



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

Andrea Gordillo, Board Chair

Susan Stetzer, District Manager

January 2024 Full Board Minutes

Meeting of Community Board 3 held on Tuesday, January 23, 2023 at 6:30pm at PS 20, 166 Essex Street.

Public Session:

Marisa Yanni DSNY Representative – Trash Lids will be required by law, all curbside trash bins March 1, 2024 deadline

Christine Datz-Romero (Ecology Center) – Fire Boat House – Advocating for Educational Space, against demolition of the Fire Boat House.

Don Lee (HCS & TTA) Against Cannabis Store on 10-14 Doyers Street.

Susan Lee (Community Leader) – Against Cannabis Store 10-14 Doyers Street

Mei Chun Wong (Community Resident) – Against Just Bud Cannabis Store 10-14 Doyers Street

Deborah Glass (Sara Roosevelt Park Coalition) - Opposition to SLA #10 183 Bowery Street.

Sasha Jorge (Community Healthcare Network) – Introducing Community Healthcare Network 255 East Houston Street

Luara Sewell (East Village Community Coalition) – Supporting the City of Yes, Text Amendment.

Ayo Harrington (LES Ready!) – Support of Resolution to opposition to Beth Israel closing, Mount Sinai. In Support of Resolution of Saint Brigids, In opposition of illegal Cannabis Shop.

Public Officials:

Mayor Eric Adams, Robin Forst: Budget restorations: FDNY 20 engine company will get a fifth fireman, new NYPD officers a new class has been restored, Community School and Summer Rising will resume. City Council passed 586, stops by police officers, each stop is to be documented, the Mayor veto the bill. Proposed more engagement on St Brigids, Congestion Pricing concerns will be taken back to the Mayor

Public Advocate Jumaane Williams, Curtis Young: Not present

Comptroller Brad Landers, Evelin Collado: Not present

Borough President Mark Levine, Yiyi Wang: City of Yes, Community Board Application deadline February 23, 2024, Budget – February 22, 2024 for needs, Mental Health System – lost 500 inpatient beds, calling added 280 beds for long term care. Call for 400 long term beds (90 day stay) on Ward Island, Breaking the Cycle on the Borough of Manhattan website. Questions from the Board: Art funding: Against cuts in Art funding from city budget. Congestion Pricing: Responded to the negative impact of congestion pricing, Increased pollutions, Migration for poor air quality (resolution was sent to office) Shelter: willing to having a convene

District Attorney Alvin Bragg, Peter Tse: Contacted Financial Institution to enact stronger safety measures, Summer Internships (Fellowships), Application are taken until 1st week of March

Congressmember Dan Goldman, Lingxia Ye: Betsy in for Lingxia – Gun Violence Prevention Week, St. Bridgid in contact with the city - Four portable potty delivered, Working on getting migrates on obtain work permits, working on immigration reform. Mount Sinai (Beth Israel) – calling for more transparency. Question from the floor Congestion Pricing: will take back concerns, taking community input

Assemblymember Grace Lee, Fannie Ip: State Budget looking to pass in March, Hate Crime Moderation Act, close loop holes, working on bill to hold Social Media Companies Accountable, Asian American Roundtable discussions around gambling in response to opening up Casinos. Question: Delancy/Essex making the station accessible, currently in talks and supporting accessible for the train station. Congestion Pricing: question about Casino being placed below 60th Street. Question from the board about plus pool, will take concern back to the office.

Assemblymember Deborah J. Glick, Roy Ruiz: Not present

Assemblymember Harvey Epstein, Chanel Elliott: CB3 report: Saving BI Mount Sinai – Survey, email Gov. Hochul and petition, Tabling on Gumpos, Mobile Mamagram on Women’s Day event, St. Bridgids – giving out coats, Moved 20 bills, co-sponsored 200 bills last year 2023. Question: Congestion Pricing, referred question to Jackson

State Senator Brian Kavanagh, Patricia Olan: Congestion Pricing, two dates in February will hold a town hall. Cannabis Shop, working with the DA office on removing illegal shops. SJOHNSON@NYSENATE.COM

Delancy/Essex elevator 2025-29 Capital Plan for elevator on the corner where Tony Roma Pizza Shop. Site has not been developed the space for the elevator. Comment from Board advocating for senior and disable citizens to have accessible to the train station on Delancey/Essex.

Councilmember Christopher Marte, Jennifer Chiao: Office still collection donation for migrate families, training for discretionary funding. City of Yes – Office has , Rally NO MORE 24 Hour work for Home Health Aide

Councilmember Carlina Rivera, Julio Rivas: provided report, Chair of Cultural Affairs, elevated to Speaker. Older Adults one free day Wednesday 1pm -3pm, transportation is provided. Comment from the Board, please hold to your promise to keep the Fire House, Ampethed Theatre

Members Present at First Vote:

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

Minutes:

Minutes of November 2023 were approved, as is.

30 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Board Chairperson's Report:

Chairperson Andrea Gordillo: Notification on training will be sent out, Kavanaugh, Rivington House mitigation-potential nursing home, emergency meeting with NYCHA representatives family shelter in Baruch Housing closed for at least 9 months, structural challenges will force the shelter to close.

District Manager's Report:

District Manager Susan Stetzer: Migrate situation waiting on line (mostly men) at St. Brigid, . Hellgate’s reported that extra porta potty have been provided to St. Brigids. EV Love and Trinity Church is looking for volunteers. Complaints for night life, met with new director of Night Life. Temp below freezing is code blue, call 311 when see homelessness. If 311 is nonresponsive call District Manager. Comment: Allure management was

David Crane: Parliament – Speaking one person at a time, Point of Order. You do not need to wait to recognize. Point of Order is to be called when you think that rules are not followed. Point of Information is called when they have a question, not opportunity to share their opinion. When the discussion is moving off topic, Point of Order can called.

Committee Reports:

Executive Committee

1. Lines of migrants outside St Brigids in winter are a humanitarian Crisis and People must be moved inside

VOTE: TITLE: Community Board 3 Implores the City to Cease Outside Lines and lack of access to food and bathrooms at St Brigids Reticketing/Reapplication Center

WHEREAS, the City has established a reticketing center and a reapplication center at the former St Brigid’s school at Avenue B and E 7th Street for migrants who have been evicted from shelters after 30 days or wish to accept a plane ticket to another location, and

WHEREAS, up to 1000 primarily men and some women and children must wait in line outside all day in frigid temperatures without food or access to bathrooms while waiting for intake at the center, and

WHEREAS, the migrants speak several languages, mostly French, Spanish, Arabic and Wolof without an assigned interpreter for the outside line to mitigate problems that arise and to give information, and

WHEREAS, the ninth precinct has tried to manage the lines as well as possible by recruiting police who can speak necessary languages, but this is accomplished by the commanding officer and not a City policy that can be counted on, and

WHEREAS, the migrants often must return for days while waiting for intake without access to food in frigid temperatures while the only relief is from local neighbors who collect food and clothes but must work outside the procedures and have been told at times by both providers and their security that they cannot distribute, and

WHEREAS, the current situation of lines of migrants outside St Brigids is a humanitarian crisis and a shameful reflection on our migrant history, so

THEREFORE BE IT RESOLVED, that Manhattan Community Board 3 implores the City to immediately cease all outside lines and move people to overflow waiting rooms or additional intake centers with access to warmth, bathrooms, and food; and

THEREFORE BE IT FURTHER RESOLVED, that Manhattan Community Board 3 requests the governor to implement state oversight of this humanitarian crisis.

2. Request for Mount Sinai Beth Israel Taskforce

VOTE: TITLE: Community Board 3 Requests State Senator Kavanagh to convene a Taskforce to Address the Mount Sinai Beth Israel Proposed Closing

WHEREAS, Manhattan Community Board 3 recognizes the impending closure of Mount Sinai Beth Israel (MSBI); and

WHEREAS, concerns have been raised at our December 2023 Health and Human Services Committee, and at our October 2019 board meeting regarding the potential impact of the closure on the unique healthcare needs of our community in Manhattan Community District 3 (CD 3); and

WHEREAS, issues such as inadequate bed count, transportation accessibility challenges, scaling back of essential services, and potential impact on other healthcare providers in Lower Manhattan have been identified; and

WHEREAS, it is crucial to ensure transparency and comprehensive oversight to address the health concerns of the community, and;

THEREFORE, BE IT RESOLVED, that Manhattan Community Board 3 urgently requests the support of State Senator Brian Kavanagh, as well as other New York State representatives, in forming a taskforce to ensure communication and accountability, and

BE IT FURTHER RESOLVED, that Senator Kavanagh is urged to provide leadership in addressing the specific concerns as previously outlined and ensuring that the closure process aligns with the best interests of the community.

29 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding Executive item 2)

28 YES 0 NO 1 ABS 0 PNV MOTION PASSED (Executive item 2)

Bylaw Committee

meeting canceled

Parks, Recreation, Waterfront, & Resiliency Committee

1. Approval of previous month's minutes
approved by committee
2. Parks Manager Update
no vote necessary
3. DDC: ESCR / BMCR Update
no vote necessary
4. Gotham Park: informational update and prospects for 2024
no vote necessary
5. ESCR Greening and Tree Planting Update
no vote necessary

6. Vote to adjourn
approved by committee

29 YES 0 NO 0 ABS 0 PNV MOTION PASSED

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

1. Approval of previous month's minutes
approved by committee
2. Manhattan Legal Services: informational presentation on free legal services for students experiencing school avoidance and chronic absenteeism
no vote necessary
3. CB 3 position on closing of Mount Sinai Beth Israel (MSBI) 16th St campus

VOTE: TITLE: Community Board 3 Opposes the Closure of Mount Sinai Beth Israel Hospital

WHEREAS, Mount Sinai Beth Israel (MSBI) has presented plans to close the 16 Street campus citing in-hospital patients down to a capacity of 20 % and financial losses. The community in the MSBI service area is currently conducting a health equity impact assessment to analyze the concerns regarding this proposed closure of MSBI. Preliminary results of this survey show that the greatest concern is the loss of emergency room services. In 2022, MSBI emergency department received 70,252 visits¹. It is established that Bellevue Hospital's emergency room is over extended and cannot accommodate for the needs of the district, and

WHEREAS, the service area for this facility includes all of Manhattan Community District 3 (CD 3), and is comprised of a diverse population facing economic challenges where 27% of residents live below poverty level; 23% of the residents are over 65 and 44% of the seniors are below the poverty level, and

WHEREAS, the proposed closure of Mount Sinai Beth Israel Hospital on E.16th Street would exacerbate the healthcare disparities within our district, leaving vulnerable populations without accessible medical facilities;

WHEREAS, Lower Manhattan had 4 of the top 6 zip codes with patient discharges in NYC from the Mount Sinai Beth Israel 16th Street Campus, including zip codes 10009, 10002, 10003 and 10011. CB 3 plus Stuyvesant Town has approximately 30% of the discharges from the last year. Preliminary results from the Community Health Equity Impact Assessment show that emergency care is the top reason why people use Beth Israel as well as surgery, testing, and cardiac care, and

WHEREAS, MSBI services have been and will continue to be transferred to other facilities in the MS network, but these are not accessible by public transportation to the Lower East Side community. This means lower income residents who cannot afford private transportation will not have accessible transportation to access medical services. It requires several subway transfers and is a hardship for the sick, elderly and very young, These limited transportation options in our district create an additional barrier to healthcare access for our residents, making the closure of Mt. Sinai Beth Israel Hospital even more detrimental to our community; and

WHEREAS, CB 3 believes this closure will not serve the community, especially in a community where the number of very old is increasing. The rate of fall-related hospitalizations among older adults in CD3 is higher than the Manhattan and city-wide rates. ² There is also concern about emergencies such as natural disasters, man made disasters, epidemics, pandemics or any number of emergencies, known or yet-to-be known such as we experienced with 9/11 and COVID.

THEREFORE BE IT RESOLVED, Community Board 3 vehemently opposes the closing of Mt. Sinai Beth Israel as this would have a detrimental impact on the community.

4. CB 3 position regarding eviction of migrant families from shelters after 60 days resulting in hardship for children to remain in their schools.

VOTE: TITLE: Community Board 3 Opposes the 60-Day Limitation on Shelter Stays for Families of Public School Students

1. **WHEREAS**, on October 11, 2023, Mayor Eric Adams announced that New York City would limit shelter stays for asylum seeker families with children living in the Humanitarian Emergency

1 Mount Sinai Beth Israel Closure Plan for 16th Street Campus PFI #1439
<https://www.mountsinai.org/files/MSHealth/Assets/MSBI/MSBI-Closure-Plan-PFI1439-with-Cover-Letter.pdf>

2 New York City Department of Health Community Health Profiles. <https://a816-health.nyc.gov/hdi/profiles/>

Response And Relief Center (HERRC) to 60 calendar days (60-Day Rule), after which families would need to reapply for city shelters if they have nowhere else to live;³

2. **WHEREAS**, Subtitle VII-B of The McKinney-Vento Homeless Assistance Act (the McKinney-Vento Act) (reauthorized in December 2015 by Title IX, Part A, of the Every Student Succeeds Act;) authorizes the federal Education for Homeless Children and Youth Program, and is the primary piece of federal legislation related to the education of children and youth experiencing homelessness;⁴
3. **WHEREAS**, the New York State Education Department interprets the Federal Law⁵ in the following way: "The McKinney-Vento Act⁶ states that children and youth who lack a fixed, regular, and adequate nighttime residence' will be considered homeless." McKinney-Vento eligible students have the right to:
 - a. receive a free, appropriate public education;
 - b. enroll in school immediately, even if lacking documents normally required for enrollment, or having missed application or enrollment deadlines during any period of homelessness;
 - c. enroll in school and attend classes while the school gathers needed documents;
 - d. continue attending the school of origin, or enroll in the local attendance area school if attending the school of origin is not in the best interest of the student or is contrary to the request of the parent, guardian, or unaccompanied youth;
 - e. receive transportation to and from the school of origin if requested by the parent or guardian, or by the local liaison on behalf of an unaccompanied youth; and
 - f. receive educational services comparable⁷ to those provided to other students, according to each student's need.⁸
4. **WHEREAS**, a diverse group of organizations and individuals, including the New York Legal Assistance Group⁹, the Legal Aid Society, the Coalition for the Homeless, the New York Immigration Coalition¹⁰, Advocates for Children¹¹, and a coalition of more than 135 doctors, nurses, hospital administrators, and other healthcare workers¹², among others, have condemned shelter time limits as detrimental to the safety and educational wellbeing of children residing in the shelters;
5. **WHEREAS**, during the 2021-22 school year 72% of students residing in temporary housing were chronically absent¹³, which is defined under Chancellor's Regulation A-210 III.D. as an attendance rate of less than 90%¹⁴;
6. **WHEREAS**, a review of relevant research underscores that there are significant negative effects on student outcomes as a result of involuntary and/or unplanned movement between schools, including but not limited to decreases in test scores and high school graduation rates¹⁵, with the Institute for Children, Poverty, and Homelessness found that as of the 2016-17 school year
 - a. Even when students did not experience a mid-year transfer or chronic absenteeism, those who experienced homelessness scored proficient on the ELA exam at lower rates than housed students (25% vs. 42%).
 - b. ELA proficiency rates dropped significantly for homeless students who experienced a mid-year transfer (15%) or chronic absenteeism (14%)
ELA proficiency rates dropped significantly for homeless students who experienced a mid-year transfer (15%) or chronic absenteeism (14%).

3 <https://www.nytimes.com/2023/10/18/nyregion/migrants-shelter-nyc.html>

4 <https://nche.ed.gov/legislation/mckinney-vento/>

5 <https://www.federalregister.gov/documents/2016/03/17/2016-06073/mckinney-vento-education-for-homeless-children-and-youths-program> and <https://nche.ed.gov/legislation/mckinney-vento/>

6 <https://www.nysed.gov/essa/mckinney-vento-homeless-education>

7 Per the Federal Statute: Each homeless child or youth to be assisted under this part shall be provided services comparable to services offered to other students in the school selected under paragraph (3).

8 <https://uscode.house.gov/view.xhtml?path=/prelim@title42/chapter119/subchapter6/partB&edition=prelim>

9 <https://nylag.org/statement-nylag-condemns-new-60-day-shelter-policy-for-migrant-families/>

10 <https://www.nyc.org/2023/10/adams-again-attacks-right-to-shelter-endangering-child-asylum-seekers/>

11 <https://www.advocatesforchildren.org/node/2261>

12 <https://drive.google.com/file/d/1dizKBtnOI8FPMEQAwTKhLsLML8pvihKt/view>

13 <https://www.nydailynews.com/2023/10/28/education-of-migrant-children-threatened-by-nyc-60-day-shelter-limit/>

14 <https://www.schools.nyc.gov/docs/default-source/default-document-library/a-210-english>

15 <https://nepc.colorado.edu/publication/student-mobility>;

https://www.advocatesforchildren.org/sites/default/files/library/up_against_the_odds_2006.pdf?pt=1

7. **WHEREAS**, many students residing in shelters have already experienced significant disruptions to their education, compounded by the trauma experienced as a result of displacement, migration, and ongoing instability;
8. **WHEREAS**, In Community School District 1 in the 2023-2024 school year 697 new migrant students and
9. **WHEREAS**, after school programs provide the following essential support for children and families:
 - a. Educational Support: essential homework assistance, especially for migrant families with limited English proficiency, fostering a supportive learning environment.
 - b. Developmental Advantages: developmental benefits such as improved social skills, teamwork, and creativity, contributing to a child's overall growth.
 - c. Bridge for Language Barriers: Migrant families, facing language barriers, rely on afterschool programs as a bridge for communication and understanding their children's educational needs.
10. **WHEREAS**, under the 60-Day Rule,
 - a. Families who re-apply for shelter may be forced to move to new shelters far from their children's school of origin, causing significant disruption to both students' educational progress as well as schools' budgeting, planning, and allocation of resources and personnel;
 - b. Children could be forced to change schools up to five times per school year; resulting in hardships for families to adjust to new environments, impacting their mental health and stability.
 - c. There will be loss of after school programming. Families moving to new shelters often lose access to after school programs. This results in a loss of developmental and arts enrichment opportunities crucial for a well-rounded education.
 - d. There would be greater community disconnection. Evictions disrupt the formation of supportive communities within shelters, depriving families of vital social connections.
11. **WHEREAS**, even when there is school bus transportation, school bus delays have been endemic over the last several years¹⁶, causing additional hardship on students who seek to continue to attend their school of origin after being moved to a new shelter. In addition, school bus transportation is not available at the end of the after school day so that students will not be able to participate in afterschool program. Afterschool programs are also at risk for losing substantial amounts of funding due to loss of enrollment caused by students being relocated]
12. **WHEREAS**, the US Department of Health and Human Services defines child abuse as, "An act or failure to act which presents an imminent risk of serious harm."¹⁷;
13. **WHEREAS**, NYC Child Protective Services uses the terms Child Neglect and Child Maltreatment interchangeably reference "to the quality of care a child is receiving from those responsible for the child. Maltreatment occurs when a parent or other person legally responsible for the care of a child harms a child or places a child in imminent danger of harm by failing to exercise the minimum degree of care in providing the child with any of the following: food, clothing, shelter, education or medical care when financially able to do so."

FURTHER BE IT RESOLVED, that Community Board 3 condemns the 60-Day rule as educational abuse, and believes that Mayor Eric Adams must waive the 60-Day Rule for asylum seeker families of children in NYC Public Schools, prioritizing principles of educational access, stability, and success for all students, irrespective of housing circumstances.

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

29 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding Human Services item 3)

28 YES 0 NO 1 ABS 0 PNV MOTION PASSED (Human Services item 3)

SLA & DCA Licensing Committee

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

¹⁶ <https://ny.chalkbeat.org/2022/11/21/23472253/nyc-school-bus-delay>

¹⁷ <https://www.hhs.gov/answers/programs-for-families-and-children/what-is-child-abuse/index.html>

New Liquor License Applications

2. 86 East 4th St Company LLC, 86 E 4th St (op)

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

WHEREAS, 86 E. 4th St Company LLC is seeking a full on-premises liquor license, in the premises located at 86 E. 4th Street, between 1st and 2nd Avenues, New York, New York; and

WHEREAS, this is an application for a Bar/Tavern with an occupancy of 74 people, 21 tables and 42 seats with One 13 foot bar, with 12 seats, with less than a full service kitchen serving food all hours, with no televisions and recorded music at background level; and

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

WHEREAS, this location was previous operated as the Boiler room since 1993, and

WHEREAS, the applicant currently holds 3 licenses, and has held previous licenses, starting in 2008, with several in Community board 3; and

WHEREAS, 64 residents who live within two blocks of the location, including 12 from the 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 86 E. 4th St Company LLC, for the premises located at 96 E. 4th Street, New York, New York, unless the applicant agrees to the following signed notarized stipulations that

- 1) it will operate as a Bar/Tavern with less than a full-service kitchen serving food all hours,
- 2) its hours of operation will be opening no later than 5:00 PM and closing by 4:00AM 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 install soundproofing,
- 6) it will employ 1 security personnel,
- 7) 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,
- 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, including boozy brunches, with food,
- 11) it will not have "happy hours,"
- 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.

3. 3 Times (3 Times 90 Inc), 90-96 Clinton St (op)

VOTE: TITLE: Community Board 3 Recommendation To Deny Due to Nonappearance

WHEREAS, 3 Times 90 Inc, is seeking an upgrade to a full on-premises liquor license, in the premises located at 90-96 Clinton Street, between Delancey Street and Rivington Street, New York, New York; and

WHEREAS, the applicant did not appear at the January 8th, Meeting,

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for an upgrade to a full on-premises liquor license for 3 Times 90 Inc, for the premises located at 90-96 Clinton Street, New York, New York, due to nonappearance.

4. 97 St Marks LLC, 97 St Marks Pl (wb)

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

WHEREAS, 97 St. Marks Place LLC, is seeking a wine beer license, in the premises located at 97 St. Marks Place, between First Avenue & Avenue A, New York, New York; and

WHEREAS, this is an application for an establishment of 74 people, 12 tables and 36 seats with 1 14-foot bar with 14 seats, American Café food prepared in a full kitchen, serving food during all hours of operation, live music, DJs, and recorded music at background levels; and

WHEREAS, there are 32 full on-premises liquor licenses within 500 feet per the SLA LAMP map; and

WHEREAS, this location is currently licensed to Taberna 97 Inc, doing business as Luz Café, for restaurant wine and has been since 2015; and

WHEREAS, the applicant has never been a license holder but has six years of industry experience as a bartender; and

WHEREAS, We received a letter in Opposition from a local resident; two residents spoke in favor of the application, one residents and a representative from EVCC spoke to express concern about noise on this block; and

WHEREAS, 41 residents who live within two blocks of the location, including 2 who live 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 97 St. Marks Place LLC, for the premises located at 97 St. Marks Place LLC, 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 American Café food prepared in a full kitchen and served during all hours of operation,
- 2) its hours of operation will be opening no later than 5:00 P.M. Monday to Friday, 11:00AM Saturday and Sunday, and closing by 12:00 A.M. Sunday to Tuesday and 2:00 A.M. Wednesday 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 install supplemental soundproofing as necessary so that sound is not audible in nearby apartments,
- 5) it will close any front or rear façade doors and windows at 10:00PM 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,
- 6) it will play ambient background music only, consisting of recorded music, and DJs at background level not more than 6 times per year and no more than 6 private parties per year, and will not have live music, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 7) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3,
- 8) it will not host pub crawls or party buses,
- 9) it will not have unlimited drink specials with food,
- 10) it may have "happy hours" until 7:00 P.M. each night
- 11) it will ensure that there are no wait lines outside and will designate an employee for ensuring no loitering, noise or crowds outside,
- 12) it will 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.

5. Cafeteria Brunello (133 Ludlow Restaurante LLC), 98 Rivington St (op)
withdrawn

6. Sing Sing LES Stanton Corp, 99 Stanton St (op)

VOTE: TITLE: Community Board 3 Recommendation To Deny

WHEREAS, Sing Sing LES Stanton Corp, is seeking a full on-premises liquor license, in the premises located at 99 Stanton St, between Ludlow and Orchard St, New York, New York; and

WHEREAS, this is an application for an establishment with capacity of 155 people, with 36 tables and 124 seats with 1 stand-up bar, 24'8" long on the 2nd floor, a full kitchen, serving food during all hours of operation, with 2 TV monitors, and music from streaming service/playlists at background levels; and

WHEREAS, there are 44 full on-premises liquor licenses within 500 feet per the SLA LAMP map; and

WHEREAS, this location was previously licensed to Stanton Surf Club LLC dba Stanton Social to serve liquor, beer and wine, closing by 2:00 A.M. on Saturday and Sunday - that business closed five years ago; and

WHEREAS, no licensed business has operated at 99 Stanton St since Dec 31, 2018, when Stanton Surf Club went out of business (see the Eater New York article from Dec 5, 2018 – <https://ny.eater.com/2018/12/5/18127162/stanton-social-closing-cao-group-nyc>). The inactive license, which either should have been surrendered or was in safekeeping, expired on Dec 31, 2020; and

WHEREAS, the applicant currently holds an OP license for Tower 4 Liberty Market LLC at 185 Greenwich Street located in Manhattan CB1, where there has been 1 commercial 311 complaint with NYPD action necessary since 2018, and the applicant does not have any history of violations with the SLA; and

WHEREAS, we received a letter in opposition from 13 tenants in the building next door, 101 Stanton Street and the LES Dwellers; and as well as police and community board receiving many complaints for the area.

WHEREAS, two residents spoke in favor of the application, and five residents spoke in support of this application; and

WHEREAS, 11 residents who live within two blocks of the location signed a petition in favor of the application; and

WHEREAS, 99 Stanton St is located in an a very oversaturated area with crime issues reported by the 7th Precinct. This is in addition to the large crowds on the streets and grand larceny crimes inside the businesses; 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

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a full on-premises liquor license for Sing Sing LES Stanton Corp, for the premises located at 99 Stanton Street, New York, New York, because it does not show public benefit and seeks a full on-premises license in a location that has not been operating as a business with a full on-premises liquor license since Dec 2018 and is now considered an unlicensed location, in a saturated area where there are already 43 full on-premises liquor licenses within 500 feet and in addition to the existing traffic and crowd conditions that necessitate police action.

7. AYS Libations LLC, 122 St Marks Pl (op)
withdrawn

8. MT 121 Marks LLC, 123 St Marks Pl (op)

VOTE: TITLE: Community Board 3 Recommendation To Deny

WHEREAS, MT 121 Marks LLC, is seeking a full on-premises liquor license, in the premises located at 123 St Marks Place between Avenue A and First Avenue, New York, New York; and

WHEREAS, this is an application for an establishment of 74 people, 15 tables and 65 seats with 1 bar with 19 seats, Japanese food prepared in a full kitchen, serving food during all hours of operation, and recorded music at background levels; and

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

WHEREAS, the applicant is a currently a license holder at MT 181 Waverly LLC, doing business as Moody Tongue Sushi, in Greenwich Village and has partnered with brewer who has 10 years of industry experience; and

WHEREAS, one resident submitted a letter in opposition and a representative from EVCC spoke in opposition; and

WHEREAS, 19 residents who live within two blocks of the location signed a petition in favor of the application; and

WHEREAS, the 123 St Marks Pl location has never been licensed for full on-premises liquor license; and

WHEREAS, 123 St Marks Pl is located in an a very oversaturated area with high levels of crime focused on customers of the nightlife establishments. The Ninth Precinct had the 2022 Open Streets program for this block of St Marks Place changed from a midnight closure to a 10 P.M. closure because of high levels of crime on the block on weekends after 10 P.M., and CB 3 asked DOT to change from 11PM closure to 10PM closure for the 2023 season for the same reasons; and

WHEREAS, Community Board 3 adopted guidance in September 2021, and modified in October 2023, that it will not generally support full on-premises liquor license applications for locations that have never been licensed in saturated areas, which is posted on the Community Board 3 website (<https://www1.nyc.gov/assets/manhattancb3/downloads/cb3docs/guidance-to-applicants-on-cb3-licensing-priorities.pdf>) in an effort to direct applications to less saturated areas; and

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a full on-premises liquor license for MT 121 Marks LLC, for the premises located at 123 St Marks Pl, New York, New York, because it does not show public benefit and seeks a full on-premises license in a location that has never been licensed for a full on-premises liquor license in a saturated area with a history of quality of life issues, and NYPD reports of high levels of crime during nightlife hours.

9. Close Up (Winhall Station LLC), 154 Orchard St (op)

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

WHEREAS, Winhall Station LLC doing business as Close Up, is seeking a full on-premises liquor license, in the premises located at 154 Orchard Street, between Rivington and Stanton St, New York, New York; and

WHEREAS, this is an application for an establishment with total occupancy of 49 people, 16 tables and 65 seats, all seats will not be used simultaneously, as the rooms will not be used at the same time, so it will never exceed 49 people, and one 9-foot bar with no seats, small plates of food prepared in a full kitchen, serving food during all hours of operation, operating as a bar/tavern that has no television and includes a jazz club & lounge:

- Simple speakers with volume control (background level, when no live music) and for the band may be guitar amp for guitarist and vocalist (entertainment level, hoping to do acoustic)
- Nightly jazz performances and improvised music, one of the rooms would have a cover charge/ticket for performance only, will not be using an event promoter; and

WHEREAS, there are 45 full on-premises liquor licenses within 500 feet per the SLA LAMP map; and

WHEREAS, this address is the location of a restaurant named Tzarevna (It's There Hospitality LLC), operating since August 2018 with a full kitchen and playing only recorded music, closing by 12:00 A.M. all days - originally with a wine/beer license, and since January 2022 with a full liquor license; and

WHEREAS, applicant principal Daniel Gaynor worked as a manager of music at the jazz club in Casa Cipriani under Bruce Harris in 2021, where he would oversee the musicians to make sure the sound was mixed properly so the set could run smoothly. In 2015, he worked as a server/cook/and manager at an Italian restaurant call ed Il Moro in Hong Kong; and

WHEREAS, we received a letter in Support from, the Dimes Square Block Association, a local resident, and a local Business, as well as letters of opposition from the LES Dwellers; and

WHEREAS, 218 residents who live within two blocks of the location signed a petition in favor of the application, including 10 from the same building;

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a full on-premises liquor license for Winhall Station LLC, for the premises located at 154 Orchard Street, 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 jazz club and lounge, with kitchen open and serving food during all hours of operation,

- 2) its hours of operation will be opening no later than 5:00 P.M. to 12:00 AM all days, Closed on Tuesday,
- 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 install soundproofing to ensure that no sound is audible outside of the premises and in residential apartments,
- 6) it will have amplified live music with not more than 6 performers, scheduled performances, cover charges, and not more than 1 private parties per month, it will not have DJs or third party events,
- 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 may have "happy hours" until 7:30 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.

10. 183 Bowery, 183 Bowery (op)

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

WHEREAS, Clown Car LLC is seeking a full on-premises liquor license, in the premises located at 183 Bowery, between Delancey and Spring Street, New York, New York; and

WHEREAS, this is an application for Bar/tavern with 24 tables and 71 seats with a 20 Bar with 16 seats on the first floor and a 21 ft Bar with 14 seats on the second floor, with less than a full-service kitchen serving food all hours, with 1 tv, live music, and recorded background music, live music will be a singer/songwriter and acoustic band 4 nights a week that will be advertised on their website; and

WHEREAS, there are 30 full on-premises liquor licenses within 500 feet per the SLA LAMP map; and

WHEREAS, this location was previously operated as a restaurant supply store and was unlicensed,

WHEREAS, the applicant holds five current licenses and held three previously licenses, since 2005; and

WHEREAS, we received one letter in opposition to this application; and

WHEREAS, three residents spoke in opposition to this application due to the saturation of licenses, crowds, and traffic congestion; and

WHEREAS, 43 residents who live within two blocks of the location signed a petition in favor of the application; and

WHEREAS, although this is a previously unlicensed location, we would approve this application because of the applicant's experience with licensed establishments, his plans to mitigate any issues, and that it is located at the intersection of two wide commercial streets, and there are no immediately adjacent residents, and

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a full on-premises liquor license for Clown Car LLC for the premises located at 183 Bowery, New York, New York, unless the applicant agrees to the following signed notarized stipulations that

- 1) it will operate as a Bar/Tavern, with less than a full-service kitchen serving food all hours,
- 2) its hours of operation will be opening no later than 4:00 P.M. all days, and closing by 2:00A.M. Sunday – Wednesday and 3:00AM Thursday – Saturday with staggered closing starting with the upper floor closing at 2:00AM,
- 3) it will not use outdoor space for commercial use,
- 4) it will have 4 security personnel, all night,
- 5) it will install soundproofing to ensure that no sound is audible outside of the venue,
- 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 have recorded music and live music consisting of an amplified singer/songwriter and acoustic band 4 nights a week on the upper floor only that will be advertised on their website, cover charges, and scheduled performances, but will not have DJs, or more than 1 private party 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, including boozy brunches, with food,
- 11) it may have "happy hours" until 8:00 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.

11. Moko (Moko Omakase LLC), 214 E 9th St (wb)
withdrawn

12. Mad Hops Inc, 216 Ave A (wb)
withdrawn

13. Kalye (Kalye NYC LLC), 251 Broome St (upgrade to op)
withdrawn

14. The Phoenix (Ford Beverages LLC), 447 E 13th St (op)

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

WHEREAS, Ford Beverages LLC doing business as Phoenix, is seeking a full on-premises liquor license, in the premises located at 447 E. 13th Street, between Avenue A and 1st Avenue, New York, New York; and

WHEREAS, this is an application for an Bar/Tavern with an occupancy of 74 people, 6 tables and 24 seats with a twenty foot bar and 14 bar seats, with less than a full service kitchen serving food all hours, with two tvs, live music by microphone only, and not more than 2 DJs per month, and

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

WHEREAS, this establishment has been at this location since 1999, and

WHEREAS, the applicant has never previously been a license holder but has worked at this establishment since 2013 as a bartender and then as a manager for the last five years; and

WHEREAS, a residents from a nearby building submitted a letter n support of this application; and

WHEREAS, 19 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 Ford Beverages LLC, for the premises located at 447 E. 13th Street, New York, New York, unless the applicant agrees to the following signed notarized stipulations that

- 1) it will operate as a Bar/Tavern, with less than a full service kitchen serving food during all hours,
- 2) its hours of operation will be opening no later than 3:00 P.M. and closing by 4:00 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 have 1 doorman/security personnel on Thursday, Friday and Saturday,
- 5) 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,
- 6) it will play ambient background music, consisting of recorded music, and will have live music consisting of amplification by microphone only, djs not more than 2 times per month, and will not have third party promoted events, or scheduled performances,
- 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 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.

15. Frado Inc, 218 E 14th St (op)

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

WHEREAS, Frado Inc. doing business as Little Uluh, is seeking a full on-premises liquor license, in the premises located at 218 E. 14th Street, between 2nd Street and 3rd Street, New York, New York; and

WHEREAS, this is an application for an Asian Fusion restaurant with an occupancy of 74 people, 15 tables and 60 seats with a twelve foot bar with four seats, with a full kitchen open and serving food all hours; and

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

WHEREAS, this location is currently unlicensed, and

WHEREAS, the applicant has operated a Beer/Wine license at 152 2nd Avenue since August of 2023;

WHEREAS, 27 residents who live within two blocks of the location signed a petition in favor of the application; and

WHEREAS, although this is a previously unlicensed location, we would approve this application because it is a restaurant with early closing hours, located on a wide commercial street, with no immediate residents that will be impacted, and

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a full on-premises liquor license for Frado Inc. for the premises located at 218 E. 14th Street, New York, New York, unless the applicant agrees to the following signed notarized stipulations that

- 1) it will operate as a Asian Fusion Restaurant, with kitchen open and serving food during all hours,
- 2) its hours of operation will be opening no later than 11:30 A.M. and closing by 10:30 P.M. all days,
- 3) it will not use outdoor space for commercial use,
- 4) it will close any front or rear facade doors and windows at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live non-musical performances, or during unamplified live performances or televised sports,
- 5) it will play ambient background music only, consisting of recorded music, and will not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 6) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3,
- 7) it will not host pub crawls or party buses,
- 8) it will not have unlimited drink specials, 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.

Items not heard at Committee

16. The Hard Swallow (Big Lee and Sasha's Inc), 140 1st Ave (op/corp change)
administratively approved

17. Vote to adjourn
approved by committee

29 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding SLA items 2, 9, 10, 15)

28 YES 1 NO 0 ABS 0 PNV MOTION PASSED (SLA item 2)

26 YES 3 NO 0 ABS 0 PNV MOTION PASSED (SLA item 9)

19 YES 9 NO 1 ABS 0 PNV MOTION PASSED (SLA item 10)

27 YES 2 NO 0 ABS 0 PNV MOTION PASSED (SLA item 15)

Land Use, Zoning, Public & Private Housing Committee

1. Approval of previous month's minutes approved by committee
2. DCP: N240010ZRY City of Yes Citywide Text Amendment for Economic Opportunities

VOTE: TITLE: Manhattan Community Board 3 recommends denial with modifications for City Of Yes for Economic Opportunity (N240010ZRY)

WHEREAS, Community Board 3, Manhattan (CB 3) believes zoning can play an important first step in furthering opportunities for all New Yorkers, including businesses, residents, and visitors; and

WHEREAS, CB 3 believes that rezoning is just one tool that allows city government to protect its most vulnerable residents; and

WHEREAS, CB 3 believes that city government must do more to preserve neighborhood character by listening to communities that best understand their local needs and ensure a say in the final process; and

WHEREAS, CB 3, Manhattan is a mixed-use community district with many residential streets, streets with commercial overlays to serve local retail needs, as well as commercial streets and avenues, and was not designed to as a major destination or commercial district; and

WHEREAS, CB 3, of the 59 NYC community boards, has the second-highest number of non-conforming eating and drinking establishments on residential side streets. At the time of the Citywide Text Amendment for Open Restaurant in September 2021, there were 134 non-conforming open dining structures in residential districts along with many other non-conforming eating-and-drinking establishments without open dining; and

WHEREAS, Community District 3 is one of the top two densest community districts for eating and drinking establishments in New York City, with 1,004 Open Restaurants, and CB 3 has the second highest number of commercial noise complaints at eating and drinking establishments of the 59 Boards. The proliferation of eating and drinking establishments with higher rents is a contributing factor to driving up local commercial rents; and

WHEREAS, With the most wide-ranging rezoning since 1961, the City of Yes for Economic Opportunity prioritizes increasing and maximizing commercial FAR. It comes mainly at the expense of housing, neighborhood benefits, and quality of life. We believe in a balance between business and affordable housing. We question leaving housing as the last piece of the rezoning as NYC becomes less and less affordable for its residents; and

WHEREAS, CB 3 supports common sense normalizing portions of the zoning text for a clearer understanding; CB 3 believes much of the zoning text changes overreaches and threatens the diversity of our neighborhood; now

**1. Proposal: Lift time limits to reactivating vacant storefronts
NO with modifications**

CB 3 has a high number of non-conforming spaces on narrow, residential side streets, and fields requests from residents for their return to conforming residential use after two years' vacancy. While acknowledging the high conversion expense for landlords, CB 3 proposes an alternative: allowing use group 3 community facilities in these storefronts, addressing the need for non-profits or cultural centers. Considering concerns about nightlife businesses causing issues on side streets, Proposal 1 is not supported unless the following modifications are made: excluding eating and drinking establishments from the lifetime limit to reactivate vacant storefronts, aiming to preserve the residential environment of narrow, residential streets and only allow a non-conforming of Use Group 3.

**2. Proposal: Simplify rules for business types allowed on commercial streets
YES**

CB 3 supports this commonsense change, normalizing commercial districts throughout the City. The majority of residents would assume this is how zoning functions.

**3. Proposal: Expand opportunities for small-scale clean production
NO with modifications**

This is a major change to zoning, moving away from use groups to allow clean manufacturing. This citywide zoning change could have unintended consequences, especially in CB 3, with many as-of-right production uses failing to serve residents and have consequences of traffic problems, dark sites, and

unnecessary competition for commercial spaces. We strongly prefer ground-floor businesses to foster vitality best experienced on foot as opposed to dark sites with unnecessary production uses that do not benefit the communities they are in. We would only support production uses that serve the neighborhood and also offer products for retail sale such as an artisanal producer selling goods differing from merchandise commonly sold online.

4. Proposal: Modernize loading dock rules so buildings can adapt over time

NO

This is an as-of-right change and could be abused without consequences. Loading dock sizing requires an assessment of various factors. It should be a formal process on a case-by-case basis, studying use and traffic to serve the needs of businesses and residents appropriately.

5. Proposal: Enable commercial activity on upper floors

NO

CB 3 already has significant conflicts between commercial spaces and residential. We have several exceptions for second-floor commercial spaces, and they exemplify what will happen with the adjustment to the C1/C2 overlay in CB 3 to allow commercial on upper floors. This change will maximize the commercial FAR and result in a reduction of housing stock. A recent example is the area between East 85-90th Streets between Lexington and Second Avenues. Given its known effect on decreasing housing stock, DCP needs to delay any implementation of this proposal before proposing zoning regulations to help ease the current and worsening housing crisis. We also find a considerable flaw in environmental considerations. The environmental limitations fail to apply to neighboring buildings, covering only interior spaces. Second, environmental limitations are insufficient, covering only air quality, noise, and vibration. It requires expansion similar to other uses. Thirdly, the exemption of small spaces less than 75-person capacity is arbitrary and will create further conflict between businesses and residents in CB 3. Many of these second-floor commercial spaces would be eating and drinking establishments. Higher floor and rooftop establishments prove more problematic owing to the inability to control environmental factors like noise.

6. Proposal: Simplify and modernize the way businesses are classified in zoning

YES

7. Proposal: Clarify rules to permit indoor urban agriculture

YES with modifications

Growing healthy food in an urban environment would benefit both businesses and residents with its proximity but we would not want to see new agricultural uses adversely affect the housing stock in R7-2 districts. Cannabis is also classified as an agricultural crop and should be exempted along with similarly odorous plants due to the environment concern of odor. We do not believe cannabis production should be incentivized in CB 3.

8. Proposal: Give life sciences companies the certainty to grow

YES with modifications

High containment laboratories should not be allowed. We have numerous concerns related to environmental, health, and safety with proximity to high population density. High-containment laboratories should not be allowed in heavily populated areas. The possibility of catastrophic consequences does not allow us to support this proposal without modifications.

9. Proposal: Support nightlife with common-sense dancing and live entertainment rules

NO with modifications

CB 3 supports dancing as an accessory use in compliance with commercial zoning. Nightlife complaints are about noise and any changes must include enforcement of the noise code. CB 3 already faces significant quality-of-life issues with nightlife establishments. Our neighborhood is saturated with these businesses. We do not support as-of-right nightlife establishments throughout CB 3 and do not support the waiver of environmental concerns for "small establishments." When many small establishments are located in the same area, environmental concerns are considerable. We have several locations where there are more than 40 liquor licenses in a 500-square-foot area. Even with a 75-person limitation, there are several thousand people in the area.

10. Proposal: Create more opportunities for amusements to locate

YES with modifications

Any amusements should go through a CPC Special Permit, where the City Council would vote on final approval, not a BSA Special Permit Process

11. Proposal: Enable entrepreneurship with modern rules for home-based businesses

NO with modifications

Home-based occupations can create significant foot traffic and unlimited access and hours could cause quality of life and safety issues. Other cities have limited the number of home business visits; we support limiting home visits. Second, we want to ensure that the residence is a residence that pays taxes in the City. We have a housing crisis and we foresee the potential for abuse by converting a residence into a business entirely. Thus, entrepreneurs would be required to demonstrate it is a primary residence by providing proof of taxes filed from the residence. We also support continuing the limitation of square footage designated for the business. The impact of home businesses on other residents of mixed-use buildings should require an environmental impact study. Finally, we are concerned that many possible occupations would have leased commercial space if they were a neighborhood service, e.g. barber/beauty shops, kennels, veterinary, licensed professional occupations, and others.

12. Proposal: Introduce design rules that ensure buildings contribute to surroundings

NO with modifications

We mostly support regulations to create consistent streetscapes. We do not support the elimination of ground-floor residential lobbies and residences in commercial districts that would conflict with developing housing.

13. Proposal: Reduce conflicts between auto repair shops and pedestrians

NO with modifications

CB 3 has very few available locations for an auto repair shop or gas station. We have extreme limitations in terms of parking needed for an auto repair. The community would need input on a location and any as-of-right 50% expansion. We would not support a BSA Special Permit; exceptions should require a public process via CPC Special Permit with City Council vote.

14. Proposal: Encourage safe and sustainable deliveries with micro-distribution

NO with modifications

We echo the concerns stated in response to Proposal 3. While a limited number of micro-distribution sites might improve some traffic problems, many micro-distribution locations would alter the character of the neighborhood. They would compete with other commercial spaces in the neighborhood, not contribute to foot traffic, not have a retail component, and exacerbate the demise of local stores selling goods.

15. Proposal: Facilitate local commercial space on residential campuses

NO with modifications

We support the addition of commercial space on residential campuses, but residents must have input. A CPC authorization does not allow for public input; we support a CPC Special Permit where the City Council would vote on final approval.

16. Proposal: Create process for allowing new corner stores in residential areas

NO with modifications

We support the requirement of an environmental review and Community Board approval. We also support CPC Special Permit and City Council vote, not CPC Authorization

17. Proposal: Rationalize waiver process for business adaptation and growth

NO with modifications

We support a CPC Special Permit with City Council vote, and do not support a BSA Special Permit nor a CPC Authorization for significant sizes.

18. Proposal: Create new kinds of zoning districts for the future

YES with modifications

We support the possibility of having a new zoning tool to create a special district as long as it goes through a public ULURP process. However, we see no such need for it in CB 3.

THEREFORE, BE IT FURTHER RESOLVED, that Community Board 3, Manhattan votes No with modifications for City of Yes for Economic Opportunities.

3. Vote to adjourn
approved by committee

29 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding Land Use item 2)

19 YES 7 NO 3 ABS 0 PNV MOTION PASSED (Land Use item 2)

Transportation, Public Safety, Sanitation & Environment Committee

1. Approval of previous month's minutes approved by committee
2. Amend criteria for the administrative review of street events.
no vote necessary
3. Request for 3 loading zones to decrease traffic impacts from move-ins and service vehicles: 242 Broome (north side between Ludlow and Esses), 202 Broome (north side between Norfolk and Suffolk), and 180 Broome (north side between Suffolk and Clinton). All will be 60 ft/approx. 3-4 parking spaces.

VOTE: TITLE: Support for Permanent Loading Zone at 242 Broome Street, 202 Broome Street, and 180 Broome Street

WHEREAS, the Essex Crossing development, which was vigorously negotiated and supported by Community Board 3, now has 7 buildings complete and has brought thousands of new residents to the area; and

WHEREAS, The Go Broome project at 55 Suffolk Street and 64 Norfolk Street is complete after just over two years of construction and has removed construction materials from Broome Street between Norfolk Street and Suffolk Street; and

WHEREAS, 242 Broome Street, 202 Broome Street, and 180 Broome Street, which are part of the Essex Crossing development, are fully moved-in;

WHEREAS, currently 242 Broome Street, 202 Broome Street, and 180 Broome Street residents must load and unload general pickups and groceries in the travel lane, and rideshares and taxis waiting for residents must idle in the travel lane, and moving trucks for residents moving in and out must double park in travel lane causing traffic congestion and noise pollution; and

WHEREAS, there is a need for a permanent loading zone adjacent to 242 Broome Street (north side between Ludlow and Essex), 202 Broome Street (north side between Norfolk and Suffolk), and 180 Broome Street (north side between Suffolk and Clinton) so that residents can utilize this space for loading, unloading, and for-hire vehicles to use in order to not cause traffic congestion on the narrow one-way street; and

WHEREAS, Essex Crossing Management has asked Community Board 3 to support the implementation of permanent Loading Zones in front of 242 Broome Street, 202 Broome Street, and 180 Broome Street which would limit traffic impacts because residents would no longer need to use travel lanes for loading and unloading; and

WHEREAS, Community Board 3 supports the creation of loading zones in our district needs statement; so

THEREFORE BE IT RESOLVED, that Manhattan Community Board 3 supports the proposal for the addition of a 60'-0" long (approximately 3 to 4 car lengths) permanent Loading Zone adjacent to 242 Broome Street (north side between Ludlow and Essex), 202 Broome Street (north side between Norfolk and Suffolk), and 180 Broome Street (north side between Suffolk and Clinton).

4. Request for loading zone: Clemente Soto Vélez Cultural and Educational Center, 107 Suffolk St, designate 22-feet for existing loading at front entrance.

VOTE: TITLE: Support for an extension to the loading zone for 107 Suffolk Street

WHEREAS, Clemente Soto Vélez Cultural and Educational Center is losing access to the loading area at the rear lot on Suffolk Street due to on-going construction work; and

WHEREAS, there is a need for a loading zone for productions to load theatrical equipment in and out of the Center; and

WHEREAS, the Center is requesting an additional 22 feet to the existing smaller loading zone located at 107 Suffolk Street (west side) between Rivington and Delancey Streets; and

WHEREAS, Community Board 3 supports the creation of loading zones in our district needs statement; so,

THEREFORE BE IT RESOLVED, that Manhattan Community Board 3 supports the proposal for the addition of a 22" expansion of the Loading Zone at 107 Suffolk.

5. Vote to adjourn approved by committee

28 YES 0 NO 0 ABS 1 PNV MOTION PASSED (excluding Transportation item 3)
27 YES 1 NO 0 ABS 1 PNV MOTION PASSED (Transportation item 3)

Landmarks Committee

1. Approval of previous month's minutes approved by committee
2. LESPI: informational presentation on LESPI's activities regarding City landmarks in CB 3 including current and future Requests for Evaluation
no vote necessary
3. Certificate of Appropriateness: 50 E 7th St (Middle Collegiate Church addition) changes to windows, siding, skylight, and rooftop unit.

VOTE: TITLE: Approval of Certificate of Appropriateness: 50 E 7th St (Middle Collegiate Church addition) changes to windows, siding, skylight, and rooftop unit.

Whereas, 50 East 7th Street was built in 1891-92 by Samuel B. Reed for the Collegiate Reformed Dutch Church; and

Whereas, the building is 5 stories in the Romanesque Revival style whose significant architectural features are rusticated limestone base, roman brick upper stories with limestone details, a dormer at the eastern bay and a tower at the western bay, and a round-arched main entry portico; and

Whereas, the building has been used as the Sunday School Building and Rectory of the Middle Collegiate Church; and

Whereas, the Middle Collegiate Church was sadly lost to fire and has been demolished; and

Whereas, 50 East 7th Street was also damaged by the fire; and

Whereas, Middle Collegiate Church wishes to utilize the space in 50 East 7th Street for worship and other uses while the new church is being constructed; and

Whereas, the proposed work consists of:

- clear double-glazed clerestory windows,
- new metal siding to match the existing siding,
- new skylights,
- a new Rooftop Unit on the 5th floor roof and associated ducts; and

Whereas, the existing siding is to remain; and

Whereas, the Rooftop Unit will be visible from the street initially; and

Whereas, it is anticipated that future construction of the new church and future construction of a new building on the corner will block the view; and

Whereas, the replacement skylight will protect the unfortunately damaged Tiffany glass beneath it; and

Whereas, although the designation report mentions "possibly historic wood sash at all window openings" wooden-framed windows, the proposal is to replace the clerestory windows without the wooden frames wood sash; so

Therefore be it resolved, Community Board 3 approves the Certificate of Appropriateness for changes to 50 East 7th Street, with the following recommendation:

- Consider modifying the proposal by replacing the clerestory windows with appropriate wood sash wooden framed windows.

4. Vote to adjourn approved by committee

29 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Cannabis Control Task Force

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

2. Just Buds LLC, 10-14 Doyers St

VOTE: TITLE: Community Board 3 Recommendation to Support—Stipulations Attached

WHEREAS, Just Buds LLC is seeking an Adult-Use Retail Dispensary license, in the premises located at 10-14 Doyers Street, between Pell and Bowery Streets, New York, New York; and

WHEREAS, the applicant appeared before Community Board 3 on January 8, 2024 to allow the community the opportunity to provide comments on the proposed business; and

WHEREAS, 2 residents contributed letters in opposition to the application; and

WHEREAS, Community Board 3 finds no concerns with the proposed business;

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the application for an Adult-Use Retail Dispensary for Just Buds LLC, for the premises located at 10-14 Doyers Street, New York, New York, provided that the applicant agrees to the following signed notarized stipulations that:

- 1) It will close by 8 P.M. Monday-Friday and by 10 P.M. Saturday to Sunday, and
- 2) it will have no music emanating from business.

3. Washington Place Dispensary LLC (CAURD license), 159 Bowery
no vote necessary

4. Vote to adjourn
approved by committee

29 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding Cannabis item 2)

17 YES 11 NO 1 ABS 0 PNV MOTION PASSED (Cannabis item 2)

Vote to adjourn

29 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Members Present at Last Vote:

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

Meeting Adjourned