



# THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

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Gigi Li, Board Chair

Susan Stetzer, District Manager

## October 2015 Full Board Minutes

Meeting of Community Board 3 held on Tuesday, October 27, 2015 at 6:30pm at PS 20, 166 Essex Street.

### Public Session:

Carrie Grassi, Office of the Mayor Coastal Resiliency Project: The Coastal Resiliency Project is an outgrowth of the federal Department of Housing and Urban Development's Rebuild by Design competition. The office has been working with the CB3-CB6 joint taskforce, as well as holding large community input sessions. For information on the concept design, people can visit [www.nyc.gov/escr](http://www.nyc.gov/escr). The office is now moving into an environmental review phase that will last through 2016. The office expects to begin construction in 2017 with completion in 2022.

Benjamin Brash: Speaking as developers of a condominium building on 436 E. 13th Street, they introduced themselves and asked for questions.

Patricia Valencia: Speaking on behalf of Café Cortadito, she stated that the café has not had a complaint in eight years and asked about the status of their renewal application.

Theresa Drescher: Speaking on behalf of City Santa, they will be buying toys for wounded veterans, delivering toys to several homeless shelters. The organization is 100% volunteer, and they thanked the Kushner Companies for donating space. She asked for donations and volunteers.

Don Lee: He asked CB3 to support and save small businesses on 26 Allen Street by asking for the bus stop to be moved to Grand Street.

David Chen: Speaking as the owner of the mixed use building 26 Allen Street, he stated that his tenants complain of the pollution caused by the bus. He asked that the bus stop be moved.

Ho Yeung: Speaking as the owner of the seafood company operating at 26 Allen Street, she has lost 40% of business since the bus stop was put in place because the sidewalk is crowded and customers can no longer park their cars in front of the stores.

Vaylateena Jones: Speaking on behalf of the Lower East Side Power Partnership ("LESPP"), she spoke about the LESPP work's work on improving police-community relations and about increasing and improving afterschool activities. She cited the benefits of the Compass program and of one-on-one counseling.

Irene Alladice: Speaking on behalf of LESPP, she cited the lack of case managers for seniors that are needed to improve home-care services and provide more meals at their center.

Chui Man Lai: Speaking on behalf of NYP Lower Manhattan Hospital, she spoke to promote the organization's wellness lectures as well as other programs being offered.

Caroline Press: Speaking on behalf of the Mark DeGarmo Dance, she invited the community to come and spoke about some of the dance programs and performances being offered.

Heather Dubin: Speaking on behalf of the tenants at 129-133 Ave C. in opposition to a bar being built at this address, stating that the area is saturated. She stated that the current bars on the block are too loud and the bar being built will be too big and too loud and will not provide a public benefit.

There was a presentation of \$1000 by the Friends of CB3 in memory of Morris Fajtelewicz to the ambulance corps of which he was a part.

### Public Officials:

Office of the Governor, Matthew Rubin: Introduced himself to the community.

Mayor Bill de Blasio: There were questions regarding the potential transfer of air rights from Stuyvesant Town into our neighborhood.

Public Advocate Letitia James, Adam Chen: The Public Advocate introduced technology that monitors air quality in nail salons in order to protect nail salon workers.

Comptroller Scott Stringer, Anas Uddin: Not present

Borough President Gale Brewer, Drew Lombardi: The Fair Chance Act, sponsored by the Borough President when she was in the City Council, was passed today, which prevents employers from knowing about criminal records of prospective employees until after they are hired. The Borough President is working with the Economic Development Committee to ensure that the Essex Crossing project is being developed according to plan and timeline. The Borough President is responding to Department of Buildings complaints regarding landlords making false claims that apartments are vacant and conducting after-hours work without proper permitting.

Congressmember Carolyn Maloney, Victor Montesinos: The Congressmember released a statement regarding the death of Officer Holder.

Congressmember Nydia Velazquez, Jin Han: The Congressmember is working to reduce the flow of guns onto the streets.

Assemblymember Sheldon Silver, Cora Fung: The Assemblymember brought photographs of Morris Fajtelewicz to honor him. The Chinatown Planning Council celebrated its 10th anniversary.

Assemblymember Deborah J. Glick, Charlie Anderson: The Assemblymember is holding an event on bird deaths by flying into buildings and community members can see her flier for more information.

Assemblymember Brian Kavanagh, Anna Picior: Anna Picior introduced the new CB3 representative. The Assemblymember organized an event to sign up residents for the Senior Citizen Rent Increase Exemption and Disability Rent Increase Exemption programs. The Assemblymember is engaged in discussions about the state's response to climate change.

State Senator Daniel L. Squadron, Mauricio Pazmino: The State Senator recently released a subway report, which is available online. The State Senator fought for refurbishment of the sidewalks around Rutgers Houses. The State Senator has been fighting for a transgender rights bill called GENDA, and many of the provisions in the bill were taken up by the Governor.

State Senator Brad M. Hoylman, Sejal Singh: The State Senator is working to improve pedestrian safety around the traffic circle on E. 10th Street near the FDR Drive. The State Senator recently signed a letter expressing concern of the potential transfer of development rights from Stuyvesant Town / Peter Cooper Village to areas low density areas in the district.

Councilmember Margaret Chin, Vincent Fang: The Councilmember has been working with the Stand For Safety Coalition that is fighting for legislation to require the Department of Buildings to investigate landlords where numerous complaints have been lodged against them for harassment. She introduced legislation to limit sightseeing busses and to require the NYPD to collect data on accidents that occur during truck routes.

Councilmember Rosie Mendez, Sheila Rodriguez: The Councilmember has been working with residents of E. 13th Street regarding the safety and quality of life issues caused by the Extel development along 14th Street.

Members Present at First Vote:

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

Josephine Velez [P] Kathleen Webster [P] Zulma Zayas [A]  
Rodney Washington [P] Thomas Yu [A]

Minutes:

Minutes of July 2015 were approved, as is.

**29 YES 0 NO 7 ABS 0 PNV MOTION PASSED**

Board Chairperson's Report:

Chairperson Gigi Li: The Chair introduced Yaron Altman. CB3 is offering a SLA resolution writing workshop. CB3 will be voting on CB3 budget priorities tonight. To generate the list of priorities, the District Manager's office used last year's list of priorities along with committee-level on priorities.

District Manager's Report:

District Manager Susan Stetzer:

Formerly, the leading cause of complaints to the office was bar noise complaints. However, we are now also dealing with a tremendous amount of construction-related complaints. People in some areas are surrounded by constructing—and in some areas school construction at night and construction noise on the weekend. We also have complaints about construction trucks and city contractors parking in bus stops, which is a problem for community members with disabilities who need the bus to stop at the curb. There is no area available for staging construction vehicles. There is also a crisis of homelessness in the district and we hear from residents about this. We also have many complaints regarding noncompliant intercity buses. The District Manager's office has been successful with reducing noisy construction on the weekend. To help the homelessness, the District Manager's office has been telling those who call to complain to call 311 and ask for homeless outreach, which will help the homeless individuals get support.

Committee Reports:

Executive Committee

- FY'2016 Capital & Expense Priorities  
**VOTE:** To pass budget priorities as amended.

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

Transportation & Public Safety and Environment Committee

1. Approval of previous month's minutes  
**VOTE:** To approve previous month's minutes.
2. FY'2016 Capital & Expense Priorities  
**VOTE:** To approve priorities.
3. Request for 4-l way stop at Henry & Jefferson  
no votes necessary
4. Update Houston St reconstruction

**VOTE: Title: Motion to Expedite the Completion of Houston Street Reconstruction**

WHEREAS, the Houston Street Reconstruction project began in June 2010 and was scheduled to be completed in June 2013 and the new estimated completion date is September 2016; and,

WHEREAS, delays have caused severe traffic congestion, impediments to pedestrian safety and a loss of business for local shops, restaurants and newsstands; and,

WHEREAS, the greenstreets spaces have not been adequately maintained and litter has not been cleaned from these spaces; so,

THEREFORE BE IT RESOLVED, that CB3 requests that DDC complete the reconstruction expeditiously with the highest priority given to the completion of the Chrystie Street section because of safety concerns. Litter should be cleaned from the greenstreets spaces, staging should be consolidated and DDC should return to the Transportation Committee jointly with representatives from Con Edison and Verizon every two months beginning in January and once milestones have been completed.

5. NYCDOT application from L&H for a request for more vans (commuter van application)

**VOTE: Title: Motion to Support Application by L&H Transportation, Inc to Increase Commuter Vans**

WHEREAS, L&H Transportation, Inc, has applied for a change to their TLC license for operating a commuter van service between Flushing, Queens and Chinatown, Manhattan. L&H is currently allowed to operate 8 vans on this route and has requested they be allowed 10 additional vans, for a total of 18 vans; and

WHEREAS, CB 3 Manhattan understands the value of commuter vans to the community and demand for commuter van service is evident; and

WHEREAS, the commuter van operators have been assigned stops from which to conduct passenger drop-off and pick-up. However, the community also has concerns about impacts such as noise, idling, litter and sidewalk congestions. L&H Transportation management has agreed that they understand these issues and will comply with the rules of operation listed below; and

WHEREAS, There is a safety problem caused by van drivers who intentionally operate above the capacity of 19 passengers that would be allowed by the TLC license. It is a common practice to provide additional, unfixed seating for extra passengers, which is against safety regulations. The van operators are contracted by L&H to operate under the L&H license and L&H has a dispatcher on site at the assigned van stop who can observe this practice. L&H Management has agreed to stop this unsafe practice by instituting incremental measures up to and including the suspension of drivers who repeatedly violate the vehicle seating limits; now

THEREFORE, BE IT RESOLVED THAT CB 3 Manhattan requests that L&H Transportation, Inc. comply with the following operating rules, as agreed before the CB3-Manhattan Transportation Committee at the October 2015 meeting:

- Clean litter at the assigned van stop.
- No idling of diesel engines.
- Orderly queuing of customers.
- Make efforts to enforce vehicle seating limits for all vans operating on their route. and

THEREFORE, BE IT FURTHER RESOLVED THAT CB 3 Manhattan requests that DOT/TLC allow an increase of 10 vans for the TLC license granted to L&H Transportation, Inc., for a total of 18 commuter vans.

6. Clarification of street co-naming guidelines  
no votes necessary
7. Continued discussion of Intercity bus town hall  
no votes necessary

**34 YES 0 NO 1 ABS 0 PNV MOTION PASSED**

#### **SLA & DCA Licensing Committee**

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

#### **Renewal with Complaint**

2. Cafe Cortadito (Cafe Cortadito LLC), 210 E 3rd St btwn Aves B & C (wb)

**VOTE 1:TITLE: Community Board 3 Recommendation To Deny The Renewal of A Wine Beer License To The Outdoor Area Of This Business**

**WHEREAS**, Café Cortadito LLC, doing business as Café Cortadito, is seeking the renewal of its wine beer license, for the premise located at 210 East 3rd Street, between Avenue B and Avenue C, New York, New York; and

**WHEREAS**, this applicant was originally heard for a wine beer license by Community Board 3 in March of 2008, and was denied unless it agreed to make as conditions of its license a stipulation that it would 1) operate as a full-service Cuban restaurant, serving food to within one (1) hour of closing, 2) close no later than 12:00 A.M. all days, 3) close any façade doors and windows at 10:00 P.M. every night, and 4) play recorded background music; and

**WHEREAS**, this applicant applied to Community Board 3 for a sidewalk café permit in March of 2011 and was approved for a café, consisting of three (3) tables and six (6) chairs in front of its business, that would close at 10:00 P.M. every night; and

**WHEREAS**, testimony was submitted during its license renewal hearing, as well as its renewal hearing for its sidewalk café permit, before Community Board 3 in October of 2015, from New York City Council Member Rosie Mendez that, in the past two (2) years, she has observed the applicant exceeding the permitted tables and chairs at its sidewalk café, extending the footprint of the sidewalk café to encroach on its neighboring property, a community sculpture garden, and ***illegally serving wine and beer at the additional unpermitted tables (see letter of Rosie Mendez attached hereto);*** and

**WHEREAS**, consistent with these observations, the New York City Council issued a violation against this applicant on May 27, 2013, for impermissibly extending its café beyond its allowable footprint and adding unpermitted tables and chairs to its café; and

**WHEREAS**, Susan Stetzer, the district manager of Community Board 3 has also observed this applicant exceeding the permitted tables and chairs at its sidewalk café, extending the footprint of the sidewalk café to encroach on its neighboring property, a community sculpture garden, and ***illegally serving wine and beer at the additional unpermitted tables***; and

**WHEREAS**, as further evidence that this applicant has extended its outdoor use to encroach on its neighboring property, added unpermitted tables and chairs and has illegally served alcohol at its additional unpermitted outdoor tables, Community Board 3 refers the SLA to the publically accessible Google Maps photograph for this business address; and

**WHEREAS**, this applicant failed to appear for its renewal hearing before Community Board 3 to respond to these complaints, although it confirmed its attendance with the Community Board 3 office; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the application to renew the wine beer license for Café Cortadito LLC, doing business as Café Cortadito, for the premise located at 210 East 3rd Street, between Avenue B and Avenue C, to the extent that it should no longer be licensed to serve wine and beer outside of its premise; and

**THEREFORE, BE IT FURTHER RESOLVED** that, if the applicant is not permitted to serve wine and beer outside its premise pursuant to its existing license, Community Board 3 moves that it be held to its method of operation and prohibited from extending its service of alcohol outdoors.

**VOTE 2:TITLE: Community Board 3 Recommendation To Deny The Renewal of A Sidewalk Café Permit**

**WHEREAS**, Café Cortadito LLC, doing business as Café Cortadito, is seeking the renewal of its sidewalk café permit, for the premise located at 210 East 3rd Street, between Avenue B and Avenue C, New York, New York; and

**WHEREAS**, this applicant was originally heard for a wine beer license by Community Board 3 in March of 2008, and was denied unless it agreed to make as conditions of its license a stipulation that it would 1) operate as a full-service Cuban restaurant, serving food to within one (1) hour of closing, 2) close no later than 12:00 A.M. all days, 3) close any façade doors and windows at 10:00 P.M. every night, and 4) play recorded background music; and

***WHEREAS, this applicant applied to Community Board 3 for a sidewalk café permit in March of 2011 and was approved for a café provided It sign a change order that its café would consist of three (3) tables and six (6) chairs in front of its business that would close at 10:00 P.M. every night; and***

**WHEREAS**, testimony was submitted during its sidewalk café permit renewal hearing, as well as its wine beer license renewal hearing, before Community Board 3 in October of 2015, from New York City Council Member Rosie Mendez that, in the past two (2) years, she has observed the applicant exceeding the permitted tables and chairs at its sidewalk café, extending the footprint of the sidewalk café to encroach on its neighboring property, a community sculpture garden, and ***illegally serving wine and beer at the additional unpermitted tables (see letter of Rosie Mendez attached hereto)***; and

**WHEREAS**, consistent with these observations, the New York City Council issued a violation against this applicant on May 27, 2013, for impermissibly extending its café beyond its allowable footprint and adding unpermitted tables and chairs to its café; and

**WHEREAS**, Susan Stetzer, the district manager of Community Board 3 has also observed this applicant exceeding the permitted tables and chairs at its sidewalk café, extending the footprint of the sidewalk café to encroach on its neighboring property, a community sculpture garden, and ***illegally serving wine and beer at the additional unpermitted tables***; and

**WHEREAS**, as further evidence that this applicant has extended its outdoor use to encroach on its neighboring property, added unpermitted tables and chairs, and is illegally serving alcohol at its additional unpermitted outdoor tables, Community Board 3 refers the SLA to the publically accessible Google Maps photograph for this business address; and

**WHEREAS**, this applicant failed to appear for its renewal hearing before Community Board 3 to respond to these complaints, although it confirmed its attendance with the Community Board 3 office; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to call before the New York City Council to review for revocation the application to renew the sidewalk café permit for Café Cortadito LLC, doing business as Café Cortadito, for the premise located at 210 East 3rd Street, between Avenue B and Avenue C.

3. Fat Baby (NYCJB's LLC), 112 Rivington St (op)

**VOTE: TITLE: Community Board 3 Recommendation That Licensee Be Made To Operate Consistent With Its Method Of Operation Or Be Revoked**

**WHEREAS**, NYCJB's LLC, doing business as Fat Baby, is seeking a renewal of its full on-premise liquor license, for the premise located at 112 Rivington Street, between Ludlow Street and Essex Street, New York, New York; and

**WHEREAS**, this applicant was scheduled to be heard by Community Board 3 for its original full on-premise liquor license application in February of 2005 and was denied because it failed to appear; and

**WHEREAS**, this applicant was also denied by Community Board 3 to add a stand up bar to its business in September of 2005 because it had not yet opened and because of the numerous licensed businesses within close proximity to it; and

**WHEREAS**, this applicant was originally issued a full on-premise liquor license by the SLA on October 19, 2005, and has operated without any agreed upon community board stipulations; and

**WHEREAS**, the original method of operation of this applicant according to its application filed with the SLA is as a lounge with food service and DJs but would no live music, scheduled performances, events with cover fees or dancing; and

**WHEREAS**, Community Board 3 has received complaints from the LES Dwellers, a residents organization, that the present licensee is not operating consistent with its approved method of operation in that the licensee hosts scheduled performances, dancing without a cabaret license, events with ticket sales and cover fees, has not been serving food, has been illegally using a mezzanine and exceeding its maximum occupancy and has an emergency egress which illegally and unsafely leads into the hallway of the residential portion of 112 Rivington Street; and

**WHEREAS**, two (2) residents appeared on behalf of four (4) of the eight (8) residential units of 112 Rivington Street and stated that 1) the other four (4) residential units in the building are rented by the applicant, 2) the applicant uses a common doorway between its business and the residential hallway of the building as an egress to eject unruly drunk patrons into the residential hallway, where they pass out, fight and vomit, thereby creating unsafe and unsanitary conditions for residents of the building, 3) that the applicant has blocked access to the building water boiler which has resulted in an inability of the landlord to access the boiler for repairs without the applicant, thereby resulting in a loss of hot water for residential tenants because the applicant has not been responsive when the boiler has needed repairs, and 4) that the applicant has commandeered use of the residential garbage area for its own use, although required by law to maintain its trash within its business to within one (1) hour of pickup by a commercial carter; and

**WHEREAS**, the zoning for this location does not permit scheduled performances and this applicant does not have a cabaret license which would permit dancing; and

**WHEREAS**, Community Board 3 has also received complaints from residents of surrounding buildings of loud music and noise, including noise from an emcee, comedy shows and an air horn, emanating from the propped open front door of this business until as late as 2:00 A.M. and received a petition in opposition to the renewal of this license from forty-seven (47) residents of surrounding buildings; and

**WHEREAS**, Community Board 3 also received a letter from one of the two landlords of 112 Rivington Street, stating that it had been attempting to evict the applicant because of its disruptive method of operation and unpermitted use of or control over other building areas; and

**WHEREAS**, consistent with these complaints, this applicant has open Environmental Control Board violations from 2009 and 2013 for exceeding maximum occupancy, illegal cabaret and stage, as well as

an improper emergency exit, that being the door that leads into the residential hallway of 112 Rivington Street; and

**WHEREAS**, also consistent with these complaints, the present licensee has entered into a no contest plea before the SLA on May 4, 2007, for improper conduct and an unauthorized bar, a no contest plea on April 10, 2010, for failure to conform and an unauthorized trade name, a no contest plea on August 14, 2009, for unlicensed cabaret, a no contest plea on March 28, 2012, for failure to supervise and a no contest plea on May 17, 2013, for exceeding maximum occupancy and one (1) sale to a minor; and

**WHEREAS**, the business has received fifteen (15) 311 commercial noise complaints between August of 2014 and April of 2015, between 11:00 P.M. and 2:00 A.M.; and

**WHEREAS**, the proposed new licensee for this business failed to appear before Community Board 3 to address these ongoing complaints and concerns although it confirmed its attendance with the Community Board 3 office; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the renewal of the full on-premise liquor license for NYCJB's LLC, doing business as Fat Baby, for the premise located at 112 Rivington Street, between Ludlow Street and Essex Street, New York, New York; and

**THEREFORE BE IT FURTHER RESOLVED** that Community Board 3 asks that the SLA either revoke the full on-premise liquor license for this applicant or enforce the method of operation for this applicant that was approved by the SLA as a lounge with food service, DJs and no live music, scheduled performances, events with cover fees or dancing.

**Applications within Saturated Areas**

- 4. AGN Restaurant, 511 E 6th St (op)  
withdrawn
- 5. To be Determined, 129 Ave C btwn E 8th & E 9th 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 business with a full on-premise liquor license, Community Board 3 moves to deny the application for a full on-premise liquor license for a corporation to be determined, with principals Robert Cerasa and Jason Mendenhall, for the premise located at 129 Avenue C, between East 8th Street and East 9th 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 Latin influenced food during all hours of operation, with lunch service beginning in the Spring of 2016,
- 2) its hours of operation will be 12:00 P.M. to 2:00 A.M. Sundays through Tuesdays and 12:00 P.M. to 4:00 A.M. Wednesdays through Saturdays,
- 3) it will not commercially operate any outdoor areas,
- 4) it will employ a security guard all nights until 4:00 A.M.,
- 5) it will install soundproofing consistent with the recommendations of an acoustical engineer,
- 6) 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,
- 7) 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,
- 8) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 9) it may have "happy hours" to 7:00 P.M. each night,
- 10) it will not host pub crawls or party buses,
- 11) it will insure that there are no wait lines outside and designate an employee to oversee patron crowds and noise on the sidewalk,
- 12) it will move any existing speakers away from the ceiling,
- 13) it will provide sufficient soundproofing to neighboring apartments consistent with the recommendations of an acoustic engineer employed by the applicant to ensure that sound and bass does not travel into neighboring residential units,
- 14) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 15) 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 will operate

a tavern with recorded background music in contrast to the entertainment level music venue with DJs which previously operated at this location, 2) this applicant has operated similar taverns in this community without any apparent history of complaints and has contributed to the community, and 3) although several residents appeared in opposition to the approval of a full on-premise liquor license at this location and eighteen (18) signatures from surrounding building residents were submitted in opposition to this application because of complaints about noise from the existing business and their belief that the subject building cannot be adequately soundproofed, the applicant furnished approximately eighty-three (83) signatures in support of its application.

6. Kura (Seiei LLC), 130 St Marks Pl (upgrade to op)  
withdrawn

7. Spiegel (Spiegel Inc), 26 1st Ave @ E 2nd St (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 a wine beer license to a full on-premise liquor license for Spiegel Inc., doing business as Spiegel, for the premise located at 26 First Avenue, at the corner of First Avenue and East 2nd 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 Middle Eastern 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 operate its sidewalk café, consisting of seven (7) tables and fourteen (14) seats, from 8:00 A.M. to 10:00 P.M. Mondays through Saturdays and 10:00 A.M. to 10:00 P.M. Sundays,
- 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 will not have "happy hours,"
- 8) it will not host pub crawls or party buses,
- 9) it will not have unlimited drinks specials accompanying brunch or any other meal,
- 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 change in class of the existing wine beer license for this applicant to a full on-premise liquor license although this is a location in an area with numerous full on-premise liquor licenses because 1) this applicant has operated as a moderately-priced neighborhood restaurant with a wine beer license since February of 2014 without any apparent history of complaints, 2) this applicant has applied for a change in class of its wine beer license to a full on-premise liquor license at the request of its patrons who are also area residents, twelve (12) of whom appeared in support of this application, and 3) this applicant furnished ninety-three (93) signatures in support of its application.

8. Little White Fried Rice LLC, 122 Ludlow St btwn Rivington & Delancey Sts (wb)

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

To deny an application for beer wine license for Little White Fried Rice LLC, for the premise located at 122 Ludlow Street, between Rivington Street and Delancey Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that

- 1) it will operate as a full-service Asian restaurant focused on rice dishes, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 12:00 P.M. to 3:00 A.M. Sundays through Thursdays and 12:00 P.M. to 5:00 A.M. Fridays and Saturdays but alcohol service will cease at 12:00 A.M. Sundays through Thursdays and 1:00 A.M. Fridays and 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 will not seek a change in class of its liquor license to a full on-premise liquor license without first obtaining the approval of Community Board 3 and has expressed an intent not to seek a change in class of its liquor license,
- 8) it will not have "happy hours,"
- 9) it will not host pub crawls or party buses,
- 10) it will insure that there are no wait lines outside,
- 11) it will not have a stand up bar,
- 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 wine beer license although this is a location in an area with numerous liquor licenses because 1) this applicant has agreed to operate as a small affordable Asian restaurant with healthy vegetarian options which can service area residents, 2) the applicant has entered into a memorandum of understanding regarding its method of operation with the LES Dwellers, a local residents association (attached hereto), and 3) this applicant has expressed an intention that it will not seek a change in class of its liquor license to a full on-premise liquor license and has agreed to end the service of wine and beer earlier than its operating hours.

28. Moonstruck Eatery (167 AA Rest Corp), 167 Ave A btwn E 10th & E 11th Sts (op)

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

**WHEREAS**, 167 AA Rest Corp., doing business as Moonstruck Eatery, for the premise located at 167 Avenue A, between East 10th Street and East 11th Street, is ***again seeking a change in class of its existing wine beer license to a full on-premise liquor license***, and is seeking a change in its method of operation from a Mediterranean Greek restaurant to a diner; and

**WHEREAS**, Community Board 3 heard this applicant for a full on-premise liquor license in December of 2013 and denied it for a wine beer license only unless it agreed to make as conditions of its license the stipulations that 1) it would operate a full-service Mediterranean Greek restaurant, with a kitchen open and serving food during all hours of operation, 2) it would have hours of operation of 4:00 P.M. to 12:00 A.M. all days, 3) it would play recorded background music and not have DJs, live music, promoted events, scheduled performances or events at which a cover fee is charged, 4) it would not commercially use its backyard, 5) it would have a closed façade with no open doors or windows, 6) it would install soundproofing, if needed, 7) it would employ security guards Fridays and Saturdays and, if needed, Thursdays and for private parties which it would have no more than twice a month, 8) it would not apply for an alteration without being heard by this community board, 9) it would not apply for an upgrade without the approval of this community board, 10) it would have happy hours from 4:00 P.M. to 7:00 P.M. each night, 11) it would not host pub crawls or party buses, and 12) it would have a staff person monitor crowds and noise outside; and

**WHEREAS**, this applicant then applied for and obtained a wine beer license from the SLA, which was granted on June 10, 2014; and

**WHEREAS**, this applicant has been operating the existing business since the end of June of 2014; and

**WHEREAS**, this applicant was then denied an application for a change in class of its wine beer license to a full on-premise liquor license by Community Board 3 in December of 2014, for many of the reasons outlined below, including its proximity to numerous full on-premise liquor licenses, its insufficient public benefit, community opposition and its location across the street from a house of worship; and

**WHEREAS**, this applicant then closed its business and reopened it in July of 2015 as Moonstruck Eatery, without notice to Community Board 3; and

**WHEREAS**, the applicant again furnished no documented support for its application, in that it failed to provide any signatures from area residents in support of its application, and there was demonstrated opposition to this application in that the North Avenue A Residents Association and the 182-182 Avenue A Tenants Association appeared in opposition to this application, each stating that the business had not been open long enough in an area with numerous liquor licensed businesses and that the business appeared to be failing; and

**WHEREAS**, residents and these associations have also complained that this applicant is offering two (2) for one (1) specials and operating contrary to the conditions of its liquor license by keeping its front French doors and rear façade garage door open (see attached photographs); and

**WHEREAS**, prior to its last upgrade application, there had been complaints from residents of this street that the business had its front and rear façades open, used DJs and had commercially used its backyard in violation of the conditions of its license; and

**WHEREAS**, this applicant has recently posted advertisements to sell both the ground and basement floors of this business with the liquor license (see advertisements attached hereto); and

**WHEREAS**, this business is located on a block where six (6) of nine (9) commercial storefronts already have full on-premise liquor licenses, there are eight (8) full on-premise liquor licenses within five hundred (500) feet of this location and there are twenty (20) licensed businesses within five hundred (500) feet of this location; and

**WHEREAS**, the only benefit stated by the applicant has been that it wants to be able to offer its patrons alcohol; now

***WHEREAS, this business is also located within two hundred (200) feet of an entire building utilized as a house of worship, in that it is across the street from De Dios Pentecostal Alpha y Omega Church, located at 168 Avenue A, between East 11th Street and East 12th Street (see land and tax documents appended hereto); and***

**WHEREAS**, this premise is in an area which is overwhelmed by vehicular traffic, noise from horn honking and an increased pedestrian presence as a result of existing licensed business; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the application for a change in class to a full on-premise liquor license and a change in its method of operation for 167 AA Rest Corp., doing business as Moonstruck Eatery, for the premise located at 167 Avenue A, between East 10th Street and East 11th Street

#### **Alterations**

9. Babel (Bab Cafe LLC), 129-131 Ave C btwn E 8th & E 9th Sts (op)

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

To deny the application for an alteration of the full on-premise liquor license, to wit reducing its size by selling the assets for its storefront located at 129 Avenue C, for Bab Café LLC, doing business as Babel, for the premise located at 129-131 Avenue C, between East 8th Street and East 9th Street, because the applicant failed to appear before Community Board 3 for a review of its application after confirming its attendance with the community board office.

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

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

11. Sabor A Mexico Taqueria (Jarlene Corp), 160 1st Ave btwn E 9th & E 10th Sts (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 a wine beer license to a full on-premise liquor license for Jarlene Corp., doing business as Sabor A Mexico Taqueria, for the premise located at 160 First Avenue, between East 9th Street and East 10th Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service Mexican 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 1:00 A.M. Fridays and 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 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

Community Board 3 is approving this application for a change in class of the existing wine beer license for this applicant to a full on-premise liquor license although this is a location in an area with numerous full on-premise liquor licenses because 1) this applicant has operated as a moderately-priced family restaurant with a wine beer license for four (4) years without any apparent history of complaints, and 2) this applicant furnished sixty-two (62) signatures in support of its application.

12. The John Lamb (Delancey Square Hospitality LLC), 119 Orchard St (op)  
no vote necessary

13. Metrograph (Metrograph LLC), 7 Ludlow St btwn Hester & Canal Sts (op)

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

**WHEREAS**, Metrograph LLC, is seeking a full on-premise liquor license to operate a theatre, restaurant and bookstore, for the premise located at 7 Ludlow Street, between Hester Street and Canal Street; and

**WHEREAS**, this applicant is proposing to operate an approximate six hundred (600) person capacity theatre venue with hours of operation of 9:00 A.M. to 4:00 A.M. all days and comprised of a full-service second floor restaurant, two (2) theatres, with capacities of one hundred seventy-one (171) people and forty-three (43) people respectively, and a bookstore, with a second floor full-service restaurant with a capacity of seventy-two (72) seats, a kitchen open and serving food during all hours of operation in the restaurant and at tables and a stand up bar located on the first floor, two (2) standup bars, open windows and recorded background music other than in the theatres themselves; and

**WHEREAS**, the applicant has entered into an agreement to work in collaboration with The Henry Street Settlement, a well-established local social service and arts organization, to provide services to its clients, seniors, youths and people otherwise financially unable to benefit from this business; and

**WHEREAS**, Community Board 3 recognizes that there is a community benefit to a business which will showcase the learning and exhibition of film and which will work to provide arts services to the local underserved populace; and

**WHEREAS**, thirty (30) residents appeared before Community Board 3 in support of this application and ninety-two (92) petition signatures from area residents were furnished by the applicant in support of this application; and

**WHEREAS**, this applicant has entered into an agreement with the Seward Park and Canal Street East Block Association, with the input of the Orchard Street Block Association, that it will 1) cease the service of alcohol at 2:00 A.M. all days, 2) not permit patrons to enter the business after 1:00 A.M. Sundays through Wednesdays, 3) close any façade doors and windows at 10:00 P.M. every night, 4) not have wait lines outside, 5) not employ DJs, 6) corral any smoking patrons in front of 7 Ludlow Street, 7) clean and maintain its exhaust and locate its exhaust on the front of its building, and 8) keep security guards inside unless necessary to manage crowds and noise outside (attached hereto); now

**THEREFORE, BE IT RESOLVED THAT** Community Board 3 moves to deny an application for full on-premise liquor license for Metrograph LLC, with a proposed business name of Metrograph, for the premise located at 7 Ludlow Street, between Hester Street and Canal Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that

- 1) it will operate an approximate six hundred (600) person capacity theatre comprised of a full-service second floor restaurant, two (2) theatres, with capacities of one hundred seventy-one (171) people and forty-three (43) people respectively, and a bookstore and its second floor restaurant will have a kitchen that is open and serving food during all hours of operation in the restaurant and at tables and a stand up bar located on the first floor, as well as at other seating on the first and second floors of the business, with the exception that there will be no food service in the theatres themselves, except that there will be no food or alcohol service in the theaters themselves,

- 2) its hours of operation will be 9:00 A.M. to 4:00 A.M. all days, with no patrons permitted to enter the business after 1:00 A.M. Sundays through Wednesdays and no alcohol served in the business after 2:00 A.M. all days,
- 3) it will not commercially operate any outdoor areas,
- 4) it will install soundproofing consistent with the plans of an acoustical engineer,
- 5) it will employ at least one (1) security guard Sundays through Wednesdays, from 7:00 P.M. to 4:00 A.M., and two (2) security guards Thursdays through Saturdays, from 7:00 P.M. to 4:00 A.M.,
- 6) it will maintain a closed fixed façade with no open doors or windows, except those windows opening onto Ludlow Street from the second floor restaurant and the bookstore will close at 10:00 P.M. every night or during any amplified performances, including but not limited to DJs, live music and live nonmusical performances,
- 7) it will play recorded background and entertainment level music in the theatres and play recorded background music in the restaurant, bookstore and waiting areas, but will not have DJs or live music and any promoted events and cover fees will be for theatre showings and premieres or for fundraisers and will not use any outside or third party promoters,
- 8) it will not apply for an alteration to the method of operation of my business agreed to by this stipulation without first obtaining the approval of Community Board 3,
- 9) it will not have pub crawls or host party buses,
- 10) it will not have happy hours,
- 11) it will not have wait lines outside and will designate a staff person or security guard to be outside, if necessary, to oversee the sidewalk and ensure that there is no loitering or noise outside of the business,
- 12) I will have a waiting area or areas inside of the business for patrons waiting to enter the theatres,
- 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

14. Shorty's (Fifth on Third), 58 3rd Ave (op)  
withdrawn

15. To be Determined, 200 Allen St (op)  
withdrawn

16. Hwa Yuan Szechuan (42 44 East Broadway Restaurant Inc), 42 44 E B'way btwn Catherine & Market Sts (op)

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

**WHEREAS**, 42 44 East Broadway Restaurant Inc., is seeking a full on-premise liquor license to operate a restaurant with a proposed business name of Hwa Yuan Szechuan, for the premise located at 42-44 East Broadway, between Catherine Street and Market Street; and

**WHEREAS**, this applicant is proposing to operate a full-service restaurant with 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, thirty-one (31) tables and sixty-four (64) seats, an eighteen (18) foot by eight (8) foot bar with eight (8) stools, four (4) televisions and recorded background music, in a location which has not housed a licensed business in at least thirty (30) years; and

**WHEREAS**, notwithstanding that the applicant is the landlord of said premise, Community Board 3 was very concerned with the proposal for a restaurant with a full on-premise liquor license from an applicant who has no experience operating a licensed premise and furnished no petition signatures from area residents in support of his application; and

**WHEREAS**, the applicant concedes that there are four (4) full on-premise liquor licenses within five hundred (500) feet of this location; and

**WHEREAS**, given the concerns of Community Board 3, the applicant has agreed to now apply for a beer wine license; now

**THEREFORE, BE IT RESOLVED THAT** Community Board 3 moves to deny an application for beer wine license for 42 44 East Broadway Restaurant Inc., with a proposed business name of Hwa Yuan Szechuan, for the premise located at 42-44 East Broadway, between Catherine Street and Market Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that

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

- 3) it will not commercially operate any outdoor areas,
- 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 will not have "happy hours,"
- 8) it will not host pub crawls or party buses,
- 9) it will insure that there are no wait lines outside and will designate an employee responsible to oversee patrons and noise on the sidewalk, and
- 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.

17. Lionsbeerstore (Beer Factory LLC), 104 2nd Ave @ E 6th St (wb)

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

To deny an application for beer wine license for Beer Factory LLC, with a proposed business name of Lionsbeerstore, for the premise located at 104 Second Avenue, at the corner of Second Avenue and East 6th Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that

- 1) it will operate as a full-service American restaurant focused on cooking with beer as an ingredient, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 11:00 A.M. to 1:00 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, 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 seek a change in class of its liquor license to a full on-premise liquor license without first obtaining the approval of Community Board 3 and has expressed an intent to seek no change in class of its liquor license,
- 8) it will not have "happy hours,"
- 9) it will not host pub crawls or party buses,
- 10) it will insure that there are no wait lines outside and will designate an employee responsible to oversee patrons and noise on the sidewalk, and
- 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.

18. Chinese Tuxedo, 5 Doyers St btwn Pell St & Bowery (wb)

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

To deny an application for beer wine license for 8 Tuxedos Inc., with a proposed business name of Chinese Tuxedo, for the premise located at 5 Doyers Street a/k/a 5-7 Doyers Street, between Bowery and Pell Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that

- 1) it will operate as a full-service Melbournian Chinese and Cantonese restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 10:00 A.M. to 1:00 A.M. all days,
- 3) it will not commercially operate any outdoor areas,
- 4) it will install soundproofing consistent with the recommendations of an acoustic engineer,
- 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 will not seek a change in class of its liquor license to a full on-premise liquor license without first obtaining the approval of Community Board 3 and will not appear before Community Board 3 for such an application until it has been operating its business at least eighteen (18) months,
- 9) it will not have "happy hours,"
- 10) it will not host pub crawls or party buses,
- 11) it will insure that there are no wait lines outside and will designate an employee responsible to oversee patrons and noise on the sidewalk,
- 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.

**Items not heard at Committee**

19. Boxcar Lounge (Oops of New York Inc), 168 Ave B (corp change)  
no vote necessary
20. Clockwork (OTFOTEOC Ltd), 21 Essex St (corp change)  
no vote necessary
21. East 12 Osteria (RGD Wine & Dine Group Inc), 197 1st Ave (aka 351 E 12th St) (corp change)  
no vote necessary
22. Cafe Henrie (Downtown Cafe LLC), 114 Forsyth St (wb)  
no vote necessary
23. Good Good Taste (Good Good Taste Li Inc), 13 Market St (wb)  
no vote necessary
24. Happiness LLC, 14A Orchard St (wb)  
no vote necessary
25. Mr Taka Inc, 170 Allen St (wb)  
no vote necessary
26. Raclette (New York Raclette LLC), 195 Ave A (wb)  
no vote necessary
27. Kin Asian Bistro (Kin Asian Bistro Inc), 507 E 6th St (wb)  
no vote necessary

**Old Business**

- Sam's Spring Roll Inc, 23 Essex St (wb)

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

**WHEREAS**, Sam's Spring Roll Inc., is seeking a wine beer license to operate a fast food takeout restaurant, for the premise located at 23 Essex Street, between Grand Street and Canal Street; and

**WHEREAS**, this applicant is proposing to operate a takeout restaurant with a limited menu of spring rolls and sauces, with hours of operation of 12:00 P.M. to 2:00 A.M., in a previously unlicensed location; and

**WHEREAS**, notwithstanding that that the applicant furnished twenty-four (24) signatures from area residents in support of its application, there were sixteen (16) signatures provided in opposition to this proposed application from residents of nearby 7 Essex Street, as well as a letter in opposition from another resident of the same building; and

**WHEREAS**, the Seward Park and Canal East Block Association has also stated that it is opposed to this application because of the small menu and late night hours, as well as because the applicant made no efforts to contact the block association regarding its application and posted a notice of its community board hearing which included an email address which would not accept communications from the block association; and

**WHEREAS**, although Community Board #3 believes that the proposed fast food take out concept would be better sustained with the provision of an eating place beer license; now

**THEREFORE, BE IT RESOLVED THAT** Community Board #3 moves to deny an application for a wine beer license for Sam's Spring Roll Inc., for the premise located at 23 Essex Street, between Grand Street and Canal Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that

- 1) it will operate as a full-service spring roll restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 12:00 P.M. to 12:00 A.M. all days,
- 3) it will play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,

- 4) it will not commercially use any outdoor areas,
- 5) it will have a closed fixed façade with no open doors or windows and will close its façade and rear entrance doors by 10:00 P.M. every night,
- 6) it will not apply for any alteration in its method of operation without first appearing before Community Board #3,
- 7) it will not have "happy hours,"
- 8) it will not host pub crawls or party buses,
- 9) it will insure that there are no wait lines,
- 10) it will not seek a change in class of its liquor license to a full on-premise liquor license without the approval of Community Board #3,
- 11) it will keep its garbage indoors to within two (2) hour of pick up,
- 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.

**33 YES 0 NO 2 ABS 0 PNV MOTION PASSED (excluding SLA items 3, 5, 7)**

**33 YES 0 NO 2 ABS 0 PNV MOTION PASSED (SLA item 3)**

**24 YES 9 NO 2 ABS 0 PNV MOTION PASSED (SLA item 5)**

**30 YES 3 NO 2 ABS 0 PNV MOTION PASSED (SLA item 7)**

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

1. Approval of previous month's minutes  
**VOTE:** To approve the September 2015 minutes as written.
2. FY'2016 Capital & Expense Priorities  
**VOTE:** To approve.
3. Report from Park Manager  
no votes necessary
4. Report from Arts Subcommittee  
no votes necessary

**34 YES 0 NO 1 ABS 0 PNV MOTION PASSED**

**Landmarks Committee**

committee did not meet

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

1. Approval of previous month's minutes  
**VOTE:** Approval of September 2015 Committee minutes.
2. FY'2016 Capital & Expense Priorities  
**VOTE:** To approve of Land Use & Housing Committee FY2017 Budget Priorities as prioritized.
3. Development team: Update on Essex Crossing  
no vote necessary
4. HPD presentation on Essex Crossing marketing/lottery process  
no vote necessary
5. Presentation by the Dept of City Planning on the proposed citywide text amendment, Zoning for Quality and Affordability N 160049 ZRY  
no vote necessary
6. Presentation by the Dept of City Planning on the proposed citywide text amendment, Mandatory Inclusionary Housing N 160051 ZRY  
no vote necessary
7. Report from Public Housing Subcommittee  
no vote necessary
8. Essex Street Market Vendor Association: request to support a locally-based alternative management model and implementation timetable for both the current and future facilities  
**VOTE: Title: Support for Alternative Management Model for the Essex Street Market and Implementation Timetable**

WHEREAS; The Essex Street Market Vendor Association (ESMVA) formally incorporated as independent, not-for-profit 501(c) 6 organization whose mission is to support and represent the interests of the collective vendor community; and

WHEREAS; ESMVA elected a diverse leadership group comprised of five officers representative of the collective vendor community; and

WHEREAS; ESMVA has continued to operate in an open and transparent manner through defined methods of communication and operation ensuring an accurate representation of the collective vendor community; and

WHEREAS; progress has been made in addressing operational challenges, planning problems and coordination of activities previously discussed with Community Board 3 through funding agreements between ESMVA and NYC EDC for a Vendor Services Coordinator and associated operational expenses, as well as for marketing and promotional activities, through an agreement between NYC EDC and the Lower East Side Business Improvement District (LES BID); and

WHEREAS; a new leadership team at NYC EDC and agreements permitting a modified approach to vendor support as well as marketing and promotions in the near term will be finalized in the coming days; and

WHEREAS; in March of 2015 CB 3 supported a transition to a new, locally based, responsive and nimble management structure based upon best practices and models for public market operation both nationally and throughout the region as is the case with both the Reading Terminal Market (Philadelphia) and the Boston Public Market; and

WHEREAS; CB 3 and elected officials have supported the vendor community and the Essex Street Market remaining a central, dynamic and vibrant anchor for the Lower East Side's local economy and integral component of its community fabric; and

WHEREAS; the notion and intent of the supported project program that informed both the RFP and the ULURP approvals for the Essex Crossing project ensured a new state-of-the art market facility would continue to provide the maximum possible community benefit to the neighborhood as a whole, especially its unique and diverse residential and small business populations as well as positively impact an increase in visitors who patronize vendors, other local establishments and cultural organizations supporting the existing local economy; and

WHEREAS; strategic planning and design for other project elements, such as the Market Line which connects directly to the new market facility and the new home of the Grand Street Settlement, have advanced with clear vision and direction for their future uses; and

WHEREAS; the same level of strategic planning and coordination must and should take place in the near term for the new market facility; and

WHEREAS; ESMVA has proposed and supported a specific alternative management model and approach to operation that would provide further community benefits in a resolution dated August 20, 2015 and attached hereto; so

THEREFORE BE IT RESOLVED; CB 3 supports the creation of an Essex Street Market Preservation and Development Corporation (ESMPDC), a new dedicated and locally based not-for-profit management entity for the Essex Street Market who will:

- Provide day-to-day management of market operations including sanitation, security leasing and operations of both the current and future facilities;
- Oversee marketing, promotions, events and programming through a contract with the LES BID;
- Interact and liaise with partner organizations and agencies including NYC EDC and NYC SBS;
- Ensure positive vendor and customer relations, including attracting and serving a diverse customer base reflective of the Lower East Side's dynamic residential community; and
- Partner with other organizations, groups and stakeholders to advance the market mission.

FURTHER IT BE RESOLVED; CB 3 respectfully requests NYC EDC implement this structure in the near term by no later than June 30, 2016 in order for a seamless and integrated transition to a new facility to occur in an orderly and phased manner; and

FURTHER IT BE RESOLVED; a detailed and finalized road map of both structure and timing for implementing of this new management structure be presented to the SPURA Task Force in January of 2016.

**34 YES 0 NO 1 ABS 0 PNV MOTION PASSED (excluding Land Use item 8)**

**33 YES 0 NO 1 ABS 1 PNV MOTION PASSED (Land Use item 8)**



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

1. Approval of last 2 previous months' minutes  
**VOTE:** To approve.
2. FY'2016 Capital & Expense Priorities  
**VOTE:** To approve.
3. Overview of District Needs Statement  
no vote necessary
4. Follow up discussion from NYCHA Office of Emergency Preparedness July presentation: resolution to maintain NYCHA OEP activities in-house (continued from September)  
no vote necessary
5. Resolution regarding NY Presbyterian/Lower Manhattan Hospital to maintain priority services for CB3 (follow up from June presentation/continued from September)  
no vote necessary

**34 YES 0 NO 1 ABS 0 PNV MOTION PASSED**

**Economic Development Committee**

1. Approval of previous month's minutes  
**VOTE:** To approve September 2015 minutes as written
2. FY'2016 Capital & Expense Priorities  
**VOTE:** To include as a FY2017 Expense Budget Priority increased funding for the Neighborhood Challenge Grant, which provides grants to BIDs and Community-based Development Organizations to pursue projects that generate economic impact and address neighborhood and commercial corridor issues.
3. Continued discussion on potential Special District for CD 3  
no vote necessary

**34 YES 0 NO 1 ABS 0 PNV MOTION PASSED**

**Members Present at Last Vote:**

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

Meeting Adjourned