses,
- 6) it will not have unlimited drink specials, including boozy brunches, with food,
- 7) it will not have "happy hours"
- 8) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 9) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

9. Two Perrys (City Hospitality LLC), 127 Ave C (op)
withdrawn

10. Cruz Hospitality Inc, 154 Orchard St (op)
withdrawn

11. Claw Daddy's (Hachi Enterprises Inc), 185 Orchard St (upgrade to op)
withdrawn

12. Champagne Problems (Sip Champagne LLC), 207 Bowery (op)

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

WHEREAS, Sip Champagne, LLC doing business as Champagne Problems, is seeking a full on-premises liquor license, in the premises located at 207 Bowery, between Delancey Street and Rivington Street, New York, New York; and

WHEREAS, this is an application for an establishment with of 115 people, 30 tables and 80 seats, 1 bar on the 1st floor with 12 seats and 1 bar in the cellar with 6 seats, serving contemporary American food in a full kitchen, during all hours of operation, no televisions, and music selected from DJs and streaming services; and

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

WHEREAS, this location was Congee House Inc. DBA Congee Dim Sum House with an OP license since 2005; and

WHEREAS, this applicant has two other establishments with active OP licenses, Forever Sweet at 1707 Second Ave since 2017 and Scotch & Ice Cream at 301 East 84th Street since 2022; and

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

WHEREAS, two representatives from the Bowery Block Association that spoke in opposition to the 4:00 AM closing hours, and

WHEREAS, there were three letters in support received for the applicant's other locations, and

WHEREAS, 85 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 Sip Champagne, LLC doing business as Champagne Problems, for the premises located at 207 Bowery, New York, New York, between Delancey Street and Rivington Street, unless the applicant agrees to the following signed notarized stipulations that

- 1) it will operate as a bar/tavern, with contemporary American cuisine in a full kitchen serving food at all hours of operation,

- 2) its hours of operation will be opening no later than 2:00 P.M. and closing by 1:00 A.M. Mondays through Wednesdays, from 2:00 P.M. and closing by 4:00 A.M. Thursdays and Fridays, from 11:00 A.M. closing by 4:00 A.M. Saturdays, and from 11:00 A.M. and closing by 1:00 A.M. Sundays,
- 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 have a doorman/security,
- 6) it will play ambient background music only, with music selection from streaming services and DJs at background level; DJS will be no more than three nights a week, and will not have live music, third-party promoted events, any event at which a cover fee is charged, scheduled performances, and no more than 4-6 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, including boozy brunches, with food,
- 10) it will not have "happy hours"
- 11) it will ensure that there are no wait lines outside and will designate an employee for ensuring no loitering, noise or crowds outside,
- 12) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 13) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

13. Dua Kafe (Dua Byrek Inc), 520 E 14th St (upgrade to op)
withdrawn

14. Le Burger (Opulent 536 Corp), 540 E 5th St (upgrade to op)
withdrawn

Items not heard at Committee

15. Kobo by Nai (Avenue A Gourmet LLC), 202 Ave A (corp change/op)
administratively approved

16. BH-76 Forsyth LLC, 76 Forsyth St (wb)
administratively approved

17. PHX 88 Inc, 85 Bowery (wb)
administratively approved

18. MZ Sushi LLC, 129 Rivington St (wb)
administratively approved

19. Zen Sushi Omakase Inc, 235 Eldridge St (wb)
administratively approved

20. Vote to adjourn
approved by committee

36 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Vote to adjourn

36 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Members Present at Last Vote:

David Adams	[P]	Ryan Gilliam	[A]	Jailene Rodriguez	[P]
Sarah Rose Batchu	[P]	Debra Glass	[A]	Richard Ropiak	[P]
Lee Berman	[P]	Andrea Gordillo	[A]	Thomas Rosa	[P]
Solomon Blecher	[P]	Herman Hewitt	[P]	Jayleen Rosario	[A]
Thanh Bui	[P]	Trever Holland	[P]	Angel Sacarello	[P]
Karlin Chan	[A]	Vaylateena Jones	[P]	Robin Schatell	[P]
Ariadna Chua	[A]	Kelvin Joyner	[A]	Arnette Scott	[P]
Vincent Cirrito	[P]	Nancy Kong	[P]	Clint Smeltzer	[P]
David Crane	[P]	Michelle Koppersmith	[P]	Emma So	[P]
Eric Diaz	[A]	Dianne Lake	[P]	Sandra Strother	[P]
Tareake Dorill	[P]	Mae Lee	[P]	Daniel Tainow	[P]
Alistair Economakis	[A]	Michael Levario	[P]	Josephine Velez	[P]
Jaime Felber	[A]	Amanda Liu	[P]	Rodney Washington	[P]
Larry Fenn	[P]	Laura Lugo	[A]	Joshua Waterman	[A]
Nagnouma Fofana	[A]	Indrani Nicodemus Rivera	[P]	Kathleen Webster	[P]
Kathryn Freed	[P]	Grauen Olivares	[P]		
Shawn Garcia	[P]	Damaris Reyes	[P]		

Meeting Adjourned