



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

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Gigi Li, Board Chair

Susan Stetzer, District Manager

September 2015 Full Board Minutes

Meeting of Community Board 3 held on Thursday, September 24, 2015 at 6:30pm at PS 20, 166 Essex Street.

Chairperson Gigi Li announced asked for a moment of silence to remember Morris Fajtelewicz, a board member who was killed in a traffic accident. She also announced that Friends of CB3 will be donating \$1,000 on behalf of Fajtelewicz.

Public Session:

Mayor's Office of Recovery and Resiliency, Curtis Craven: He stated that the Office of Recovery and Resiliency ("ORR") is seeking additional funding from the federal government for Hurricane Sandy relief for lower Manhattan south of Montgomery Street to Battery Park. The federal Department of Housing and Urban Development ("HUD") may be inclined to give money to the area around Two Bridges. In addition, the ORR must do feasibility and planning studies. Currently, there is \$6m allocated for this. The ORR will be conducting these studies with the Economic Development Corporation. HUD will make funding announcements in January of 2016.

There were questions regarding the timeline for this project and the potential impact on real estate development on the waterfront.

Caroline Press: Speaking on behalf of Mark DeGarmo Dance center, she announced that the center offers dance classes in local public schools. The center will be offering a wide range of dance classes at the Clemente Soto Velez to the public and will be holding an upcoming event.

Vaylateena Jones: Speaking on behalf of the Lower East Side Power Partnership ("LESPP"), she said there would be an urgent care facility at Essex Crossing, and the LESPP is advocating for the center to accept all forms of Medicaid. She also spoke in remembrance of Morris Fajtelewicz.

Jan Hanvik: Speaking on behalf of the Asian American Arts Center, he spoke about an exhibition of photography at the Clemente Soto Velez about violence against women in China.

Ann Johnson: Speaking as a friend of Morris Fajtelewicz, she remembered him as a friend and fellow board member.

Charles Alwakeel: Speaking as a representative of Goldman Harris, the developer of 139-141 Orchard St., he shared that the developer needs a four-year extension for the project in order to attract the right kind of developer.

Roxana Tenenbaum: Speaking on behalf of Henry Street Settlement, she announced a focus group event on October 25. The event will include local elected officials and police officers.

Public Officials:

Mayor Bill de Blasio: Not present.

Public Advocate Letitia James, Adam Chen: The Public Advocate has sued the Department of Education for failing to provide adequate air conditioning on buses for special needs children. The Public Advocate has also filed suit against the Adult and Child Services office for failure to provide children with adequate foster care.

Comptroller Scott Stringer, Anas Uddin: The Comptroller is trying to create a policy around flex-time schedules. The Comptroller is also pushing for city residents to open bank accounts to help them avoid predatory lenders. There were questions about whether residents can use municipal IDs to open a bank account. There were questions about whether the office were going to include community development credit unions.

Borough President Gale Brewer, Andrew Lombardi: He gave his contact information, which is Andrewlombardi@manhattanbp.nyc.gov and 929-337-0978. The Borough President testified at the hearings on the Landmarks Preservation Commission ("LPC") legislation on whether to remove old items from the LPC calendar. The Borough President led a traffic congestion hearing, which will result in a report soon. Individuals can submit testimony on congestions retrospectively. There will be an urban garden grow conference on October 14 at the Natural History Museum.

Congressmember Carolyn Maloney, Victor Montesinos: Not present

Congressmember Nydia Velazquez, Jianhang Xiao: The Congressmember asked members of Congress to honor the contribution of Morris Fajtelewicz. The Congressmember has asked for a bill to raise the cap of the SBA program for small business loan financing. The remaining information can be found in the Congressmember's newsletter.

Assemblymember Sheldon Silver, Zach Bommer: Not present, but he left the Assemblymember's newsletter.

Assemblymember Deborah J. Glick, Charlie Anderson: Not present

Assemblymember Brian Kavanaugh, Anna Picior: The Assemblymember supports a voters rights bill to give potential voters more opportunities to register to vote and make the re-registration process easier when moving. The Assemblymember convened a national organization of legislators against gun violence. And the Assemblymember is fighting to close the "LLC loophole" in campaign finance reform.

State Senator Daniel L. Squadron, Mauricio Pazmino: The State Senator submitted testimony to the Lower Manhattan Development Corporation to ask for more funding for Pier 42 to be transformed into a park. The State Senator has been advocating for a new crossing on Clinton Street.

State Senator Brad M. Hoylman: The State Senator introduced his representative Sejal Singh. The State Senator introduced legislation to shed light on the gender wage gap by requiring state contractors to report pay practices. There are \$168bn of state contracts. The State Senator stated his firm support for climate change legislation. The State Senator is offering flu shots on Friday, October 9. The State Senator will be attending an event at NYU in support of banning a pesticide that is killing milkweed, the plant that monarch butterfly consumes. The State Senator is against the Cooper Union charging tuition and is working to help ensure that the Cooper Union can return to a tuition-free model.

Councilmember Margaret Chin, Vincent Fang: The Councilmember celebrated the reopening of Lion's Gate soccer field. The Councilmember is actively involved in the resiliency effort along with ORR.

Councilmember Rosie Mendez, Vanessa: The Housing Preservation Department regarding renovating housing on 377 E. 10th Street. They will be using J51 and Section 8 as tools to achieve affordable housing. The Councilmember is pushing for more affordable housing. The City Council is working on the budget, and the Councilmember is pleased to announce that there is money in the budget for senior centers, including nutrition and cultural activities. The Councilmember is also introducing bills to achieve Department of Buildings reform. Loisaida and the Councilmember is co-sponsoring an exhibit on the Young Lords activism group.

Members Present at First Vote:

David Adams	[P]	Luke Henry	[P]	Chiun Ng	[P]
Dominic Berg	[P]	Herman F. Hewitt	[P]	Nancy Ortiz	[A]
Karen Blatt	[A]	Trever Holland	[P]	Carolyn Ratcliffe	[P]
Lisa Burriss	[P]	Anne K. Johnson	[P]	Damaris Reyes	[P]
Melvin Cartegenra	[A]	Linda Jones	[P]	James Rogers	[P]
Karlin Chan	[P]	Vaylateena Jones	[P]	Richard F. Ropiak	[P]
MyPhuong Chung	[A]	Meghan Joye	[P]	Christopher Santana	[P]
David Crane	[P]	Lisa Kaplan	[P]	Susan Scheer	[P]
Enrique Cruz	[P]	Carol Kostik	[P]	Laryssa Shainberg	[A]
Cathy Dang	[A]	Ben Landy	[A]	Wilson Soo	[P]
Eric Diaz	[P]	Mae Lee	[P]	Nancy Sparrow-Bartow	[P]
Leila Eliot	[A]	Alysha Lewis-Coleman	[A]	Josephine Velez	[P]
David Ford	[P]	Gigi Li	[P]	Rodney Washington	[P]
Debra Glass	[P]	William LoSasso	[P]	Kathleen Webster	[P]
Jan Hanvik	[P]	Chad Marlow	[A]	Thomas Yu	[A]
Dan Ping He	[A]	Alexandra Militano	[P]	Zulma Zayas	[P]

Minutes:

Minutes of June 2015 were approved, as is.

35 YES 0 NO 1 ABS 0 PNV MOTION PASSED

Board Chairperson's Report:

Chairperson Gigi Li:

There are board trainings October 29 and November 2. The Chair thanked Jan for testifying at the LMDC hearing to make convey CB3's priorities. The NYC Office of Emergency Management has recognized CB3 as a good partner for coordinating initiatives during emergencies. The District Manager's office will be giving committees information for the committees to be able to vote on the committee's capital and expense priorities for the 2016 fiscal year. The Chair reported the Department of City Planning has published a new process for generating the District Needs Statement. Under the new system, it is taking community boards much longer to input district needs statement priorities.

District Manager's Report:

District Manager Susan Stetzer:

The District Manager thanked Councilmember Chin's office for securing us tables and chairs for the board meeting as the school was not prepared to continue providing these. The District Manager announced that the office has a new intern named Christian who is studying Urban Studies at Hunter College and who grew up in the neighborhood. City Santa will be using a Kushner space on Rutgers Street and will be distributing gifts to children in shelters for victims of domestic violence and children of wounded warriors. The District Manager encouraged people to call 311 when they see a homeless person. Homeless Outreach will offer services and try to get the person to accept shelter. The District Manager's is working with the Department of Homeless Services and a number of agencies to establish a task force to address homeless hot spots. There have been reports that many bus stops are blocked, which is preventing people with disabilities from getting on and off buses. \$40,000 was raised for businesses that suffered from the Second Avenue explosion.

Committee Reports:

Executive Committee

There was discussion on what happens at Executive Committee.

The Borough President is going to make uniform procedures for bylaws and procedures.

The Chair is going to temporarily eliminate the bylaws task force while waiting for the Borough President to generate recommendations.

no votes necessary

SLA & DCA Licensing Committee - August

1. Approval of previous month's minutes

VOTE: To approve the minutes of July 2015.

Renewal with Complaint

2. No Fun (161 Ludlow Food LLC), 161 Ludlow St btwn E Houston & Stanton Sts (op)

VOTE: TITLE: Community Board 3 Recommendation To Ask That Method Of Operation Be Enforced And To Deny Unless Stipulations Agreed To—Stipulations Attached

(**Please note that stipulations are not attached because the applicant did not agree to sign. Therefore, CB 3 is asking the SLA to enforce the method of operation and impose stipulations**)

WHEREAS, 161 Ludlow Food LLC, doing business as No Fun, is seeking the renewal of its full on-premise liquor license, for the premise located at 161 Ludlow Street, between East Houston Street and Stanton Street, New York, New York; and

WHEREAS, this applicant was originally heard for a full on-premise liquor license by Community Board 3 in April of 2010, when it represented that it would operate as a restaurant with a certificate of occupancy of seventy-four (74) people, and was denied unless it agreed to make as conditions of its license a stipulation that it would 1) operate as a full-service Basque tapas restaurant, serving food to within one (1) hour of closing, 2) have hours of operation of 3:00 P.M. to 4:00 A.M. all days, and 3) play recorded background music and have DJs no more than one (1) times per month (see Community Board 3 questionnaire from April of 2010 hereto attached); and

WHEREAS, this applicant was also heard and approved for an alteration by Community Board 3, converting a service bar to a stand up bar, in April of 2011, where it again represented that it was operating its business as a restaurant; and

WHEREAS, the stipulations constructed with the applicant by Community Board 3 were constructed based upon its representations that it was a restaurant with a method of operation consistent with a restaurant; and

WHEREAS, this applicant has now submitted a notice to the SLA for a renewal of its full on-premise liquor license in which it identifies its method of operation as a tavern; and

WHEREAS, this applicant has now also appeared before Community Board 3 for its renewal because there have been sixteen (16) complaints from residents living within one (1) block of this business, from July 25, 2015 through August 17, 2015, of late night loud music from DJs, large crowds blocking the sidewalk and traffic all nights but especially Thursdays through Saturdays, unruly crowds screaming and yelling outside, operating contrary to its approved method of operation and signed stipulations by operating as a club with DJs and performances, long lines outside and door staff failing to control crowds and lines outside; and

WHEREAS, the LES Dwellers, a neighborhood tenants association, submitted a written complaint to Community Board 3 (attached hereto), which included photographic, online and video documentation, as well as complaint submissions to the SLA in October and June of 2014 and March, July and August of 2015, and to the 7th Precinct in July of 2015, that this applicant is operating its business contrary to its agreed upon method of operation with the SLA that it would be a restaurant with recorded background music and its stipulations with the SLA and community board that it would serve food to within one (1) hour of closing and have DJs no more than one (1) time per month, and that it was doing so by ceasing food service at 10:00 P.M. and changing its food offerings, having nightly DJs, having bottle service and scheduled and live performances consisting of regular burlesque and comedy with cover fees, ticket sales or one (1) drink minimums, allowing dancing with no cabaret license and hand stamping patrons at the door; and

WHEREAS, the LES Dwellers also submitted documentation that the door staff was failing to control crowds and lines and that the applicant had an expired temporary certificate of occupancy; and

WHEREAS, this business has received thirteen (13) 311 commercial noise complaints between October 26, 2013 and August 1, 2015, between 1:45 A.M. and 5:00 A.M., four (4) of which resulted in the police reporting that they took action to correct a noncrime; and

WHEREAS, although the applicant stated that it now serves food to 3:00 A.M. every night, it also conceded that it has DJs more than once a month and requested that it be permitted to have DJs Fridays and Saturdays and, while it stated that it did not have live music, it conceded that it does have live performances; and

WHEREAS, video footage from October 2014 included in the LES Dwellers submission captured a bartender at the location stating that there is no food service after 10:00 P.M. and an online service to book parties at the location included statements of a representative of the business that there is no food service after 10:00 P.M.; and

WHEREAS, although the attorney representing the applicant before Community Board 3 stated that the business has no dance floor and has signs up asking that patrons not dance, he also stated that the applicant is unable to enforce no dancing within its business and one (1) resident and patron appearing in support of the applicant confirmed that dancing does occur within the business; and

WHEREAS, YELP comments submitted by the LES Dwellers included a November 26, 2014 comment from principle John Pierce that the business has DJs seven (7) nights a week and an April 14, 2015 comment, also from John Pierce, that his business goal is to "pack the place to the rim;" and

WHEREAS, the applicant has conceded that it has an expired temporary certificate of occupancy for one hundred fifty (150) people, more than double the occupancy it originally reported to this Community Board and, further, this occupancy is displayed on a sign within its business (a photograph of which is included in the submission from the LES Dwellers); and

WHEREAS, as a result of the written complaint submitted by the LES Dwellers, Community Board 3 asked that an investigation regarding the method of operation of this business be initiated by the SLA on August 11, 2015; and

WHEREAS, despite the representations of the applicant that it still offers food service, the nightly DJs, scheduled live performances, long wait lines with hand stamping, bottle service, dancing, loud unruly crowds outside, resident complaints of loud music emanating from the business, late night 311 commercial noise complaints and effort to more than double its occupancy, as well as the written and oral concessions of its principle and representatives lead Community Board 3 to conclude that it is operating inconsistent with its original stated method of operation as a restaurant and as a club and live performance venue; now

THEREFORE, BE IT RESOLVED that Community Board 3 asks that the SLA enforce the approved method of operation for 161 Ludlow Food Inc., doing business as No Fun, for the premise located at 161 Ludlow Street, between East Houston Street and Stanton Street; and

THEREFORE, BE IT FURTHER RESOLVED that, given that this applicant has failed to abide by its agreed upon stipulations with Community Board 3, which has resulted in documented complaints of late night noise and large crowds, Community Board 3 now moves to deny the application to renew the full on-premise liquor license for 161 Ludlow Food LLC, doing business as No Fun, for the premise located at 161 Ludlow Street, between East Houston Street and Stanton Street, unless the applicant agrees before the SLA to make as additional and amended conditions of its license the following signed notarized stipulation that

- 1) it will operate as a full-service Basque tapas restaurant, with a kitchen open and serving food during all hours of operation,
- 2) ***its hours of operation will be 3:00 P.M. to 2:00 A.M. Mondays through Fridays and 11:00 A.M. to 2:00 A.M. Saturdays and Sundays,***
- 3) it will not commercially operate any outdoor areas,
- 4) it will employ at least one (1) security guard every day, from 10:00 P.M. to 2:00 A.M., to insure that there are no wait lines outside,
- 5) it will close any front or rear façade doors and windows at 10:00 P.M. every night or during any amplified performances, including but not limited to DJs, live music and live nonmusical performances,
- 6) ***it will play ambient background music only, consisting of recorded music, and will not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee will be charged,***
- 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 8:00 P.M. each night,
- 9) it will not host pub crawls or party buses,
- 10) ***it will insure that there are no wait lines outside and designate an employee to oversee patrons and noise on the sidewalk at all times,***
- 11) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 12) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

Applications within Saturated Areas

3. Soothsayer (Rice & Salt LLC), 171 Ave A btwn E 10th & E 11th Sts (wb)

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

WHEREAS, Rice & Salt LLC initially appeared before Community Board 3 in July of 2015 seeking a full on-premise liquor license to operate a Vietnamese restaurant, in the premise located at 171 Avenue A, between East 10th Street and East 11th Street; and

WHEREAS, Community Board 3 was concerned about granting a full on-premise liquor license to this applicant given 1) that this application was for a Vietnamese restaurant with a limited menu and hours of operation of 5:30 P.M. to 12:00 A.M. Mondays through Thursdays, 5:30 P.M. to 1:00 Fridays, 12:00 P.M. to 1:00 A.M. Saturdays and 12:00 P.M. to 11:00 P.M. Sundays, in a location which has previously operated as a restaurant with a wine beer license, 2) its proximity to the Iglesia De Dios Pentecostal Alpha Y Omega Church located at 168 Avenue A, between East 10th Street and East 11th Street, 3) this location is in close proximity to numerous businesses with full on-premise liquor licenses, 4) the proposed commercial use of the backyard area, although no certificate of occupancy was provided to demonstrate the legality of the commercial use of the backyard, and 5) opposition from area residents, the 182-184 Avenue A Tenants Association and the North Avenue A Neighborhood Association to the granting of a full on-premise liquor license for this location because of the number of other licensed businesses, its proximity to a church and its method of operation which includes its limited menu, hours of operation and proposed use of the backyard; and

WHEREAS, the applicant has now agreed that it will apply for a wine beer license for this business with earlier closing times and no commercial use of its backyard; and

WHEREAS, the applicant has also met with community residents and entered into a memorandum of understanding with the North Avenue A Neighborhood Association regarding this amended method of operation; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for a wine beer license for Rice & Salt LLC, with a proposed business name of Soothsayer, for the premise located at 171 Avenue A, between East 10th Street and East 11th Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service Vietnamese restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 5:30 P.M. to 12:00 A.M. Mondays through Fridays and 12:00 P.M. to 12:00 A.M. Saturdays and Sundays,
- 3) it will not commercially operate any outdoor areas, including its backyard area,
- 4) it will close any front façade doors and windows at 10:00 P.M. every night or during any amplified performances, including but not limited to DJs, live music and live nonmusical performances, and will have a closed fixed rear facade with no open doors or windows,
- 5) 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,
- 6) it will install soundproofing,
- 7) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 8) it will not have "happy hours,"
- 9) it will not host pub crawls or party buses,
- 10) it will insure that there are no wait lines outside and designate an employee to oversee patrons and noise on the sidewalk,
- 11) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 12) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

4. Compass (Iberia Discover Georgia Inc), 154 Orchard St btwn Stanton & Rivington Sts (op)
no vote necessary

5. Cork 'N Fork (Sands Pamela LLC), 186 Ave A (wb)
withdrawn

6. Caffe Bene (Dream 1 Team Café LLC), 208 Ave A (aka 500-504 E 13th St) (wb)

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

WHEREAS, Dream 1 Team Café LLC, with a proposed business name of Caffe Bene, is seeking a wine beer license to operate a coffee house, in the premise located at 208 Avenue A, a/k/a 500-504 East 13th Street, at the corner of Avenue A and East 13th Street; and

WHEREAS, Community Board 3 was concerned about granting a wine beer license to this applicant given that 1) this application for an international coffee house chain store is in a location which has previously been unlicensed and was last operated as a laundromat, 2) this location is in close proximity to numerous businesses with liquor licenses, as well as numerous independently operated small coffee shops, 3) that this applicant has no experience operating an eating and drinking establishment or having a wine beer license, 4) while there are seven (7) coffee houses in New York City from this international chain, this is the only operator seeking to obtain a wine beer license, and 5) opposition from area residents, the 182-184 Avenue A Tenants Association and the North Avenue A Neighborhood Association to the granting of an additional liquor license for this location because of its hours of operation, the number of other licensed businesses in the area and the garbage, drunkenness and noise which now pervades this corner; and

WHEREAS, the applicant has now agreed with the North Avenue A Neighborhood Association that it will have earlier closing times, maintain a closed façade, not apply for an extension of its hours or commercial use of any outdoors areas until it has operated for at least one (1) year, not seek a change in class of its liquor license and not commercially use its backyard; and

WHEREAS, while Community Board 3 is reticent in approving an additional liquor license for a chain coffee shop at a previously unlicensed location in this already overburdened area which is services by many coffee shops, given that such a license is likely to be approved and the applicant has made amendments to its method of operation in response to community concerns; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for a wine beer license for Dream 1 Team Café LLC, with a proposed business name of Caffe Bene, for the premise located at 207 Avenue A, a//k/a 500-504 East 13th Street, at the corner of Avenue A and East 13th 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 coffee shop cafe, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 7:00 A.M. to 12:00 A.M. all days,
- 3) it will not seek to extend its operating hours or obtain a sidewalk café permit until it has been operating for at least one (1) year,
- 4) it will close any front or rear façade entrance doors at 10:00 P.M. every night and will otherwise have a closed fixed facade with no open doors or windows,
- 5) 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,
- 6) it will install soundproofing,
- 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 8:00 P.M. each night,
- 9) it will not host pub crawls or party buses,
- 10) it will not seek a change in class of its liquor license to a full on-premise liquor license,
- 11) it will insure that there are no wait lines outside and designate an employee to oversee patrons and noise on the sidewalk,
- 12) it will insure that delivery bikes are not blocking the sidewalk,
- 13) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 14) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

7. 44 East 1st Restaurant LLC, 44 E 1st St btwn 1st & 2nd Aves (wb)

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

Understanding that the applicant has entered into a memorandum of understanding regarding its method of operation with the First Street Block Association (attached hereto), Community Board 3 moves to deny the application for a wine beer license for 44 East 1st Restaurant LLC, for the premise located at 44A East 1st Street, between First Avenue and Second Avenue, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a catering facility with a tasting room, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation for the catering facility will be 11:00 A.M. to 11:00 P.M. all days and its hours of operation for the tasting room will be 6:00 P.M. to 11:00 P.M. all days,
- 3) it will not commercially operate any outdoor areas,
- 4) it will install soundproofing,
- 5) it will close any front or rear façade entrance doors at 10:00 P.M. every night and will otherwise have a closed fixed facade with no open doors or windows,
- 6) 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,
- 7) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 8) it will not have "happy hours,"
- 9) it will not host pub crawls or party buses,
- 10) it will not seek a change in class of its liquor license to a full on-premise liquor license,
- 11) it will insure that there are no wait lines outside,
- 12) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 13) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

8. Le Delice LLC, 70 Ave A (wb)

withdrawn

9. To be Determined, 131 Ave C (op)

no vote necessary

Sidewalk Cafe Applications

10. Paulaner Brauhas & Restaurant LLC, 265 Bowery btwn E Houston & Stanton Sts

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

To approve the application for a sidewalk café permit for twelve (12) tables and twenty-four (24) seats for Paulaner Brauhas & Restaurant LLC, doing business as Paulaner Brauhas, for the premise located at 265 Bowery, between East Houston Street and Stanton Street, because the applicant has signed a change agreement which will become part of its DCA license that

- 1) its café will consist of twelve (12) tables and twenty-four (24) seats,
- 2) it will close at 10:00 P.M. Sundays through Thursdays and 11:00 P.M. Fridays and Saturdays, and

3) it will extend an awning over its café while it is open.

11. Fonda Avenue B LLC, 40 Ave B btwn E 3rd & E 4th Sts

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

To approve the application for a sidewalk café permit for seven (7) tables and fourteen (14) seats for Fonda Avenue B LLC, doing business as Fonda, for the premise located at 40 Avenue B, 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 café will consist of seven (7) tables and fourteen (14) seats,
- 2) its hours of operation will be 12:00 P.M. to 10:00 P.M. all days, and
- 3) it will extend an awning over its café while it is open.

12. Berlin 25 (Swauto LTD), 25 Ave A @ E 2nd St

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

To approve the application for a sidewalk café permit for thirteen (13) tables and twenty-six (26) seats for Swauto Ltd., doing business as Berlin 25, for the premise located at 25 Avenue A, at the corner of Avenue A and East 2nd Street, because the applicant has signed a change agreement which will become part of its DCA license that

- 1) its café will consist of thirteen (13) tables and twenty-six (26) seats to be located on the East 2nd Street side of the business,
- 2) its hours of operation will be 11:00 A.M. to 10:00 P.M. all days, and.
- 3) its café tables will be available for patrons ordering food.

13. Dumplinggo (Dumpling 2 Ave Inc), 188 2nd Ave @ E 12th St

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

To approve the application for a sidewalk café permit for ten (10) tables and twenty (20) seats for Dumpling 2 Ave Inc., doing business as DumplingGo, for the premise located at 188 Second Avenue, at the corner of Second Avenue and East 12th Street, because the applicant has signed a change agreement which will become part of its DCA license that

- 1) its café will consist of ten (10) tables and twenty (20) seats,
- 2) 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, and
- 3) it will extend an awning over its café while it is open and have a barrier around its café.

Alterations

14. Jeepney (Beep Beep NYC LLC), 201 1st Ave btwn E 12th & E 13th Sts (op/extend hours and occasional karaoke)

VOTE: TITLE: Community Board 3 Recommendation To Deny An Extension Of Hours In Its Backyard And The Addition Of Karaoke and To Deny An Extension Of Hours Indoors Unless Stipulations Agreed To—Stipulations Attached

WHEREAS, Beep Beep NYC LLC is seeking an alteration of its full on-premise liquor license, to wit extending its closing hours indoors and outdoors and adding karaoke, for its Filipino restaurant, doing business as Jeepney, in the premise located at 208 First Avenue, between East 12th Street and East 13th Street; and

WHEREAS, Community Board 3 denied the application for a full on-premise liquor license for this applicant in November of 2012, provided that applicant agreed to make as conditions of its license stipulations to 1) operate a full-service Filipino restaurant, serving food during all hours of operation, 2) have a closed fixed façade with no open doors or windows, 3) have hours of operation of 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, 4) close its backyard at 9:00 A.M. all days, and 5) 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 would be charged; and

WHEREAS, the applicant first stated that the karaoke would be for special events only but then asked that it be part of the regular business operations and stated that it would be via an electronic microphone and with a monitor but the applicant did not state that it would install additional soundproofing to accommodate this change in method of operation; and

WHEREAS, Community Board 3 is concerned about the increase in noise from extending the outdoor hours and adding karaoke to a restaurant not constructed to accommodate karaoke in a mixed

residential and commercial area where there are already numerous businesses with liquor licenses located next to residential apartments; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application to alter the full on-premise liquor license for Beep Beep NYC LLC, doing business as Jeepney, for the premise located at 208 First Avenue, between East 12th and East 13th Street, to wit extending its closing time to 10:00 P.M. in its licensed backyard and adding karaoke to its method of operation; and

THEREFORE, BE IT FURTHER RESOLVED that Community Board 3 moves to deny the application to alter the full on-premise liquor license for Beep Beep NYC LLC, doing business as Jeepney, for the premise located at 208 First Avenue, between East 12th and East 13th Street, to wit extending its closing time indoors to 2:00 A.M. all days, 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 Filipino 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 2:00 A.M. all days,
- 3) it will close its backyard area no later than 9:00 P.M. every night,
- 4) it will close any front or rear façade entrance doors at 10:00 P.M. every night and will otherwise have a closed fixed facade with no open doors or windows,
- 5) 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,
- 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. each night,
- 8) it will not host pub crawls or party buses,
- 9) it will insure that there are no wait lines outside and designate an employee to oversee patrons and noise on the sidewalk,
- 10) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 11) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

15. Maharlika (Insiang LLC), 111 1st Ave btwn E 6th & E 7th Sts (op)

VOTE: TITLE: Community Board 3 Recommendation To Deny The Addition Of Karaoke and To Deny An Extension Of Hours Unless Stipulations Agreed To—Stipulations Attached

WHEREAS, Insiang LLC is seeking an alteration of its full on-premise liquor license, to wit extending its closing hours and adding karaoke, for its Filipino restaurant, doing business as Maharlika, in the premise located at 111 First Avenue, between East 6th Street and East 7th Street; and

WHEREAS, Community Board 3 denied the application for a full on-premise liquor license for this applicant in March of 2012, provided that applicant agreed to make as conditions of its license stipulations to 1) operate a full-service Filipino restaurant, serving food during all hours of operation, 2) close any façade doors and windows at 10:00 P.M. every night, 3) have hours of operation of 11:00 A.M. to 11:00 P.M. Sundays through Thursdays and 11:00 A.M. to 1:00 A.M. Fridays and Saturdays, 4) not commercially operate its backyard, and 5) 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 would be charged; and

WHEREAS, the applicant first stated that the karaoke would be for special events only but then asked that it be part of the regular business operations and stated that it would be via an electronic microphone and with a monitor but the applicant did not state that it would install additional soundproofing to accommodate this change in method of operation; and

WHEREAS, Community Board 3 is concerned about the increase in noise from adding karaoke to a restaurant not constructed to accommodate karaoke in a mixed residential and commercial area where there are already numerous businesses with liquor licenses located next to residential apartments; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application to alter the full on-premise liquor license for Insiang LLC, doing business as Maharlika, for the premise located at 111 First Avenue, between East 6th Street and East 7th Street, to wit adding karaoke to its method of operation; and

THEREFORE, BE IT FURTHER RESOLVED that Community Board 3 moves to deny the application to alter the full on-premise liquor license for Insiang LLC, doing business as Maharlika, for the premise

located at 111 First Avenue, between East 6th Street and East 7th Street, to wit extending its closing time to 2:00 A.M. all days, 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 Filipino 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 2:00 A.M. all days,
- 3) it will not commercially operate any outdoor areas, including its backyard area,
- 4) it will close any front or rear façade doors and windows at 10:00 P.M. every night or during any amplified performances, including but not limited to DJs, live music and live nonmusical performances,
- 5) 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,
- 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. each night,
- 8) it will not host pub crawls or party buses,
- 9) it will insure that there are no wait lines outside and designate an employee to oversee patrons and noise on the sidewalk,
- 10) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 11) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

16. Babel (BAB Cafe LLC), 129-131 Ave C (alt/return to original storefront at 129 Ave C)
withdrawn

New Liquor License Applications

17. Edwin and Neil's LLC, 345 E 6th St btwn 1st & 2nd Aves(op)

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

Provided this location is not within two hundred (200) feet of the Sixth Street Community Synagogue, located at 325 East 6th Street, between First Avenue and Second Avenue, Community Board 3 moves to deny the application for a full on-premise liquor license for Edwin and Neil's LLC, for the premise located at 345 East 6th Street, between First Avenue and Second Avenue, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service seafood restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 8:00 A.M. to 12:00 A.M. all days,
- 3) it will not commercially operate any outdoor areas,
- 4) it will install soundproofing,
- 5) it will close any front or rear façade doors and windows at 10:00 P.M. every night or during any amplified performances, including but not limited to DJs, live music and live nonmusical performances,
- 6) 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,
- 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. each night,
- 9) it will not host pub crawls or party buses,
- 10) it will insure that there are no wait lines outside and designate an employee to oversee patrons and noise on the sidewalk,
- 11) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 12) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints

Community Board 3 is approving this application for a full on-premise liquor license although this is a location in an area with numerous full on-premise liquor licenses because 1) this applicant is proposing to operate a full-service restaurant with moderate hours, 2) this applicant is currently operating three (3) other restaurants within Community Board 3 without complaints, and 3) the applicant furnished thirty-one (31) signatures in support of its application.

18. Legit Café Inc, 99 Allen St btwn Delancey & Broome Sts (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 Legit Cafe LLC, for the premise located at 99 Allen Street, between Delancey Street and Broome 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 café, serving food during all hours of operation,
- 2) its hours of operation will be 7:00 A.M. to 12:00 A.M. all days,
- 3) it will not commercially operate any outdoor areas,
- 4) it will install soundproofing,
- 5) it will close any front or rear façade entrance doors at 10:00 P.M. every night and will otherwise have a closed fixed facade with no open doors or windows,
- 6) 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,
- 7) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 8) it will not have "happy hours,"
- 9) it will not host pub crawls or party buses,
- 10) it will not seek a change in class of its liquor license to a full on-premise liquor license,
- 11) it will insure that there are no wait lines outside,
- 12) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 13) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

19. Pies N Thighs (Pies 'N' Thighs at 43 Canal LLC), 43 Canal St btwn Orchard & Ludlow 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 beer license to a full on-premise liquor license for Pies 'N' Thighs at 43 Canal LLC, doing business as Pies 'N' Thighs, for the premise located at 43 Canal Street, between Ludlow Street and Orchard 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 American restaurant, 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. Mondays through Fridays and 10:00 A.M. to 12:00 A.M. Saturdays and Sundays,
- 3) it will not commercially operate any outdoor areas,
- 4) it will close any front or rear façade doors and windows at 10:00 P.M. every night or during any amplified performances, including but not limited to DJs, live music and live nonmusical performances,
- 5) 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,
- 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 6:00 P.M. each night,
- 8) it will not host pub crawls or party buses,
- 9) it will maintain its garbage inside of its business to within two (2) hours of pick up,
- 10) it will insure that there are no wait lines outside and designate an employee to oversee patrons and noise on the sidewalk,
- 11) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 12) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

20. Marm Café (Bottega Clinton LLC), 79 Clinton St (op)
withdrawn

21. La Cervceria (A & D Wine Corp), 65 2nd Ave btwn E 3rd & E 4th Sts (op)

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

Provided this location is not within two hundred (200) feet of the Church of the Nativity, located at 44 Second Avenue, between East 3rd Street and East 4th Street, 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 A&D Wine Corp., doing business as La Cervceria, for the premise located at 65 Second Avenue, between East 3rd Street and East 4th 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 Peruvian restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 2:00 P.M. to 12:00 A.M. Mondays through Thursdays, 2:00 P.M. to 1:00 A.M. Fridays and Saturdays and 12:00 P.M. to 11:00 P.M. Sundays,
- 3) it will operate its sidewalk café no later than 12:00 A.M. Sundays through Thursdays and 1:00 A.M. Fridays and Saturdays,

- 4) it will close any front or rear façade doors and windows at 10:00 P.M. every night or during any amplified performances, including but not limited to DJs, live music and live nonmusical performances,
- 5) 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,
- 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 designate an employee to oversee patrons and noise on the sidewalk,
- 10) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 11) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

22. To be Determined, 93 2nd Ave btwn E 5th & E 6th Sts (op)

VOTE: TITLE: Community Board 3 Recommendation To Deny

WHEREAS, a corporation to be determined, with principal Allan Manarelli, is seeking a full on-premise liquor license to operate a tavern live music live performance venue, in the premise located at 93 Second Avenue, between East 5th Street and East 6th Street; and

WHEREAS, this is a new application in a location for a full on-premise liquor license for a tavern with a certificate of occupancy of three hundred fourteen (314) people in a basement and cellar, no known opening hours, closing hours of 4:00 A.M. all days, an unknown amount of tables and seats, a forty (40) foot bar located in the basement and twenty (20) foot bar located in the cellar, both with an unknown amount of stools and live music and other performances, DJs and recorded music at entertainment levels; and

WHEREAS, this location is within five hundred (500) feet of approximately thirty (30) full on-premise liquor licenses, as well as sixty-one (61) liquor licenses altogether, many of which are concentrated in and around Second Avenue and East 5th Street; and

WHEREAS, sixteen (16) residents appeared in opposition to this application and seven (7) letters were submitted in opposition, citing the already overwhelming conditions on this block of Second Avenue from the existing thirteen (13) full on-premise liquor licenses, which include crowds of people on both sides of the street so big that residents have to walk in the sidewalk, drunken people, noise from people, noise emanating from the open facades of businesses, trash and vomit on the street; and

WHEREAS, residents also complained about noise and crowds from people in front of the existing business located at 93 Second Avenue and the sometimes impassable conditions from patrons at night in front of this storefront, which is situated behind a bus kiosk, making the available sidewalk significantly narrower for pedestrians; and

WHEREAS, the existing business at this location, 93 Art LLC, doing business as Lit Lounge, had been heard as a transfer of a full on-premise liquor license in March of 2010 with a stated method of operation as a tavern with background music and occasional live music, the same principles, business name and method of operation, but had been hosting regular live bands, resulting in numerous resident complaints of noise, as well as crowds and band equipment blocking the sidewalk in front of its business, attendant to its operation as a live music venue; and

WHEREAS, 93 Art LLC worked with the East Fifth Street Block Association to respond to these complaints and was then heard and denied a transfer in December of 2010, because of its efforts to change its impact on the surrounding residents, unless the applicant agreed to make as conditions of its license stipulations that it would 1) minimize noise so that it was a reasonable level for adjacent residential tenants, 2) close doors and windows while music was playing, 3) address any and all complaints immediately, 4) monitor patrons outside to abate noise and sidewalk obstructions in front of the business, 5) have security remain after closing times to insure that exiting patrons left in a quiet and orderly manner, and 6) insure that the sidewalk remained clear of instruments and equipment from bands or employees; and

WHEREAS, the current applicant now operates the same business, as the corporation Red Rooster 29 LLC, doing business as The Cock, at the premise located at 29 Second Avenue, between East 1st Street and East 2nd Street; and

WHEREAS, its present business at 29 Second Avenue first appeared before Community Board 3 as YSAN Corp., doing business as The Cock, in September of 2007 as a renewal with complaints of noise and crowds in front of its business, as well as violations for failing to produce a public assembly permit, and was denied unless the applicant agreed to make as conditions of its license stipulation that it would 1) employ two (2) security guards who would be stationed at the door during all hours of operation, and 2) post signs on its storefront asking patrons to be quiet and respectful of neighbors; and

WHEREAS, at that time, the applicant represented that it was unaffiliated with The Cock, once located at 198 Avenue A, and that it had purchased the rights to the business name from the former owners of that business; and

WHEREAS, notwithstanding that the applicant has stated that it has operated its business, which includes live performances, without complaints since its renewal hearing in September of 2007, it has done so on a block of Second Avenue which is comprised of mixed low and medium rise commercial and residential buildings on one side of the street and commercial lots and buildings on the opposite side of the street and, consequently, the applicant has not operated its business under the same conditions as those that exist on Second Avenue, between East 5th Street and East 6th Street; and

WHEREAS, it has received sixteen (16) 311 calls for commercial noise complaints in the past year, as well as a March 8, 2013 no contest disposition before the SLA for unlicensed cabaret and failure to comply; and

WHEREAS, residents also expressed concerns that this principle has made materials misrepresentations regarding its past liquor license applications for The Cock, located at 198 Avenue A, which was originally represented to be a restaurant, and Superdive, located at 200 Avenue A, which was originally represented to be a bookstore, both of which closed after having severe negative impacts on the quality of life of surrounding residents; and

WHEREAS, Community Board 3 sees no public benefit to the addition of another live music performance venue on a block where the quality of life conditions for residents are significantly degraded from the existing licensed businesses and where the location where this business will be located has already proven to be an inadequate situation for a live music performance venue; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for a full on-premise liquor license for a corporation to be determined, with principal Allan Manarelli, for the premise located at 93 Second Avenue, between East 5th Street and East 6th Street.

23. City Gourmet Café (Jood, Inc), 238 E 14th St @ 2nd Ave (op)

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

WHEREAS, Jood Inc. was initially seeking a full on-premise liquor license to operate a continental restaurant, in the premise located at 238 East 14th Street, at the corner of East 14th Street and Second Avenue; and

WHEREAS, Community Board 3 was concerned about granting a full on-premise liquor license to this applicant given that 1) this application is for a full on-premise liquor license for a continental restaurant with hours of operation of 7:00 A.M. to 12:00 A.M. Sundays through Wednesdays and 7:00 A.M. to 2:00 A.M. Thursdays through Saturdays, in a location which has previously operated as a deli with a retail license, 2) this location is in close proximity to numerous businesses with full on-premise liquor licenses, and 3) this applicant lacks experience operating an eating and drinking establishment with a full on-premise liquor license; and

WHEREAS, given these concerns, the applicant has now agreed that it will apply for a wine beer license for this business; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for a wine beer license for Jood Inc., for the premise located at 238 East 14th Street, at the corner of East 14th Street and Second Avenue, 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 continental restaurant, with a kitchen open and serving food to within half an hour (½) of closing,
- 2) its hours of operation will be 7:00 A.M. to 12:00 A.M. Sundays through Wednesdays and 7:00 A.M. to 2:00 A.M. Thursdays through Saturdays,

- 3) it will not commercially operate any outdoor areas,
- 4) it will close any front or rear façade doors and windows at 10:00 P.M. every night or during any amplified performances, including but not limited to DJs, live music and live nonmusical performances,
- 5) 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,
- 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. each night,
- 8) it will not host pub crawls or party buses,
- 9) it will insure that there are no wait lines outside and designate an employee to oversee patrons and noise on the sidewalk,
- 10) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 11) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

24. Kimlau Garden (Kimlau Garden LLC), 69 Mulberry St @ Bayard St (op)

VOTE: TITLE: Community Board 3 Recommendation To Deny

WHEREAS, Kimlau Garden LLC, is seeking a full on-premise liquor license to operate a tavern restaurant, with an originally proposed name of Kimlau Garden, in the premise located at 69 Mulberry Street, at the corner of Mulberry Street and Bayard Street; and

WHEREAS, this is a new application for a full on-premise liquor license for a cocktail bar with limited food service, hours of operation of 11:00 A.M. to 4:00 A.M. all days, eighteen (18) tables and thirty-six (36) seats, an eighteen (18) foot bar and recorded background music; and

WHEREAS, per the applicant, this proposed business would also include a food service window on Bayard Street, to attract "the tourists who travel through Chinatown," as well as the local residents; and

WHEREAS, as the result of local community outrage over the proposed use of the name Kimlau Garden, which uses the name of a World War II Chinese American war veteran and hero, the applicant has changed its proposed business name to Mul-Bay; and

WHEREAS, this is a location which has never housed a licensed business and previously operated as a meat market; and

WHEREAS, this location overlooks Columbus Park, which is daily used as a gathering place for residents of the Chinatown community, including children from surrounding schools and senior citizens who reside in a center near the park; and

WHEREAS, there are five (5) full on-premise liquor licenses within five hundred (500) feet of this location per the applicant, four (4) of which are within two (2) blocks of this location; and

WHEREAS, ten (10) lifelong residents of Chinatown appeared in opposition to this liquor license, complaining that patrons and noise from the existing taverns in the area have already caused congestion, noise and vomit on their streets, the limited menu with its proposed price points is not designed to service the Chinatown community and that community residents do not want a business which does not contribute to the Chinatown economy or service Chinatown residents, the applicant professes to have a curated Chinese menu of items that residents do not recognize as foods from their community or do not eat outside of their homes which is admittedly designed to attract tourists and people from outside their community; and

WHEREAS, a resident, community leader and community board member who appeared in opposition to this application submitted one hundred fifty (150) signatures from residents within two (2) blocks of this location in opposition to this application, as well as letters in opposition to this application from local community groups, including the Kimlau Foreign Legion and the local senior center which daily uses Columbus Park which is across the street from this location; and

WHEREAS, although the applicant furnished one hundred seven (107) signatures from area residents in support of its application and five (5) letters of support from residents near its existing East 11th Street club Webster Hall, it conceded that at least fourteen (14) of the signatures were from employees or owners of businesses and residents appearing in opposition to this application who had

reviewed the signatures stated that many were not from residents within two (2) blocks of this location; and

WHEREAS, the applicant failed to state a sufficient public benefit for the granting of a full on premise liquor license for this proposed cocktail bar, with hours of operation of 11:00 A.M. to 4:00 A.M. all days, in that it stated that it would bring a "unique business" to the community with a "well-curated, food focused menu" that would attract people to the community, but failed to explain how its business was unique from other bars or how its limited menu of finger foods, like "Chinese pickles" and beef jerky, was "well-curated" or would benefit the community; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for a full on-premise liquor license for Kimlau Garden LLC, for the premise located at 69 Mulberry Street, at the corner of Mulberry Street and Bayard Street.

25. EB Cafe Corp, 107 E B'way (op)
withdrawn

Items not heard at Committee

26. Sum Restaurant (Tree Climber LLC), 165 Ave B (wb)
no vote necessary

27. Tavo (FJF Hospitality Inc), 176 Ludlow St (wb)
no vote necessary

28. Thai Terminal Inc, 349 E 12th St (wb) (corp change)
no vote necessary

29. CC's Cafe (Christine Coffee House Inc), 41 Monroe St (wb) (corporate change)
no vote necessary

36 YES 0 NO 0 ABS 0 PNV MOTION PASSED

SLA & DCA Licensing Committee - September

1. Approval of previous month's minutes
VOTE: To approve the minutes of August 2015.

Renewal with Complaint

2. Arlene's Grocery (95 Stanton Street Rest Inc), 95 Stanton St btwn Orchard & Ludlow Sts (op)
VOTE: TITLE: Community Board 3 Recommendation To Deny Unless Stipulations Agreed To—Stipulations Attached

WHEREAS, 95 Stanton Street Rest Inc., doing business as Arlene's Grocery, is seeking the renewal of its full on-premise liquor license, for the premise located at 95 Stanton Street, between Orchard Street and Ludlow Street, New York, New York; and

WHEREAS, this business has operated as a tavern live music venue since October of 1996; and

WHEREAS, this applicant was heard and approved for an alteration by Community Board 3, expanding into an additional room and adding a stand up bar, in August of 1998; and

WHEREAS, in August of 2013, this applicant replaced its building façade with a glass façade with three (3) large operable windows; and

WHEREAS, this applicant has now appeared before Community Board 3 for renewal of its full on-premise liquor license with complaints from residents living within one (1) block of this business, as well as a complaint from the LES Dwellers, of loud music from DJs and patrons emanating from its open façade from the time it was installed in August of 2013 to the weekend before this renewal hearing, as well as complaints of a recent lack of control of patrons on the sidewalk in front 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 95 Stanton Rest Inc., doing business as Arlene's Grocery, for the premise located at 95 Stanton 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 install additional soundproofing in its front room consistent with the recommendations of a sound engineer,
- 2) it will close any front or rear façade doors and windows at 10:00 P.M. every night or during any amplified performances, including but not limited to DJs, live music and live nonmusical performances,

- 3) it will play ambient recorded background music only in the front room when the front façade windows are open and will locate DJs in the backroom only until the front room is adequately soundproofed to prevent noise from music and bass emanating to the street,
- 4) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 5) it will designate an employee to oversee patrons and noise on the sidewalk,
- 6) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 7) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

3. Durden (Atlas Hugged Inc), 213 2nd Ave (op)
withdrawn

Applications within Saturated Areas

4. The John Lamb (Delancey Square Hospitality LLC), 119 Orchard St (op)
withdrawn

5. Le Delice LLC, 119 St Marks Pl btwn 1st Ave & Ave A (op)

VOTE: TITLE: Community Board 3 Recommendation To Deny

WHEREAS, Le Delice LLC, is applying for a full on-premise liquor license to operate a tavern in the premise located at 119 St. Marks Place, between First Avenue and Avenue A, New York, New York; and

WHEREAS, this applicant is proposing to operate a tavern restaurant with a limited menu paired with a wine and brandy selection, a kitchen open until two (2) hours before closing, hours operation of 5:00 P.M. to 12:00 A.M. Mondays through Wednesdays, 5:00 P.M to 1:00 A.M. Thursdays and Fridays, 11:00 A.M. to 1:00 A.M. Saturdays and 11:00 A.M. to 12:00 A.M. Sundays, ten (10) tables and twenty-four (24) seats, a ten (10) to twelve (12) foot stand up bar with fifteen (15) stools, French doors and recorded background music; and

WHEREAS, this location has previously housed a business with only a wine beer license; and

WHEREAS, there are ten (10) wine beer licenses, eight (8) full on-premise liquor licenses and one (1) pending full on-premise liquor license on this residentially zoned block of St. Marks Place, between First Avenue and Avenue A, where this business would be located; and

WHEREAS, as conceded by the applicant, there are at least twenty-seven (27) full on-premise liquor licenses within five hundred (500) feet of this location;

WHEREAS, notwithstanding that this applicant has stated that it has twelve (12) to thirteen (13) years' experience working in French restaurants, it has no experience operating a tavern or licensed business of any type;

WHEREAS, Community Board 3 has found the stated public benefit of this applicant to be insufficient, in that the applicant stated that its public benefit will be its provision of a "refined approach to a liquor experience" primarily through its service of brandy paired with "light food" and because it will be an alternative to typical loud bars; and

WHEREAS, the applicant furnished inadequate evidence of outreach to and support from surrounding residents for its business, in that it furnished only ten (10) signatures from area residents in support of its application; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for a full on-premise liquor license for Le Delice LLC, for the premise located at 119 St. Marks Place, between First Avenue and Avenue A, New York, New York.

Alterations

6. Ichibantei (Ichibantei Pub Inc), 401 E 13th St @ 1st Ave (wb/change hours)

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

To deny the application to alter the wine beer license for Ichibantei Pub Inc., doing business as Ichibantei, for the premise located at 401 East 13th Street, at the corner of First Avenue and East 13th Street, to wit changing its operating hours to 3:00 P.M. to 2:00 A.M. Mondays through Thursdays and 3:00 P.M. to 3:00 A.M. Fridays and Saturdays, 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 Japanese restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 3:00 P.M. to 2:00 A.M. Mondays through Thursdays, 3:00 P.M. to 3:00 A.M. Fridays and Saturdays and it will be closed Sundays,
- 3) it will close any front or rear façade doors and windows at 10:00 P.M. every night or during any amplified performances, including but not limited to DJs, live music and live nonmusical performances,
- 4) it will play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 5) it will not 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,
- 9) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 10) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

New Liquor License Applications

7. Kura (Seiei LLC), 130 St Marks Pl btwn 1st Ave & Ave A (upgrade to op) (saturated area)
no votes necessary
8. Excuse My French (Johannpro LLC), 96 Orchard St btwn Delancey & 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 Johannpro LLC, with a proposed business name of Excuse My French, for the premise located at 96 Orchard Street, between Delancey Street and Broome 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 French-focused tapas 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 Thursdays and 11:00 A.M. to 2:00 A.M. Fridays and Saturdays,
- 3) it will have a closed fixed facade with no open doors or windows and will keep its entrance door closed at all times,
- 4) it will not commercially operate any outdoor areas,
- 5) it will install additional soundproofing,
- 6) it will play ambient background music only, consisting of recorded music, will not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged and will not have more than twelve (12) private parties per year,
- 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 patrons and noise on the sidewalk,
- 11) it will have three (3) fifty-five (55) inch screens or monitors which will display artwork without sound,
- 12) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 13) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints

Community Board 3 is approving this application for a full on-premise liquor license although this is a location in an area with numerous full on-premise liquor licenses because 1) this is a sale of assets, 2) this applicant has entered into an agreement regarding its method of operation with The Orchard Street Block Association (attached hereto), and 3) the applicant has experience working in similar businesses, furnished one hundred forty-seven (147) signatures in support of its application and provided letters of support from its prior employers.

9. et al 150710 LLC, 191 Chrystie St btwn Stanton & Rivington Sts (op)

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

Understanding that this is a sale of assets of preexisting tavern lounge with a full on-premise liquor license, Community Board 3 moves to deny the application for a full on-premise liquor license for et al 150710 LLC, for the premise located at 191 Chrystie 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 stipulations that

- 1) it will operate as a tavern, serving food during all hours of operation,
- 2) its hours of operation will be 5:00 P.M. to 2:00 A.M. Sundays through Tuesdays and 5:00 P.M. to 4:00 A.M. Wednesdays through Saturdays,
- 3) it will have a closed fixed facade with no open doors or windows and will keep its entrance door closed at all times,
- 4) it will not commercially operate any outdoor areas,
- 5) it will install additional soundproofing, if necessary, consistent with the recommendations of a sound engineer,
- 6) it will employ security guards all days,
- 7) it will play recorded music and may have DJs and live music, consisting of live acoustic piano or guitar playing, but will not have promoted events, scheduled performances or any event at which a cover fee will be charged,
- 8) it will install a sound system consisting of distributed speakers to minimize noise and bass,
- 9) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 10) it will not have "happy hours,"
- 11) it will not host pub crawls or party buses,
- 12) it will insure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 13) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 14) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

10. EB Cafe Corp, 107 E B'way btwn Pike & Forsyth 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 EB Café Corp., for the premise located at 107 East Broadway, between Pike Street and Forsyth 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 Asian fusion 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. all days,
- 3) it will close any front or rear façade doors and windows at 10:00 P.M. every night or during any amplified performances, including but not limited to DJs, live music and live nonmusical performances,
- 4) it will not commercially operate any outdoor areas,
- 5) it will install soundproofing or soundproofing will be installed by the building developer,
- 6) it will play ambient background music only, consisting of recorded music, and will not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 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 designate an employee to oversee patrons and noise on the sidewalk,
- 11) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 12) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

11. AGN Restaurant, 511 E 6th St (op) (saturated area)
withdrawn

12. Inhabit Lounge (KR & Leo Inc), 39 Eldridge St btwn Canal & Hester Sts (op)

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

Understanding that this is a sale of assets of an existing restaurant and karaoke lounge to an employee of approximately two (2) years and that the business name and method of operation will remain the same, Community Board 3 moves to deny the application for a full on-premise liquor license for KR & Leo Inc., with the proposed business name of Inhabit Lounge, for the premise located at 39 Eldridge Street, between Canal Street and Hester 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 American and Chinese restaurant, with a kitchen open and serving food during all hours of operation in eight (8) karaoke rooms with dining and food service,

- 2) its hours of operation will be 6:00 P.M. to 3:00 A.M. all days,
- 3) it will have a closed fixed facade with no open doors or windows and will keep its entrance door closed at all times,
- 4) it will not commercially operate any outdoor areas,
- 5) it will play recorded and live music, with its live music consisting of karaoke only, and will not have DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 6) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 7) it may have "happy hours" to 8:00 P.M.,
- 8) it will not host pub crawls or party buses,
- 9) it will insure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 10) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 11) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

13. To be Determined, 42 E B'way (op)
withdrawn

14. Moonstruck Eatery (167 AA Rest Corp), 167 Ave A (op) (saturated area)
withdrawn

15. Nicoletta (Letta #1 LLC), 160 2nd Ave @ E 10th St (upgrade to op)

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

Provided that this location is not within two hundred (200) feet of the St. Marks Church-in-the-Bowery, located at 131 East 10th Street, at the corner of East 10th Street and Second Avenue, Community Board 3 moves to deny the application for a change in class of a wine beer license to a full on-premise liquor license for Letta #1 LLC, doing business as Nicoletta, for the premise located at 160 Second Avenue, at the corner of East 10th Street and Second Avenue, 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 pizza 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 3:30 A.M. all days,
- 3) it will operate its sidewalk café no later than 11:00 P.M. all days and will only seat patrons at its café who are ordering food,
- 4) it will close any front or rear façade entrance doors at 10:00 P.M. every night and will otherwise have a closed fixed facade with no open doors or windows,
- 5) 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,
- 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 8:00 P.M. each night,
- 8) it will not host pub crawls or party buses,
- 9) it will insure that there are no wait lines outside and designate an employee to oversee patrons and noise on the sidewalk,
- 10) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 11) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

16. Hill and Dale, 115 Allen St (op)
withdrawn

17. To be Determined, 93 2nd Ave (op)
withdrawn

18. Williamsburg Pizza (Williamsburg Pizza II LLC), 277 Broome St (wb)
withdrawn

19. Muzzo (The XBY Project LLC), 147 Ave A (wb)
withdrawn

20. Cafe Pick Me Up (Nera Corp), 447 E 9th St (wb)
withdrawn

Items not heard at Committee

21. Tai Thai Thailand Home Cooking (Tai Thai Thailand Home Cooking Inc), 78 E 1st St (wb)
no vote necessary

22. Dinah Restaurant (Dinah Corp), 162-166 2nd Ave (wb)
no vote necessary

23. Compass (Iberia Discover Georgia Inc), 154 Orchard St (wb)
no vote necessary

- 24. Scarr Pizza LLC, 22 Orchard St (wb)
no vote necessary
- 25. Virgola (Virgola 2 LLC), 111 E 7th St (wb)
no vote necessary
- 26. New Hua Xia Seafood Restaurant Inc, 49 Division St (wb)
no vote necessary
- 27. East Seafood Restaurant (East Seafood Inc), 17 Division St (wb)
no vote necessary
- 28. Little Sheep (Little Sheep Manhattan I LLC), 105 Bowery (wb)
no vote necessary
- 29. Shinbashi Restaurant (Shinbashi Restaurant Inc), 83-85 1st Ave (wb)
no vote necessary
- 30. Varadero Cuban Cuisine (Manny's Asadero & Grill Inc), 214 E 9th St (wb)
no vote necessary
- 31. Matty's (25 B Group Rest Ave LLC), 25 Ave B (op/corp change)
no vote necessary

Old Business

- 32. Williamsburg Vegan Corp, 12 St Marks Pl (op)

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

WHEREAS, Williamsburg Vegan Corp. was initially seeking a full on-premise liquor license to operate a Latin vegan restaurant, with a proposed business name of VSpot, in the premise located at 12 Saint Marks Place, between Second Avenue and Third Avenue. New York, New York; and

WHEREAS, Community Board #3 was concerned about granting a full on-premise liquor license to this applicant given that 1) this location is located on a block already comprised of businesses with ten (10) full on-premise liquor licenses, ten (10) wine beer licenses, one (1) eating place beer license and two (2) retail liquor licenses, 2) despite the proposed operation as a Latin vegan organic kosher restaurant with moderate hours and playing ambient recorded background music, its existing business with the same name located at 156 Fifth Avenue, Brooklyn, New York, operates with live music and live comedy events, 3) representatives of the Saint Marks 2-3 Block Association and 12 Saint Marks Place Tenants Association appeared in opposition to the granting of a full-liquor license for this location because of the number of other licensed businesses on the block, excessive existing noise and traffic congestion problems on this block from the existing business and the proposed method of operation of this business given the method of operation of its Brooklyn business, 4) although the applicant has operated its existing business for nine years, it has held a full on-premise liquor license at that location only since September 23, 2013, and has no experience operating any licensed business or restaurant in this neighborhood or Manhattan, and 5) the previous business at the location operated with only a wine beer license; and

WHEREAS, Community Board #3 also understood that the lease agreement of the applicant for this location requires that it operate as an organic restaurant; and

WHEREAS, given the concerns of Community Board #3, the applicant had agreed that it would apply for a wine beer license for its business and Community Board #3 constructed the stipulations listed below as part of that agreement; and

WHEREAS, the applicant has also been informed by Community Board #3 that it cannot commercially operate any outdoor areas, specifically its backyard or the front yard within its building line because the zoning designation for this location and street prohibit the extension of the commercial use of this location to any outdoor space; and

WHEREAS, the applicant then refused to apply for a wine beer license and make as conditions of its license the stipulations listed below; and

WHEREAS, subsequent to its hearing the applicant refused

WHEREAS, Community Board #3 then moved to deny the application for a full on-premise liquor license for Williamsburg Vegan Corp., with a proposed business name of VSpot, for the premise located at 12 Saint Marks Place, between Second Avenue and Third Avenue. New York, New York; and

WHEREAS, the applicant has now agreed to apply for a wine beer license and make as conditions of its license the below listed stipulations, now

THEREFORE BE IT RESOLVED that Community Board #3 now moves to deny the application for a wine beer license for Williamsburg Vegan Corp., with a proposed business name of VSpot, for the premise located at 12 Saint Mark Place, between Second Avenue and Third Avenue, 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 Latin vegan organic kosher 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. all days,
- 3) it will not commercially operate any outdoor areas,
- 4) it will close any front or rear façade doors and windows at 10:00 P.M. every night or during any amplified performances,
- 5) 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,
- 6) it will not apply for any alteration in its method of operation without first appearing before Community Board #3,
- 7) it will not seek a change in class of its license to a full on-premise liquor license without the approval of Community Board #3,
- 8) it will not have "happy hours,"
- 9) it will not host pub crawls or party buses,
- 10) it will insure that there are no wait lines outside and designate an employee to oversee patrons and noise on the sidewalk,
- 11) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 12) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

36 YES 0 NO 0 ABS 0 PNV MOTION PASSED

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

1. Approval of previous month's minutes
VOTE: To approve the July 2015 Parks Committee minutes.
2. Preliminary discussion of Fiscal Year 2017 budget priorities
no vote necessary
3. Report from Park Manager
no vote necessary
4. Public art in parks presentation
no vote necessary
5. Presentation of proposed design for Luther Gulick Playground comfort station
no vote necessary
6. Waterfront Alliance request for support for WEDG Waterfront Edge Design Guidelines (a tool & scorecard for creating resilient, accessible waterfronts)
no vote necessary
7. Request for support for The Living Stage proposal to create a lush stage and theater production situated in the urban landscape (in SDR Park or nearby public plaza)
no vote necessary
8. Request for Smith recreation center basketball court to be renamed in honor of Michael Williams founder of youth basketball league

VOTE: TITLE: Support for Naming of Basketball Court Outside Alfred E. Smith Recreation Center to Honor Michael Williams

WHEREAS, Michael C. Williams was a lifelong coach, mentor, and trusted community leader for numerous residents in and around the Alfred E. Smith NYCHA buildings, who passed away on June 27, 2014; and

WHEREAS, throughout his long career Coach Williams held the following positions: Head Basketball Coach at Harlem Prep High School; Assistant Head Coach at Fordham University and Columbia University; Athletic Director and Health Educator at Bishop Loughlin Memorial High School in Brooklyn; co-founder of the NYC West 4th Street Basketball League and Jump City in Colorado (basketball programs that focused on teens); and

WHEREAS, Coach Williams was also a member of the IAABO, PSAL, and NCAA in the capacity as a basketball official and coached many of our community's youth in local and citywide tournaments, as well as created opportunities for the youth to attend prominent tournaments around the city; and

WHEREAS, Coach Williams touched the lives of many residents and youth at Alfred E. Smith Houses, to the extent that a local reunion is held annually for all who grew up and were mentored by Coach Williams; and

WHEREAS, hundreds of friends and residents in CB3 signed petitions requesting that one basketball court under NYC Parks jurisdiction in the Smith Houses be renamed Coach Michael C. Williams Court, in honor of his dedication to the community; so

THEREFORE BE IT RESOLVED, that CB3 supports the naming of the basketball court in honor of Coach Michael C. Williams, and asks the NYC Parks Department to expedite the necessary approvals to make it so.

9. Report from Arts Subcommittee
no vote necessary

36 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Landmarks Committee

committee did not meet

Land Use, Zoning, Public & Private Housing Committee

The committee will be meeting twice a month. One meeting will be devoted to the Chinatown Working Group resolution.

1. Approval of previous month's minutes
VOTE: The CB3 Land Use Committee approves the July 2015 minutes
2. Development team: Update on Essex Crossing
no vote necessary
3. [BSA application 139-141 Orchard Street for common law vesting for a partially built hotel](#) (click for info)
VOTE: TITLE: Motion to oppose the BSA application for a four-year extension from the BSA for 149-141 Orchard Street.

WHEREAS, the Bankruptcy court has ordered that the property be put on the market; and

WHEREAS, the previous BSA extensions have expired; and

WHEREAS, projects are allowed two two-year extensions, followed by one-year extensions thereafter; and

WHEREAS, the owner has already had two two-year extensions; and

WHEREAS, the owner is requesting a four-year extension of the time to complete the structure; and

WHEREAS, the owner has failed to maintain a safe, clean, well-lighted site as required under law; and

WHEREAS, there is no community benefit to support a four-year extension; and

WHEREAS, over the past 8 years the owners have shown no interest in working with the community; so

THEREFORE BE IT RESOLVED, CB3 opposes a four-year extension of time to complete.

4. onenyc: plan for growth, sustainability, resiliency, and equity
no vote necessary
5. Briefing from Economic Development Committee regarding efforts to pursue a Special Purpose District in CB3
no vote necessary
6. Discussion of CD 3 rezoning based on CWG proposal
no vote necessary
7. Public Housing Subcommittee Report
no vote necessary

36 YES 0 NO 0 ABS 0 PNV MOTION PASSED

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

1. Approval of previous month's minutes
no vote necessary

2. Preliminary discussion of budget priorities / overview of District Needs Statement
no vote necessary
3. Establishing committee leads: emergency preparedness, seniors, homelessness, hospitals, mental health, substance abuse, health
no vote necessary
4. Office of Emergency Management: Preparedness update for CB 3

RECOMMENDATION ONLY-NO QUORUM PRESENT

VOTE: TITLE: Motion in support of maintaining the availability of *Ready New York: My Emergency Plan, Ready New York Emergency Preparedness Guide free of charge in English, Spanish, Chinese and other languages*

Whereas Ready New York: My Emergency Plan is a workbook published by Office of Emergency Management and is designed to help New Yorkers – especially those with special needs – create an emergency plan; and

Whereas approximately 23% of seniors speak Spanish and 42% speak Chinese as their primary language in Community board 3; and

Whereas this workbook is presently available free of charge in English, Spanish, Chinese and other languages; and

Whereas Ready New York: Emergency Preparedness Guide takes an all hazards approach to teaching New Yorkers how to stay safe when facing an emergency and is the flagship of the Ready New York campaign by drawing on expertise from dozens of City agencies; and

Whereas Office of Emergency Management has a variety of activities that all community members can participate in or volunteer at, thereby making them a valuable contributor to the fabric of the community; so

Therefore be it resolved that Manhattan Community 3 supports the maintenance of the availability of OEM's Ready New York: My Emergency Plan, Ready New York Emergency Preparedness Guide free of charge in English, Spanish, Chinese and other languages.

5. Follow up discussion from NYCHA Office of Emergency Preparedness July presentation: resolution to maintain NYCHA OEP activities in-house
no vote necessary
6. Resolution regarding NY Presbyterian/Lower Manhattan Hospital to maintain priority services for CB 3 residents (follow up from June presentation)
no vote necessary
7. Discussion of Committee description
no vote necessary

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

30 YES 3 NO 2 ABS 0 PNV MOTION PASSED (to postpone Human Services Item 4 indefinitely)

Economic Development Committee

1. Approval of previous month's minutes
VOTE: To approve of July 2015 Committee minutes as written.
2. Update from Lower East Side Employment Network
no vote necessary
3. Continued discussion on potential Special District for CD 3
no vote necessary

36 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Transportation & Public Safety and Environment Committee

There is discussion in committee on organizing a town hall on the intercity bus permitting process.

1. Approval of previous month's minutes
VOTE: To approve minutes.
2. Discussion of potential intercity bus town hall
no vote necessary

Bus Stop Permit Applications

3. [Tribal Sun Bus Company, LLC in front of 80 Allen Street east side of the street between Grand and Broome Sts](#) (click for info)

VOTE: TITLE: Motion for Designated Curb-side Bus Stop for Tribal Sun Bus Company, LLC in front of 80 Allen Street east side of the street between Grand and Broome Streets

WHEREAS, Tribal Sun Bus Company has applied for a designated bus stop for curb-side loading/unloading operations located at 80 Allen St, on the east side of Allen St between Grand and Broome St. The buses will operate under the Tribal Sun brand name, providing service between New York and Boston with up to 5 arrivals/5 departures daily between the hours of 10:00 am and 12:15 am; and

WHEREAS, The bus stop is an existing 110 ft bus stop that would be shared with the Grayline Sightseeing Bus and with the Morning Sun Bus Company, which operates 2 arrivals/2 departures daily; and

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

- Tickets will be sold only online, or at a designated ticket agency not on the street.
- Tickets will be sold only for specific boarding times and will not be oversold.
- Tickets will be sold in assigned boarding order system so that customers will not need to arrive early to jockey for positions.
- Sidewalk lines will be single file, and only for the next assigned bus.
- There will be a staff person on duty for every arrival and departure to guide loading / unloading, to have direct contact to dispatch to inform passengers of delays, and to engage in crowd and noise control.
- Trash bags will be used to collect litter and will be kept in storefront, or will leave with the bus.
- Staff will routinely clean up the sidewalk by bus stop.
- Buses will keep to schedules, which will be published online or printed, as much as possible.
- The number of buses at this stop will not exceed the stated number of buses per hour/per day.
- All buses purchased in the future will be equipped with diesel particulate filters and use ultra-low sulfur fuels, and will also be equipped with exhaust gas recirculation emission control technology.
- A storefront will be provided for the use of customers, so they may wait to board their bus and use the restroom facilities.
- Other: All buses will keep to the most direct route between the Williamsburg Bridge and the designated stop unless bridge closures or detours make this impossible – proceeding to the stop along Delancey, Chrystie, Grand, and Allen St; then departing along Allen and Delancey St; now

THEREFORE, BE IT RESOLVED, that CB 3 Manhattan recommends that DOT issue a permit for Tribal Sun Bus Company to operate their bus service at a designated curbside bus stop at 80 Allen St, provided that the preceding list of stipulations agreed between the applicant and CB3 will be attached to the DOT permit.

36 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Members Present at Last Vote:

David Adams	[P]	Luke Henry	[P]	Chiun Ng	[P]
Dominic Berg	[P]	Herman F. Hewitt	[P]	Nancy Ortiz	[A]
Karen Blatt	[A]	Trever Holland	[P]	Carolyn Ratcliffe	[P]
Lisa Burriss	[P]	Anne K. Johnson	[P]	Damaris Reyes	[P]
Melvin Cartegena	[A]	Linda Jones	[P]	James Rogers	[P]
Karlin Chan	[P]	Vaylateena Jones	[P]	Richard F. Ropiak	[P]
MyPhuong Chung	[A]	Meghan Joye	[P]	Christopher Santana	[P]
David Crane	[P]	Lisa Kaplan	[P]	Susan Scheer	[P]
Enrique Cruz	[P]	Carol Kostik	[P]	Laryssa Shainberg	[A]
Cathy Dang	[A]	Ben Landy	[A]	Wilson Soo	[P]
Eric Diaz	[P]	Mae Lee	[P]	Nancy Sparrow-Bartow	[P]
Leila Eliot	[A]	Alysha Lewis-Coleman	[A]	Josephine Velez	[P]
David Ford	[P]	Gigi Li	[P]	Rodney Washington	[P]
Debra Glass	[P]	William LoSasso	[P]	Kathleen Webster	[P]
Jan Hanvik	[P]	Chad Marlow	[A]	Thomas Yu	[A]
Dan Ping He	[A]	Alexandra Militano	[P]	Zulma Zayas	[P]

Meeting Adjourned