



# THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

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Gigi Li, Board Chair

Susan Stetzer, District Manager

## July 2014 Full Board Minutes

Meeting of Community Board #3 held on July 22, 2014 at 6:30pm at 197 East Broadway, Manny Cantor Center.

### Public Session:

Caroline Hood: Speaking for the Education Alliance, updated the Board on construction on Ave. D between 3rd and 4th Street. The organization is building an out-patient facility there, which will not increase the number of residents.

Vaylateena Jones: Speaking for the LES Power Partnership regarding materials from the Office of Emergency Management in Spanish and Chinese. She also spoke about an information session on home fire safety. She spoke about the Borough Health Committee to make people aware of making sure healthcare services, if they are down-sized or right-sized, are changed correctly.

Minerva Chin: Spoke in favor of preserving Marilyn Louie's old newsstand, stating that the newsstand serves as a de facto community center and Marilyn has helped community members. She stated the new newsstand is too small and harmful to Marilyn.

Marilyn Louie: Spoke as owner of newsstand at 18 Bowery. She spoke about her health complications as a result of being moved to a smaller newsstand. She stated she only has 6 inches now for newspaper displays, and newspapers are 10 inches long. She does not have room for coolers for cold drinks. She does not have proper ventilation.

Diana Wong: Spoke in favor of preserving Marilyn Louie's old newsstand.

Caroline Harris: Speaking on behalf of a developer of Land Use Item to support BSA variance at 11 Avenue C (ada 350 East Houston). The developer is hoping for a recommendation of a variance in order to build a building. She clarified she was not asking for waiver of floor areas. The developer is seeking a waiver that would allow for commercial on the ground floor. They were considering building affordable housing.

Lance Blake: Speaking on behalf of developer of Land Use Item to support BSA variance at 11 Avenue C (ada 350 East Houston). He demonstrated how the developer could create open space on the site. These would violate current zoning laws so they would like to request a variance.

Jake Freeman: Spoke on behalf of developer of Land Use Item to support BSA variance at 11 Avenue C (ada 350 East Houston) He spoke about the necessity of having commercial retail on the ground floor in order to make the site viable.

Karen Jarrett: Spoke on behalf of Protect Our Hospitals regarding Health and Human Services Item to stop hospital closures. They support giving control of healthcare back to local communities and creating borough-wide health committees. The resolution calls for these bodies to have land use power regarding placement of hospitals based on a health needs assessment. The resolution is to address the issue of a community's lack of power when a hospital closes.

Bryan Solomon-Puertas: Speaking on behalf of NYCHA Sandy Hurricane Rebuilding and Resiliency Project. This is a project management firm called CSA Group hired by NYCHA, which has full access to the NYCHA staff. They will be in the area asking for tenant input on potential changes. This will affect approximately 20,000 residents and 10,000 units. The organization is asking FEMA to provide funding for emergency generators to power the entire buildings. They are hiring Section 3 residents to be part of the community outreach team, and applicants should go to the Opportunity NYCHA website for more information. There were questions on whether the generators could be solar powered.

Rich Carmona: Speaking on behalf of the Department of Transportation to add a stop sign, directional indicators for straight and right-turning traffic and pedestrian splitter to stop westbound traffic on Delancey Street North at Pitt Street.

Jillian Moyer: Speaking on behalf of Ryan-Nena about an event on August 13 from 4:00-6:00 at their center on 34th Street. Flyers are provided.

Deryk Demmers: Speaking about the danger of the intersection of Clinton and Grand Street for pedestrians. He also spoke about the new escalator at the East Broadway F stop which recently broke.

Lisha Arino: Speaking as the new local reporter for DNA Info and provided business cards for contact information.

Randy Jones: Speaking as resident speaking about the construction of a new building at 2nd Ave and 2nd Street, hoping that the existing residents' concerns would be treated with respect and transparency.

Erin Petrocelli: Spoke about application for BSA variance application at 11 Ave. A.

Casey Cooper: Speaking on behalf of the Community Health Network, offering free yoga and other classes for free.

Dale Goodson: Spoke on behalf of North Ave A Block Association asking for fewer outdoors seats permitted for Hearth.

Report from Amy Yang, Urban Planning Fellow, regarding the demand for healthcare facilities in Community Board 3, evaluate how the existing facilities meet the community's needs and options for fulfilling those needs. See accompanying slides.

Public Officials:

Mayor Bill de Blasio, Alize Beal: Not Present

Public Advocate Letitia James, Adam Chen: Over 3,000 New Yorkers have been helped by the office. The Public Advocate has raised concerns over the Time Warner Cable – Comcast Merger. The Public Advocate has supported a bill that would prevent discrimination of employees who take advantage of reproductive health care services. The Public Advocate is also looking into overheating inside public school buses.

Comptroller Scott Stringer, Crystal Fan: Not Present

Borough President Gale Brewer, Patricia Ceccarelli: Thanked everyone who came out for Paid Sick Leave awareness. The Borough President is trying to collect data on arts programs in public schools and is working to help close the gap on arts education. The Borough President will hold "speed dating" between principals and arts programs and is trying to improve the annual arts survey conducted by the NYC Department of Education.

Congressmember Carolyn Maloney, Victor Montesinos: Not Present.

Congressmember Nydia Velazquez, Iris Quinones: Not Present.

Assembly Speaker Sheldon Silver, Zach Bommer: Wished everyone a happy summer.

Assemblymember Deborah J. Glick, Sarah Sanchala: Not Present.

Assemblymember Brian Kavanaugh, Marcela Medina: The office will be hosting workshops for seniors and people with disabilities to sign up for Senior Citizen Rent Increase Exemption and Disability Rent Increase Exemption.

State Senator Daniel L. Squadron, Mauricio Pazmino: The Senator got a commitment from the city to enforce the inter-city bus system. The Senator has been pushing the MTA to improve the East Broadway station.

State Senator Brad M. Hoylman: Spoke about the opportunity to take a hard look at reforming rent regulation laws to return home rule to New York City. This would include reforming luxury decontrol and renewing rent control laws. The Governor recently announced a plan to end AIDS in New York. With science being what it is, it is possible to extinguish the virus. This requires that people who may be exposed should have access to prophylactic that would prevent HIV.

Councilmember Margaret Chin, Persephone: This was the launch of NYC's first Hepatitis B Awareness Week, and people should get tested. The councilmember called for thorough investigation of the death of a Staten Island man choked to death by a police officer. The councilmember was addressing air quality problems and safety measures in local housing issues. This Thursday NYCHA is hosting its annual drafting of its Annual Plan. Sunday, August 3 at 12:00 is the street co-naming for Deshane Santana.

Councilmember Rosie Mendez, Rosemarie Diaz: The Councilmember spoke with HPD to hear concerns of Till Building leaders.

Members Present at First Vote:

David Adams	[P]	Linda Jones	[P]	Teresa Pedroza	[A]
Dominic Berg	[P]	Vaylateena Jones	[P]	Carolyn Ratcliffe	[P]
Karen Blatt	[A]	Meghan Joye	[P]	Joyce Ravitz	[P]
Lisa Burriss	[A]	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	[A]
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	[P]
Flora Ferng	[A]	William LoSasso	[P]	Rodney Washington	[A]
Gloria Goldenberg	[P]	Chad Marlow	[P]	Kathleen Webster	[P]
Jan Hanvik	[P]	Penina Mezei	[A]	Justin Yu	[A]
Ayo Harrington	[P]	Alexandra Militano	[P]	Thomas Yu	[P]
Herman F. Hewitt	[P]	Chiun Ng	[A]	Zulma Zayas	[A]
Anne K. Johnson	[A]	Ariel Palitz	[P]		

Minutes:

Minutes of June 2014 were approved, as is.

**38 YES 0 NO 12 ABS 0 PNV MOTION PASSED**

Board Chairperson's Report:

Chairperson Gigi Li: There were 3 resolutions heard at Executive Committee. All were time sensitive and needed to be heard given that the committees do not meet in August. Regarding amenity changes for the summer for the Division/Canal traffic triangle, there was discussion on how to prevent skateboarders from using the pedestrian amenities.

District Manager's Report:

District Manager Susan Stetzer:

We will be voting on budget priorities in October. I have calendar for the budget consultations here and I encourage people to attend consultations for agencies of their interest. I also have information sheets here to explain budget priorities and the process. We will be deciding on large capital expenditures and expense priorities, which is funding for programs and staff. In order to know which programs need funding, we meet with a number of agencies. In anticipation of this, we are collecting questions to ask these agencies. It is necessary to have these questions in advance to research with agencies so that we know which programs may already be funded, which may have been replaced, which do need advocacy.

The Third Street Men's Shelter will have Department of Homeless Service police once per week. This year all community boards have increased their 311 complaints for commercial noise complaints, which is bar noise. CB3 has increased in every zip code and has the most amount of noise complaints in the city, being 500 complaints per year above the next board.

Committee Reports:

**Executive Committee**

1. Presentation and request for support from the Coalition to Stop Credit Checks

**VOTE: Title: Community Board 3 Resolution to Support Passage of Int. 261-2014**

WHEREAS, qualified New Yorkers are being excluded from employment opportunities due to their personal credit history; and

WHEREAS, nearly half of all employers nationwide, including many in New York City, check the personal credit history of job applicants when hiring for a wide range of positions and many deny jobs to applicants with imperfect credit; and

WHEREAS, personal credit reports were never designed to assess job performance or character and social science research has shown that information contained in a personal credit report has no correlation to job performance or propensity to commit crimes; and

WHEREAS, checking credit history as part of the hiring process can have a discriminatory impact on African American and Latino job applicants, whose credit histories have been disproportionately impacted by predatory lending, and discrimination in employment, lending, education and housing; causing civil rights organizations including the NAACP, National Council of La Raza, and the Leadership Conference on Civil and Human Rights to oppose the use of employment credit checks; and

WHEREAS, the majority of survivors of domestic violence report nonconsensual credit transactions, such as abusers taking out credit cards in their names without their knowledge, which can hamper their ability to secure employment after leaving an abusive situation; and

WHEREAS, the Federal Trade Commission found that one in five American consumers has a material error on their credit report from one of the major credit reporting companies and these errors are extremely difficult to resolve; and

WHEREAS, poor credit history is often linked to factors beyond an individual's control, such as medical debt and unemployment, trapping unemployed workers in particular in a Catch-22 in which they cannot secure a job because of damaged credit and are then unable to improve their credit because they cannot find work; and

WHEREAS, Int. 261-2014 introduced by Councilmembers Lander and Rose establishes that it is an unlawful discriminatory practice:

- 1) for an employer, labor organization, employment agency or licensing agency to request or to use for employment purposes information contained in the consumer credit history of an applicant for employment ; or
- 2) to retaliate or otherwise discriminate against an applicant or an employee with regard to hiring, termination, promotion, demotion, discipline, compensation or the terms, conditions or privileges of employment based on information in the consumer credit history of the applicant or employee;
- 3) except when employers that are required by state or federal law to use an individual's consumer credit history for employment purposes.

NOW, THEREFORE, BE IT KNOWN that the Manhattan Borough Board supports and calls for the passage of Int. 261-2014.

2. DOT presentation and request for support for traffic improvements at Pitt and Delancey St

**VOTE: Title: Community Board 3 Resolution to Support the Installation of Safety Improvements at Delancey and Pitt Streets**

WHEREAS, traffic improvements are needed for safety at Delancey and Pitts streets, and

WHEREAS, DOT has proposed the following project elements to improve safety at this intersection:

- Add all way stop sign control
- Add crosswalks on east and west leg of intersection
- Clarify lane marking for westbound through and right turners
- Add a concrete triangle island to shorten crossing distances and clarify traffic movements

THEREFORE, BE IT RESOLVED that Community Board 3 approves the proposed elements to improve safety at the Delancey and Pitt intersection.

THEREFORE, BE IT FURTHER RESOLVED that Community Board 3 supports the installation of safety improvements at Delancey and Pitt Streets.

3. Request for support to install furniture, etc., to resolve safety issues at Division/Canal traffic triangle

**VOTE: Title: Community Board 3 Resolution to Support the Installation of Specific Amenities and Street Furniture to Enhance Pedestrian Safety and Further Amenitize the Space for Public Use**

WHEREAS, the traffic triangle at the intersection of Division and Canal Streets had been previously closed to vehicular traffic through the installation of large bollards;

WHEREAS, the installation of public art on the triangle surface necessitated the removal of larger bollards and their replacement by smaller bollard and four granite blocks;

WHEREAS, the project was sponsored and will be maintained by the Lower East Side Business Improvement District;

WHEREAS, following installation safety concerns have been raised due to insufficient barriers to the active roadways and use of the space by skateboarders;

THEREFORE, BE IT RESOLVED Community Board 3 supports the installation by NYC DOT of the following amenities and furniture items to further enhance pedestrian safety and further amenitize the space for public use.

6 Planters - DOT  
2 Umbrellas - BID  
3 City Benches - DOT  
2 Bistro Tables - BID  
4 Cafe Chairs - BID  
TBD Bike Racks - DOT

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

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

There was discussion of 11 Ave. C development: the number of floors proposed in the development, the construction of affordable housing, the percentage of the lot which would be developed and the need for community space at the site.

1. HPD presentation on Mayor's Affordable Housing Plan  
no votes necessary
2. LES Coastal Protection Part 1 – Mayor's Office of Recovery and Resiliency/NYCEDC Southern Manhattan MPL – coastal protection program in southern Manhattan LES Coastal Protection Part 2 – Mayor's Office of Recovery and Resiliency/BIG Team's Rebuild by Design proposal  
no votes necessary
3. FY'16 District Needs Statement  
**VOTE:** To adopt the attached District Needs Statement.
4. 421a application for 310 E 2nd St  
withdrawn
5. BSA Variance Application 125-14-BZ, 11 Ave C application for variance to modify use and lot coverage regulations to facilitate the construction of a 10-story residential development with ground-floor commercial uses

**VOTE: Title: Community Board 3 Resolution to Deny the BSA Variance Application #125-14-BZ, at 11 Ave C**

To deny the applicant's (at 11 Avenue C (AKA 350 E. Houston Street) request for a variance due to the request exceeding the minimum necessary to make the project financially feasible and because the owner has not committed to build the required affordable housing on-site.

WHEREAS, the applicant purchased the property knowing that the majority of the conditions which are now the basis for the variance existed; and

WHEREAS, the applicant asserts that residential use on the ground floor is not desirable because of the traffic noise and congestion on the street, yet the as of right option of community facility use on the ground floor was rejected; and

WHEREAS, the proposed building would be built on 100% of the lot, far exceeding the 78% lot coverage required in the zoning, and CB 3 is not convinced that there is not a less egregious alternative solution to construction on this oddly shaped lot; and

WHEREAS, the applicant is unwilling to provide assurances to CB 3 that the required affordable housing will be built on site, although this housing is required as a condition of the inclusionary housing bonus that increases the proposed density of this building from a FAR of 5.4 to 7.2. CB 3 fears that unless the affordable housing is built on site, our community will not benefit from this inclusion, but the applicant will enjoy a lucrative financial benefit from the increased FAR; so

THEREFORE, BE IT RESOLVED CB 3 rejects the applicant's request for a variance at 11 Avenue C (AKA 350 E. Houston Street) because, in the opinion of CB 3, it does not represent the minimum request necessary to make the project financially feasible, because a ground floor community use is allowable as of right, because 100% lot coverage appears excessive, and because the applicant will not guarantee affordable housing production on-site.

6. BSA Variance Application 148-14-BZ, 11 Ave A to permit multi-family residential use on an undersized lot  
**VOTE: Title: Community Board 3 Resolution to Deny the BSA Variance Application #148-14-BZ, at 11 Ave A**

WHEREAS, the applicant seeks a zoning variance to allow for multi-family housing at 11 Avenue A, which currently does not permit multi-family housing due to the size of the lot; and

WHEREAS, the applicant is proposing to build a one story plus mezzanine addition on an existing building on a smaller than typical lot which already exceeds the lot coverage maximums and rear yard requirements; and

WHEREAS, the applicant proposes to create a total of six residential units four of which are between 415 and 450 square feet and all of which are less than 510 sq. ft., a size that is not conducive to healthy residency by families; and

WHEREAS, CB 3 believes that both commercial and residential rents in this vicinity are extremely lucrative, and therefore the granting of a variance to permit multifamily housing here is not necessary to yield a viable project and certainly that six residential units is far in excess of the minimum relief necessary; so

THEREFORE, BE IT RESOLVED CB 3 rejects the applicant's request for a variance at 11 Ave A due to the fact that an increase to 6 dwelling units is deemed to be too great of an increase over the 2 dwelling units now permissible under existing zoning.

7. CWG review of area B (Planned Community Preservation & Resilience Area from E 13th St to Delancey, FDR drive to Aves C or D at various points)  
no votes necessary
8. 400 Grand street update  
no votes necessary
9. Discussion of tenant issues at 170 & 174 East 2nd Street, including quality of life construction issues, outstanding violations, and tenant harassment

**VOTE: Title: Community Board 3 Resolution to Request to elected officials and Westminster Property Management regarding quality of life construction issues, outstanding violations, and tenant harassment at 170 & 174 East 2nd Street**

WHEREAS, CB 3 is extremely concerned about the conditions at 170 & 174 East 2nd Street, including serious construction violations, ongoing harassment of tenants, utility shut-offs, lack of security, and other concerns relayed to committee by tenants; so

THEREFORE, BE IT RESOLVED that CB 3 calls upon HPD and DOB to immediately enforce all applicable regulations, codes, and laws, and we call on our local elected officials to assist in this endeavor; and

THEREFORE, BE IT FURTHER RESOLVED that CB 3 request in writing that the owner of 170 & 174 East 2nd Street attend the September 2014 meeting of the CB 3 Land Use, Zoning, Public & Private Housing Committee.

**37 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding Land Use Item 9)**

**36 YES 0 NO 0 ABS 1 PNV MOTION PASSED (Land Use Item 9)**

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

There was discussion of the Catherine Street shelter and its security and a movement to make it a senior facility.

1. Presentation of Urban Planning Fellow Final Report on Health Care Inventory  
no votes necessary

2. FY'16 District Needs Statement

**VOTE: To adopt the attached District Needs Statement.**

3. Request for recommendation for LES Harm reduction expansion of syringe access in the West Village

**VOTE: Title: Community Board 3 Resolution in Support of the Lower East Side Harm Reduction Center's application to amend its Syringe Exchange Program waiver for expanded outreach**

WHEREAS, the Lower East Side Harm Reduction Center (LESHRC) is currently authorized to offer syringe exchange outreach in Lower Manhattan through a State Department of Health Syringe Exchange Program waiver; and

WHEREAS, the current boundaries and hours for the waiver within the West Village is on Washington Street between Gansevoort and West 13th Street on Friday from 6 pm – 9:30 pm in the winter and 7 pm -11 pm in the summer; and

WHEREAS, the social networks of syringe exchange participants in the West Village have shifted and dispersed from the Meatpacking District to further south primarily on Christopher Street from 7th Avenue to the West Side Highway, encompassing the 10014 zip code; and

WHEREAS, the syringe exchange participants served in the West Village are primarily transgender individuals who use syringes for hormone injections, and have specialized needs related to gender transition, substance use, sexual risk, violence, and discrimination; and

WHEREAS, LESHRC provides a comprehensive array of harm reduction services which have directly contributed to lowering the incidence of transmission of HIV and Hepatitis C; and

WHEREAS, LESHRC connects difficult to reach constituencies to services they otherwise would not access including health care, mental health services, and case management, focused on improving the quality of life for those most marginalized; and

WHEREAS, LESHRC has been a member of the Lower East Side community for over 22 years and has its roots here as one of the premier harm reduction agencies; and

WHEREAS, throughout its history LESHRC has had a relationship with Community Board 3, and in 2013 Community Board 3 supported expansion of LESHRC's boundaries within Community Board 3 and into parts of Community Board 5 and Community Board 6; and

THEREFORE, BE IT RESOLVED that Manhattan Community Board 3 strongly supports the Lower East Side Harm Reduction Center's current application to the New York State Department of Health to amend its Syringe Exchange Program waiver for expanded outreach.

4. Coalition to Stop Hospital Closures: Support for initiative to Preserve hospital and health services

**VOTE: Title: Community Board 3 Resolution in Support of Preserving Hospitals and Health Services for All New Yorkers**

WHEREAS, a health care crisis exists in the City of New York.

WHEREAS, New York City Hospitals have been closing at an alarming rate, on average two hospitals a year over the past ten years. At present 10 to 12 additional hospitals are teetering on the edge of closure or are eliminating vital health services.

WHEREAS, three health care facilities have closed since 2008 (Cabrini Medical Center, St Vincent's Medical Center, and Cabrini Nursing Home) that served the residents of community Board No. 3 and therefore created an undue burden on access to health care.

WHEREAS, these closures stem from financial and political pressures often resulting in approval of the transfer of hospital property to private developers.

WHEREAS, New York City and New York State failed to replace critical lifesaving services provided by these closed facilities creating health care disaster zones in low income, immigrant communities and communities of color.

WHEREAS, there are already vast health care disparities leading to dangerous overcrowding of facilities in neighboring communities.

WHEREAS, currently, the State of New York has primary jurisdiction over hospital closures and the allocation of hospital resources.

WHEREAS, the people of the City of New York have no direct say in these matters. Communities have tried but are not always successful in preventing hospital closures.

WHEREAS, the one process we can control is how the land on which a hospital sits may be used.

THEREFORE, BE IT RESOLVED that to protect our health, communities and vital healthcare services we have come together to call upon our elected City Council members to amend the City Charter to create democratic local bodies with the power to make land use decisions concerning hospitals and other health care facility sites.

BE IT FURTHER RESOLVED that the community board urges that these local bodies should also be empowered to assess community health care needs, identify deficiencies, and formulate plans to correct such deficiencies.

BE IT FURTHER RESOLVED THAT, Community Board 3 strongly urges the Mayoral administration and City council adopt the Protect Our Health Care Coalition's principles and proposal details calling for the City Charter to be amended to address the decisions made concerning hospitals and other health care facilities.

5. Outreach for universal pre-K: free, full-day, high-quality Pre-K for every 4-year old in NYC  
no votes necessary

**37 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding Human Services Items 3 and 4)**

**35 YES 0 NO 2 ABS 0 PNV MOTION PASSED (Human Services Item 3)**

**36 YES 0 NO 1 ABS 0 PNV MOTION PASSED (Human Services Item 4)**

#### **Economic Development**

1. Request for support: NYC Coalition to Stop Credit Checks in Employment  
no votes necessary
2. FY'16 District Needs Statement  
**VOTE:** To adopt the attached District Needs Statement.
3. Next steps for Retail Diversity initiative/Columbia Report  
no votes necessary

#### **Con Ed Task Force**

1. Follow up on previously approved projects  
no votes necessary
2. Spring 2014 Funding Cycle -- final vote on Ryan-NENA Asthma Control Project extension  
no votes necessary

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

1. What constitutes substantial attendance at meetings  
no votes necessary
2. Excused absences (continued)  
no votes necessary
3. Removal procedure  
no votes necessary

#### **Transportation & Public Safety and Environment Committee**

There was discussion on the specific number of additional commuter vans. A committee member reported in that the expansion was to twelve vans.

1. Con Edison's System Enhancement Work around E Broadway, Pike Street, Grand Street & FDR  
no votes necessary
2. BQE Bus Service application to add additional vans to existing commuter van service servicing north of Bayard from Mulberry to Bowery, bounded on east by Bowery from Bayard to Division, bounded on south by Division from Bowery to Mulberry, bounded on west by Mulberry from Division to Bayard

**VOTE: Title: Community Board 3 Resolution in Support of the expansion of Commuter Van service provided by BQE Bus Service, AKA Shun On Bus Company**

WHEREAS, BQE Bus Service, AKA Shun On Bus Service, has been operating six licensed commuter vans in Chinatown and the commuter van industry helps support the Chinatown economy and provides an important transportation link between the historic Chinatown core and other Chinatown communities in Jackson Heights, Queens and Sunset Park, Brooklyn.

WHEREAS, commuter van service is an important form of transportation for the elderly and other commuters and shoppers, who would otherwise be precluded from traveling by mass transit.

WHEREAS, BQE Bus Service has no prior violations and operates from the curb in an orderly manner.

WHEREAS, adding more vans may reduce pedestrian congestion because it will increase the capacity of bus service, thereby reducing pedestrian queuing time on the sidewalk.

THEREFORE, BE IT RESOLVED that Community Board 3 supports the increase of licensed commuter vans for this company from 6 to a total of 12.

3. Presentation and request for support on MOVE NY Fair Tolling and Transportation Reinvestment Plan  
no votes necessary
4. FY'16 District Needs Statement  
**VOTE:** To adopt the attached District Needs Statement.
5. Identification of areas of concern regarding intercity bus siting  
no votes necessary
6. Request for support for larger newsstand at 18 Bowery (at Pell)

**VOTE: Title: Community Board 3 Resolution in support of the DCA investigating the possibility of customizing a newsstand for Marilyn Louie**

WHEREAS, Community Board 3, in February of 2012, passed a resolution in support of grandfathering Marilyn Louie's newsstand at 18 Bowery and Pell Street.

WHEREAS, the NYC Department of Consumer Affairs (DCA) worked with the vendor in 2012 to find a resolution to keep the newsstand in its current location, even though inspectors for the NYC Department of Transportation (DOT) originally determined that it was not in compliance because there needed to be three inches of additional sidewalk clearance.

WHEREAS, the vendor has found that the new smallest Cemusa structure does not provide sufficient space for her merchandise and does not accommodate the installation of an air conditioning unit necessary for her health. The structure only provides the vendor with 13 inches of space to stand, does not provide enough space for a refrigerator for storing and selling cold drinks, does not allow the vendor to carry enough Chinese language periodicals to meet the demand of the community and to maintain a sustainable business.

WHEREAS, the DCA is aware that the vendor is unable to continue to work in the new Cemusa structure and CB 3 is currently in contact with the agency about this in order to determine what solutions can be found to resolve her health and space issues.

THEREFORE, BE IT RESOLVED that CB 3 requests that DCA determine how it can install a larger newsstand at 18 Bowery and Pell St, so that it accommodates the vendor's merchandise and air conditioning unit. If necessary, DCA should investigate the possibility of customizing a newsstand, which is legally permissible under special circumstances and for which there is precedent. The DCA should continue to work with the vendor in an expeditious manner so that her business remains viable in its current location.

**37 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding Transportation Item 2)**

**37 YES 0 NO 0 ABS 0 PNV MOTION PASSED (Transportation Item 2)**

**SLA & DCA Licensing Committee**

Item 26 was pulled.

**Renewal with Complaint**

1. Pianos, 158 Ludlow Street btwn Stanton & Rivington Sts (op)

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

WHEREAS, 158 Ludlow Rest LLC, doing business as Pianos, is seeking the renewal of its full on-premise liquor license, for the premise located at 158 Ludlow Street, between Stanton Street and Rivington Street, New York, New York; and

WHEREAS, this applicant was originally issued a full on-premise liquor license by the SLA on October 24, 2002; and

WHEREAS, this applicant was heard by Community Board 3 in November of 2003 because of complaints of crowds on the sidewalk and loud noise; and

WHEREAS, residents residing in the surrounding areas have continued to complain of persistent noise from loud unruly crowds outside of the business, music and bass emanating from the front of the business and crowds blocking the sidewalk in front of the business entrance and on the corner of Stanton Street and Rivington Street; and

WHEREAS, the community board office has received these complaints consistently over a long period of time, the most recent being in January, March, May and July of 2014; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application to renew the full on-premise liquor license for 158 Ludlow Rest LLC, doing business as Pianos, for the premise located at 158 Ludlow Street, between Stanton Street and Rivington Street, 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 two (2) security guards Sundays through Wednesdays, whose responsibilities will include overseeing patron noise and crowds on the sidewalk, and it will continue to employ at least three (3) security guards Thursdays through Saturdays who will be stationed outside of the business,
- 2) it will permit no more than fifteen (15) patrons outside to smoke at one time,
- 3) it will create sound baffling for the front door so that music and sound is not emanating outside when the door is open,
- 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, and
- 6) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

**Applications within Saturated Areas**

2. To be Determined, 38 Ave B (wb)  
see item 25

3. Clinton Street Baking Company & Restaurant, 2-4 Clinton St @ E Houston St (alt/op/extend license to 2 Clinton St)

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

Because of its more than thirteen (13) years of good operating history at 4 Clinton Street, Community Board 3 moves to deny the application for an alteration of the full on-premise liquor license for Maplevue Holding Corp., doing business as Clinton Street Baking Company & Restaurant, for the premise located at 4 Clinton Street, between East Houston Street and Stanton Street, to wit extending its liquor license to 2 Clinton Street, located at the corner of East Houston and Clinton Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that

- 1) it will operate as a full-service American restaurant and bakery, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 8:00 A.M. to 11:00 P.M. Mondays through Saturdays and 8:00 A.M. to 7:00 P.M. Sundays,
- 3) it will not commercially use any outdoor areas,
- 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 close any façade doors and windows at 10:00 P.M. every night,
- 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 patrons and noise on the sidewalk when necessary, and
- 10) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

4. Taquitoria (Rolled Taco LLC), 168A Ludlow St (wb)  
withdrawn

5. Taverna di Bacco (Osteria Grano LLC), 175 Ludlow St btwn E Houston & Stanton 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 Osteria Grano LLC, doing business as Taverna di Bacco, for the premise located at 175 Ludlow Street, between East Houston Street and Stanton Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations 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 5:00 P.M. to 12:00 A.M. Sundays and 5:00 P.M. to 1:00 A.M. Mondays 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 close its backyard to patrons no later than 11:00 P.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 8:00 P.M. each night,
- 9) it will insure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk, and
- 10) 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 change in class to a full on-premise liquor license although this is a location in an area with numerous full on-premise liquor licenses because 1) this location has operated without apparent complaint for three years, 2) this applicant has demonstrated considerable community support, in that it has furnished 64 petition signatures from residents within two blocks of this location, including residents of its building, and 3) although one resident of the street appeared in opposition to this upgrade application, her opposition was to the general conditions of the area, number of businesses with full on-premise liquor licenses in the area and short operating history of the applicant rather to the actual operation of the business.

6. Nadico Hotel LLC, 163 Orchard St (op)  
withdrawn

7. Georgia's Eastside BBQ (Georgia's Eastside BBQ Inc), 192 Orchard St btwn E Houston & Stanton 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 eating place beer license to a full on-premise liquor license for Georgia's Eastside Barbeque Inc., doing business as Georgia's Eastside Barbeque, for the premise located at 192 Orchard Street, between East Houston Street and Stanton Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service restaurant, specifically a southern barbeque 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 11:00 P.M. Sundays through Thursdays, 12:00 P.M. to 12:00 A.M. Fridays and Saturdays and it will be closed Mondays,
- 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 5:00 P.M. each night,
- 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

Community Board 3 is approving this application for a change in class to a full on-premise liquor license although this is a location in an area with numerous full on-premise liquor licenses because 1) this location has operated without apparent complaint for seven years, 2) has demonstrated considerable community support, in that it has furnished 29 petition signatures from residents within two blocks of this location, including residents of the adjoining buildings, and 3) it is limited in size and has daytime hours of operation and early closing times.

**Sidewalk Cafe Application**

8. A & J Frozen Yogurt Corp, 66 2nd Ave btwn E 3rd & E 4th Sts

**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 A & J Frozen Yogurt Corp., doing business as Red Mango, 66 Second Avenue, between East 3rd Street and East 4th 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 11:00 A.M. to 11:00 P.M. all days,
- 2) any façade windows will be closed by 10:00 P.M. every night, and
- 3) it will not place speakers at windows or have speakers facing toward the front windows of the business.

9. Hearth (Hearth Restaurant Investors LLC), 403 E 12th St @ 1st Ave

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

WHEREAS, Hearth Restaurant Investors LLC, doing business as Hearth, at the premise located at 403 East 12th Street, at the corner of East 12th Street and First Avenue, is applying for a permit for a sidewalk café consisting of 19 tables and 38 seats with six tables and 12 seats located on First Avenue and 13 tables and 26 seats located on East 12th Street; and

WHEREAS, the installation of this proposed sidewalk café would require as yet not obtained permission to remove tree guards from trees located on both East 12th Street and First Avenue and to pave the tree beds of each tree with cobblestones to remove these trees as existing sidewalk obstructions; and

WHEREAS, Community Board 3 is opposed to the removal of the tree guards on these trees and to the paving over of their beds to accommodate this large sidewalk café plan; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for a sidewalk café permit for six tables and 12 seats for Hearth Restaurant Investors LLC, doing business as Hearth, 403 East 12th Street, at the corner of East 12th Street and First Avenue, because the applicant has not signed a change agreement which will become part of its DCA license that

- 1) its café will consist of three tables and six seats placed against the façade of the business at the corner of East 12th Street and east along East 12th Street and three tables and six seats placed against the façade of the business facing First Avenue, from the corner of East 12th Street and north along the First Avenue façade; and
- 2) its hours of operation will be 11:00 A.M. to 3:00 P.M. Saturdays and Sundays, 6:00 P.M. to 10:00 P.M. Sundays through Thursdays and 6:00 P.M. to 11:00 P.M. Fridays and Saturdays.

10. Brazen Fox Kitchen and Bar (106 3rd Ave NYC Inc), 106 3rd Ave @ E 13th St (alt/increase tables to 14 tables and 28 chairs)

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

To approve the alteration of the sidewalk café permit for 106 3rd Ave NYC Inc., doing business as Brazen Fox Kitchen and Bar, 106 Third Avenue, a/k/a 145 East 13th Street, at the corner of Third Avenue and East 13th Street, to wit adding four tables and eight seats to the westernmost portion of its café on East 13th Street, because the applicant has signed a change agreement which will become part of its DCA license that

- 1) its café will consist of 14 tables and 28 seats with 12 tables and 24 seats located on East 13th Street and two tables and four seats located on Third Avenue, and
- 2) its hours of operation will be 10:00 A.M. to 11:00 P.M. Sundays, 11:00 A.M. to 11:00 P.M. Mondays through Thursdays, 11:00 A.M. to 12:00 A.M. Fridays and 9:00 A.M. to 12:00 A.M. Saturdays.

11. Uber Caffe LLC, 116 Stanton St btwn Ludlow & Essex Sts

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

To approve the application for a sidewalk café permit for four (4) tables and eight (8) seats for Uber Caffe LLC, doing business as Souvlaki GR, 116 Stanton Street, between Ludlow Street and Essex 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 11:00 A.M. to 10:00 P.M. Sundays through Thursdays and 11:00 A.M. to 11:00 P.M. Fridays and Saturdays.

**Alterations**

12. Juke Bar (Maddsg LLC), 301 E 12th St (op/alt/change stips for live music one day a week) withdrawn

**New Liquor License Applications**

13. Chinolita LLC, 107 Eldridge St btwn Grand & Broome Sts (op)

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

To deny the application for a full on-premise liquor license for Chinolita LLC, for the premise located at 107 Eldridge Street, between Grand Street and Broome 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, specifically a continental café brasserie, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 9:00 A.M. to 12:00 A.M. Sundays through Thursdays and 9:00 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 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 will designate an employee to oversee patrons and noise on the sidewalk,
- 10) it will institute a plan to limit the number of patrons smoking outside at one time, and
- 11) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

14. AAJ Hospitality Inc, 112 Stanton St btwn Ludlow & Essex Sts (op)  
no vote necessary

15. To be Determined, 174 Rivington St btwn Clinton & Attorney Sts (op)  
no vote necessary

16. The Comedians' Club (Contented World LLC), 85 1st Ave (wb)  
withdrawn

**Items not heard at Committee**

17. Flaming Kitchen Inc, 97 Bowery (wb)  
no vote necessary

18. Pings (Pings NYC Inc), 22 Mott St (wb)  
no vote necessary

19. Bassanova NY Inc, 76 Mott St (wb)  
no vote necessary

20. Vietnam Mess Kitchen Inc, 86 Mulberry St (wb)  
no vote necessary

21. Mangiami (Mangiami Inc), 9 Stanton St (op/corp change)  
no vote necessary

22. Jadis (Namu Restaurant Corp), 42 Rivington St (op/corp change)  
no vote necessary

23. IMOK (247 Luv NYC LLC), 247 Eldridge St (op/corp change)  
no vote necessary

24. BobBar, 235 Eldridge St (op/corp change)  
no vote necessary

**Applications within Saturated Areas**

25. To be Determined, 38 Ave B @ E 3rd 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 Dojo Izakaya LLC, for the premise located at 38 Avenue B, at the corner of Avenue B and East 3rd 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, specifically a Japanese Izakaya 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. 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 seek a change in class of its license to a full on-premise liquor license until it has been operating for at least two years,
- 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.

26. Allyn LLC, 16 1st Ave btwn E 1st & E 2nd Sts (op)

CHAD MARLOW: Proposed amendment allowing applicant to close nightly at 4:00 a.m., the current closing time for Sutra. Permitting the continuance of the current 4:00 a.m. closing time is justified as a response to the new operator's commitment to reduce the square footage of the location that would be used by patrons by nearly 50%, by installing a kitchen in the basement and using the basement for its kitchen, storage and bathrooms only. This significant alteration was deemed to be a significant benefit to the community.

**MOTION #1 PASSED**

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

WHEREAS, Allyn LLC, is seeking a full on-premise liquor license to operate a restaurant bar, at the premise located at 16 First Avenue, between East 1st Street and East 2nd Street, New York, New York; and

WHEREAS, this application is for a "sports themed restaurant bar and lounge" with a certificate of occupancy of 195 people, 21 tables and 73 seats, hours of operation of 11:00 A.M. to 4:00 A.M. all days, a 32 foot bar with 16 stools in the front of the business, an 18 foot bar with 9 stools in the rear of the business, recorded music and occasional DJs at entertainment levels, 12 televisions, one to three security guards Thursdays through Saturdays, no pub crawls, happy hours to 8:00 P.M., accordion doors closing at 10:00 P.M. every night, no wait lines and a staff person to oversee crowds and noise outside; and

WHEREAS, this applicant is purchasing the assets of United LLC, an establishment with a full on-premise liquor license, which has been doing business as Sutra, a two-story tavern lounge which has operated at this location since 2003 and has had 4:00 A.M. closing times during its history of operation; and

WHEREAS, this applicant is proposing to diminish the square footage of this location which would be used by patrons, in that it is proposing installing a kitchen in the basement and using the basement for its kitchen, storage and bathrooms only; and

WHEREAS, the applicant provided documentation of community support for this proposed business, in that it furnished 41 signatures from area residents in support of its application, 14 letters of support from residents and had 8 residents or patrons who appeared on its behalf; and

WHEREAS, given that this location is within 500 feet of 21 full on-premise liquor licenses and is on a block which has significant traffic congestion issues and, notwithstanding the experience of the applicant operating other licensed businesses in New York City and New Jersey, the applicant has no history operating any business in Community Board 3; 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 Allyn LLC, for the premise located at 16 First Avenue, between East 1st and East 2nd 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 bar, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 11:00 A.M. to 2:00 A.M. Sundays through Wednesdays and 11:00 A.M. to 4:00 A.M. Thursdays through Saturdays,
- 3) it will play recorded music, may have occasional acoustic live music during brunch, may have DJs no more than two (2) times per week, may have no more than three (3) private parties per month and may charge a cover fee associated with those private parties, but will not have promoted events or scheduled performances,
- 4) it will close any façade doors and windows at 10:00 P.M. every night,
- 5) it will employ security guards Thursdays through Saturdays and as needed Wednesdays,
- 6) it will install additional soundproofing, if needed,
- 7) it will not commercially use any outdoor areas,
- 8) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 9) it may have "happy hours" to 8:00 P.M. each night,
- 10) it will not host pub crawls or party buses,
- 11) it will not have any of its televisions facing the street or façade of the business,
- 12) it will insure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk, and
- 13) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

**MOTION #2 PASSED (MOTION #1 AMENDED AS TO HOURS)**

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

WHEREAS, Allyn LLC, is seeking a full on-premise liquor license to operate a restaurant bar, at the premise located at 16 First Avenue, between East 1st Street and East 2nd Street, New York, New York; and

WHEREAS, this application is for a "sports themed restaurant bar and lounge" with a certificate of occupancy of 195 people, 21 tables and 73 seats, hours of operation of 11:00 A.M. to 4:00 A.M. all days, a 32 foot bar with 16 stools in the front of the business, an 18 foot bar with nine stools in the rear of the business, recorded music and occasional DJs at entertainment levels, 12 televisions, one to three security guards Thursdays through Saturdays, no pub crawls, happy hours to 8:00 P.M., accordion doors closing at 10:00 P.M. every night, no wait lines and a staff person to oversee crowds and noise outside; and

WHEREAS, this applicant is purchasing the assets of United LLC, an establishment with a full on-premise liquor license, which has been doing business as Sutra, a two-story tavern lounge which has operated at this location since 2003 and has had 4:00 A.M. closing times during its history of operation; and

WHEREAS, this applicant is proposing to diminish the square footage of this location which would be used by patrons, in that it is proposing installing a kitchen in the basement and using the basement for its kitchen, storage and bathrooms only; and

WHEREAS, the applicant provided documentation of community support for this proposed business, in that it furnished 41 signatures from area residents in support of its application, 14 letters of support from residents and had 8 residents or patrons who appeared on its behalf; and

WHEREAS, given that this location is within 500 feet of 21 full on-premise liquor licenses and is on a block which has significant traffic congestion issues and, notwithstanding the experience of the applicant operating other licensed businesses in New York City and New Jersey, the applicant has no history operating any business in Community Board 3; 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 Allyn LLC, for the premise located at 16 First Avenue, between East 1st and East 2nd 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 bar, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 11:00 A.M. to 4:00 A.M.,
- 3) it will play recorded music, may have occasional acoustic live music during brunch, may have DJs no more than two (2) times per week, may have no more than three (3) private parties per month and may charge a cover fee associated with those private parties, but will not have promoted events or scheduled performances,
- 4) it will close any façade doors and windows at 10:00 P.M. every night,
- 5) it will employ security guards Thursdays through Saturdays and as needed Wednesdays,
- 6) it will install additional soundproofing, if needed,
- 7) it will not commercially use any outdoor areas,
- 8) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 9) it may have "happy hours" to 8:00 P.M. each night,
- 10) it will not host pub crawls or party buses,
- 11) it will not have any of its televisions facing the street or façade of the business,
- 12) it will insure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk, and
- 13) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.
- 14) Its basement level will only be used for a kitchen, storage, bathrooms or other uses that do not involve the service to or consumption of alcoholic beverages by customers.

**Alterations**

27. The Standard East Village (Cooper AB LLC), 25-33 Cooper Sq (alt/op/move bar located in basement to penthouse)  
withdrawn

**New Liquor License Applications**

28. To be Determined, 199 Chrystie St (op)  
withdrawn

29. Prime & Beyond (Prime & Beyond NY Inc), 90 E 10th St (upgrade to op)  
withdrawn

30. Mr Fong's, 123 Madison St aka 40 Market St @ Market St (op)

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

Notwithstanding that this location is previously unlicensed and is on a residentially zoned street and has been grandfathered for commercial use only to meet local retail needs, Community Board 3 moves to deny the application for a full on-premise liquor license for a corporation to be determined, with principals Aisa Shelley and Lucas Moran, with a proposed business name of Mr. Fong's, for the premise located at 123 Madison Street a/k/a 40 Market Street, at the corner of Madison Street and Market Street, because the applicant has not agreed to make as conditions of its license the following signed notarized stipulation that

- 1) it will operate as a restaurant café bar, with an electric 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, 2:00 P.M. to 1:00 A.M. Saturdays and 2:00 P.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 close any façade doors and windows at 10:00 P.M. every night,
- 5) it will employ security guards, as needed,
- 6) it will install soundproofing,
- 7) it will not commercially use any outdoor areas,
- 8) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 9) it may have "happy hours" to 7:30 P.M. each night,
- 10) it will not host pub crawls or party buses,
- 11) it will designate an employee to oversee patrons and noise on the sidewalk, and
- 12) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

31. Farfasha (Entrez Bar & Grill Inc), 162 2nd Ave btwn E 10th & E 11th Sts (wb)

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

Notwithstanding that this applicant was denied an application for a full on-premise liquor license by Community Board 3 in November of 2012 because it was then serving alcohol without a license and because there is no evidence that this applicant has been serving alcohol without a license since its November of 2012 hearing, Community Board #3 now moves to deny the application for a wine beer license for Entrez Bar & Grill, Inc., doing business as Farfasha, for the premise located at 162 Second Avenue, 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 Mediterranean restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation for both its interior and the seven (7) tables and fourteen (14) seats outdoors and within its building line will be 2:00 P.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,
- 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,
- 8) it will insure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk, and
- 9) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

**2016 District Needs Statement**

32. FY'16 District Needs Statement

**VOTE: To Approve With Amendments**

**37 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding SLA Items 1 and 26)**

**36 YES 0 NO 0 ABS 1 PNV MOTION PASSED (SLA Item 1)**

30 YES 6 NO 0 ABS 1 PNV MOTION PASSED (SLA Item 26)

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

1. FY'16 District Needs Statement

**VOTE:** To adopt the attached District Needs Statement.

2. Update presentation on Essex Crossing Park designs

no votes necessary

3. Update on Paths to Pier 42

no votes necessary

4. Public Art Proposal for Sara D Roosevelt Park by artist Jarrod Beck

**VOTE: Title: "Uplift" Temporary Art Installation on SDR Park**

CB 3 approves the "Uplift" Temporary Art Installation by artist Jarrod Beck on the Houston Plaza of Sara D. Roosevelt Park.

5. Parks permit & use fees for pool & park use for groups

**VOTE: Title: Community Board 3 Resolution to Request Improved Public Outreach and Phasing of NYC Parks Pool and Park Permit Fees**

WHEREAS, the Rules of the City of New York state in Title 56, Section 2-09 state that the Department of Parks and Recreation (DPR) can charge \$25 for a pool permit and an additional \$1 per individual for groups of ten or more supervised individuals;

WHEREAS, NYC Parks however, has not enforced this policy citywide since it was enacted in 2000, so that summer camp programs in Queens, Staten Island and Manhattan have been paying the \$1 per participant per use fee, but programs in Brooklyn and Bronx have not been paying the fee;

WHEREAS, summer camps have recently found out that they will be charged \$25 for a permit fee for use of public parks with groups of 20 or more individuals, per use;

WHEREAS, the decision to charge the \$1 per participant per use pool fee will devastate many summer camp providers who run free programs with tight budgets that do not allow for many trips off-site;

WHEREAS, an organization with 400 participants per program, summer camp providers would pay around \$14,400 in pool fees;

WHEREAS, trips to City parks are an important off-site summer program activity and help promote a healthy lifestyle;

WHEREAS, since many of the summer programs are city-funded, the fees paid to NYC Parks are coming from Department of Youth and Community Development (DYCD) funding and are fiscally neutral to the overall city budget but reduces the funding available for enrichment activities in city-funded summer programs;

THEREFORE, BE IT RESOLVED that CB 3 urges NYC Parks to give more advance notice of fee collection to enable summer camp program providers to make changes to their budget or their program design to account for the increased fees;

BE IT FURTHER RESOLVED that CB 3 asks that NYC Parks phase in the fee policy to enable summer camp program providers to adapt to the new policy with less disruption to programming, or waive fees altogether.

6. Report from Landmarks Subcommittee

**VOTE: Title: Community Board 3 Resolution regarding Certificate of Appropriateness (C of A) application (Docket No. 15-5903) for replacement of façade, roof, and windows at 76 Second Avenue (Block 446, Lot 3)**

WHEREAS, 76 Second Avenue is a contributing building in the East Village/Lower East Side Historic District, designated October 9, 2012; and

WHEREAS, 76 Second Avenue was designed by Paul Fein and built in 1928 and has subsequently been extensively altered, and

WHEREAS, the 1940s photo of the building shows arched windows on the second floor and the plan is to recreate them; and

WHEREAS, the intention is to replace the brick-face and the layer of stucco underneath with variegated brick in the orange/brown range, similar to that of the adjacent building; and

WHEREAS, the wooden window frames will be replaced by dark brown aluminum; and

WHEREAS, the parapet will be higher in order to conceal the rooftop mechanicals and will consist of an aluminum grill in the same color as the windows; and

WHEREAS, the door openings and the wooden doors will be retained; and

WHEREAS, removal of the façade may cause some modification of the planned window openings; and

WHEREAS, the design and placement of the logo had not yet been determined; and

WHEREAS, because of the damage to the façade, it is urgent to begin demolition and restoration soon in order to protect the public; so

THEREFORE, BE IT RESOLVED CB 3 approves the C of A application with the following caveats: that after demolition and before façade replacement the applicants return to the committee with the finalized plan as well as the final design of the signage, its placement, and sample materials.

7. Report from Arts & Culture Subcommittee  
no votes necessary

**Block Parties**

8. The Educational Alliance: The Big Lunch, 10/12, Jefferson St (E Broadway & Henry St)

**VOTE: Title: Community Board 3 Resolution in Support of The Educational Alliance's The Big Lunch Block Party**

CB 3 approves the Educational Alliance: The Big Lunch block party on October 12th, 2014, located at Jefferson Street (between E Broadway & Henry St).

9. CERT CB 3 Block Party, 9/21, E 11 St (2nd & 3rd Aves)  
no votes necessary

10. St Brigid School Block Party, 9/20, Ave B (E 7th & E 8th Sts)  
no votes necessary

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

**District Needs Statement**

There was discussion on starting the District Needs Statement Revision process.

- FY'16 District Needs Statement  
**VOTE:** To adopt the attached District Needs Statement.

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

**Members Present at Last Vote:**

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

Meeting Adjourned