



# THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

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Gigi Li, Board Chair

Susan Stetzer, District Manager

## May 2014 Full Board Minutes

Meeting of Community Board #3 held on Tuesday, May 27, 2014 at 6:30pm at PS 20, 166 Essex Street.

### Public Session:

Kim O'Neale: Introduced herself as the new Executive Director of the Lower East Side Coalition for Housing Development (LESCHD) and explained the purpose of the LESCHD.

Kristen Kveul: Advocated for more money for libraries for resources, stating that library funding had been baselined but was still reduced. She provided letters for community members to sign in support of library funding. She promoted Saturday, May 30 music event and a summer reading kickoff party in June.

Albert Negron: Spoke about a basketball tournament that helps curb youth violence and keep youth off the streets. He asked for support.

Sam Vasquez: Spoke in support of "I am not afraid to lift you up" to help engage youth and asked for community board support.

Lee Thatcher: Promoted the 6th Street Community Center's Community Supported Agriculture program.

Stephen Ligambi: Spoke on behalf of 167 Orchard Street (SLA Item #9) stating that they work hard to uphold the values of the community.

Kate Puls: Spoke on behalf of the 9th A-B block Association supporting the SLA's denial of the full liquor license for the King Bee restaurant.

Vaylanteena Jones: Promoted a Community Day being held by the LES Power Partnership, and she also spoke against legislation that would ban making mail order drugs mandatory for HIV patients.

Naftali Beclar: Spoke against bus stops in the Seward Park area because of the strong data that there is a high concentration of pulmonary issues in the neighborhood and that having buses arriving and idling in the neighborhood will aggravate this problem.

Karlin Chan: Asked whether the studies were affected by the proximity of the Manhattan Bridge.

Jamie Rogers: Spoke against a cartoon and comments on Bowery Boogie and asked board members to be respectful and supportive of each other during this election season, especially under the cloud of racism.

Rob Shamlan: Spoke in support of the Derby stating that they will run a good business.

Gabe Voyes: Spoke in support of the Derby stating that the business was well supported by the community and that the basement of the space was necessary.

Emily Shamlan: Spoke in support of the Derby.

David Moon: Spoke in support of the Derby saying that Spitzer's, a business owned by the same owner, was well run.

Raul Ivan Sharma: Noted that there were items missing from the resolution, citing that there was large community support as well as other items.

Corvin Matei: Spoke in support of the denial of the application of SLA item 12 because this location was not intended to be a "mega-club."

Richard Halpern: Spoke as the President of the Nolita Place Condominium Association in support of denial of SLA 12. He read a letter from the location's initial application hearing in which the location stated they did not intend to build a club, despite the fact that they are a club now.

Emma Culbert: Spoke as a founding member of SPACE, a Lower East Side block association, stating that they are against bus stop permits, in particular bus stops Canal Street east of the Manhattan Bridge (noting that fifteen people indicated they were against bus permits) and demanded a city-run bus depot.

Susan Stetzer: Noted that the Department of Transportation is amenable to entertaining a bus permit moratorium.

Culbert: Noted that a lot of smuggling occurs via these busses and petty crime is on the rise.

Amy Robinson: Spoke against granting additional bus permits and showed photos of Division Street showing the street crowding.

Elisa Wagner: Spoke as co-owner of Dimes Restaurant on Canal Street stating that the people waiting for the bus are leaving garbage on the street and hurting their business by blocking the entrance to the business.

Lily Fong: Spoke as the owner of the deli on the corner of Canal and Essex and building owner stating that the bus passengers are disruptive and they have to clean up after the bus passengers.

Chan: Asked the members of SPACE to explain why their petition charged that the buses were engaged in human trafficking.

Culbert: Responded that some Fujinese are brought to this country and asked to fulfill an indentured servitude and moved around via these buses.

Public Officials:

Mayor Bill de Blasio, Alize Beal: Not present

Public Advocate Letitia James, Adam Chen: Noted that people should contact the Public Advocate's office with regard to anything the office can help advocate for.

Comptroller Scott Stringer: Not present

Borough President Gale Brewer, Patricia Ceccarelli: There will be an event with Gale Brewer at the Natural History Museum. The Borough President will have new member trainings, and new members can sign up online. There will be grants available through the Borough President's office for various community initiatives such as composting.

Jones, V.: Commented that the intergenerational exercise for membership applications was well done.

Congressmember Carolyn Maloney, Victor Montesinos: Not present

Congressmember Nydia Velazquez, Iris Quinones: Not present

Assembly Speaker Sheldon Silver, Zach Bommer: Governor's Island is open 7 days a week. The Assembly passed more protections for affordable housing. The World Trade Center museum is open and free on Tuesdays.

Joyce Ravitz: Asked whether the movie at the museum was controversial because of its anti-Muslim undertones.

Assemblymember Deborah J. Glick, Sarah Sanchala: Not present

Assemblymember Brian Kavanaugh, Anna Paisior: Spoke about increasing SCRIE legislation and stated we would learn more in the next couple weeks about implementation. The Assemblymen's is also working on legislation on Rent Guidelines Board appointments.

State Senator Daniel L. Squadron, Mauricio Pazmino: There will be a stop sign installed on the westbound side of Delancey Street at Pitt Street. The Senate passed Senator Squadron's bill allowing the Chinese Lunar New Year to be a school holiday. Smith Houses has a chronic issue with gas outages, which is being address.

State Senator Brad M. Hoylman: Notified board of upcoming legislation, including legislation that would ban state-sponsored therapy on minors that is intended to change sexual orientation and a bill that would allow dispensing of medical marijuana. He noted that the legislature was working on other initiatives such as giving New York City the home rule authority to reduce its speed limit.

Councilmember Margaret Chin, Matt Vigiano: Noted that the councilwoman supports intercity buses because they bring people to our city, and we need to now fine-tune permitting and enforcement. He expressed the Councilmember's support of the SCRIE rent increases. He noted that the co-naming of Danny Chen Way went well. He noted that the Councilmember is excited about the mayor's affordable housing plan.

Councilmember Rosie Mendez: Asked for donations to community health network to give all people adequate healthcare. She thanked the community board and Gigi Li for their work on the memorial for Wen Ruan who has

beaten to death while walking home in the neighborhood. She spoke about work on anti-gun violence this month. She noted that she had been placed on the policy working group. She invited everyone to a gay pride event at Cooper Union on June 18, in which Robert Pinter, a local resident, will be honored for his legal work. She noted that the Board of Standards and Appeals has found the penthouse at 515 E 5th St. to be illegal. She noted that May 29 the mayor will sign into law the Senior Citizen Rent Increase Exemption minimum income increases. She stated that she did not believe that Gigi Li had intentionally discriminated against anyone but noted that she had probably made procedural mistakes.

Ayo Harrington: She noted that she did not feel that it was appropriate for an elected official to state their opinion before the Borough President had finished its investigation.

Mendez: She noted that she was stating her opinion after having reviewed the letter on the subject and the media coverage.

Members Present at First Vote:

David Adams	[P]	Linda Jones	[P]	Teresa Pedroza	[P]
Dominic Berg	[A]	Vaylateena Jones	[P]	Carolyn Ratcliffe	[P]
Karen Blatt	[P]	Meghan Joye	[P]	Joyce Ravitz	[P]
Lisa Burriss	[P]	Lisa Kaplan	[P]	Carlina Rivera	[P]
Justin Carroll	[P]	Carol Kostik	[P]	James Rogers	[P]
Karlin Chan	[P]	Ben Landy	[P]	Richard F. Ropiak	[P]
Jimmy Cheng	[A]	Mae Lee	[P]	Christopher Santana	[P]
MyPhuong Chung	[P]	John Leo	[P]	Susan Scheer	[P]
David Crane	[P]	Ricky Leung	[P]	Nancy Sparrow-Bartow	[P]
Enrique Cruz	[P]	Alysha Lewis-Coleman	[P]	Julie Ulmet	[P]
Morris Fajtelewicz	[P]	Gigi Li	[P]	Josephine Velez	[A]
Flora Ferng	[P]	William LoSasso	[P]	Rodney Washington	[P]
Gloria Goldenberg	[P]	Chad Marlow	[P]	Kathleen Webster	[P]
Jan Hanvik	[P]	Penina Mezei	[P]	Justin Yu	[A]
Ayo Harrington	[P]	Alexandra Militano	[P]	Thomas Yu	[A]
Herman F. Hewitt	[P]	Chiun Ng	[P]	Zulma Zayas	[P]
Anne K. Johnson	[P]	Ariel Palitz	[P]		

Minutes:

Minutes of March 2014 were approved, as is.

**43 YES 0 NO 2 ABS 0 PNV MOTION PASSED**

Board Chairperson's Report:

Chairperson Gigi Li

- NY Rising report: there are several small and large projects being funded.
  - Enrique Cruz asked whether small businesses on Avenues A-D would qualify for the small business protection funding.
  - Li responded that the organizations were working hard to make the funding and workshops associated with this program available to these businesses.
- There will be new member training on Tuesday, June 17 at 6:00PM for procedures and on Thursday, June 26 at 6:00PM for SLA procedure training.
- Dominic Berg has resigned as chair of the Health and Human Services Committee
- She addressed letter from Vaylateena Jones regarding improvements to committee appointments. The letter was discussed at the Executive Committee and there was consensus that the best place for a decision to be made was the Bylaws Taskforce.
  - Jones, V.: Clarified that she did not email the letter to everyone on the board, and members could contact her for a copy of the letter.
- Li noted that all committees would now keep minutes and review and approve the committee minutes at the next meeting.
- Li noted that all committees must discuss whether a vice-chair was appropriate. Per the bylaws, the power to have a committee vice-chair lies with the committee.

District Manager's Report:

District Manager Susan Stetzer

First I have a public service announcement from the Department of Consumer Services. I have information sheets for businesses- *Paid Sick Leave: What Employers Need to Know* and for employees-*Notice of Employee Rights*.

Please note that next month we will meet at Cooper Union Rose Auditorium. Cooper Union has offered us use of their facility once a year—and we want to take advantage of this in June because they have good air conditioning. In July we will meet at Educational Alliance.

The District Needs Statement will be on every agenda in June and July and we will vote in July. Please remember that we adopted a template that all committees should use. This will make the statement consistent across committees as well as more effective. We are striving for bulleted lists, and concise documented information. The statement should focus on top needs for every area and not try to list many needs. Also, the style sheet to be used for all documents is on the website under "Member Resources." Committees can also give me questions for Budget Consultation agendas. You do not need to vote on these and members can also email them to me.

The CBs 1,2,3 SLA forum was very helpful. There were very good cb questions answered by the SLA that will be very helpful in making decisions and writing resolutions. The audio of the forum is on the CB website under "Liquor License information."

Rat indexing for our district has been completed—and we have lost ground this year.

Committee Reports:

**Executive Committee**

No Report

**Nominating Committee**

Alysha Lewis-Coleman: Asked for members seeking to run for executive board positions to announce their candidacy. She stated that board members were asked to provide statements in order for members to get to know them better. She stated the following members had nominated themselves:

- Chair:
  - Gigi Li
  - Chad Marlow
- First Vice-Chair:
  - Herman Hewitt
- Second Vice-Chair:
  - Rickey Leung
- Treasurer:
  - William LoSasso
- Secretary:
  - Carlina Rivera
- Assistant Secretary:
  - Jamie Rogers

There was discussion on whether write-in votes were permitted. Members stated that the bylaws were silent on whether write-in candidates were allowed. One member noted that in the past the board has permitted write-in candidates when no candidates had been nominated prior to the election. It was determined that write-in candidates would not be permitted.

**VOTE:** To close the nominating process.

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

Statements for candidates will be due June 13 for publication to the board by the June 18. The Nominating Committee will meet at June 16. Candidates would have an opportunity to speak at the June meeting as well.

Susan Stetzer: Stated that the District Manger's office makes the ballots, and if there were any changes to the ballot, the office should be notified.

**Economic Development**

Encouraged members to review the presentation put together by Columbia graduate students on the retail diversity of Avenue A.

1. FY'16 Agenda Items for Budget Priorities Consultation  
no vote necessary
2. Continued Discussion/Update on East Village merchant organizing  
no vote necessary
3. Presentation by Columbia University students on findings of retail diversity in the East Village area

no vote necessary

**Con Ed Task Force**

There will be an application by Ryan-Neena Medical Center next month.

- 1. Follow-up on previously approved projects  
no vote necessary
- 2. Review Letters of Inquiry for Spring 2014 Funding Cycle

**VOTE: Title: Community Board 3 Resolution Finding the "Mosaic Man" Con Edison Settlement Fund Application Ineligible per Community Board 3 Guidelines**

Whereas Community Board 3 has adopted Guidelines governing applications for funding from the Con Edison Settlement Fund, and the Guidelines clearly specify both the types of projects that are eligible for consideration and the submission requirements for funding requests, and

Whereas two brief emails were received from Jim Powers, "Mosaic Man," requesting general financial support, and were reviewed by the Con Ed Settlement Fund Task Force, and

Whereas the Task Force found that the emails did not constitute an actual proposal under the Community Board 3 Guidelines,

Resolved therefore that the funding request from Jim Powers, "Mosaic Man," will not be further considered in this funding cycle.

**40 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding Con Ed item 2)**  
**39 YES 1 NO 0 ABS 0 PNV MOTION PASSED (Con Ed item 2)**

**Ethics, By-laws & Procedures Task Force**

**Does not meet until May 29th**

**Transportation & Public Safety and Environment Committee**

There was discussion on whether bus operators should be responsible for cleaning up after themselves. There was discussion that there should be "big-belly" trashcans (with solar-powered compactors) at the stops.

- 1. FY'16 Agenda Items for Budget Priorities Consultation  
no vote necessary
- 2. Presentation on proposed pedestrian footbridge over Delancey  
no vote necessary
- 3. Review Street Co-Naming Guidelines  
no vote necessary

**Bus Stop Permit Applications**

- 4. Happy Go Travel Inc., 59 Canal Street (north side between Orchard and Allen Streets)

**VOTE: Title: Community Board 3 Resolution to Deny a Curbside Bus Stop for Happy Go Travel at 59 Canal Street**

WHEREAS, Happy Go Travel Inc. has applied for a designated bus stop for curb-side loading/unloading operations located at 59 Canal Street (north side between Orchard and Allen Streets). The buses will operate under the Happy Go Travel brand name, providing service between New York and Columbus, OH and New Stanton, PA with up to one arrival/departure daily between the hours of 9:45 am and 10:00 pm; and

WHEREAS, This location at 59 Canal Street is an existing curbside bus stop that would be shared with two other bus operators: Virginia Seagull Travel with four arrivals/departures daily, and Z&D Tours with three arrivals/departures daily. Directly around the corner, there is another curbside bus stop at 14-18 Allen Street shared by four other bus operators: Eastern Coach with 16 arrivals/departures daily, No. 1 Bus Tour with five arrivals/departures daily, Princess Tour with one arrival/departure daily, and UTWT Bus Lines with one arrival/departure daily; and

WHEREAS, The number of bus operations on this stretch of Canal Street – a small local street with a single moving lane in each direction – has surpassed the saturation point because of the other permitted curbside bus stops in the immediate area. The same corner of Canal Street and Allen Street already has a total of 30 arrivals/departures daily. This has contributed to unsafe streets and has caused negative impacts on the surrounding community, including:

- Endangering the welfare of children and the elderly via impassable sidewalks and transportation operations.
- Disruption of local businesses.
- Lack of infrastructure to quickly and economically move the patrons on to their final destination, which causes sidewalks clogged with people and their cargo, and idling busses.
- Increased noise and air pollution, and general refuse; and

WHEREAS, The following schools or day care facilities are near the existing bus stop proposed for expansion: PS 2 (Meyer London elementary school, 122 Henry Street), PS 42 (Benjamin Altman elementary school, 71 Hester Street), and Best Adult Day Care Center (2 Allen Street); and

WHEREAS, There is a fire hydrant at one end of this existing bus stop. The notification letter CB 3 received from DOT mentioned that this stop would be extended to 90 feet, which does not seem possible. This is a serious public safety concern; and

WHEREAS, the applicant has entered into an agreement with CB 3 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 CB 3 Manhattan objects to issuing another permit at the 59 Canal Street location, and recommends that DOT should not issue a permit for Happy Go Travel Inc. to operate at a designated curbside bus stop at 59 Canal Street. If DOT does issue a permit at or near this location, the preceding list of stipulations agreed between the applicant and CB 3 should be attached to the DOT permit.

5. Hampton Jitney, 177 2nd Avenue (west side between East 11th and East 12th Streets)

**VOTE: Title: Community Board 3 Resolution to Approve a Curbside Bus Stop for Hampton Jitney at 177 2nd Avenue**

WHEREAS, Hampton Jitney has applied for a designated bus stop for curbside loading/unloading operations located at 177 2nd Avenue (west side between East 11th and East 12th Streets). The buses will operate under the Hampton Jitney brand name, providing service between New York and the Hamptons in Long Island with up to three drop-offs per week, at 7:34 am Monday, 3:19 pm Friday, and 9:04 pm Sunday. There would be no pick-up service at this location, which would be shared with the M15 bus stop; and

WHEREAS, the applicant has entered into an agreement with CB 3 to adhere to the following stipulations:

- There will be a staff person on duty for every arrival 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/per week.
- 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 CB 3 Manhattan recommends that DOT issue a permit for Hampton Jitney to operate their bus service at a designated curbside bus stop at 177 2nd Avenue, provided that the preceding list of stipulations agreed between the applicant and CB 3 will be attached to the DOT permit.

6. Diaspora Investment Association, 139 Canal Street (north side between Bowery and Chrystie Street)

**VOTE: Title: CB 3 Resolution to Deny a Curbside Bus Stop for Diaspora Investment Association at 139 Canal Street**

WHEREAS, Diaspora Investment Association has applied for a designated bus stop for curbside loading/unloading operations located at 139 Canal Street (north side between Bowery and Chrystie Street). The buses will operate under the Horizon Busline brand name, providing service between New York and Boston, MA with up to four arrivals/departures daily between the hours of 12:30 pm and 7:00 pm; and

WHEREAS, This stretch of Canal Street is really an off-ramp from the Manhattan Bridge, which is currently regulated "No Standing Anytime." Converting this to a curbside bus stop will lead to traffic flow problems. The local councilmember provided information that this location had been denied to a previous applicant (Lucky Star), which DOT ultimately located at 15 Chrystie Street. If DOT is consistent in its evaluation of proposed curbside bus stops, and the 139 Canal Street location was not suitable in December 2013, then the location should not be suitable for use as a curbside bus stop by any company; and

WHEREAS, The Mahayana Temples, located at 133-139 Canal Street, are the retreats of the Eastern States Buddhist Temple of America, the oldest Chinese Buddhist Temple on the eastern coast of the United States. This is an active place of worship, which should be entitled to a reserved clergy parking space, for which they have indicated they will apply; and

WHEREAS, the applicant has entered into an agreement with CB 3 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 CB 3 Manhattan objects to issuing a curbside bus stop permit at the 139 Canal Street location, and recommends that DOT should not issue a permit for Diaspora Investment Association to operate their Horizon Busline brand of bus service at a designated curbside bus stop at 139 Canal Street. If DOT does issue a permit at or near this location, the preceding list of stipulations agreed between the applicant and CB 3 should be attached to the DOT permit.

7. Cash World Tours Inc, 50 Canal Street (south side between Ludlow and Orchard Streets)

**VOTE: Title: Community Board 3 Resolution to Deny a Curbside Bus Stop for Cash World Tours at 50 Canal Street**

WHEREAS, Cash World Tours Inc. has applied for a designated bus stop for curb-side loading/unloading operations located at 50 Canal Street (south side between Ludlow and Orchard Streets). The buses will operate under the Cash World Tours brand name, providing service between New York and destinations in Buffalo, Philadelphia and Florida with up to six arrivals/departures daily between the hours of 10:00 am and 10:30 pm; and

WHEREAS, This location at 50 Canal Street is diagonally across from the intersection of Orchard and Canal Street, the location of an existing curbside bus stop at 59 Canal Street that is be shared with two other bus operators: Virginia Seagull Travel with four arrivals/departures daily, and Z&D Tours with

three arrivals/departures daily. Directly around the next corner, there is another curbside bus stop at 14-18 Allen Street shared by four other bus operators: Eastern Coach with 16 arrivals/departures daily, No. 1 Bus Tour with five arrivals/departures daily, Princess Tour with one arrival/departure daily, and UTWT Bus Lines with one arrival/departure daily; and

WHEREAS, The number of bus operations on this stretch of Canal Street – a small local street with a single moving lane in each direction – has surpassed the saturation point because of the other permitted curbside bus stops in the immediate area. The same corner of Canal Street and Allen Street already has a total of 30 arrivals/departures daily. This has contributed to unsafe streets and has caused negative impacts on the surrounding community, including:

- Endangering the welfare of children and the elderly via impassable sidewalks and transportation operations.
- Disruption of local businesses.
- Lack of infrastructure to quickly and economically move the patrons on to their final destination, which causes sidewalks clogged with people and their cargo, and idling busses.
- Increased noise and air pollution, and general refuse; and

WHEREAS, The following schools or day care facilities are near the proposed bus stop: PS 2 (Meyer London elementary school, 122 Henry Street), PS 42 (Benjamin Altman elementary school, 71 Hester Street), and Best Adult Day Care Center (2 Allen Street); and

WHEREAS, CB 3 is concerned that the property owner of 50 Canal Street appeared before the CB 3 Transportation Committee and disputed that the applicant had rented the storefront. The applicant claimed that he had entered into an agreement to rent the storefront for the use of customers, so they may wait to board their bus and use the restroom facilities. If Cash World Tours does not operate from a storefront, yet operates six arrivals/departures daily on this residential block, it will inevitably cause crowds of passengers jockeying for position on the sidewalk, which will create nuisance and safety issues; and

WHEREAS, the applicant has entered into an agreement with CB 3 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.
- If there is a storefront, it will be available for customers during all times of arrivals/departures; now

THEREFORE, BE IT RESOLVED, that CB 3 Manhattan objects to issuing a curbside bus stop permit at the 50 Canal Street location, and recommends that DOT should not issue a permit for Cash World Tours Inc. to operate their bus service at a designated curbside bus stop at 50 Canal Street. If DOT does issue a permit at or near this location, the preceding list of stipulations agreed between the applicant and CB 3 should be attached to the DOT permit.

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

#### **SLA & DCA Licensing Committee** **Renewal with Complaint**

SLA Item 9 was pulled for discussion. There was discussion that the application was for minor alterations. There was discussion on whether the alterations were misrepresented. There was evidence published online that there was a stand-up bar in the basement prior to approval and in violation of the original license. This was part of the basis for the denial. There was discussion on whether the community supported the alteration. The SLA denied the application for the alteration in 2013, but the SLA has not heard the alteration yet for this application.



**VOTE: TITLE: Community Board 3 Adoption of SLA Items 13-21, excluding 16 as Recommendations.**

1. Fat Buddha, 212 Ave A btwn E 13th & E 14th Streets (op)

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

**WHEREAS**, Lo-Eng Inc., doing business as Fat Buddha, is seeking the renewal of its full on-premise liquor license, for the premise located at 212 Avenue A, between East 13th Street and East 14th Street, New York, New York; and

**WHEREAS**, this applicant was originally approved for a full on-premise liquor license by Community Board 3 in March of 2004 with stipulations to 1) serve food until closing, and 2) have DJs no more than 10 times per year; and

**WHEREAS**, this applicant was heard and denied for a renewal of its full on-premise liquor license in June of 2010, because of complaints from residents of noise from patrons on the sidewalk in front of the business and music emanating from the business, and because it had been hosting regular events, consisting of five to six DJs playing per night, and conceded that, in addition to hosting these events, it had not monitored or limited the sound levels employed by the DJs; and

**WHEREAS**, residents residing in the buildings which face this business and the building which houses this business have complained of persistent noise from music emanating from the business and from unruly noisy patrons on the sidewalk; and

**WHEREAS**, Clifford Cho and Howard Cho, the principals appearing at the time of this renewal hearing, stated that they assumed control of this business in August of 2010 and were unaware that the previous principals had entered into any stipulations with this community board; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the application to renew the full on-premise liquor license for Lo-Eng Inc., doing business as Fat Buddha, for the premise located at 212 Avenue A, between East 13th Street and East 14th Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that

- 1) it will not commercially use any outdoor areas,
- 2) it will employ at least one security guard outside weekdays and at least two security guards outside on Fridays and Saturdays to monitor patron noise and crowds,
- 3) it will close any façade doors and windows at 8:00 P.M. every night,
- 4) it will install additional soundproofing consistent with the report of a sound engineer,
- 5) it will designate an employee other than a security guard to oversee patron noise and crowds on the sidewalk,
- 6) it will permit only four to five patrons outside to smoke at a time,
- 7) it will erect stanchions to separate patrons from the public sidewalk,
- 8) it will post signs directing patrons to be quiet and where to stand when outside,
- 9) it will monitor DJ and patron sound, including using a limiter to monitor music and bass,
- 10) it will insure that interior sound, including music, will be inaudible outside, and
- 11) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

2. Otto's Shrunken Head, 538 E 14th St btwn Aves A & B (op)

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

**WHEREAS**, SPT Corp., doing business as Otto's Shrunken Head, is seeking the renewal of its full on-premise liquor license, for the premise located at 538 East 14th Street, between Avenue A and Avenue B, New York, New York; and

**WHEREAS**, this applicant was first issued its full on-premise liquor on June 26, 2002; and

**WHEREAS**, this applicant was heard for a renewal of its full on-premise liquor license in May of 2008, in pertinent part because of complaints from a resident of noise from patrons and music on the sidewalk in front of the business, and approved with stipulations to 1) make its best efforts to minimize noise emanating from its establishment by employing a door person five nights a week, and 2) maintain posted signs directing patrons to disperse after its live shows; and

**WHEREAS**, residents residing in the buildings which face the rear façade of this business have complained of persistent noise from music emanating from the rear of the business; and

**WHEREAS**, the applicant has stated that its stage is located in the rear of its business; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the application to renew the full on-premise liquor license for SPT Corp., doing business as Otto's Shrunken Head, for the premise located at 538 East 14th 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 insure that interior sound is inaudible in the backyard behind its business at all times.

**Applications within Saturated Areas**

3. To be Determined, 151 Ave A btwn E 9th & E 10th St (op)

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

**WHEREAS**, Thompkins Square Park LLC is seeking a full on-premise liquor license to operate a tavern café bar, for the premise located at 151 Avenue A, between East 9th Street and East 10th Street; and

**WHEREAS**, this is an application for a "wine bar with a cocktail menu and light café-style food menu," hours of operation of 7:00 A.M. to 4:00 A.M., no kitchen, a limited food menu, a fourteen (14) foot bar, no soundproofing and a security guard five nights a week; and

**WHEREAS**, although the previous business at this location held a full on-premise liquor license, its method of operation was substantially different from the present application, in that the previous business operated as a restaurant with a takeout business and only served limited alcoholic drinks to complement its Mexican menu; and

**WHEREAS**, the present applicant has no prior history of operating any eating and drinking establishment in this community and a reputation for creating destination locations of its existing businesses which is in contrast to the previous business which had a 20 year history operating three identical Mexican restaurants in this community before it was granted a full on-premise liquor license at this location; and

**WHEREAS**, *the applicant has conceded that it is within two hundred (200) feet of a house of worship (see community board questionnaire appended hereto) and it appears to be within that proximity to St. Nicholas of Myra Orthodox Church, located at 151-157 Avenue a/k/a 288 East 10th Street, which has an entrance located on Avenue A; and*

**WHEREAS**, there are at least eight licensed premises within one block of this location; and

**WHEREAS**, the applicant has failed to provide Community Board 3 with adequate documentation of community support for its proposed business in that this applicant only furnished Community Board 3 with 31 petition signatures in support of its application and only one signature came from a resident of the residential building the applicant is seeking to occupy and none came from adjacent buildings; and

**WHEREAS**, this applicant has failed to state any public or community benefit for the granting of this full on-premise liquor license for a wine bar in an area with numerous wine bars; and

**WHEREAS**, residents of this street appeared to complain about the persistent nighttime noise and congestion from patrons frequenting the existing businesses which has grown so bad that the New York City Department of Transportation is changing signage on this street to attempt to address street congestion; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the application for a full on-premise liquor license for Thompkins Square LLC, for the premise located at 151 Avenue A, between East 9th Street and East 10th Street.

4. Eight Orange Inc, 13 St Marks Pl (wb)  
no vote necessary

5. Wine Sur LLC, 37-39 Clinton St (wb)  
no vote necessary

6. Rouge NYC (Alpha 94 LLC), 94 Rivington St btwn Orchard & Ludlow Sts (op)

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

To deny the application for a wine beer license for Alpha 94 LLC, with a proposed business name of Rouge 94, for the premise located at 94 Rivington Street, between Orchard 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 full-service French restaurant, with a kitchen open and serving food to within half (½) an hour of closing,
- 2) its hours of operation will be 8:00 A.M. to 10:00 P.M. Sundays, 8:00 A.M. to 11:00 P.M. Mondays through Wednesdays and 8:00 A.M. to 12:00 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 close any façade doors and windows at 10:00 P.M. every night,
- 5) it will not commercially operate any outdoor areas,
- 6) it will not apply for an alteration of its method of operation without first appearing before Community Board 3,
- 7) it will not seek an upgrade in class of its liquor license to a full on-premise liquor license,
- 8) it will not host pub crawls or party buses,
- 9) it may have "happy hours" to 8:00 P.M.,
- 10) it will insure that there are no wait lines outside and designate an employee to oversee patrons and noise on the sidewalk, 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 wine beer license although this is a location in an area with numerous liquor licenses because 1) this applicant now proposes to operate a full-service restaurant with an expansive menu and a full kitchen which is small in scale and limited in its evening hours, and 2) the applicant has presented support from the surrounding community, in that it furnished 37 signature from area residents in support of its application, 15 of which were from residents of the building where it is located.

7. To be Determined, 119 Ave A (op)  
withdrawn

**Sidewalk Cafe Application**

8. Mission Cantina LLC, 172 Orchard St at Stanton St

**VOTE: TITLE: Community Board 3 Recommendation To Approve—Change Order Attached**

To approve the application for a sidewalk café permit for four tables and eight seats for Mission Cantina LLC, doing business as Mission Cantina, 172 Orchard Street, at the corner of Orchard Street and Stanton Street, because the applicant has signed a change agreement which will become part of its DCA license that

- 1) its hours of operation will be 12:00 P.M. to 11:00 P.M. all days, and
- 2) it will extend an awning over its sidewalk café during its hours of operation.

**Alterations**

9. The Derby (Project 6 LLC), 167 Orchard St at Stanton St (op/alt/additional bar in basement, dba change from Tiny Fork)

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

**WHEREAS**, Project 6 LLC is seeking an alteration of the full on-premise liquor license of a seafood restaurant, previously doing business as Tiny Fork, for the premise located at 167 Orchard Street a/k/a 87 Stanton Street, to wit adding a standup bar in the basement and changing its menu to Southern food and business name to The Derby; and

**WHEREAS**, although not included in the list of proposed alterations submitted by the applicant, the application now before Community Board 3 also includes an intention to have DJs in its basement, a shortening of its hours from 12:00 P.M. to 4:00 A.M. all days to 5:00 P.M. to 4:00 A.M. Mondays through Fridays and 11:00 A.M. to 4:00 A.M. Saturdays and Sundays, and a reconfiguration of its basement seating; and

**WHEREAS**, the applicant was originally denied as 87 Stanton Street in October of 2010 unless the applicant agreed before the SLA to make as conditions of its license a signed notarized stipulation that 1) it would operate a full-service seafood restaurant and oyster bar, serving food to within one (1) hour of closing, 2) its hours of operation would be from 12:00 P.M. to 4:00 A.M. all days, 3) it would play ambient background music, consisting of recorded music only, 4) it would close any façade doors and windows by 10:00 P.M. every night, and 5) it would install adequate soundproofing; and

**WHEREAS**, the original application, which was for a business opening onto Stanton Street, proposed a seafood restaurant and raw bar with a certificate of occupancy of 150 people, seating for 70 people, a

25 foot bar with 14 stools located on the ground floor, soundproofing and recorded background music; and

**WHEREAS**, in April of 2013, the applicant appeared before Community Board 3 to request an alteration of its full on-premise liquor license, to wit adding a stand up bar and DJs to its basement, and was denied because Community Board 3 was concerned that its proposed method of operation would alter to conform to a bar tavern; and

**WHEREAS**, in an October 8, 2013 decision, the New York State Liquor denied the previous alteration application of the applicant because it believed that the applicant was using its basement for patron use, contrary to its original application which stated that it would be used for storage and bathrooms; and

**WHEREAS**, there is now a pending revocation proceeding against the applicant based upon violations of its method of operation on December 31, 2013; and

**WHEREAS**, although the applicant demonstrated community support for its application, Community Board 3 cannot support this alteration application because 1) there are video recordings showing that prior to the business closing and reopening as The Derby, the basement was being operated as a bar, lounge and party space with a stand up bar, 2) the business website included photographs of the basement showing a substantial bar and semicircular couch seating with low tables rimming a large open area in the center of the room, 3) its attorney represented at its community board hearing this month that the reconfiguration of seating in the basement would make this area into less of a "large party space," thereby confirming its use, 4) the decision by the New York State Liquor Authority to deny the previous alteration application was because the applicant should not have used the downstairs for patrons but only for storage and bathrooms consistent with its original application, and 5) Community Board 3 believes that the applicant was operating a stand up bar in its basement contrary to its liquor license in that, although the applicant stated at its community board hearing in April of 2014 that it was using its downstairs bar as a service bar by having a waitress stationed at the bar who received drinks from the bartender and handed them to patrons standing behind a velvet rope running along the length of the bar, this still constitutes use as a stand up bar; and

**WHEREAS**, Community Board 3 believes that the approval of a stand up bar and DJs in its basement would be an endorsement of conduct the applicant was already engaging in and which was contrary to its liquor license and method of operation; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the alteration of the full on-premise liquor license for Project 6 LLC, for the premise located at 167 Orchard Street a/k/a 87 Stanton Street.

**THIS MOTION DID NOT PASS**

#### **2nd Motion**

**VOTE: TITLE: Community Board 3 Recommendation To Send to Committee for Reconsideration**

Community Board 3 refers back to committee for reconsideration of the application for the alteration of the full on-premise liquor license for Project 6 LLC, for the premise located at 167 Orchard Street a/k/a 87 Stanton Street.

**THIS MOTION, TO REFER BACK TO COMMITTEE, PASSED**

10. Black Tree (131 Orchard Street Restaurant LLC), 131 Orchard St btwn Rivington & Delancey Sts (op/alt/expand space & extend hours 2am weekdays, 4am weekends)

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

To deny the application for an alteration of the full on-premise liquor license for 131 Orchard Tree Restaurant LLC, doing business as Black Tree, for the premise located at 131 Orchard Street, between Rivington Street and Delancey Street, to wit extending its closing hours, unless the applicant agrees before the SLA to make as conditions of its license the following additional signed notarized stipulation that

- 1) it will operate as a full-service sandwich and farm-to-table 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 2:00 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,
- 5) it will not commercially use any outdoor areas,
- 6) it will not apply for an alteration of its method of operation without first appearing before Community Board 3,
- 7) it will not host pub crawls or party buses,
- 8) it may have "happy hours" to 8:00 P.M.,
- 9) it will insure that there are no wait lines outside and designate an employee to oversee patron noise and crowds on the sidewalk, and
- 10) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

11. Paul Mil Cafe Inc, 11-17 2nd Ave (op/alt/gut renovation) (Mars Bar)

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

**WHEREAS**, Paul Mil Café Inc., is seeking a full on-premise liquor license, for the premise located at 11-17 Second Avenue, a/k/a 21 East 1st Street, between East Houston Street and East 1st Street, New York, New York; and

**WHEREAS**, this is a sale of assets of location which had previously been doing business as The Mars Bar, a tavern which had operated for 26 years through 2012; and

**WHEREAS**, this application would expand the certificate of occupancy of the previous business to 148 people, be located on the ground floor and basement rather than one story, expand the daytime operating hours all days, add DJs in the basement and change the entrance location to 21 East 1st Street; now

**WHEREAS**, given the previous history of Paul Mil, one of the present principals of this applicant, who operated the previous tavern with a full on-premise liquor license for 26 years at this location prior to the demolition of the building in 2012 for new construction; now

**THEREFORE, BE IT RESOLVED** that understanding that this is a sale of assets of a preexisting tavern with a full on-premise liquor license, Community Board 3 moves to deny the application for a full on-premise liquor license for Paul Mil café Inc., for the premise located at 11-17 Second Avenue, a/k/a 21 East 1st Street, between East Houston Street and East 1st 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 café juice bar, serving food during all hours of operation,
- 2) its hours of operation will be 8:00 A.M. to 4:00 A.M. Saturdays and Sundays and 6:00 A.M. to 4:00 A.M. Mondays through Fridays,
- 3) it will play ambient background music only, consisting of recorded music, and not have live music, promoted events, scheduled performances or any event at which a cover fee will be charged and may only have DJs in its basement,
- 4) it will have a closed fixed façade with no open doors or windows,
- 5) it will not commercially use any outdoor areas,
- 6) it will install soundproofing,
- 7) it will employ three to four security guards per night, one of which will be located outside to monitor patrons noise and crowds on the sidewalk,
- 8) it will not apply for an alteration of its method of operation without first appearing before Community Board 3,
- 9) it will not host pub crawls or party buses,
- 10) it will not have "happy hours,"
- 11) it will provide a seating area for dining on the ground floor during all hours of operation,
- 12) it will insure that there are no wait lines, and
- 13) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

12. The General/Bow/Finale (Bakers Dozen Associates LLC), 199 Bowery at Spring St (op/alt/change dancing from cellar to back of ground floor space, change bakery to sushi bar)

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

**WHEREAS**, Bakers Dozen Associates LLC, doing business as three venues known as The General, Finale and Bow, is seeking an alteration of its full on-premise liquor license of its restaurant bar bakery club, for the premise located at 199 Bowery, at Spring Street, to wit moving its patron dancing to its ground floor and converting its ground floor bakery to a sushi bar; and

**WHEREAS**, this applicant was originally approved in January of 2012 by Community Board 3 for a full on-premise liquor license for a restaurant bakery bar lounge, 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 restaurant, consisting of Latin Asian fusion small plates, on the ground floor and basement with a bakery on the ground floor, both floors serving food during all hours of operations, 2) the hours of operation of the restaurant would be 5:00 P.M. to 4:00 A.M. all days and the hours of operation of the bakery would be 6:00 A.M. to 12:00 A.M. all days, 3) it would play ambient background music only, consisting of recorded music in the bakery and recorded music and DJs in the restaurant on the ground floor, and recorded music, DJs and live music, specifically live jazz, in the basement but would not have promoted events or any event at which a cover fee will be charged, 4) patron dancing would be in the basement only if permitted by law, 5) it would close any façade doors and windows at 10:00 P.M. every night, 6) it would not have a standup or service bar in the bakery which, along with its kitchen for baking, would span the entire front façade, and 7) it would employ security personnel Tuesdays through Saturdays always and other days as needed and otherwise operate consistent with its security plan, and

**WHEREAS**, an alteration application to move patron dancing to the ground floor was heard by Community Board 3 in March of 2013 and denied because 1) there were numerous noise complaints from building residents regarding its ground floor venue, doing business as Finale, and complaints of traffic and patron congestion in front of the business, and 2) the applicant had already made physical alterations to its business to accommodate patron dancing on the ground floor, had allowed patron dancing on the ground floor without obtaining the necessary permits and had hosted promoted events and events with cover fees and consistent with the method of operation of a club rather than its original stated method of operation as a full-service restaurant; and

**WHEREAS**, its present application includes amended hours of operation of 5:00 P.M. to 4:00 A.M. all days which has effectively eliminated its daytime service, closing its façade doors and windows at 10:00 P.M. Sundays through Thursdays and 11:00 P.M. Fridays and Saturdays contrary to the their January 2012 stipulations and closing its sidewalk café at 12:00 A.M. Sundays through Thursdays and 1:00 A.M. Fridays and Saturdays contrary to its agreement with the Department of Consumer Affairs and Community Board 3; and

**WHEREAS**, there continue to be numerous complaints from building residents and residents of the buildings across the street from this location of noise from patrons and music, overwhelming traffic congestion on the street and patrons blocking the sidewalk in front of and around this business (see photographs appended hereto); and

**WHEREAS**, the community has already lost the components of this business that were designed by the applicant to win the support of the community, in that the applicant conceded that it has eliminated the bakery café component of this business, as well as its earlier operating hours, which was proposed by the applicant in January of 2012 as a buffer against noise emanating from the interior of the business, as well as an amenity for community residents to patronize during the day time; 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 Bakers Dozen Associates LLC, doing business as The General, Finale and Bow, for the premise located at 199 Bowery, at Spring Street.

#### **New Liquor License Applications**

13. The Copper Still (MSB Restaurants LLC), 151 2nd Ave btwn E 9th & E 10th Sts (op) (Ryan's Irish Pub)

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

Understanding this is a sale of assets of a preexisting tavern with a full on-premise liquor license and that one of the principals has been an onsite manager of this location for the past 13 months, Community Board 3 moves to deny the application for a full on-premise liquor license for MSB Restaurant LLC, with a proposed business name of The Copper Still, for the premise located at 151 Second Avenue, between East 9th Street and East 10th 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 restaurant and tavern, to wit a gastropub, with a kitchen open and serving food to within one hour of closing,
- 2) its hours of operation will be 12:00 P.M. to 4:00 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 commercially operate its sidewalk café no later than 12:00 A.M. Sundays through Thursdays and 1:00 A.M. Fridays and Saturdays,

- 5) it will close any façade doors and windows at 10:00 P.M. every night,
- 6) it will employ one security guard Thursdays through Saturdays and additional security guards as needed,
- 7) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 8) it may have "happy hours" to 7:00 P.M.,
- 9) it will not host pub crawls or party buses,
- 10) it will insure that there are no wait lines outside and will designate an employee to oversee patron noise and crowds on the sidewalk, and
- 11) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

14. Yori NYC Corp, 119 1st Ave (op) btwn E 7th St & St Marks Pl (Dok Suni's Restaurant)

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

Understanding that this is a sale of assets of a preexisting Korean restaurant with a full on-premise liquor license, Community Board 3 moves to deny the application for a full on-premise liquor license for Yori NYC Corp., for the premise located at 119 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 Korean 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. Sundays through Thursdays and 11:30 AM. 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 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.

15. 279 E Houston Corp, 279 E Houston St at Suffolk St (wb)

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

To deny the application for a wine beer license for 279 E Houston Corp., for the premise located at 279 East Houston Street, at the corner of East Houston Street and Suffolk 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 and hookah lounge, with a prep area serving food to within one hour of closing,
- 2) its hours of operation will be 4:00 P.M. to 2:00 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 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,
- 9) it will designate an employee to oversee patron noise and crowds on the sidewalk, and
- 10) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

16. King Bee Restaurant LLC, 424 E 9th St (op) (Exchange Alley)

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

**WHEREAS**, King Bee Restaurant LLC, is seeking a wine beer license, for the premise located at 424 East 9th Street, between First Avenue and Avenue A, New York, New York; and

**WHEREAS**, this applicant had originally applied for a full on-premise liquor license to operate a French American restaurant with backyard dining at this location; and

**WHEREAS**, this applicant then agreed to proceed with a wine beer license because 134 residents of this residentially zoned street, as well as the 9th Street A-1 Block Association, signed a petition in opposition to the granting of a full on-premise liquor license in the middle of this residentially zoned block, zoned RB8, at a location which did not previously have a full on-premise liquor license and within 500 feet of 30 full on-premise liquor licenses; and

**WHEREAS**, the applicant met with members of the 9th Street A-1 Block Association in a public meeting and was informed that the block association would support an application for a wine beer license with stipulations; and

**WHEREAS**, the applicant has agreed to use its backyard for gardening and not for patron use understanding that it cannot extend any commercial use to its backyard in a location which is residentially zoned and grandfathered as commercial use; now

**THEREFORE, BE IT RESOLVED** that understanding that this is a sale of assets of a preexisting restaurant with a wine beer license, Community Board 3 moves to deny the application for a wine beer license for King Bee Restaurant LLC, for the premise located at 424 East 9th Street, between First Avenue and Avenue A, 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 American 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 12:00 A.M. Mondays through Thursdays, 5:00 P.M. to 1:00 A.M. Fridays, 11:00 A.M. to 1:00 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 have a closed fixed façade with no open doors or windows,
- 5) it will not commercially use any outdoor areas,
- 6) it will not apply for an alteration of its method of operation without first appearing before Community Board 3,
- 7) it will not host pub crawls or party buses,
- 8) it will not have "happy hours,"
- 9) it will insure that there are no wait lines outside and will designate an employee to oversee patron noise and crowds on the sidewalk, and
- 10) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

17. Bareburger (Bare City Two LLC), 85 2nd Ave at E 5th St (upgrade to op)

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

Understanding that Bare City Two LLC, doing business as Bareburger, has entered into an amended memorandum of understanding with the East 5th Street Block Association (appended hereto), Community Board 3 moves to deny the application for a change in class of the existing wine beer license to a full on-premise liquor license for Bare City Two LLC, doing business as Bareburger, for the premise located at 85 Second Avenue, at the corner of Second Avenue 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 burger 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 11:00 P.M. Sundays through Thursdays and 11:00 A.M. to 12:00 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 or any event at which a cover fee will be charged and may have occasional scheduled events, consisting of weekly trivia and comedy,
- 4) it will close any façade doors and windows at 10:00 P.M. every night,
- 5) it will commercially operate its sidewalk café from 11:00 A.M. to 11:00 P.M. Sundays through Thursdays and 11:00 A.M. to 12:00 A.M. Fridays and Saturdays,
- 6) it will not apply for an alteration of its method of operation without first appearing before Community Board 3,
- 7) it will not host pub crawls or party buses,
- 8) it may have "happy hours" to 7:00 P.M.,
- 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.

18. Sensei (Gallery Sensei LLC), 278 Grand St, 2nd fl, btwn Forsyth & Eldridge Sts (op)

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

To deny the application for a wine beer license for Gallery Sensei Inc., doing business as Sensei, for the premise located at 278 Grand Street, second floor, between Forsyth Street and Eldridge 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 and art gallery, with a prep area serving food during all hours of operation,
- 2) its hours of operation will be 12:00 P.M. to 12:00 A.M. Sundays through Tuesdays and 12:00 P.M. to 2:00 A.M. Fridays and Saturdays,
- 3) it will play ambient background music only, consisting of recorded music, and not have live music, DJs or any event at which a cover fee will be charged, and any promoted events or scheduled performances will consist of art related events or performances consisting of visual or film arts,
- 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,
- 9) it will insure that there are no wait lines outside and will designate an employee to oversee patron noise and crowds on the sidewalk, and
- 10) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

19. La Contenta (La Conteneta Inc), 102 Norfolk St btwn Rivington & Delancey Sts (op) (Saro)

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

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 La Contenta Inc., with a proposed business name of La Contenta, for the premise located at 102 Norfolk Street, between Rivington Street and Delancey 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 Mexican French 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 through Wednesdays, 11:00 AM. to 2:00 A.M. Thursdays through 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 may have "happy hours" to 7:00 P.M.,
- 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.

20. Cacio e Pepe (Peprico Inc), 182 2nd Ave btwn E 11th & E 12th Sts (upgrade to op)

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

To deny the application for a change in class of the existing wine beer license to a full on-premise liquor license for Peprico Inc., doing business as Cacio e Pepe, for the premise located at 182 Second Avenue, between East 11th Street 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 Italian restaurant, with a kitchen open and serving food to within one hour of closing,
- 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 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 commercially operate its backyard from 5:00 P.M. to 12:00 A.M. all days,
- 6) it will not apply for an alteration of its method of operation without first appearing before Community Board 3,
- 7) it will not host pub crawls or party buses,
- 8) it may have "happy hours" to 7:00 P.M.,
- 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.

**Corporate Change with Complaint**

21. Veloce Pizzeria (Ugly Kitchen) (FTCCM LLC), 103 1st Ave btwn E6th & E 7th St (op)

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

**WHEREAS**, FTCCM LLC, doing business as Ugly Kitchen, is seeking a corporate restructuring of its full on-premise liquor license, for the premise located at 103 First Avenue, between East 6th Street and East 7th Street, by replacing its existing principals with principals Frank Pablo and Frances Erenio; and

**WHEREAS**, this corporation was originally approved in July of 2007 by Community Board 3 for a full on-premise liquor license for a restaurant, 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 French Alsatian restaurant, serving food to within one (1) hour of closing, 2) close no later than 2:00 A.M. all nights, 3) maintain a closed fixed façade with no open doors or windows, 4) keep its garbage indoors until within one hour of pick up to minimize any disturbance to neighbors, and 5) have no DJs, live music, promoted events or events with cover fees; and

**WHEREAS**, this corporation operated as a French Alsatian restaurant then closed and reopened as a pizza restaurant, doing business as Veloce Pizzeria, then closed again and reopened as an apparent tavern bar, doing business as Ugly Kitchen; and

**WHEREAS**, Community Board 3 then heard this corporation as a renewal in July of 2013 and denied its application because 1) the manager confirmed that the façade was wide open every night and that the business was hosting DJs, both contrary to its stipulations, and 2) numerous 311 call being made as late as 3:00 A.M. confirmed that the business was open later than 2:00 A.M., contrary to its stipulation to close every night no later than 2:00 A.M.; and

**WHEREAS**, the proposed principals have now appeared before Community Board 3 and stated that they intend to operate this business consistent with the originally represented method of operation as a restaurant and have agreed to sign stipulations outlining their proposed method of operation; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the application for a full on-premise liquor license for FTCCM LLC, doing business as Ugly Kitchen, for the premise located at 103 First Avenue, between Rivington Street and Delancey 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 fusion 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 12:30 A.M. Mondays through 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 12:30 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 close any façade doors and windows at 9:00 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 may have "happy hours" to 9:00 P.M.,
- 7) it will not host pub crawls or party buses,
- 8) it will insure that there are no wait lines outside and will designate an employee to oversee patron noise and crowds on the sidewalk, and
- 9) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

**Items not heard at Committee**

22. Black Cat Cafe Inc, 172 Rivington St (wb)

- no vote necessary
- 23. Cho-Ko Restaurant Inc, 59 1st Ave (wb)  
no vote necessary
- 24. Paul Mil Cafe Inc, 11-17 2nd Ave (op/corporate change) (Mars Bar)  
no vote necessary
- 25. Maryanns (Vargomez Corp), 300 E 5th St (op/corporate change)  
no vote necessary
- 26. Mary O's (Rolo Rest LLC), 32 Ave A (op/corporate change)  
no vote necessary

**40 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding SLA item 1, 5, 9, 15)**  
**39 YES 1 NO 0 ABS 0 PNV MOTION PASSED (SLA item 1, 5, 15)**  
**18 YES 24 NO 0 ABS 0 PNV MOTION DID NOT PASS (SLA item 9)**  
**36 YES 4 NO 1 ABS 0 PNV MOTION PASSED (to send SLA item 9 back to Committee in June)**

**Arts Task Force**

- 1. Update on Arts organization database.  
no vote necessary
- 2. FAB update re. effort to obtain economic data from Pew Charitable Trust's  
no vote necessary
- 3. Arts Space presentation –on the development of PS 109 as artist housing with gallery and non-profit space as a possible model for artists in Lower East Side  
no vote necessary

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

There was discussion on a board member's request to discuss the 14th Street Synagogue at the Landmarks Subcommittee and the fact that the board member was not permitted to have the item be on the agenda because the Landmarks Preservation Commission would have already heard the issue. The decision was based on the fact that there would not have been sufficient time to give the property owners notice that the property would be discussed at the Subcommittee. The other issue raised was that the Landmarks Subcommittee meeting was cancelled because there were no agenda items. There was discussion over whether the board member had requested at the April full board meeting that the property be put on the May Landmarks Subcommittee meeting.

Stetzer requested that board members request new agenda items be sent to the office before the full board meeting in order for those items to be on the next month's agenda. She stated there was written policy that new items could not be added at the full board meeting.

Li stated she would review and compile the email record of when a member requested that the item be put on the subcommittee.

There will be a visioning session for the park at SPURA at Grand Street Settlement on May 28.

- 1. FY'16 Agenda Items for Budget Priorities Consultation  
no vote necessary
- 2. Review of Block Party Guidelines to include for-profit events  
no vote necessary
- 3. DOT Art Program presentation on LAS BICICLETAS (The Bicycles) sculpture installations along the Bowery medians from June to October 2014  
no vote necessary
- 4. Review guidelines for Board votes on Block Party/Special Event Street closure  
withdrawn
- 5. East River Park Fire Boathouse project

**VOTE: Title: Community Board 3 Resolution to Support the East River Park Fire Boathouse Exterior Renovation Designs and Recommendation for ADA Accessibility**

Whereas, NYC Parks and the LES Ecology Center presented architectural designs for changes to the exterior of the East River Fire Boathouse, for the purposes of providing increased access to people with disabilities or mobility issues;

Whereas, a new handicap accessible ramp will be constructed in the front, with a renovation of the door to provide a more aesthetically pleasing appearance;

Whereas, CB 3 requests NYC Parks to make sure that the door will not be utilizing material too heavy for a visitor who uses wheelchairs to open the door;

Whereas, NYC Parks seeks CB 3 resolution of approval to go before the NYC Design Commission;

Therefore, be it resolved, that CB 3 approves the design of the exterior renovation with a recommendation that special attention is given to materials, and the weight of the front entrance door is not so onerous, so that a visitor who uses wheelchairs can easily access the facility.

- 6. Report from Landmarks Subcommittee  
no vote necessary

**Block Parties**

- 7. Hope Ignited 2014, 8/16, E 4th St (btwn Aves B-C)  
**VOTE:** CB 3 approves the block party hosted by Hope Ignited 2014, 8/16, E 4th St (btwn Aves B-C).

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

**Land Use, Zoning, Public & Private Housing Committee**

There was discussion of whether the Extel development on Ave A and 14th Street would include a subway entrance for the L train.

- 1. FY'16 Agenda Items for Budget Priorities Consultation  
no vote necessary
- 2. Status of 400 Grand Street tenants relocation plans  
no vote necessary
- 3. Chinatown Working Group (CWG) Update  
no vote necessary
- 4. Hotel Trades Council presentation on zoning proposal to require special permits for all new hotel uses, which would include community board review / recommendation  
no vote necessary

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

Thanks to members who participated in drafting the Essex Crossing school position paper. There was discussion on whether there should be a change to clarify that the school should be for Community School Districts 1 and 2 exclusively, and this was accepted as a friendly amendment.

**May 7th meeting**

- Draft and revise policy paper for school on SPURA site  
no vote necessary

**May 13th meeting**

- 1. FY'16 Agenda Items for Budget Priorities Consultation  
no vote necessary
- 2. Urban Fellow project: Inventory and assessment of medical services and facilities in CB 3 and serving CB 3  
no vote necessary
- 3. Request for support for repainting of mural on handball wall in JHS 56 at 220 Henry St (Manhattan Charter School II, University Neighborhood MS, CASTLE and Henry Street School for International Studies) school yard by students and professional street artists  
no vote necessary
- 4. Final review and approval of policy paper for school on SPURA site  
**VOTE:** To approve the policy paper for a school on the Seward Park Urban Renewal Area development site with inclusion of the discussed edits.

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

**Old Business**

**VOTE:** To amend January minutes to reflect Harrington's statement that "people of color should be including in the group that amends the community group policy."

There was discussion that this was unprecedented and that this should not be repeated.

**30 YES 0 NO 2 ABS 0 PNV MOTION PASSED**

**Members Present at Last Vote:**

David Adams	[A]	Karen Blatt	[A]	Justin Carroll	[P]
Dominic Berg	[P]	Lisa Burriss	[P]	Karlin Chan	[A]

Jimmy Cheng	[A]	Carol Kostik	[P]	Joyce Ravitz	[P]
MyPhuong Chung	[P]	Ben Landy	[A]	Carlina Rivera	[P]
David Crane	[P]	Mae Lee	[P]	James Rogers	[P]
Enrique Cruz	[P]	John Leo	[A]	Richard F. Ropiak	[A]
Morris Fajtelewicz	[A]	Ricky Leung	[P]	Christopher Santana	[A]
Flora Ferng	[A]	Alysha Lewis-Coleman	[P]	Susan Scheer	[P]
Gloria Goldenberg	[A]	Gigi Li	[P]	Nancy Sparrow-Bartow	[P]
Jan Hanvik	[P]	William LoSasso	[P]	Julie Ulmet	[P]
Ayo Harrington	[P]	Chad Marlow	[A]	Josephine Velez	[A]
Herman F. Hewitt	[P]	Penina Mezei	[A]	Rodney Washington	[P]
Anne K. Johnson	[P]	Alexandra Militano	[P]	Kathleen Webster	[P]
Linda Jones	[A]	Chiun Ng	[P]	Justin Yu	[A]
Vaylateena Jones	[P]	Ariel Palitz	[P]	Thomas Yu	[A]
Meghan Joye	[P]	Teresa Pedroza	[P]	Zulma Zayas	[A]
Lisa Kaplan	[P]	Carolyn Ratcliffe	[P]		

Meeting Adjourned