



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

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Gigi Li, Board Chair

Susan Stetzer, District Manager

March 2013 Full Board Minutes

Meeting of Community Board #3 held on Tuesday, March 19, 2013 at 6:30pm at PS 20, 166 Essex Street.

Public Session:

Laura Dobbins: Speaking on behalf of residents of her building. A commercial unit (Hamptons Marketplace) has put a ventilation system on the roof that has received 5 DEP violation and has asked for a cease and desist.

Susan Stetzer: Instructed Dobbins to post a complaint to the CB3 website

Dobbins: Claimed to have made a complaint.

Thomas McKean: Echoed Dobbins' concerns.

Matt Malina and Michelle Wolinsky: Village View resident (lives across the street from the synagogue at issue) Speaking opposing a Certificate of Appropriateness for alterations to Meseritz Synagogue (which was landmarked in October). The synagogue board made a deal to develop the building into residences. They constructed a mock-up of its upper floor development to assure that the upper-floor development would not be visible from the street. The mock-up has fallen down so it's not clear whether it would be visible.

Chad Marlow: Concerned that this is an internal synagogue issue, not a community board issue.

Monica Rittersporn: Questioning whether safeguards were taken to preserve St. Marks church when building handicap ramp.

Mae Lee: Speaking for the Chinese Progressive Association regarding immigration reform. Friday, March 23, press conference on immigration reform (see handout)

Public Officials:

Mayor Michael Bloomberg, Pauline Yu: Not in Attendance

Public Advocate Bill de Blasio, Phil Jones: Not in Attendance

Comptroller John Liu, Alice Cancel: Not in Attendance

Borough President Scott Stringer, David Czyzyk: The final Blueway meeting will be May 2, 6PM at the Cooper Union for revitalizing the East River waterfront. April 24, is Denim Day for rape and sexual assault awareness. April 8 is the deadline for the accompanying college op competition.

Congressmember Carolyn Maloney, Victor Montesinos: Not in Attendance

Congressmember Nydia Velazquez, Iris Quinones: Working on sequestration cuts impact and Sandy impact. Helped facilitate section 8 information workshops.

Assembly Speaker Sheldon Silver, Zach Bommer: Partnered with NYLAG legal services – on April 9, he will work with the NYLAG van to supply legal services on East Broadway and Pike.

Assemblymember Deborah J. Glick, Sarah Malloy-Good: Concerned about exposing SUNY student data. Asking people to turn off non-essential electronics for one hour this Saturday.

Assemblymember Brian Kavanaugh, Marcela Medina: Had hearing last Friday about NYCHA in-fill project and Assemblymember is actively seeking information from NYCHA about its intentions.

State Senator Daniel L. Squadron, Mauricio Pazmino: Fighting for stop-and-frisk reform. A traffic light will come to Madison and Jefferson intersection. Pier 42 will be open for interim use on May 4, and Senator will host a family day soon.

State Senator Brad M. Hoylman, Enrique Lopez: Working to better understand NYCHA's in-fill development plans – sent letter to chair of NYCHA to have inclusive city-wide public hearings. Voted against to legalize mixed martial arts. Participating in an anti-gun-violence rally in Harlem (see report for details).

Councilmember Margaret Chin, Patricia Olan: Co-Sponsored legislation waiving certain fees for rebuilding from Sandy. Overrode Mayor's veto of employment discrimination on legislation banning employers from refusing to

seek prospective employees who are unemployed. Introducing legislation to make it illegal to vend on hydrant spaces. Sent letter to NYCHA on in-fill plan requesting more consistency and information.

Councilmember Rosie Mendez, Michele Burger: Still time to apply for FEMA. RFP for NYCHA in-fill will be delayed until May and won't issue RFP until NYCHA has meeting with residents. Monitoring micro-unit apartment developments (one planned for East 27th street) – concerned with sufficient light, air and affordability.

Members Present at First Vote:

| | | | | | |
|----------------------|-----|--------------------|-----|----------------------|-----|
| David Adams | [P] | Vaylateena Jones | [A] | Thomas Parker | [P] |
| Dominic P. Berg | [P] | Meghan Joye | [P] | Carolyn Ratcliffe | [P] |
| Karen Blatt | [A] | Lisa Kaplan | [P] | Joyce Ravitz | [P] |
| Jimmy Cheng | [P] | Carol Kostik | [P] | Carlina Rivera | [P] |
| MyPhuong Chung | [A] | Ben Landy | [P] | Jamie Rogers | [P] |
| David Conn | [P] | John Leo | [P] | Richard F. Ropiak | [P] |
| David Crane | [P] | Ricky Leung | [P] | Susan Scheer | [P] |
| Natasha Dillon | [A] | Sam Leung | [P] | Nancy Sparrow-Bartow | [P] |
| Harvey Epstein | [A] | Gigi Li | [P] | Gary Tai | [A] |
| Morris Fajtelewicz | [P] | William LoSasso | [P] | Wilson Tang | [A] |
| Flora Ferng | [P] | Chad Marlow | [P] | Elinor Tatum | [A] |
| Rabbi Y. S. Ginzberg | [A] | Bernard Marti | [P] | Rodney Washington | [A] |
| Gloria Goldenberg | [P] | David McWater | [P] | Jack Waters | [P] |
| Jan Hanvik | [A] | Charlotte Miles | [A] | Justin Yu | [A] |
| Herman F. Hewitt | [P] | Alexandra Militano | [P] | Thomas Yu | [P] |
| Anne K. Johnson | [A] | Chiun Ng | [P] | | |
| Linda Jones | [P] | Ariel Palitz | [A] | | |

Minutes:

Minutes of January 2013 were approved, as is.

34 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Board Chairperson's Report:

Chairperson Gigi Li

- Board member attendance: Attendance is submitted to borough president. Board members must maintain a 66% average attendance overall. For 2011-2012, 18 community board members were below 66% attendance.
 - o McWaters: Argued that method of tabulation (taking first and last vote) was flawed because members might attend in between these votes. Argued that sending a letter to the Borough President for his below-par attendance without advance notice and for not getting credit for being at Executive Committee meeting when he had made an arrangement to have his co-chair attend. Made a motion to amend bylaws to have attendance taken at 7:30pm for committee meetings.
 - o Gigi Li: Cannot make a motion to change the bylaws in full-board meetings.
 - o Berg: Previously as chair, he had stated he would make attendance public.
 - o McWaters: Requested that he be given a warning prior to the Borough President receiving a letter.
 - o Jones: Some members on the list were on land use, and the land use committee worked very hard.
 - o Marlow: Made a motion to draft a letter to the Borough President stating that the data may not accurately reflect their participation on the board.
 - o Li: Opened motion for discussion
 - o Conn: Also received a letter because he was overextended and wasn't able to attend all the committees to which he was assigned.
 - o Kostik: If you're not able to make the commitment, you should not be as many committees
 - o McWaters: Those that move this board forward are those that care about all issues.
 - o Joye: There are board members who do not attend.
 - o Berg: Bylaws say that "substantial attendance" will be 75% of all meetings. Supported McWaters that there needs to be clarification.
 - o McWaters: Let the chair decide who attended.
 - o Li: The letter was discussed in Executive Committee meetings because chairs were frustrated by the lack of attendance
 - o Czyzyk: Borough President looks at whole board member when reviewing the member for reappointment. CB3 has attendance problems. This exercise was about stopping a trend of low attendance.

- Marlow: If Chair believes that data was invalid, then he would withdraw his motion.
- Berg: The way attendance was tabulated is invalid because there's no way to tell whether the first/last vote reflects 75% attendance.
- Marlow: Made a friendly amendment to reflect this.
- Li: Will write a letter making the correction.
- Marlow: Withdrew motion.
- Water: The letter should convey that the board is address the problem of attendance, that the problem is systemic and there are limitations to what data can convey.
- Li: The issue will be taken up in the bylaws subcommittee
- Fajtelewicz: Excused absences were removed from the tally when he was on the Executive Committee. All community boards should be consistent on how to record absences.
- Rivera: The bylaws committee will serve to create our own model.

District Manager's Report:

District Manager Susan Stetzer

CB 3 is cosponsoring with Cooper Square Committee a workshop on how to navigate the Dept of Buildings website. There is a tremendous amount of information available and this will enable people to see what is happening regarding new constructions, complaints and inspections, and much more.

The Board meeting is early this month. Agenda will be mailed out a week from tomorrow.

I want to extend a thank you to Fire Dept Community Affairs. Two weeks ago I reached out to them for information on the 81 Bowery vacate so that MFY lawyers could work with the landlord to cure the problems. They responded within a day on the weekend with all the information we needed.

I want to correct some misinformation regarding Greyhound buses. The Community Board approved the bus stop permit for 14 round trips a day. They recently added 6 trips to their schedule--but this 6 trips brings them up to the 14 approved trips per day.

On March 6 I organized a rat walkthrough at Baruch Houses at the request of GOLES and residents, All the local elected official reps also attended.

Dept. of Health led the walkthrough and NYCHA also attended. It was very helpful to identify where problems are occurring. We found the worst areas were park land within the NYCHA development. We have found that City owned land under jurisdiction of NYCHA, Parks, HPD, and DOT are the worst problems to have cured.

Committee Reports:

Executive Committee

no vote necessary

Li: With several members no longer reapplying, we will have 4-5 new members. New member social schedule for Sunday, April 21 at CB3 office from 2:00-4:00.

Human Services, Health, Disability, & Seniors / Youth & Education

1. Update on Fellow project: Senior inventory and assessment
no vote necessary
2. Planning for a school on SPURA site
no vote necessary
3. DA's office: expansion of youth initiative
no vote necessary
4. [Success Academy Charter Schools submission to open two new public charter schools in Community School District 1](#) (click item for more info), www.SuccessAcademies.org/NewSchools
no vote necessary

Economic Development

1. Update on merchant organizing in Avenues A-D area
no vote necessary
2. Presentation from Howl Festival on proposed fashion runway show of East Village designers to stimulate economy in east village fashion district
no vote necessary
3. Request from *No 7-Eleven* for support for a resolution to restrict corporate formula stores through a zoning amendment
no vote necessary

Transportation & Public Safety and Environment Committee

1. Extra Place: use of public space
no vote necessary
2. Follow up by DOT on the Parking Management Study in the areas bounded by Forsythe, Delancey, Essex and Canal St---consistent hours and parking regulations (website for more info)

VOTE: WHEREAS, DOT has presented the results of a Parking Management Study for the area bounded by Forsythe, Delancey, Essex and Canal St. DOT has proposed changes to curb-side parking regulations to achieve the following overall goals:

- Consistent hours and duration of curb-side parking regulations throughout the area.
- Match actual regulations to land use, parking demand and neighborhood needs.
- Make it easier to find parking and make deliveries; and

WHEREAS, Most of the changes would establish consistent 9am-7pm metered parking for 1-hour or 2-hour durations. A couple commercial metered parking zones will also be created; and

WHEREAS, Based on some input at the CB3 Transportation Committee meeting in February, DOT made some revisions to the plan and will continue to revise the details of their proposal, working with the BID and local businesses; now

THEREFORE, be it resolved, that CB3 approves of the changes to curb-side parking regulations that have been proposed by DOT in the Parking Management Study in the areas bounded by Forsythe, Delancey, Essex and Grand Street.

3. Fung Wah request for bus stop in front of 139 Canal St
no vote necessary

4. Request for Bike Corral at Misrahi Realty, 88 Rivington Street

VOTE: WHEREAS, DOT and the maintenance partners for a bike corral in front of 90 Rivington Street have asked to expand the installation to provide total space for 16 bikes to park. CB3 had approved the installation for 10 bikes in December 2012; and

WHEREAS, this bike corral would be maintained by Teanyssimo and Misrahi Realty, the businesses adjacent to the bike corral. The demand for bike parking is evident at this location; now

THEREFORE, be it resolved, that CB3-Manhattan supports the expansion of the bike corrals of on-street bike parking in front of 90 Rivington Street.

5. No. 1 Bus Tour and Eastern Coach request for inter-city bus stop at 18 Allen Street

VOTE: (Resolution Re: Bus Stop for No. 1 Bus Tour, Inc. at 18 Allen St)

WHEREAS, No. 1 Bus Tour, Inc. has applied for a designated bus stop for curb-side loading/unloading operations located at 18 Allen St. The buses will provide service between New York and several cities in Virginia, with up to 5 arrivals/departures daily between the hours of 6:15 am and 10:30 pm; and

WHEREAS, the applicant has entered into an agreement with CB3 to adhere to the following stipulations:

- There will always be arrangements for a layover/parking location for storage of buses that are not loading/unloading at the curbside bus stop and are not driving along the intercity route.
- A storefront will be provided for the use of our customers, so they may wait to board their bus and use the restroom facilities.
- Tickets will be sold only online, or at a designated ticket agency not on the street.
- Tickets will be sold only for specific boarding times and will not be oversold.
- Tickets will be sold in assigned boarding order system so that customers will not need to arrive early to jockey for positions.
- Sidewalk lines will be single file, and only for the next assigned bus.
- There will be a staff person on duty for every arrival and departure to guide loading/unloading, have direct contact to dispatch, inform passengers of delays, and engage in crowd and noise control effects.
- Trash bags will be used to collect litter and will be kept in storefront, or will leave with the bus.
- Staff will routinely clean up the sidewalk by bus stop.
- Buses will keep to schedules, which will be published online or printed, as much as possible.
- The number of buses at this stop will not exceed 5 buses per day. There will be 4 departures from 3:30 pm to 5 pm and 4 arrivals from 6:15 am to 7:35 am, 7 days a week. The company may add an additional 10:30 pm departure and a 2 pm arrival.
- All buses purchased in the future will be equipped with diesel particulate filters and use ultra-low sulfur fuels, and will also be equipped with exhaust gas recirculation emission control technology; now

THEREFORE, BE IT RESOLVED, that CB3-Manhattan recommends that DOT issue a permit for No. 1 Bus Tour to operate at a designated curbside bus stop at 18 Allen St, provided that the preceding list of stipulations agreed between the applicant and CB3 will be attached to the DOT permit.

VOTE: (Resolution Re: Bus Stop for Eastern Coach, Inc. at 18 Allen St)

WHEREAS, Eastern Coach, Inc. has applied for a designated bus stop for curb-side loading/unloading operations located at 18 Allen St. The buses will provide service between New York and Washington, D.C and Richmond, VA with up to 16 arrivals/departures daily between the hours of 4 am and 11:45 pm; and

WHEREAS, the applicant has entered into an agreement with CB3 to adhere to the following stipulations:

- There will always be arrangements for a layover/parking location for storage of buses that are not loading/unloading at the curbside bus stop and are not driving along the intercity route.
- A storefront will be provided for the use of our customers, so they may wait to board their bus and use the restroom facilities.
- Tickets will be sold only online, or at a designated ticket agency not on the street.
- Tickets will be sold only for specific boarding times and will not be oversold.
- Tickets will be sold in assigned boarding order system so that customers will not need to arrive early to jockey for positions.
- Sidewalk lines will be single file, and only for the next assigned bus.
- There will be a staff person on duty for every arrival and departure to guide loading/unloading, have direct contact to dispatch, inform passengers of delays, and engage in crowd and noise control effects.
- Trash bags will be used to collect litter and will be kept in storefront, or will leave with the bus.
- Staff will routinely clean up the sidewalk by bus stop.
- Buses will keep to schedules, which will be published online or printed, as much as possible.
- The number of buses at this stop will not exceed 16 buses per day. There will be 11 arrivals/departures Monday-Thursday from 4 am to 11:45 pm, and 15 arrivals/ 16 departures Friday, Saturday and Sunday.
- All buses purchased in the future will be equipped with diesel particulate filters and use ultra-low sulfur fuels, and will also be equipped with exhaust gas recirculation emission control technology; now

THEREFORE, BE IT RESOLVED, that CB3-Manhattan recommends that DOT issue a permit for Eastern Coach to operate at a designated curbside bus stop at 18 Allen St, provided that the preceding list of stipulations agreed between the applicant and CB3 will be attached to the DOT permit.

6. Update by NYCDOT on Bike Share Stations

no vote necessary

7. Two Bridges Tenant Assoc: Request for a traffic light at the intersection of Clinton and South Street

no vote necessary

34 YES 0 NO 0 ABS 0 PNV MOTION PASSED

SLA & DCA Licensing Committee

Sidewalk Cafe Application

1. The General (Bakers Dozen Associates LLC), 199 Bowery at Spring St & Bowery (unenclosed)

VOTE: To approve the application for a sidewalk café permit for twelve (12) tables and twenty-four (24) seats for Bakers Dozen Associates LLC, doing business as The General, 199 Bowery, because the applicant has signed a change agreement which will become part of its DCA license that it will close its café by 10:00 P.M. Sundays through Thursdays and 11:00 P.M. Fridays and Saturdays.

2. Grey Lady (Barnorth Group LLC), 77 Delancey St at Allen St (unenclosed)

VOTE: To approve the application for a sidewalk café permit for four (4) tables and sixteen (16) seats for Barnorth Group LLC, doing business as Grey Lady, 77 Delancey Street, because the applicant has signed a change agreement which will become part of its DCA license that its hours of operation will be 12:00 P.M. to 11:00 P.M. all days.

Applications within Saturated Areas

3. To be Determined, 17 Clinton St btwn E Houston & Stanton Sts (wb)

VOTE: To deny the application for a beer wine license for Clinton Street Pizza Inc., for the premise located at 17 Clinton Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that

- 1) it will operate as a full-service Italian pizza restaurant and wine bar, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 11:00 A.M. to 12:00 A.M. Sundays through Thursdays and 11:00 A.M. to 2:00 A.M. Fridays and Saturdays,

- 3) it will close any façade doors and windows at 10:00 P.M. every night, and
 - 4) it will play ambient background music only, consisting of recorded music, and will not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee will be charged
 - 5) Community Board #3 is approving this beer wine license although this is a location in an area with numerous licensed premises because the applicant has experience operating a restaurant, in that it operates an existing pizza restaurant in Astoria, New York which has been in operation since 1959.
4. Soho House (Soho-Ludlow LLC), 139 Ludlow St (op)
withdrawn
5. 1st Street Ventures Inc, 44A 1st St btwn 1st & 2nd Aves (wb)

VOTE: WHEREAS, 1st Street Ventures Inc., with a proposed business name of The Wash House, is seeking a beer wine license to operate a "laundromat bistro" for the premise located at 44A East 1st Street, between First Avenue and Second Avenue; and

WHEREAS, this application consists of a laundromat with eight (8) washers, eight (8) dryers, four (4) televisions and recorded background music in a six hundred (600) square foot space, as well as a food and drink counter with fourteen (14) stools and serving grilled cheese sandwiches, soup and salad within one hundred (100) square feet of said location; and

WHEREAS, this location is residentially zoned, was previously a live work space for an artisan and has not been previously licensed; and

WHEREAS, the First Street Block Association is opposed to this application because 1) there are already six (6) licensed establishments on this residential side street, 2) residents are already detrimentally affected by the noise, traffic and people from the existing licensed establishments, 3) the block association is concerned that this location is not physically large enough to accommodate waiting patrons who would then bring food and drink onto the public sidewalk, and 4) this applicant stated that the alcohol sales would consist of only five (5) percent of its business which is such a *de minimis* component of its business that it does not justify the approval of this license; and

WHEREAS, there is no public convenience and advantage served by the approval of this beer wine license as this street and its surrounding avenues are well-served by restaurants, bars and cafés of all price ranges and food options and because, in licensing a location which is so small and will serve the dual purpose of laundromat and café, patrons will likely bring food and drink onto the public sidewalk; and

WHEREAS, although this applicant furnished thirty-seven (37) signatures in support of its application, it conceded that some were from commercial tenants in the area and it was unable to provide the amount that were commercial signatures as opposed to the signatures of residents; and

WHEREAS, although the applicant has now stated that alcohol sales may comprise ten (10) to twenty (20) percent of its sales, the component of its actual business which would be alcohol sales does not justify the approval of a beer wine license for this location and it is unclear, based upon the limited food options included in this application, that alcohol service is incidental to food service; now

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the application for a beer wine license for 1st Street Ventures Inc., 44A East 1st Street, between First Avenue and Second Avenues.

6. The Cow Theater (Stephen & Tyler Productions LLC), 21A Clinton St btwn E Houston & Stanton Sts (wb)
- VOTE:** To deny the application for a beer wine license for Stephen & Tyler Productions LLC, with a proposed business name of The Cow Theatre, for the premise located at 21A Clinton Street, sub floor 1, between East Houston and Stanton Streets, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that
- 1) it will operate as a theatre with a concession area serving beer wine and a limited menu of food,
 - 2) its hours of operation for the theatre will be 10:00 A.M. to 2:00 A.M. all days and its hours of operation for the concession area will be 6:00 P.M. to 1:00 A.M. all days,
 - 3) it will only serve beer and wine at the concession area which will be located in the lobby waiting area of the theatre and will consist of four (4) tables and sixteen (16) seats and a nine (9) foot bar,
 - 4) the concession area will begin operating half an hour (½) before evening performances and continue operating during intermissions but will operate no later than 1:00 A.M. or before the end of the last performance, whichever is earlier, and
 - 5) the concession area will only be open to ticket holders who have gained admission to the theatre
- Community Board #3 is approving this beer wine license although this is a location in an area with numerous licensed premises because 1) the current location is zoned for and has operated as a theatre for the past six (6) years, 2) this applicant previously operated a theatre for twelve (12) years at 219 Sullivan Street, New York, New York, but was forced to relocate when its building was demolished for redevelopment, and 3) there is a

public convenience and advantage in the granting of this beer wine license, in that this location will continue to operate as a theatre but will now also allow nonprofit and community use in addition to its private programming, which will include daytime programming for children.

7. Ramen Junkie USA LLC, 25 Clinton St (wb) (Ivan Ramen)
withdrawn

8. Haile Bistro (Haile Bistro Inc), 182 Ave B (wb)
withdrawn

Alterations

9. The General/Finale/Bow (Bakers Dozen Associates LLC), 199 Bowery (op/alt/move dance space to back half of the ground floor)
withdrawn

10. Bugs (Beam B LLC), 504 E 12th St btwn 1st Ave & Ave A (alt/wb/change of hours)

VOTE: As this applicant has entered in a Memorandum of Understanding with the East Twelfth Street Block Association (attached hereto), Community Board #3 moves to deny the application for an alteration of the beer wine license for Beam B LLC, doing business as Bugs, for the premise located at 504 East 12th Street, to wit amending its hours of operation to 5:30 P.M. to 11:00 P.M. Tuesdays through Thursdays, 5:30 P.M. to 12:00 A.M. Fridays and Saturdays, 5:30 P.M. to 10:00 P.M. Sundays and closed Mondays, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that

- 1) it will operate as a full-service Japanese restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 5:30 P.M. to 11:00 P.M. Tuesdays through Thursdays, 5:30 P.M. to 12:00 A.M. Fridays and Saturdays, 5:30 P.M. to 10:00 P.M. Sundays and closed Mondays,
- 3) it will maintain a closed fixed façade with no open doors or windows,
- 4) it will play ambient background music only, consisting of recorded music, and will not have DJs, live music, promoted events, scheduled performances or events at which a cover fee will be charged,
- 5) it will not apply to upgrade its license,
- 6) it will not have "happy hours,"
- 7) it will not apply for a sidewalk café permit,
- 8) it will post signs on its façade asking its patrons to be quiet and respectful of neighbors, and
- 9) it will install soundproofing.

11. Hong Kong Station (Lamma Island Inc), 45 Division St (alt/wb/change of hours)
withdrawn

12. The Smith (3rd Ave Hospitality LLC), 55 3rd Ave btwn 10th & 11th Sts (alt/op/additional bar)

VOTE: To approve the application for an alteration of the full on-premise liquor license for 3rd Ave Hospitality LLC, doing business as The Smith, for the premise located at 55 Third Avenue, to wit adding a thirteen (13) foot standup bar with nine (9) stools to its cellar dining room, understanding that it will continue to operate this room consistent with its stipulated method of operation as a full-service restaurant.

New Liquor License Applications

13. Extra Place (Extra Place America LLC), 8 Extra Pl btwn 2nd Ave & Bowery (upgrade to op)

VOTE: WHEREAS, Extra Place America LLC, doing business as Extra Place, is seeking a change of class of its existing beer wine license to a full on-premise liquor license for its restaurant located at 8 Extra Place, between Second Avenue and Bowery; and

WHEREAS, the beer wine application for this applicant was originally approved by Community Board #3 in April of 2012, provided that it agreed before the SLA to make as conditions of its license a signed notarized stipulation that 1) it would operate a full-service Swiss and Mediterranean restaurant, serving food during all hours of operation, 2) its hours of operation would be 10:00 A.M. to 12:00 A.M. Mondays through Thursdays and 10:00 A.M. to 2:00 A.M. Fridays and Saturdays, 3) it would play ambient background music only, consisting of recorded music, and not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee would be charged, 4) it would close any façade doors and windows at 10:00 P.M. every night, and 5) it would not have any alcohol service outside; and

WHEREAS, Extra Place is a dead-end alley which was designated a Restricted Use Street in 2010, which allowed the surrounding residential development to enter into a lease with the New York City Department of Transportation to develop, administrate and maintain Extra Place as a public plaza, accessible to all pedestrians and closed to all vehicular traffic, except emergency and service vehicles; and

WHEREAS, given its designation as a public plaza, eating and drinking establishments located on Extra Place, including the restaurant belonging to the applicant, may allow their patrons to purchase food at their businesses and leave their businesses to eat at tables set up for general public use in the outdoor plaza, but said establishments are prohibited from setting up table service for patrons at any of the

outdoor tables, allowing wait staff to serve patrons at the outdoor tables, serving alcohol outside and allowing patrons to consume alcohol outside that is purchased within the restaurants; and

WHEREAS, the applicant has created an illegal outdoor café in said public use plaza by usurping the outdoor tables for its private use, in that it has set up table service for patrons at the outdoor tables and allowed its wait staff to serve patrons at the outdoor tables; and

WHEREAS, the applicant has further violated the New York City Department of Transportation restrictions, in that it allows its delivery trucks to enter and remain in Extra Place, thereby obstructing pedestrian use of the plaza; and

WHEREAS, the applicant illegally extended the use of its beer wine license and violated its stipulations which are part of its liquor license by serving beer and wine outside and allowing patrons to consume beer and wine outside that was purchased in its establishment; and

WHEREAS, Community Board #3 has made numerous efforts in the past year to have the applicant comply with its liquor license, its stipulations and the restricted use of the public plaza, but the applicant has failed to comply; and

WHEREAS, the residential development has admonished its commercial tenants in Extra Place, including the applicant, that this outdoor area is a public plaza which is accessible to all pedestrians and cannot be used by any business for its own use; and

WHEREAS, the applicant concedes that there are fifteen (15) full on-premise liquor licenses within five hundred (500) feet of this location; now

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the application for a change in class of the existing beer wine license for Extra Place America LLC, 8 Extra Place, between Second Avenue and Bowery, to a full on-premise liquor license because

- 1) the applicant has violated its stipulation that it will not serve alcohol outside of its establishment,
- 2) the applicant has usurped a public pedestrian plaza for its private use in violation of New York City Department of Transportation restrictions by setting up an illegal sidewalk café in said public plaza and allowing its delivery trucks into said plaza, and
- 3) the applicant has used its license illegally by serving beer and wine to its patrons outside of its establishment and allowing its patrons to consume beer and wine outside which they had purchased within its business.

14. Azize Cafe & Lounge (45 First Ave Corp), 45 1st Ave (wb)
withdrawn

15. Edible Analytics LLC, 177 Chrystie St (wb)
withdrawn

16. 88 Orchard Coffee LLC, 88 Orchard St at Broome St (wb)

VOTE: Understanding that this is a sale of assets of a preexisting restaurant café, to deny the application for a beer wine license for 88 Orchard Coffee LLC, for the premise located at 88 Orchard Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that

- 1) it will operate as a coffee shop café, serving food during all hours of operation,
- 2) its hours of operation will be 7:00 A.M. to 12:00 A.M. all days,
- 3) it will close any façade doors and windows at 10:00 P.M. every night,
- 4) it will play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged, and
- 5) it will not have "happy hours."

17. Heart N Soul (Mama Bar LLC), 200 E 3rd St (wb)
withdrawn

18. Wing Shoon Seafood Restaurant (Wing Shoon Seafood Restaurant LLC), 165 E B'way (wb)
withdrawn

19. To be Determined, 269 E Houston St (aka 188 Suffolk St) at E Houston & Suffolk Sts (op)

VOTE: To deny the application for a full on-premise liquor license for a corporation to be determined, with principal Eugene Fernandez, for the premise located at 269 East Houston Street a/k/a 188 Suffolk Street, because the applicant did not appear before Community Board #3 for review of its application or provide any application materials for review.

20. Natori Saint Marks LLC, 58 St Marks Pl btwn 1st & 2nd Aves (wb)

VOTE: Understanding that this is a sale of assets of a preexisting restaurant, to deny the application for a beer wine license for Natori Saint Marks LLC, doing business as Natori, for the premise located at 58 St. Marks Place, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that

- 1) it will operate as a full service Japanese restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 5:00 P.M. to 11:00 P.M. all days,
- 3) it will maintain a closed fixed facade, and
- 4) it will play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged.

21. Bar Chevere (O & O Wine Corp), 181 Essex St (op)
withdrawn

22. Ivrose B LLC, 137 1st Ave btwn St Mark Pl & E 9th St (wb)

VOTE: To deny the application for a beer wine license for Ivrose B LLC, for the premise located at 137 First Avenue, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that

- 1) it will operate as a full service French Caribbean African restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 11:30 A.M. to 11:00 P.M. Sundays, 5:00 P.M. to 12:00 A.M. Mondays through Wednesdays, 11:30 A.M. to 12:00 A.M. Thursdays, and 11:30 A.M. to 1:00 A.M. Fridays and Saturdays,
- 3) it will close any façade doors and windows at 10:00 P.M. every night,
- 4) it will play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged.

23. Antler, 123 Allen St btwn E Houston & Delancey Sts (wb)

VOTE: To deny the application for a beer wine license for Antler Dispensary Inc., with a proposed business name of Antler, for the premise located at 123 Allen Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that

- 1) it will operate as a wine bar, serving food during all hours of operation,
- 2) its hours of operation will be 10:00 A.M. to 2:00 A.M. all days,
- 3) it will maintain a closed fixed facade,
- 4) it will play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 5) it will not have "happy hours," and
- 6) it will not host pub crawls or party buses.

24. The Living Room (ACP Project), 173 E 2nd St (op)
withdrawn

25. Tenement LES (74 Venture LLC), 74 Orchard St btwn Grand & Broome Sts (op)

VOTE: Understanding that this is a sale of assets of a preexisting restaurant, to deny the application for a full on-premise license for 74 Venture LLC, for the premise located at 74 Orchard Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that

- 1) it will operate as a full-service ethnic American restaurant, with a kitchen open and serving food to within one (1) hour of closing,
- 2) its hours of operation will be 11:00 A.M. to 2:00 A.M. Sundays through Wednesdays and 11:00 A.M. to 4:00 A.M. Thursdays through Saturdays,
- 3) it will close any façade doors or windows at 10:00 P.M. every night, and
- 4) it will play background music, consisting of recorded music or live music, to wit jazz musicians, and may have DJs no more than once a month, and may host promoted events provided no outside third party promoter is used, but will not have scheduled performances or any events at which a cover fee will be charged.

26. To be Determined, 76 Clinton St (op)
withdrawn

Corporate Change with Complaint

27. Casimir (Lolamy Inc), 103-105 Ave B btwn E 6th & E 7th Sts (op)

VOTE: To deny the corporate change to Mario Carta and Club 20-1 Inc., consisting of principals Denis Juston-Coumat and Michel Discors, of the full on-premise liquor license for Lolamy Inc., for the existing business Casimir, located at 103-105 Avenue B, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that

- 1) it will continue to operate as a full-service French restaurant, with a kitchen open and serving food to within one (1) hour of closing,
- 2) its hours of operation will be 5:00 P.M. to 4:00 A.M. Mondays through Thursdays and 11:00 A.M. to 4:00 A.M. Fridays and Saturdays,
- 3) its backyard will close no later than 11:00 P.M. every night,
- 4) it will close any façade doors or windows at 10:00 P.M. every night, and
- 5) it will play ambient recorded background music and will not have DJs, live music, promoted events, scheduled performances or any events at which a cover fee will be charged.

34 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding SLA item 3)

33 YES 0 NO 0 ABS 1 PNV MOTION PASSED (SLA item 3)

Parks, Recreation, Cultural Affairs, Landmarks, & Waterfront Committee

1. Paths to Pier 42/interim use
no vote necessary

2. Report from Landmarks Subcommittee

VOTE: CB#3 approves the following resolutions:

a) Resolution in support of Certificate of Appropriateness of the Mesrich Synagogue, 415 E 6th Street, facade restoration and rooftop addition:

WHEREAS, the Mezrich Synagogue was converted to a synagogue in 1910; and

WHEREAS, the architect was Herman Horenburger; and

WHEREAS, the application is to restore the facade and add a rooftop addition; and

WHEREAS, to keep faithful to the appearance of the façade, (1) the obscure windows shall remain obscure so one cannot look into the apartment and (2) there should not be a "front terrace" that will have people visible from the front of the building, and

WHEREAS, we find the proposed restoration of the façade needed and appropriate, and

WHEREAS, the proposed one-story rooftop addition will not be visible from the street, so

THEREFORE BE IT RESOLVED, Community Board 3 supports the proposed restoration of the façade and the rooftop residential penthouse addition along with a proposal for entire interior renovation – with the congregation relocating to the basement and cellar level and new residential 1st and 2nd floors.

BE IT FURTHER RESOLVED, that with such long history to the neighborhood and rich cultural and religious heritage, it is with sorrow that the interior of the current synagogue will not be preserved.

Adams: Would like to obscure the windows and prevent access to front terrace so people shouldn't stand on the front of the building to disrupt the shul.

Jones: Our consideration is to the changes to the façade and rooftop. We aren't considering the interior.

b) Resolution to deny a Certificate of Appropriateness of the proposed portico restoration and ramp at St. MARKS IN THE BOWERY, 131 East 10th Street:

WHEREAS, the church is the oldest site of continuous worship and the 2nd oldest church building in New York City, dating from 1799 with additions of a steeple in 1826 and the portico in 1854; and

WHEREAS, the architect of the steeple was Ithiel Town; and

WHEREAS, the application is to restore the portico and to install a ramp for handicapped accessibility across the front of the existing GEORGIAN façade; and

WHEREAS, we were not presented with sufficient materials to be able to accurately determine how these changes would impact on the existing façade and entrance ways; so

THEREFORE BE IT RESOLVED, Community Board 3 denies the application for a Certificate Of Appropriateness for the proposed restoration of the portico and the installation of a ramp for handicapped accessibility.

Ratcliffe: There will a railing which was not depicted in the drawings.

Crane: ADA accessibility is important and the motion should not pass.

Leung: This involves approvals from multiple agencies (DOT)

Kostik: It seems like landmarks has been diligent, and we have to hold people accountable for meeting our standards for submitting details. We should ask St. Marks to return to us with the complete plans.

Ratcliffe: LPC told the committee that the committee needed to make a resolution in order to be considered by the time LPC reviewed St. Marks. St. Marks needed approval from Parks and did not have it in time for the committee meeting.

Block Parties

3. Ideas City (New Museum), 5/4, Rivington St (Bowery & Chrystie Sts)

VOTE: CB#3 approves the block party for Ideas City (New Museum), 5/4, Rivington St (Bowery & Chrystie Sts).

4. Weekend Walks Chinatown-Paint the Town, 5/26, 6/2, Mott St (Canal St & Chatham Sq)

VOTE: CB#3 approves the block party for Weekend Walks Chinatown-Paint the Town, 5/26, 6/2, Mott St (Canal St & Chatham Sq).

5. Braking AIDS Ride, 9/29, E 9th St (Aves C & D)
no vote necessary

6. New Years In Chinatown, 12/31, E B'way (Chatham Sq & Catherine St)
no vote necessary

34 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding Parks items 2A & 2B)

31 YES 3 NO 0 ABS 0 PNV MOTION PASSED (Parks item 2A)

27 YES 7 NO 0 ABS 0 PNV MOTION PASSED (Parks item 2B)

Land Use, Zoning, Public & Private Housing Committee

McWaters: We support community groups getting the information they need for in-fill projects

1. NYCHA Land Disposition: process and possibilities
no vote necessary

2. Outreach for SPURA site tenants

VOTE: That CB3 approves the notice to former site tenants of the Seward Park Urban Renewal Area developed by HPD and the CB3 Land Use Committee.

34 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Chinatown Working Group

The winner of the RFP was Pratt. Information available on the website.

Members Present at Last Vote:

| | | | | | |
|----------------------|-----|--------------------|-----|----------------------|-----|
| David Adams | [A] | Vaylateena Jones | [A] | Thomas Parker | [P] |
| Dominic P. Berg | [P] | Meghan Joye | [P] | Carolyn Ratcliffe | [P] |
| Karen Blatt | [P] | Lisa Kaplan | [P] | Joyce Ravitz | [P] |
| Jimmy Cheng | [P] | Carol Kostik | [P] | Carlina Rivera | [P] |
| MyPhuong Chung | [A] | Ben Landy | [P] | Jamie Rogers | [P] |
| David Conn | [P] | John Leo | [P] | Richard F. Ropiak | [P] |
| David Crane | [P] | Ricky Leung | [P] | Susan Scheer | [P] |
| Natasha Dillon | [A] | Sam Leung | [P] | Nancy Sparrow-Bartow | [P] |
| Harvey Epstein | [A] | Gigi Li | [P] | Gary Tai | [A] |
| Morris Fajtelewicz | [P] | William LoSasso | [P] | Wilson Tang | [A] |
| Flora Ferng | [P] | Chad Marlow | [P] | Elinor Tatum | [A] |
| Rabbi Y. S. Ginzberg | [A] | Bernard Marti | [P] | Rodney Washington | [A] |
| Gloria Goldenberg | [P] | David McWater | [P] | Jack Waters | [P] |
| Jan Hanvik | [A] | Charlotte Miles | [A] | Justin Yu | [A] |
| Herman F. Hewitt | [P] | Alexandra Militano | [P] | Thomas Yu | [P] |
| Anne K. Johnson | [A] | Chiun Ng | [P] | | |
| Linda Jones | [P] | Ariel Palitz | [A] | | |

Meeting Adjourned