



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

59 East 4th Street - New York, NY 10003
Phone (212) 533-5300 - Fax (212) 533-3659
www.cb3manhattan.org - info@cb3manhattan.org

Gigi Li, Board Chair

Susan Stetzer, District Manager

September 2013 Full Board Minutes

Meeting of Community Board #3 held on Tuesday, September 24, 2013 at 6:30pm at PS 20, 166 Essex Street.

Public Session:

- Ann Mitcheltree: Spoke regarding the importance of union labor to city services.
- Dale Goodson: Speaking on behalf of Ave. A Neighborhood Assoc., clarified that his group is not a "one-issue" group but are misunderstood because they are only heard speaking against saturation of liquor licenses.
- Paul Seres: Spoke on behalf of the DL asking to meet with community group.
- Edwin Morris: Spoke to say that the DL is a good looking place with a lot of security and discipline. The management has been receptive to a lot of community pressure.
- Jonas Pelli: Speaking as Assistant Manager of the DL, spoke to say that they have accommodated community (including the hotel across the street) and invited community groups against the DL to speak with them.
- Morris Fajtelewicz: Speaking as CB3 member and board member of a housing development, spoke against blocking curb cuts – he complained that drivers ignore them and police do not enforce the law.
- Vaylateena Jones: Speaking for LES Power Partnership, spoke regarding First Aid and CPR training (Friday 10/11 from 6:30-9:30). Also spoke to remind community that deadline for WTC Victims Compensation Fund is October 3.
- Ty Trippett: Spoke to thank SLA committee for denying renewal of the permit for the DL.
- Mae Lee: Spoke regarding immigration reform event (sponsored by New Yorkers for Real Immigration Reform) at Cadman Plaza, including march across Brooklyn Bridge.

Board Member Comment:

David McWaters: Resigned from community board for personal reasons. He stated the greatest honor he had in his life was the four years he served as chair of CB3. He thanked Margarita Lopez for her call to service, Susan Stetzer for her work ethic and organizational skills, Andrew Berman for his work on the rezoning effort, Harvey Epstein for committing to doing the right thing, for the leadership and selflessness of Dominic Berg, Ann Johnson for her support, Richard Ropiak as an example of a leadership, Linda Jones for her work on SPURA, our elected officials for their strong leadership, Lisa Kaplan for setting the bar high, Gigi Li for being a great young leader. He forgave all those that have wronged him, and he hoped others had forgiven him.

Public Officials:

Mayor Michael Bloomberg, Pauline Yu: Not Present

Public Advocate Bill de Blasio, Phil Jones: Not Present

Comptroller John Liu, Alice Cancel: Not Present

Borough President Scott Stringer, David Czyzyk: Report on slow internet speeds on public facilities which is available on the Borough President's website. Domestic Violence Awareness Month – there will be an event in Times Sq. on Oct. 7.

Congressmember Carolyn Maloney, Victor Montesinos: Read the statement by Congressmember Maloney for 9/11 commemoration statement read before Congress.

Congressmember Nydia Velazquez, Iris Quinones: Not Present

Assembly Speaker Sheldon Silver, Amy Schroeder: Speaker spent the summer advocating for more funds for Knickerbocker recovery from Sandy.

Assemblymember Deborah J. Glick, Sarah Malloy-Good: Not Present

Assemblymember Brian Kavanagh, Marcela Medina: Assemblymember had a bookbag handout in the neighborhood. On October 5, there will be a Sandy commemorative event.

State Senator Daniel L. Squadron, Mauricio Pazmino: Not Present

State Senator Brad M. Hoylman: Congratulated David McWaters on his service. There will be a forum on the economics of hydrofracking, at 10/3 at the SVA Theater (23rd and 8th Ave.). There was a rash of crime against

LGBT community members in Manhattan. In response, we held a forum on the current legislation, which was passed ten years ago. The state should re-examine that law and he made recommendations to the state which is available on the website.

Councilmember Margaret Chin, Patricia Olan: SPURA developer was selected and the new plan includes a new Essex St. Market (with move costs for vendors covered by the city), a school by the Educational Alliance, a community center run by Grand St. Settlement and 250,000 sq. feet of office space. This will also created permanent jobs and opportunities for residents to get involved in the construction trades. Also, the City Council approved the landmarking of the Seward Park library. At the transportation committee, the Councilmember advocated against casino buses because they are shuttle buses and not intercity buses (which create intercity partnerships).

Councilmember Rosie Mendez, Rosemarie Diaz: Recently was able to pass a tax benefit for Habitat for Humanity cooperative. Successfully overrode veto. Renamed East 13th Street after Cornell Edwards, a former chair of the Community Board housing committee. There are new board members of NYCHA, which includes 3 resident members and a member of EDC. Construction of Star Academy will begin and go no later than 10:00PM each day.

Members Present at First Vote:

David Adams	[A]	Vaylateena Jones	[P]	Thomas Parker	[P]
Dominic Berg	[P]	Meghan Joye	[P]	Teresa Pedroza	[P]
Karen Blatt	[P]	Lisa Kaplan	[P]	Carolyn Ratcliffe	[P]
Justin Carroll	[A]	Carol Kostik	[P]	Joyce Ravitz	[P]
Jimmy Cheng	[A]	Ben Landy	[P]	Carlina Rivera	[P]
MyPhuong Chung	[P]	John Leo	[P]	Jamie Rogers	[P]
David Crane	[P]	Ricky Leung	[P]	Richard Ropiak	[P]
Morris Fajtelewicz	[P]	Alysha Lewis-Coleman	[P]	Susan Scheer	[P]
Flora Ferng	[P]	Gigi Li	[P]	Nancy Sparrow-Bartow	[P]
Shoshannah Frydman	[A]	William LoSasso	[P]	Wilson Tang	[P]
Gloria Goldenberg	[A]	Chad Marlow	[P]	Elinor Tatum	[leave]
Jan Hanvik	[P]	Bernard Marti	[A]	Rodney Washington	[A]
Ayo Harrington	[P]	Penina Mezei	[A]	Julie Ulmet	[P]
Herman Hewitt	[A]	Alexandra Militano	[P]	Josephine Velez	[P]
Anne Johnson	[P]	Chiun Ng	[P]	Justin Yu	[P]
Linda Jones	[P]	Ariel Palitz	[P]	Thomas Yu	[A]

Minutes:

Minutes of June 2013 were approved, as is.

36 YES 0 NO 1 ABS 0 PNV MOTION PASSED

Board Chairperson's Report:

Chairperson Gigi Li: Justin Carol will serve as Co-Chair of Human Services Committee. Ricky Leung will serve as Chair of Cultural Affairs Task Force. Read statement emphasizing board member's accountability and objectivity. When new information is being introduced in meeting, if board members act quickly without proper deliberation, it will affect the board's objectivity. Members should consider the diversity of our board when choosing the words board member's use. Board members have a responsibility to keep the tone of board meetings civil and productive.

MyPhuong Chung: Board members had a responsibility to keep up to date on issues going on in the community. The public should email info@cb3 with updates so board members can be informed in advance.

Dominic Berg: We should put a note in the calendar asking the public to give us information.

District Manager's Report:

District Manager Susan Stetzer: We will put a note on the header to ask public to give us more information. We have seen a lot of illegal idling of non-MTA buses. We are seeing it as far north as St. Marks. Pl. Traffic enforcement has committed to asking officers to police this better.

The Office of Management and Budget asks us what budget priorities we have and the agency responsible for the priority. Please use this as a guideline when writing budget priorities.

Homeless Outreach will go to all individuals reported on within two hours – Specifically request Homeless Outreach and not the police. Once the individual is identified as chronically homeless, Homeless Outreach will create a case file.

Julie Ulmet: Asked what the protocol was for waiting lines for busses.

Stetzer: She will follow up with line regulation if the problem persists.

Li: Recognized the work of the Land Use Committee and the SPURA Task Force.

Committee Reports:
Executive Committee

no vote necessary

Economic Development

- 1. Small Business Coalition Inc: current small business initiatives
no vote necessary
- 2. Next steps for local business survey
no vote necessary

Con Ed Task Force

- 1. Review and follow-up on previously approved projects
no vote necessary
- 2. Review of Letters of Inquiry received by September 10 deadline, if any
no vote necessary

Carol Kostik: Update from tree planting project: Progress continues because of funding that has come from the community.

Transportation & Public Safety and Environment Committee

- 1. Request for traffic light at PS 184,327 Cherry St and School of Int'l Studies at 220 Henry St
VOTE: WHEREAS, Traffic conditions are unsafe for pedestrians along the stretch of Clinton St between Cherry St and Henry St. Vehicles routinely ignore the stop sign at the intersection of Clinton St and Cherry St, which is adjacent to the Cherry Street Playground and near PS 184. There is only a school crossing sign at the intersection of Clinton St and Cherry St, which is adjacent to the Henry Street School for International Studies and an ambulance entrance to the Gouverneur Diagnostic Center; now

THEREFORE BE IT RESOVED, that CB3 asks DOT to look at the intersection of Cherry St and Henry St and of Clinton St and Cherry St to determine whether installation of a traffic light is warranted.

- 2. Request for speed bumps at 100 and 150 Cherry Street
no vote necessary
- 3. Request to co-name E 2nd Street between Aves A - B as Mary Spink Way

VOTE: Resolution Supporting Co-Naming the Block of E 2nd St between Aves A and B as Mary Spink Way

WHEREAS, Mary Spink lived on the block of E 2nd between Aves A and B; and

WHEREAS, [WE NEED COMMEMORATIVE LANGUAGE EXPLAINING WHY MARY SPINK WAS IMPORTANT TO THE COMMUNITY]; and

WHEREAS, CB3 was presented with a petition in support of co-naming the block of E 2nd St between Aves A and B as Mary Spink Way. There were 120 signatures representing 220 of the residential units on the block, an indication of substantial community support. The group advocating for co-naming will continue to collect signatures to surpass the 75% threshold in the CB3 street co-naming guidelines since May 2006; now

THEREFORE BE IT RESOLVED, that CB3-Manhattan formally requests the NY City Council and the Mayor to enact legislation that E 2nd St between Aves A and B in Manhattan's Lower East Side be co-named "Mary Spink Way."

[withdrawn]

- 4. Results from DOT survey at Clinton/Grand
no vote necessary
- 5. DOT: post-Delancey pedestrian improvements & Allen intersection
no vote necessary
- 6. Request for bike Corrals: 1) Dudley's, 85 Orchard St at Broome St, 4 Racks 2) Goodfella's (Misrahi/Teanissimo Extension), 144 Orchard St & Rivington St, 8 Racks 3) Veselka, 144 2nd Ave at E 9th St, 10 Racks 4) Village Farm, 2nd Ave and E 9th St

[NO QUOROM FOR THIS VOTE, RECOMMENDATION ONLY]

VOTE: WHEREAS, DOT has proposed installing on-street bicycle parking in the parking lane at the following locations. These bike corrals would provide nine-ten bike parking spaces where they replace the space currently used for one parked car. There is a great need for more bike parking in these areas, with

bikes cluttering the narrow sidewalk, often attached to a tree, to other street furniture, etc. Each of these bike corrals would have a local business as a maintenance partner, responsible for maintaining plantings, shoveling snow, etc.:

- A bike corral in front of 85 Orchard St at Broome St with space for 12 bikes to park. Dudley's would maintain this bike corral.
- A bike corral in front of 144 Orchard St & Rivington St with space for 10 bikes to park. Goodfella's would maintain this bike corral, which would be installed around the corner from the existing bike corral at 90 Rivington Street maintained by Teanyssimo and Misrahi Realty.
- A bike corral in front of 300 E 9th St at 2nd Ave with space for 20 bikes to park. Veselka would maintain this bike corral, which would be near the bike corral maintained by Mud Cafe.
- A bike corral in front of 144 2nd Ave at E 9th St with space for 18 bikes to park. This bike corral would be aligned with the "floating lane" of vehicle parking adjacent to the bike lane and would remove one vehicle parking space. Village Farm would maintain this bike corral, which would be around the corner from the bike corral that would be maintained by Veselka; now

THEREFORE, be it resolved, that CB3-Manhattan supports the installation of these bike corrals of on-street bike parking.

Bus Stop Permit Applications

7. NYC Style Limo Inc, 95 Canal Street

VOTE: WHEREAS, NYC Style Limo Inc has applied for a designated bus stop for curb-side loading/unloading operations located at 103 Canal St. The buses will provide service between New York and Georgia and Ohio with up to 3 arrivals/departures daily between the hours of 9:30 am and 9:30 pm; and

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

- 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, to have direct contact to dispatch to inform passengers of delays, and to engage in crowd and noise control.
- 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 the stated number of buses per hour/per day.
- 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.
- A storefront will be provided for the use of customers, so they may wait to board their bus and use the restroom facilities; now

THEREFORE, BE IT RESOLVED, that CB3-Manhattan recommends that DOT issue a permit for NYC Style Limo Inc to operate their bus service at a designated curbside bus stop at 103 Canal St, provided that the preceding list of stipulations agreed between the applicant and CB3 will be attached to the DOT permit.

8. Blue Sky Bus Tours Inc, 51 Chrystie Street

VOTE: WHEREAS, Blue Sky Bus Tours Inc. has applied for a designated bus stop for curb-side loading/unloading operations located at 51 Chrystie Street. The buses will be providing service between New York and cities in North Carolina and South Carolina with up to 2 arrivals/departures daily between the hours of 7:00 am and 10:00 pm; and

WHEREAS, CB3 has serious concerns about this location because it might eliminate a truck loading zone from 8am to 7pm, Mon-Sat, on a block that has existing businesses that require loading and unloading. Three of these businesses appeared at the CB3 meeting in April 2013 to present their concerns – Sun Da Apparel (a garment factory on the 2nd floor of 47-53 Chrystie St), Hollywood Nail Supplies (a business at 51 Chrystie St), and An Qing Corp (a restaurant supply business at 53 Chrystie

St). There is already another permitted bus stop for Lucky Star and for General Bus located on the same block at 55 Chrystie St; and

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

- 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, to have direct contact to dispatch to inform passengers of delays, and to engage in crowd and noise control.
- 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 the stated number of buses per hour/per day.
- 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.
- A storefront will be provided for the use of customers, so they may wait to board their bus and use the restroom facilities during all times of arrivals/departures.

THEREFORE, BE IT RESOLVED, that CB3-Manhattan requests that DOT resolve the problems with the loading/unloading zone before DOT issues a permit for a designated bus stop at 51 Chrystie Street. If DOT does issue a permit for Blue Sky Bus Tours Inc. to operate at a designated bus stop for curbside loading/unloading operations located at or near 51 Chrystie Street, the preceding list of stipulations agreed between the applicant and CB3 should be attached to the DOT permit.

9. Asian Express Travel Inc, 30 Pike Street

VOTE: WHEREAS, Asian Express Travel Inc. has applied for a designated bus stop for curbside loading/unloading operations located at 30 Pike Street, between Madison and Henry St. The buses would be providing service between New York and casinos in Bethlehem, PA, with up to 4 arrivals/departures daily between the hours of 8:30 am and 2:45 am; and

WHEREAS, the applicant operates a casino bus, which the community feels does not provide a public benefit, and in fact negatively impacts the quality of life for local businesses and residents in the area; and

WHEREAS, there was significant community opposition to this application for all of the reasons explained above; now

THEREFORE, BE IT RESOLVED that CB3-Manhattan recommends that DOT should not issue a permit for Asian Express Travel Inc. to operate their bus service at a designated curbside bus stop at 30 Pike Street.

10. A&W Inc, 9 Chatham Square

VOTE: WHEREAS, A&W Inc. has applied for a designated bus stop for curbside loading/unloading operations located at 9 Chatham Square. The buses would be providing service between New York and casinos in Bethlehem, PA, with up to 8 arrivals/departures daily between the hours of 8:30 am and 7:00 am; and

WHEREAS, the applicant operates a casino bus, which the community feels does not provide a public benefit, and in fact negatively impacts the quality of life for local businesses and residents in the area; and

WHEREAS, CB3 is concerned that the applicant would not agree to provide a storefront for the use of customers, so they may wait to board their bus and use the restroom facilities. This will inevitably cause crowds of passengers jockeying for position on the sidewalk, which will create nuisance and safety issues; and

WHEREAS, Chatham Square is a very congested, complex group of intersections with at least 8 lanes of traffic moving into and through the Square. There is already an existing bus stop for Victoria's Tours at the proposed location operating 11 arrivals/departures daily, and adding an additional 8 arrivals/departures for A&W, Inc. would be burdensome; and

WHEREAS, there was significant community opposition to this application for all of the reasons explained above; now

THEREFORE, BE IT RESOLVED that CB3-Manhattan recommends that DOT should not issue a permit for A&W Inc. to operate their bus service at a designated curbside bus stop at 9 Chatham Square.

11. Yo Bus, 2 Pike Street (expansion of service from 14 daily round trips to 28 daily round trips by adding a second stop at the site)

[NO QUORUM FOR THIS VOTE. RECOMMEDATION ONLY]

VOTE: Whereas, Greyhound/Peter Pan has applied to expand the service provided by their Yo! Bus brand of buses at the designated bus stop for curb-side loading/unloading operations located the small median on the west side of Pike Street between Division Street and East Broadway (the closest street address is 2 Pike Street). Yo! Bus proposes to expand from 14 to 28 arrivals/departures per day, to provide service to Washington, DC in addition to Boston and Philadelphia, and expand hours from 7am-10pm to 7am-12:30am; and

Whereas, Yo! Bus currently has a permit to operate 14 arrivals/departures at this location in a existing bus stop that is over 100'. The current bus stop is already overwhelmed by the 28 pickups and drop-offs between 7am-10pm. With the existing level of service, more than one bus is often at the bus stop, causing spillover into the intersection of Pike St and Division St of buses and waiting passengers; and

Whereas, Chinatown as a whole is presently overburdened with intercity buses and is already home to 28 pickups and drop-offs by Yo! Bus, which is not a locally owned small business, CB3 feels it would be more appropriate for the additional stop to be located in another community underserved by intercity bus service; now

Therefore, be it resolved that CB3-Manhattan recommends that DOT should not expand the permit for Greyhound/Peter Pan to operate their Yo! Bus brand of bus service at the designated curbside bus stop near 2 Pike St. CB3 would, however, approve of the expansion of hours to allow the existing 14 arrivals/departures between 7:00 am to 12:30 am.

ALTERNATE MOTION FOR TRANSPORTATION #11 - Yo Bus, 2 Pike Street

WHEREAS, Greyhound/Peter Pan has applied to modify its permit for its designated bus stop for curb-side loading/unloading operations located on the small median on the west side of Pike Street between Division Street and East Broadway (the closest street address is 2 Pike Street). Yo! Bus proposes to expand to 21 arrivals/departures daily between the hours of 7am and 12:30am and to add service to Albany and Washington, DC; and

WHEREAS, Yo! Bus currently has a permit to operate at this location in a designated bus stop that is over 100' long, providing service to Boston and Philadelphia with up to 14 arrivals/departures daily between the hours of 7am and 10pm; and

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

- 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, to have direct contact to dispatch to inform passengers of delays, and to engage in crowd and noise control.
- 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 the stated number of buses per hour/per day.
- 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.
- A storefront will be provided for the use of customers, so they may wait to board their bus and use the restroom facilities; now

THEREFORE, BE IT RESOLVED, that CB3-Manhattan recommends that DOT modify the permit for Greyhound/Peter Pan to operate their Yo! Bus brand of bus service at the existing designated curbside bus stop on the west side of Pike Street between Division Street and East Broadway, provided that the preceding list of

stipulations agreed between the applicant and CB3 will be attached to the DOT permit. The modification would allow expansion of service to 21 arrivals/departures daily between the hours of 7am and 12:30am and to add service to Albany and Washington, DC.

Chung: Concerned that there was an ongoing problem of Yo! Bus.

Ulmet: Also concerned that the new motion does not address the increasing problem.

Crane: Wants DOT to devise a queuing space for buses.

Lisa Kaplan: Asked why we could not pull the motion.

Crane: We only have a forty-five day window to comment (early October).

Li: Item pulled for separate

38 YES 0 NO 0 ABS 0 PNV MOTION PASSED (Transportation excluding items 6, 11)

37 YES 0 NO 1 ABS 0 PNV MOTION PASSED (Transportation item 6)

28 YES 10 NO 0 ABS 0 PNV MOTION PASSED (Transportation item 11)

SLA & DCA Licensing Committee

(August Committee Meeting)

Renewal with Complaint History

1. Heathers (Ariel Inc), 506 E 13th St (op)
withdrawn

Applications within Saturated Areas

2. B4 (B4NYC LLC), 235 E 4th St btwn Aves A & B (op)

VOTE: Understanding that this is a sale of assets of a preexisting restaurant with a full on-premise liquor license, Community Board #3 moves to deny the application for a full on-premise liquor license for B4NYC LLC, for the premise located at 235 East 4th Street, between Avenue A and 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 operate as a full-service seasonal American restaurant, with a kitchen open and serving food to within one (1) hour of closing,
- 2) its hours of operation for its interior area will be 8:00 A.M. to 12:00 A.M. all days and its hours of operation for its sidewalk café, comprised of fourteen (14) tables and twenty-eight (28) seats, will be 5:00 P.M. to 11:00 P.M. Mondays through Thursdays, 11:30 A.M. to 11:00 P.M. Fridays and Saturdays and 11:30 A.M. to 10:00 P.M. Sundays,
- 3) 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,
- 4) it will close any façade doors and windows at 10:00 P.M. every night,
- 5) it will not apply for any alteration in its method of operation without first appearing before Community Board #3,
- 6) it will not have "happy hours,"
- 7) it will not host pub crawls or party buses, and
- 8) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

3. Wolfnights (Howling Inc), 99 Rivington St @ Ludlow St (wb)

VOTE: Understanding that this is a sale of assets of a preexisting café restaurant with a beer wine license, Community Board #3 moves to deny the application for a beer wine license for Howling Inc, doing business as Wolfnights, for the premise located at 99 Rivington Street, at the corner of Rivington Street and Ludlow 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 fast food cafe restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 12:00 P.M. to 4:00 A.M. all days but it will stop serving beer and wine at 1:00 A.M. all days,
- 3) 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,
- 4) it will not commercially use any outdoor areas,
- 5) it will close any façade doors and windows at 10:00 P.M. every night,
- 6) it will not apply for any alteration in its method of operation without first appearing before Community Board #3,
- 7) it will not seek an upgrade in class of its liquor license,
- 8) it will not have "happy hours,"
- 9) it will not host pub crawls or party buses, and
- 10) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

Alterations

4. Tuck Shop Two Corp, 115 St Marks Pl (wb/replace kitchen equipment/cosmetic changes)

withdrawn

5. Cafe Khufu (Cafe Khufu LLC), 61 E 3rd St (wb/change in hours)

withdrawn

6. Sebastian LC (LES Restaurant Corp), 81 Ludlow St @ Broome St (op/license additional space on 1st floor)
(aka 246 Broome St)

VOTE: To deny the application for an alteration of the full on-premise liquor license of LES Restaurant Corp., doing business as Sebastian, for the premise located at 81 Ludlow Street a/k/a 246 Broome Street, at the corner of Ludlow Street and Broome Street, to wit extending its full on-premise liquor license to an additional ground floor storefront within this location and amending its hours of operation to 5:00 P.M. to 12:00 A.M. Mondays, 12:00 P.M. to 12:00 A.M. Tuesdays and Wednesdays, 5:00 P.M. to 2:00 A.M. Thursdays and Fridays, 11:00 A.M. to 2:00 A.M. Saturdays and 11:00 A.M. to 12:00 A.M. Sundays, 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 Cuban French restaurant, serving food during all hours of operation,
 - 2) its hours of operation will be 5:00 P.M. to 12:00 A.M. Mondays, 12:00 P.M. to 12:00 A.M. Tuesdays and Wednesdays, 5:00 P.M. to 2:00 A.M. Thursdays and Fridays, 11:00 A.M. to 2:00 A.M. Saturdays and 11:00 A.M. to 12:00 A.M. Sundays,
 - 3) it will not commercially use any outdoor areas,
 - 4) it will close any façade doors and windows at 10:00 P.M. every night and will extend awnings over windows when open,
 - 5) it will play ambient background music only, consisting of recorded music, and will not have DJs, live music, promoted events or any event at which a cover fee will be charged,
 - 6) it will not apply for any alteration in its method of operation without first appearing before Community Board #3,
 - 7) it may have "happy hours" to 7:00 P.M. every night,
 - 8) it will not host pub crawls or party buses,
 - 9) it will turn off its commercial fan when the business is not open,
 - 10) it will only allow access to its basement dining area through its ground floor restaurant entrance,
 - 11) it will insure that there are no wait lines outside,
 - 12) it will install bilingual signs, in English and Chinese, in its building, instructing residents to call 311 if there are complaints, and
 - 13) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.
7. Sushi Dojo (Bonada LLC), 110 1st Ave (wb/adding tables outside)
withdrawn

New Liquor License Applications

8. To be Determined, 199 E 3rd St btwn Aves A & B (wb)

VOTE: Understanding that this is a sale of assets of a preexisting restaurant with a beer wine license, Community Board #3 moves to deny the application for a beer wine license for Latin Power LLC, for the premise located at 199 East 3rd Street, between Avenue A and 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 operate as a full-service traditional Mexican restaurant, with a kitchen open and serving food during all hours of operation,
 - 2) its hours of operation will be 7:00 A.M. to 11:00 P.M. Mondays through Thursdays, 7:00 A.M. to 12:00 A.M. Fridays, 11:00 A.M. to 12:00 A.M. Saturdays and 11:00 A.M. to 11:00 P.M. Sundays,
 - 3) 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,
 - 4) it will not commercially use any outdoor areas,
 - 5) it will close any façade doors and windows at 10:00 P.M. every night,
 - 6) it will not apply for any alteration in its method of operation without first appearing before Community Board #3,
 - 7) it will not seek an upgrade in class of its liquor license,
 - 8) it will not have "happy hours,"
 - 9) it will not host pub crawls or party buses,
 - 10) it will insure that there are no wait lines outside, and
 - 11) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.
9. Copper & Oak (MFM Brandy LLC), 157 Allen St (op)
no vote necessary
10. Everest Coffee Shop (T & M Bakery Inc), 22 Chatham Sq btwn St James Pl & E Bway (wb)
VOTE: To deny the application for a beer wine license for T&M Bakery Inc., doing business as Everest Coffee Shop, for the premise located at 22 Chatham Square, between St. James Place and East Broadway, 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 Greek American coffee shop restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 6:00 A.M. to 12:00 A.M. all days,
- 3) 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
- 4) it will not commercially use any outdoor areas.

11. Parmy's Kabob & Grill Inc, 125-127 1st Ave btwn E 7th St & St Marks Pl (op)

MOTION #1: THIS MOTION DID NOT PASS

VOTE: To deny the application for a full on-premise license for Parmy's Kabob & Grill Inc., for the premise located at 125-127 First Avenue, between East 7th Street and 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 Persian 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 12:00 A.M. all days,
- 3) 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,
- 4) it will not commercially use any outdoor areas,
- 5) it will close any façade doors and windows at 10:00 P.M. every night,
- 6) it will not apply for any alteration in its method of operation without first appearing before Community Board #3,
- 7) it may have "happy hours" to 7:00 P.M. every night,
- 8) it will not host pub crawls or party buses,
- 9) it will designate an employee one of whose responsibilities will be to monitor sidewalk crowds and noise in front of its business, and
- 10) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints

Notwithstanding the twenty-eight (28) full on-premise liquor licenses within five hundred (500) feet of this location, Community Board #3 is approving this application for a full on-premise liquor license because this business will be a full-service restaurant closing at 12:00 A.M. all days.

MOTION #2: THIS MOTION PASSED

VOTE: To deny the application for a beer wine license for Parmy's Kabob & Grill Inc., for the premise located at 125-127 First Avenue, between East 7th Street and 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 Persian 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 1:00 A.M. all days,
- 3) 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,
- 4) it will not commercially use any outdoor areas,
- 5) it will close any façade doors and windows at 10:00 P.M. every night,
- 6) it will not apply for any alteration in its method of operation without first appearing before Community Board #3,
- 7) it may have "happy hours" to 7:00 P.M. every night,
- 8) it will not host pub crawls or party buses,
- 9) it will designate an employee one of whose responsibilities will be to monitor sidewalk crowds and noise in front of its business, and
- 10) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

12. Moscow 57 (Moscow 57 LLC), 168 1/2 Delancey St btwn Clinton & Ridge Sts (op)

VOTE: To deny the application for a full on-premise license for Moscow 57 LLC, with a proposed business name of Moscow 57, for the premise located at 168½ Delancey Street, between Clinton Street and Ridge 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 Russian-Central Asian restaurant, 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, 7:00 A.M. to 12:00 A.M. Mondays and Tuesdays, 7:00 A.M. to 2:00 A.M. Wednesdays through Fridays and 11:00 A.M. to 2:00 A.M. Saturdays,
- 3) it will play recorded music, live music and may have DJs and scheduled performances, but will not employ outside promoters or have events hosted by outside promoters,
- 4) it will not commercially use any outdoor areas,
- 5) it will have a closed fixed façade with no open doors or windows,
- 6) it will not apply for any alteration in its method of operation without first appearing before Community Board #3,

- 7) it may have "happy hours" to 7:00 P.M. every night,
 - 8) it will not host pub crawls or party buses,
 - 9) it will install soundproofing consistent with the attached plan,
 - 10) it will employ a doorman or security as needed,
 - 11) it will insure that there are no wait lines outside, and
 - 12) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.
13. Vietnam Mess Kitchen Inc, 86 Mulberry St btwn Canal & Bayard Sts (wb)
- VOTE:** Understanding that this is a sale of assets of a preexisting restaurant with a beer wine license, Community Board #3 moves to deny the application for a beer wine license for Vietnam Mess Kitchen Inc., for the premise located at 86 Mulberry Street, between Canal Street and Bayard 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 Asian restaurant, with a kitchen open and serving food during all hours of operation,
 - 2) its hours of operation will be 10:30 A.M. to 10:00 P.M. all days,
 - 3) 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,
 - 4) it will not commercially use any outdoor areas,
 - 5) it will close any façade doors and windows at 10:00 P.M. every night,
 - 6) it will not apply for any alteration in its method of operation without first appearing before Community Board #3,
 - 7) it will not have "happy hours,"
 - 8) it will not host pub crawls or party buses,
 - 9) it will designate an employee one of whose responsibilities will be to monitor sidewalk crowds and noise in front of its business, and
 - 10) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.
14. Msam Inc, 81-83 St Marks Pl btwn St Marks Pl & E 9th St (wb) (aka 135-137 1st Ave)
- VOTE:** To deny the application for a beer wine license for Msam Inc., for the premise located at 81-83 St. Marks Place a/k/a 135-137 First Avenue, between St. Marks Place and East 9th 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 crepe café, with a prep area serving food during all hours of operation,
 - 2) its hours of operation will be 9:00 A.M. to 12:00 A.M. Sundays, 8:00 A.M. to 12:00 A.M. Mondays through Thursdays and 8:00 A.M. to 1:00 A.M. Fridays and Saturdays,
 - 3) 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,
 - 4) it will not commercially use any outdoor areas,
 - 5) it will close any façade doors and windows at 10:00 P.M. every night,
 - 6) it will not apply for any alteration in its method of operation without first appearing before Community Board #3,
 - 7) it will not seek an upgrade in class of its liquor license,
 - 8) it will not have "happy hours,"
 - 9) it will insure that there are no wait lines outside, and
 - 10) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.
15. Hui Huang Karaoke(Hui Huang Karaoke Inc), 90 Eldridge St btwn Grand & Hester Sts (wb)
- VOTE:** To deny the application for a beer wine license for Hui Huang Karaoke Inc., with a proposed business name of Hui Huang Karaoke, for the premise located at 90 Eldridge Street, between Grand Street and Hester 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 karaoke bar with six (6) rooms and a kitchen open and serving food during all hours of operation,
 - 2) its hours of operation will be 6:00 P.M. to 2:00 A.M. all days,
 - 3) it will play recorded music and may have DJs and live music, but will not have promoted events, scheduled performances or any event at which a cover fee will be charged,
 - 4) it will not commercially use any outdoor areas,
 - 5) it will have a closed fixed façade with no open doors or windows,
 - 6) it will not apply for any alteration in its method of operation without first appearing before Community Board #3,
 - 7) it will not seek an upgrade in class of its liquor license,
 - 8) it will not have "happy hours,"
 - 9) it will not host pub crawls or party buses,
 - 10) it will designate an employee one of whose responsibilities will be to monitor sidewalk crowds and noise in front of its business,

- 11) it will investigate and install soundproofing, if recommended,
 - 12) it will employ at least one (1) security guard who will be at the door from 8:00 P.M. to 2:00 A.M. every night, and employ additional security as needed, and
 - 13) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.
16. Lower East Side NY Bistro Corp, 269 E Houston St (op)
withdrawn
17. Breakroom (M&C Food and Beverage LLC), 83 Baxter St btwn Walker & White Sts (wb)
VOTE: To deny the application for a beer wine license for M&C Food and Beverage LLC, with a proposed business name of Breakroom, for the premise located at 83 Baxter Street, between Walker Street and White 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 coffee shop restaurant, with a kitchen open and serving food during all hours of operation,
 - 2) its hours of operation will be 7:00 A.M. to 12:00 A.M. Sundays through Wednesdays and 7:00 A.M. to 2:00 A.M. Thursdays through Saturdays,
 - 3) 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,
 - 4) it will not commercially use any outdoor areas,
 - 5) it will close any façade doors and windows at 10:00 P.M. every night,
 - 6) it will not apply for any alteration in its method of operation without first appearing before Community Board #3,
 - 7) it will not seek an upgrade in class of its liquor license,
 - 8) it will not have "happy hours,"
 - 9) it will not host pub crawls or party buses, and
 - 10) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.
18. Aleppo Slider LLC, 647 E 11st St btwn Aves B & C (wb)

VOTE: WHEREAS, Aleppo Slider LLC, is seeking a beer wine license for the premise located at 647 East 11th Street, between Avenue B and Avenue C; and

WHEREAS, the proposed application is for a restaurant with six (6) tables and thirty-eight (38) seats, a twenty-five (25) foot bar with fourteen (14) stools, hours of operation of 11:00 A.M. to 12:00 A.M. Sundays through Wednesdays and 11:00 A.M. to 2:00 A.M. Thursdays through Saturdays, a kitchen serving a limited menu of sliders and appetizers, an open façade, consisting of accordion doors, and recorded background music; and

WHEREAS, this location was previously a Japanese restaurant with a beer wine license which has closed and whose license has expired; and

WHEREAS, the proposed business would occupy the westernmost storefront of this premise which is located on a residential side street and its method of operation, consisting of a closing time of 2:00 A.M. Thursdays through Saturdays, wide open façade, large bar and limited menu, is inappropriate for a residential street; and

WHEREAS, although the applicant provided two hundred (200) signatures in support of its application, many of which appeared to be from area residents, and has ties to this community, five (5) residents of the block appeared in opposition to application, one of whom also spoke on behalf of one hundred three (103) area residents and the local block association, in their opposition to this application and their concern about a proposed business which appears to be a bar with a limited menu, open façade and late hours; and

WHEREAS, the applicant failed to outreach to the local block association, as required by Community Board #3; and

WHEREAS, the applicant was asked by the community board to withdraw its application and meet with the block association and concerned area residents to address issues of hours, façade and method operation but refused to do this; and

WHEREAS, the applicant provided no documentation that it has any experience operating a licensed business or eating and drinking establishment; and

THEREFORE, BE IT RESOLVED that Community Board #3 now moves to deny the renewal application of a beer wine license for Aleppo Slider LLC, for the premise located at 647 East 11th Street, between Avenue B and Avenue C.

19. Cantina LES, 1 Ludlow St (op)
withdrawn

Corporate Change with Complaint History

20. The Boiler Room (JB Max Inc), 86 E 4th St btwn 1st and 2nd Aves (op)

VOTE: To deny the corporate change of the full on-premise liquor license for JB Max Inc., doing business as The Boiler Room, for the premise located at 86 East 4th Street, between First Avenue and Second Avenue, by adding principle Neil Weinberg, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that

- 1) it will employ at least one (1) security guard Friday and Saturday nights, who will be located in front of the establishment, and
- 2) it will close any façade doors and windows at 10:00 P.M. every night.

(September Committee Meeting)

Renewal with Complaint History

1. Caffe Prosciutteria (Ballaro Inc), 77 2nd Ave btwn E 4th & E 5th Sts (wb)

VOTE: To deny the renewal of the beer wine license for Ballaro Inc., doing business as Ballaro Caffe Prosciutteria, for the premise located at 77 Second Avenue, between East 4th Street and East 5th 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 restaurant, with a kitchen open and 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 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,
- 4) it will close any façade doors and windows at 10:00 P.M. every night, and
- 5) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

2. Heathers (Ariel Inc), 506 E 13th St btwn Aves A & B (op)

VOTE: To deny the renewal of the full on-premise liquor license for Ariel Inc., doing business as Heathers, for the premise located at 506 East 13th Street, between Avenue A and Avenue B, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that

- 1) its hours of operation will be 6:00 P.M. to 2:00 A.M. Sundays through Wednesdays and 4:00 P.M. to 4:00 A.M. Thursdays through Saturdays,
- 2) it will play recorded music and may have DJs but will not have live music, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 3) it will have a closed fixed façade with no open doors or windows,
- 4) it will not commercially use any outdoor areas,
- 5) it will not apply for any alteration in its method of operation without first appearing before Community Board #3,
- 6) it may have "happy hours" to 8:00 P.M. every day,
- 7) it will not host pub crawls or party buses,
- 8) it will employ security daily and will designate a staff person to monitor noise and crowds on the sidewalks,
- 9) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

3. The DL/Dinner on Ludlow (93 Ludlow St Inc), 95 Delancey St at Delancey & Ludlow Sts (op)

VOTE: WHEREAS, 93 Ludlow Street Inc., doing business as The DL, is seeking a renewal of its full on-premise liquor license for its restaurant, bar, lounge and event space, on the ground floor, second floor and roof top of the premise located at 95 Delancey Street a/k/a 93 Ludlow Street, at the corner of Delancey Street and Ludlow Street; and

WHEREAS, Community Board #3 had previously conditionally approved a full on-premise liquor license for the ground floor of this location to operate as a tapas-style restaurant with stipulations which would become conditions of its license to 1) operate as a full-service European Spanish tapas restaurant, serving food to within one (1) hour of closing, 2) have hours of operation from 2:00 P.M. to 4:00 A.M. all days, 3) close its doors and windows at 10:00 P.M. every night, 4) play ambient background music, consisting of recorded music only, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged; and

WHEREAS, Community Board #3 then approved an alteration of this location to extend its license to the second floor and rooftop provided that the applicant agreed before the SLA to make as conditions

of its license the following signed notarized stipulation that, in pertinent part, 1) on the second and third floor, there would be recorded back ground music, consisting of an iPod and DJs, and there could be occasional live music as part of private events only and not part of daily operations, 2) there would be no outside promoters used, scheduled performances could only occur as part of a private party and not regular daily operations and cover fees would only be permitted for private events which are charitable or political in nature, and 3) it would not apply for a cabaret license

WHEREAS, the approval of this alteration occurred after four (4) hearings of this application and understanding that this applicant had begun illegally serving alcohol on its second floor and rooftop prior to approval of its alteration application, for which it ultimately entered into a settlement with the SLA on February 25, 2012; and

WHEREAS, documentation of its events submitted by residents who have also complained about noise from its roof top and noise and crowds from patrons on the sidewalk outside its premise, as well as poor management of the sidewalk and have submitted documentation that it appears to indicate that they are hosting regularly scheduled promoted events and hosts weekly dance parties, which violates the aforementioned stipulations; and

THEREFORE, BE IT RESOLVED that Community Board #3 asks that 93 Ludlow Street Inc., doing business as The DL, for the premise located at 95 Delancey Street a/k/a 93 Ludlow Street, at the corner of Delancey Street and Ludlow Street, meet with affected area residents to address complaints and address allegations that it is violating the aforementioned stipulations and return to the SLA Committee to address these concerns.

Applications within Saturated Areas

4. HiFi (Patty McCarthy Inc), 169 Ave A btwn E 10th & E 11th Sts (alt/op/ windows, interior alt, extend license to backyard)

VOTE: Understanding that this applicant has been operating this business since 1989 and has entered into a memorandum of understanding with the North Avenue A Neighborhood Association (appended hereto), Community Board #3 moves to deny the application for an alteration of the full on-premise liquor license of Patty McCarthy Inc., doing business as HiFi, for the premise located at 169 Avenue A, between East 10th Street and East 11th Street, to wit reconfiguring its back room to provide additional seating, adding an approximate seven (7) foot bar and a seven (7) foot stage for live performances to its back room and adding a five (5) foot by four (4) foot window to its front façade, 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 tavern,
- 2) it will not commercially use any outdoor areas, specifically its backyard, at this time,
- 3) it will close any facade doors and window, specifically its proposed window of no greater than five (5) feet by four (4) feet, at 10:00 P.M. every night and will extend awnings over windows when open, and
- 4) it will install soundproofing to its back room.

5. Table 12 (188 Ave A Takeout Food), 188 Ave A @ E 12th St (wb) (aka 500 E 12th St)

VOTE: To deny the application for a beer wine license for 188 Ave A Take Out Food Corp., doing business as Table 12, for the premise located at 188 Avenue A, at the corner of Avenue A and East 12th 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 American restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 8:00 A.M. to 12:00 A.M. all days, although it may operate its takeout business longer than its restaurant hours,
- 3) it will close its sidewalk café at 10:00 P.M. every night and will extend an awning over its sidewalk café while it is open,
- 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 have a closed fixed façade with no open doors or windows,
- 6) it will not apply for any alteration in its method of operation without first appearing before Community Board #3,
- 7) it will not seek an upgrade in class of its liquor license,
- 8) it will not have "happy hours,"
- 9) it will not host pub crawls or party buses,
- 10) it will insure that there are no wait lines outside, and
- 11) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints

Community Board #3 is approving this application for a beer wine license although this is a location within five hundred (500) feet of numerous liquor licenses because 1) this applicant has been operating without

complaint for five (5) years, and 2) it provided numerous signatures from block residents in support of this application and several residents appeared before this community board to speak about the responsiveness and character of the applicant.

6. Papaya King (PKNY II LLC), 3 St Marks Pl btwn 2nd & 3rd Aves (b)

VOTE: WHEREAS, PKNY 2 LLC is seeking a beer license to operate a fast food hot dog store, with a proposed business name of Papaya King, for the premise located at 3 St. Mark's Place, between Second Avenue and Third Avenue; and

WHEREAS, this applicant was previously heard as a beer wine application by Community Board #3 in May of 2013 and denied, and

WHEREAS, this is an application for a fast food hot dog store, open twenty-fours (24) hours, with proposed hours for serving alcohol of 1:00 A.M. to 2:00 A.M. Mondays through Wednesdays and 11:00 A.M. to 4:00 A.M. Thursdays through Sundays, no kitchen, standing counters for eating, entertainment level music, a giant projection screen facing the street and arcade games; and

WHEREAS, although this applicant also owns a Papaya King located at 179 East 86th Street which has been open for eighty (80) years, the applicant has only owned this franchise for a few years, the existing Papaya King has always been operated without a liquor license and it exists on a substantially larger street, that being Third Avenue, a major commercial avenue, as opposed to St. Mark's Place which is a one way street that is residentially zoned; and

WHEREAS, this applicant is not proposing to operate a full-service restaurant but, rather, is intending to operate a fast food store serving hotdogs and sides with limited seating and counter service designed for the quick turn-around of patrons and this method of operation is not compatible with the service of beer; and

WHEREAS, the applicant failed to provide substantial community support from area residents in that, although five (5) people appeared in support of this applicant, only one of them lives within this community board district and the applicant furnished Community Board #3 with only thirty (30) petition signatures from area residents in support of its application, although this is a densely residential street where most of the buildings are residences; and

WHEREAS, the applicant has conceded that there are twenty (24) liquor licenses on this one block, composed of eleven (11) full on-premise liquor licenses, ten (10) beer wine licenses and three (3) retail beer wine and liquor licenses; and

WHEREAS, when this application was heard in May of 2013 for a beer wine license, the St. Mark's Block Association and 8 St. Mark's Tenants' Association submitted letters and testimony in opposition to this application, citing the already overwhelming pedestrian and vehicular traffic on the street as a result of all of the existing licensed businesses, as well as the loud music and patrons at this business in the few days it had been open; now

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the application for a beer license for PKNY 2 LLC, with a proposed business name of Papaya King, for the premise located at 3 St. Mark's Place, between Second Avenue and Third Avenue.

7. Mikes Burgers & Bar (BAC 115 Corp), 115 St Marks Pl bwtwn 1st Ave @ Ave A (upgrade/op)

VOTE: WHEREAS, BAC 115 Corp., doing business as Mike's Burgers & Bar, is seeking a change in class of its liquor license to a full on-premise liquor license, for the premise located at 115 St. Marks Place, between First Avenue and Avenue A; and

WHEREAS, this applicant was denied a beer wine license by Community Board #3 when it applied as an Asian restaurant in April of 2010; and

WHEREAS, this applicant is now operating as a burger restaurant and bar, with closing hours of 2:00 A.M. Sundays through Thursdays and 4:00 A.M. Fridays and Saturdays; and

WHEREAS, this applicant has failed to articulate a sufficient public benefit in granting it a full on-premise liquor license in that it has stated it is merely seeking to serve specialty cocktails; and

WHEREAS, there are twenty-one (21) liquor licenses on the block of St. Marks Place, between First Avenue and Avenue A, where this business is located, at least nine (9) of which are full on-premise liquor licenses; now

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the application for a change in class to a full on-premise liquor license for BAC 115 Corp., doing business as Mike's Burgers & Bar, for the premise located at 115 St. Marks Place, between First Avenue and Avenue A.

8. Flinders Lane LLC, 162 Ave A btwn E 10th & E 11th Sts (op)

VOTE: Understanding that this is a sale of assets of a preexisting restaurant with a full on-premise liquor license and that the applicant has entered into a memorandum of understanding with the North Avenue A Neighborhood Association (appended hereto), Community Board #3 moves to deny the application for a full on-premise liquor license for Flinders Lane LLC, for the premise located at 162 Avenue A, between East 10th Street and East 11th 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 modern Australian 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 1:00 A.M. Sundays through Wednesdays and 5:00 P.M. to 2:00 A.M. Thursdays through Saturdays,
- 3) 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,
- 4) it will not commercially use any outdoor areas,
- 5) it will close any façade doors and windows at 10:00 P.M. every night,
- 6) it will not apply for any alteration in its method of operation without first appearing before Community Board #3 and will not seek to expand its premise,
- 7) it will not have "happy hours,"
- 8) it will not host pub crawls or party buses,
- 9) it will not seek a sidewalk café permit until it has been operating with a liquor license for at least one (1) year,
- 10) it will employ security guards Fridays and Saturdays, from 8:00 P.M. to 2:00 A.M., and otherwise as needed, and
- 11) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

9. Brownstone Lounge and Grill, 240 E 4th St (op) (aka 50 Ave B)
withdrawn

10. East Village Tavern (Sweendog All Stars Inc), 158 Ave C @ E 10th St (op)

VOTE: Understanding that this is a sale of assets of a preexisting tavern with a full on-premise liquor license and that the existing principles are adding a principle, eliminating minority shareholders and maintaining the method of operation and business name of the business, Community Board #3 moves to deny the application for a full on-premise liquor license for Sweendogs All Stars Inc., doing business as East Village Tavern, for the premise located at 158 Avenue C, at the corner of East 10th Street and Avenue C, 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 tavern 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 4:00 A.M. all days,
- 3) it will play recorded music and may have live music once a week but will not have DJs, promoted events, scheduled performances or any event at which a cover fee will be charged, and
- 4) it will close any façade doors and windows at 10:00 P.M. every night.

11. Yemma Bar Corp, 125 Rivington St (op)
withdrawn

Alterations

12. Ghost Art Lounge (Second Nature NYC LLC), 132A Eldridge Street (op/expand hours)

VOTE: WHEREAS, Second Nature NYC LLC, doing business as Ghost Art Lounge, is seeking an alteration of its full on-premise liquor license for the premise located at 132A Eldridge Street, between Delancey Street and Broome Street, to wit expanding its hours of operation from closing times of 12:00 A.M. weeknights and 1:00 A.M. weekends to 4:00 A.M. all nights,; and

WHEREAS, this applicant was denied a full on-premise liquor license by Community Board #3 in September of 2011 because 1) the proposed hours of operation of 8:00 A.M. to 4:00 A.M. all days, size, limited menu of sandwiches and full on-premise liquor license were inconsistent with its proposed method of operation as a tavern coffee shop with seven (7) tables and fifteen (15) seats, 2) the applicant had no experience operating a tavern, and 3) this community board had denied other applicants with similar business models in similarly sized location requesting the same or lesser operating hours; and

WHEREAS, this applicant was then approved by the SLA with modified closing hours of 12:00 A.M. weekdays and 1:00 A.M.; and

WHEREAS, this applicant is not operating consistent with its original application in that it has stated that it has eliminated much of its daytime hours which were part of its original application and now opens at 5:00 P.M.; and

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the application for an alteration of the full on-premise liquor license for Second Nature NYC LLC, doing business as Ghost Art Lounge, for the premise located at 132A Eldridge Street, between Delancey Street and Broome Street, to wit, extending its closing hours to 4:00 A.M.

13. Cafe Khufu (Cafe Khufu LLC), 61 E 3rd St (wb/change in hours)
withdrawn

New Liquor License Applications

14. Copper & Oak (MFM Brandy LLC), 157 Allen St btwn Stanton & Rivington Sts (op)

VOTE: To deny the application for a full on-premise liquor license for MFM Brandy LLC, with a proposed business name of Copper & Oak, for the premise located at 157 Allen Street, between Rivington Street and Stanton 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 tavern specializing in brown spirits and serving food during all hours of operation,
- 2) its hours of operation will be 4:00 P.M. to 1:00 A.M. Sundays through Wednesdays and 4:00 P.M. to 2:00 A.M. Thursdays through Saturdays,
- 3) 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,
- 4) it will not commercially use any outdoor areas,
- 5) it will have a closed fixed façade with no open doors or windows,
- 6) it will not apply for any alteration in its method of operation without first appearing before Community Board #3,
- 7) it will not have "happy hours,"
- 8) it will not host pub crawls or party buses, and
- 9) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints

Community Board #3 is approving this application for a full on-premise liquor license although this is a location within five hundred (500) feet of numerous full on-premise liquor licenses because 1) this applicant has been operating a similar business without complaint in Community Board #1 since 2004, and 2) this is a small scale business with limited seating.

15. Pure 120 LLC, 120 Orchard St (op)
withdrawn

16. Mee Noodle Shop (Mee Enterprise Inc), 223 1st Ave (wb)
withdrawn

17. Confessional (Kingfish Group LLC), 308 E 6th St btwn 1st & 2nd Aves (op)

VOTE: Understanding that this is a sale of assets of a preexisting restaurant with a full on-premise liquor license, Community Board #3 moves to deny the application for a full on-premise liquor license for Kingfish Group LLC, with a proposed business name of Confessional, for the premise located at 308 East 6th Street, between First Avenue and Second 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 Latin American restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 3:00 P.M. to 12:00 A.M. Mondays through Wednesdays, 3:00 P.M. to 2:00 A.M. Thursdays and Fridays, 11:00 A.M. to 2:00 A.M. Saturdays and 11:00 A.M. to 12:00 A.M. Sundays,
- 3) 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,
- 4) it will not commercially use any outdoor areas,
- 5) it will have a closed fixed façade with no open doors or windows,
- 6) it will not apply for any alteration in its method of operation without first appearing before Community Board #3,
- 7) it will not have "happy hours,"
- 8) it will not host pub crawls or party buses, and
- 9) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

18. Dimes (Two Witches LLC), 143 Division St btwn Ludlow & Canal Sts (wb)

VOTE: To deny the application for a beer wine license for Two Witches LLC, with a proposed business name of Dimes, for the premise located at 143 Division Street, between Ludlow Street and Canal 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 seasonal American restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 8:00 A.M. to 12:00 A.M. Mondays through Fridays and 9:00 A.M. to 12:00 A.M. Saturdays and Sundays,
- 3) 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,
- 4) it will not commercially use any outdoor areas,
- 5) it will have a closed fixed façade with no open doors or windows,
- 6) it will not seek an upgrade in class of its liquor license,
- 7) it will not apply for any alteration in its method of operation without first appearing before Community Board #3,
- 8) it will not have "happy hours,"
- 9) it will not host pub crawls or party buses, and
- 10) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

19. Caravan of Dreams (The House of Health Healing & Happiness Inc), 405 E 6th St btwn 1st Ave & Ave A (upgrade/op)

VOTE: To deny the application for a change in class of the existing beer wine license for The House of Health Healing & Happiness Inc., doing business as Caravan of Dreams, 405 East 6th Street, between First Avenue and Avenue A, to a full on-premise liquor license 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 kosher organic vegan restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation indoors will be 11:00 A.M. to 11:00 P.M. Sundays through Fridays and 11:00 A.M. to 12:00 A.M. Saturdays,
- 3) it will play background music only, consisting of recorded and live music, and not have DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 4) it will close any façade doors and windows at 10:00 P.M. every night,
- 5) it will not have "happy hours," and
- 6) it will not host pub crawls or party buses

Community Board #3 is approving this application for a full on-premise liquor license although this is a location within five hundred (500) feet of numerous full on-premise liquor licenses because 1) this business has been operating without complaint for the past twenty-two (22) years, and 2) it provides a public benefit in that it caters to diners with particular dietary restrictions, in that it provides kosher, vegan and gluten-free food.

20. To be Determined, 269 E Houston St (op)
withdrawn

21. Bistro Jules (Bistro Jules Management Inc), 65 St Marks Pl btwn 1st & 2nd Aves (wb)

VOTE: Understanding that this is a sale of assets of a preexisting restaurant with a beer wine license from the principal to his wife, Community Board #3 moves to deny the application for a beer wine license for Bistro Jules Management Inc., doing business as Bistro Jules, for the premise located at 65 St. Marks Place, between First Avenue and Second 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 restaurant, with a kitchen open and serving food to within one (1) hour of closing,
- 2) its hours of operation indoors will be 12:00 P.M. to 12:00 A.M. Sundays through Wednesdays and 12:00 P.M. to 2:00 A.M. Thursdays through Saturdays and it will close its front outdoor patio within its building line no later than 12:00 A.M. every night,
- 3) it will play background music only, consisting of recorded and live music, and not have DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 4) it will close any façade doors and windows at 10:00 P.M. every night,
- 5) it will not apply for any alteration in its method of operation without first appearing before Community Board #3,
- 6) it will not seek an upgrade in class of its liquor license,
- 7) it will not have "happy hours,"
- 8) it will not host pub crawls or party buses,
- 9) it will insure that there are no wait lines outside, and
- 10) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

22. Figaro Bistro Grill (La Pasta Presto Grill Inc), 344 E 6th St (op)
withdrawn

23. Milosun Sushi Inc, 141 1st Ave btwn St Marks Pl & E 9th St (wb)

VOTE: Understanding that this is a sale of assets of a preexisting restaurant with a beer wine license, Community Board #3 moves to deny the application for a beer wine license for Milosun Sushi Inc., with a proposed business name of Milosun Sushi, for the premise located at 141 First Avenue, between St. Marks Place and East 9th 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 sushi restaurant, with a kitchen open and serving food during all hours of operation,
 - 2) its hours of operation will be 12:30 P.M. to 11:30 P.M. Sundays, 11:30 A.M. to 11:30 P.M. Mondays through Thursdays and 11:30 A.M. to 1:00 A.M. Fridays and Saturdays,
 - 3) 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,
 - 4) it will not commercially use any outdoor areas,
 - 5) it will have a closed fixed façade with no open doors or windows,
 - 6) it will not apply for any alteration in its method of operation without first appearing before Community Board #3,
 - 7) it will not have "happy hours,"
 - 8) it will not host pub crawls or party buses, and
 - 9) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.
24. Russ & Daughters Cafe (Fourthgen LLC), 127 Orchard St (op)
withdrawn
25. 99 Cent Italian Taste Pizza, 174 Delancey St (wb)
withdrawn

Wilson Tang: Requested to amend the last two paragraphs asking that residents should talk to the applicant.

Ariel Palitz: We need to put pressure on the community groups to meet with the DL, not the other way around.

Tang: Suggested language that would not deny the application.

Alexandra Militano: Reported the history of the business management and ownership. There are still noise complaints and evidence of dance parties and against the stipulations agreed to. Proposed the better request from the board would be to have the DL address noise complaints and advertisements regarding the violations of the stipulations.

Carol Kostik: The SLA already granted their license renewal. It should be the business owner's responsibility to meet with the community and to abide by stipulations.

Palitz: It was not proven that they violated stipulations and would like to pull the motion to deny unless meet with community members.

Meghan Joye: Would like to pull the motion and revise to move to deny unless the DL meets with community members.

Chad Marlow: Every member of the committee has had an opportunity to comment on the motion. Why did the SLA already decide the renewal before we had a chance to decide?

Militano: Sometimes the SLA will act before, depending on the timing of the renewal and the relationship between the community board and the SLA.

Carlina Rivera: Called the question on the amendment.

23 YES 13 NO 2 ABS 0 PNV MOTION PASSED (SLA Sept item 3, amendment to resolution)

38 YES 0 NO 0 ABS 0 PNV MOTION PASSED (SLA all, excluding Sept item 3)

31 YES 7 NO 0 ABS 0 PNV MOTION PASSED (SLA Sept item 3)

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

1. DockNYC: preview programming at Pier 36, present BillyBey as single operator for berthing sites
no vote necessary

Block Parties

2. CHN Healthy Block Party, Stanton Street (Essex and Norfolk Sts), 10/2/13

VOTE: CB3 approves the CHN Healthy Block Party, Stanton Street (Essex and Norfolk Sts), 10/2/13.

38 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Land Use, Zoning, Public & Private Housing Committee

1. A presentation on the environmental, economic and aesthetic benefits of brick and masonry
no vote necessary
2. Endorsement request for *Housing First* platform to create and preserve affordable housing, reform zoning regulations to increase housing, preserve and improve public housing, support affordable ownership, address housing needs of homeless and other vulnerable people, and rebuild a resilient city in wake of Sandy

- no vote necessary
- 3. NYCHA infill update
 - no vote necessary
- 4. An update on *Chinatown Working Group* research
 - no vote necessary

Linda Jones: The developers have been selected for SPURA, which represents a miracle for the community.

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

- 1. Women's Prison Association-reopening of facility at 110 Second Ave

VOTE: Whereas, the Women's Prison Association ("WPA") was founded in 1845 and has been in the Lower East Side/East Village since 1874; and

Whereas, WPA's mission is to serve women who have been in or are at risk of entering the justice or corrections systems; and

Whereas, it has an unused facility at 110 2nd Ave in Manhattan; and

Whereas, WPA will provide comprehensive case management and support services for female residents who are either at risk of entering the corrections system or have been released from it; therefore

BE IT RESOLVED that Community Board 3, Manhattan, fully supports the reopening of the Women's Prison Association facility at 110 Second Ave in Manhattan to serve up to 39 female residents who are at risk of entering or reentering the justice or corrections system.

- 2. NYC Social: LES schoolyard kickball games-update on activities
 - no vote necessary
- 3. Follow up on District Needs Statement to identify further research areas
 - no vote necessary

38 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Members Present at Last Vote:

David Adams	[A]	Vaylateena Jones	[P]	Thomas Parker	[P]
Dominic Berg	[P]	Meghan Joye	[P]	Teresa Pedroza	[P]
Karen Blatt	[P]	Lisa Kaplan	[P]	Carolyn Ratcliffe	[P]
Justin Carroll	[P]	Carol Kostik	[P]	Joyce Ravitz	[P]
Jimmy Cheng	[A]	Ben Landy	[P]	Carlina Rivera	[P]
MyPhuong Chung	[P]	John Leo	[P]	Jamie Rogers	[P]
David Crane	[P]	Ricky Leung	[P]	Richard Ropiak	[P]
Morris Fajtelewicz	[P]	Alysha Lewis-Coleman	[P]	Susan Scheer	[P]
Flora Ferng	[P]	Gigi Li	[P]	Nancy Sparrow-Bartow	[P]
Shoshannah Frydman	[A]	William LoSasso	[P]	Wilson Tang	[P]
Gloria Goldenberg	[A]	Chad Marlow	[P]	Elinor Tatum	[leave]
Jan Hanvik	[P]	Bernard Marti	[A]	Rodney Washington	[A]
Ayo Harrington	[P]	Penina Mezei	[A]	Julie Ulmet	[P]
Herman Hewitt	[A]	Alexandra Militano	[P]	Josephine Velez	[P]
Anne Johnson	[P]	Chiun Ng	[P]	Justin Yu	[P]
Linda Jones	[P]	Ariel Palitz	[P]	Thomas Yu	[A]

Meeting Adjourned