



# THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

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Gigi Li, Board Chair

Susan Stetzer, District Manager

January 2016 Full Board Minutes

Meeting of Community Board 3 held on Tuesday, January 26, 2016 at 6:30pm at PS 20, 166 Essex Street.

Public Session:

Ayo Harrington: Speaking in support of the resolution passed by the arts subcommittee and Parks Committee asking the Department of Cultural Affairs to reconsider its choice not to fund three theaters that have a history of African-American cultural decent.

Trever Holland: Speaking on behalf of TUFF-LES, he stated that TUFF-LES appreciates the funding from the Department of Housing and Urban Development for coastal resiliency, but TUFF-LES expresses concern to make sure that there are opportunities for community participation in the development of the waterfront area. TUFF-LES thanked the elected officials that made the funding possible.

Vaylateena Jones: Speaking on behalf of LES Power Partnership, she expressed concern that there is not sufficient care by the Department of Homeless Services for homeless that need to be medicated. She also expressed concern that Bellevue Hospital may be cutting staff and services, and it is important that Bellevue administrators come to speak with CB 3.

Caroline Press: Speaking on behalf of the Mark DeGarmo Dance afterschool program, she announced the dance program is open for enrollment.

K. Webster: Speaking in support of the resolution passed by the Health and Human Services Committee asking for Rivington House to remain a healthcare facility in perpetuity.

Joe Chan: Speaking on behalf of the Chinatown Residents Block Association, he asked that Winnie's at 104 Bayard Street not reopen.

Michael Goldman: Speaking in support of the liquor license application for the restaurant at 49 Monroe Street.

Vijayak Sigdel: Speaking in support of the application for a liquor license application at 49 Monroe Street because the operator of his existing operation is does an excellent job being responsive to community needs.

Jenny Yu: speaking as a resident of Knickerbocker Village, she spoke against the application for a full liquor license at 49 Monroe St because it is out of character with the quiet residential neighborhood surrounding the space. She asked that the hours be curtailed and that the applicant be limited to a wine and beer license. She stated she had 400 signatures of residents in opposition to the application. There were questions regarding the proximity of the location to churches and schools.

Carl John Kugelberg: Speaking as a resident of the neighborhood, he was concerned that the price point of the bar was too high for the working class neighborhood, and he was concerned that the proposed construction was being built to have a DJ and

Isabel Torres: Speaking on behalf of the Knickerbocker Tenants' Association, she stated that residents have expressed concern about the liquor license application because of the loud noises, music and traffic congestion caused by a gathering at 49 Monroe. She also stated that many residents were unaware

Shi Xing Yang: Speaking on behalf of the Knickerbocker Tenant's Association, he expressed concern that there are many schools in the area and a large population of children. He also noted that a bar would be a bad temptation for the skating-age population in the skate park. He expressed a desire to have a neighborhood restaurant.

Jenni Loo: Speaking as a tenant of Knickerbocker Village, she noted that there are many families in Knickerbocker Village that would not go out to drink after midnight. She noted that CB 3 is trying to reduce the amount of noise complaints in the district caused by bars.

John Jackson: Speaking on behalf of the Chinese Evangelical Mission Church, he stated that the members of the church were concerned that a full liquor licensed establishment would be bad for the neighborhood.

Jason Yu: Stating as a member of the community, he asked that CB 3 protect the community and oppose 49 the full liquor license application at Monroe Street.

Public Officials:

Mayor Bill de Blasio, Tommy Lin: Not Present

Public Advocate Letitia James, Adam Chen: The Public Advocate is investigating NYCHA's failure to maintain heat in several buildings. The Public Advocate is also proposing legislation to increase culpability for snow removal.

Comptroller Scott Stringer, Anas Uddin: Not Present

Borough President Gale Brewer, Drew Lombardi: The deadline for community board applications is Friday. Several members have not reapplied. The Borough President is working to connect the Essex Street Market vendors to technical and legal help. The applications for capital funding for schools and community-based organizations are available, and the deadline for these applications is February. The Borough President's State of the Borough address is this Sunday. The Borough President is investigating whether there is anything in the deed restrictions placed on Rivington House to have it remain as a medical facility.

Congressmember Carolyn Maloney, Victor Montesinos: The Congressmember is fighting to protect the 9-11 workers healthcare laws.

Congressmember Nydia Velazquez, Iris Quinones: The Congressmember noted that there is a disaster loan available to small business. The Congressmember spoke at a conference on immigration enforcement.

Assemblymember Deborah J. Glick, Charlie Anderson: The Assemblymember is working to help close the "LLC loophole" that allows LLC to make large contributions to candidates.

Assemblymember Brian Kavanagh, Edward Cerna: Not Present.

State Senator Daniel L. Squadron, Mauricio Pazmino: The State Senator held a press conference regarding an elevator accident in Grand Street Guild. The State Senator is also calling for the renaming of a state park currently named after Donald Trump.

State Senator Brad M. Hoylman, Sejal Singh: The State Senator is working to increase access to education for low-income children and Dreamers.

Councilmember Margaret Chin, Vincent Fang: The City Council Transportation Committee held a hearing on placard parking. The city is looking for people to work to clear snow. There is a FDNY free smoke detector giveaway at Seward Park this weekend.

Councilmember Rosie Mendez, Matt Viggiano: The Councilmember held a joint-meeting on homelessness at the Church of the Epiphany. The Councilmember is holding a women's defense class, and people can RSVP with the Councilmember. The Councilmember was present for the first medical marijuana facility in the neighborhood.

Members Present at First Vote:

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

Board Chairperson's Report:

Chairperson Gigi Li: Board members who have not met the attendance requirements of CB 3 are being notified.

District Manager's Report:

District Manager Susan Stetzer: Thursday night we are holding a public meeting on construction issues at Essex Crossing. The second part of the meeting will be hosted by LESEN and Workforce 1 for construction jobs. The City responded to the CB 3 budget priorities. The response is on the website under Member Resources. The police precincts are getting new recruits and expanding community partnerships. The homelessness situation continues to be a problem in the district. There has been increased funding at four shelters, and there will be four more outreach workers for street homeless. Regarding Rivington House, based on information gathered, it is not possible for the Rivington House to be economically viable as a nursing home in that location. The building will be sold and could be for-profit condo building or senior housing or any "as of right" building. 1199, the union involved, is has worked with nursing home owner to replace the two hundred beds lost by moving them to a facility in the neighborhood.

Committee Reports:

**Executive Committee**

no vote necessary / approved by committee

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

1. Approval of previous month's minutes  
no vote necessary / approved by committee
2. Development team: Update on Essex Crossing  
no vote necessary
3. Development of Guidelines for Expression of Interest for Williamsburg Bridge Trolley Terminal

**VOTE: TITLE:**

**Request for EDC to engage in substantial community engagement regarding the Williamsburg Bridge Trolley Terminal prior to and after selection of a proposal**

**WHEREAS**, CB 3 understands and appreciates the fact that EDC has extended the RFEI timeline regarding the Williamsburg Bridge Trolley Terminal to February 1, 2016; and

**WHEREAS**, CB 3 is not prepared to provide a more comprehensive list of community priorities at this time; so

**THEREFORE BE IT RESOLVED**, CB 3 requests that EDC begin a more comprehensive community engagement process that includes but is not limited to returning to the Community Board for further discussions, conducting community visioning sessions, and conducting outreach to neighbors and other stakeholders; so

**BE IT FURTHER RESOLVED**, CB 3 requests that EDC utilize the identified community priorities to inform a formal selection process; so

**BE IT FURTHER RESOLVED**, CB 3 requests that after any selection is made EDC include the Community Board in its implementation and ongoing operation.

4. Discussion of CD 3 rezoning based on CWG proposal  
no vote necessary
5. Report from Public Housing Subcommittee  
no vote necessary

**38 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 / approved by committee
2. Presentation by 3 Cornerstone program providers of their programs in CB 3  
no vote necessary
3. Position on future of Rivington House nursing facility—replacement of beds and future of facility

**VOTE: TITLE: Resolution to support the continued use of Rivington House as a much needed community facility and to support the 219 Rivington House nursing home beds remain in CB 3**

**WHEREAS**, in October 2014 Community Board 3 Manhattan supported the conversion of Rivington House from an AIDs nursing home facility to a general nursing home facility; and

WHEREAS, Community Board 3 and elected officials and community residents worked very hard to advocate for the 219 nursing home beds at this location to replace the many nursing home beds lost in CB 3; and

WHEREAS, in October 2014 CB 3 stated its support for the nursing facility as support by the board for its community facilities in general, especially those that serve the underserved who are the most vulnerable of our residents; and

WHEREAS, CB 3 stated its support for people without the financial or other ability to receive home care, and in need of both short term and long term care, should be able to remain in their community, supported by friends and family; and

WHEREAS, Rivington House was originally a school sold by the City to VillageCare with a restrictive deed that required the facility to remain a nonprofit nursing home in perpetuity, and VillageCare sold the same facility to The Allure Group with the same deed restriction and now the City (Department of Administrative Services-DCAS-) in November 2015 has sold the lifting of the deed restriction for payment of \$16 million to the City without any guarantee of replacing the nursing home beds within the neighborhood and serving the same population and without guarantee for use of the facility at 45 Rivington as a needed community benefit; and

WHEREAS, this action to lift the deed restriction occurred out of public view, with a total lack of transparency and without fair or reasonable public notice to CB 3, local elected officials and other community stakeholders; and

WHEREAS, this lack of transparency is especially egregious since those stakeholders were the interested parties involved in the October 2014 effort to preserve Rivington House as a general nursing home and preserve the maximum number of beds; now

THEREFORE, BE IT RESOLVED, CB 3 calls on the City to disclose information as to what transpired with respect to this transaction, and CB 3 calls on the City to explore options to reverse this decision immediately; and

THEREFORE, BE IT FURTHER RESOLVED, CB 3 adamantly opposes any potential conversion of Rivington House to free market housing or private commercial use, as has been made possible by the lifting of the deed restriction; and

THEREFORE, BE IT FURTHER RESOLVED, CB 3 believes that the City (DCAS) should not have sold off the deed restriction without guarantee of the nursing home beds being replaced in the community and the facility remaining as a benefit for the community; and

THEREFORE, BE IT FURTHER RESOLVED, CB 3 must be involved in any transition or change to the Rivington House facility. Rivington House, which was first a school, then an AIDS Nursing Home, and finally a general nursing home facility. Furthermore, this facility should not be sold for private use, which would not benefit the community, but should remain a facility that serves the underserved and most vulnerable; and

THEREFORE, BE IT FURTHER RESOLVED, CB 3 believes without question that, if the Administration, elected officials and stakeholders have exhausted all available efforts to reverse this action and the transaction ultimately goes forward, the 219 nursing homes beds that existed in Rivington House nursing facility should be replaced within CB 3 to mitigate the loss of many nursing home beds in the last several years.

4. Request for support for new Admissions policy in School District 1

**VOTE: TITLE: RESOLUTION IN SUPPORT OF A CONTROLLED CHOICE ADMISSION POLICY WITHIN COMMUNITY SCHOOL DISTRICT 1**

WHEREAS, from September 2014-June 2015, Community School District 1 engaged in a public process that involved large segments of the CSD1 community - varying from administrators, teachers, students, parents, community members, and representative members of CB 3 - to address inequitable access to student resources in CSD1; and

WHEREAS, this public process followed years of community efforts to address persistent admissions inequities in schools in CSD1; and

WHEREAS, NYC as a whole is "home to the largest and one of the most segregated public school systems in the nation" as documented by the Civil Rights Project at UCLA in the "New York State's Extreme School Segregation" report published in March 2014; and

WHEREAS, the community efforts included forums, workshops, protests, Town Halls, legislative breakfasts, data studies, reports, letters of support from elected officials, workgroups, grants, petitions, and sign-on letters and support from local education bodies (Parents' Associations and Parent-Teacher Associations, Presidents Council, School Leadership Teams, District Leadership Teams) all requesting support and collaboration from the DoE in developing a more equitable admissions policy; and

WHEREAS, as a result of the public process and the years of community efforts, community consensus has developed for a fair and equitable district-wide, diversity conscious admissions policy known as controlled choice; and

WHEREAS, the benefits of diversity are well-documented by research and include increased academic achievement, increased exposure throughout school and work-life to individuals from diverse backgrounds, and a greater ability to consider diverse perspectives; and

WHEREAS, controlled choice is a time-proven framework for managing student enrollment that promotes equity of access and aims to improve academic achievement by ensuring that students most at-risk are equally served by all schools; so

THEREFORE, be it resolved that, CB 3 supports the implementation of controlled choice in CSD1 at future enrollment cycles that begin to take effect with the current pre-K admissions cycle so that by Fall 2016 the NYC DoE will have a community-supported pilot for improving entry grade level diversity.

5. Request for support for K-8 school at Essex Crossing

**VOTE: TITLE: RESOLUTION TO SUPPORT NEW PRE-K to 8 PUBLIC SCHOOL ON SITE 5 OF ESSEX CROSSING TO ADDRESS ISSUES OF ACCESSIBILITY AND VIOLATION OF DISABILITIES ACT**

Whereas, Site 5 of Essex Crossing has been set aside for a new pre-kindergarten through eighth grade school as part of the Seward Park Urban Renewal Area (SPURA) redevelopment for ten years; and

Whereas, according to a New York Times article from Dec. 21, 2015, a two-year federal investigation has concluded that 83 percent of New York City's public elementary schools are not "fully accessible" to children with disabilities, in violation of the Americans with Disabilities Act; and

Whereas, a federal investigation found that buildings labeled as accessible by DOE were not necessarily compliant. Accordingly, even the schools considered accessible in Community School District 1 (CSD 1) might not be considered accessible by an objective assessment; and

Whereas, there is currently no fully ADA compliant school in CSD 1, and a school has not been built in CSD 1 since 1975, a full 15 years before the Americans with Disabilities Act was passed. This legislation, along with new federal, state, and city mandates, imposes stricter requirements for accessibility in all new construction; and

Whereas, the community need and mandates for a school at the Essex Crossing site were established and developed through a community engagement lab led by Community Education Council 1 (CEC 1) and CB 3's own recommendations, including the need for a fully accessible public school at the Essex Crossing Site 5; and

Whereas, CSD 1 is severely limited in its inventory of accessible schools; specifically, only four general education (non-District 75) public schools with elementary grades are accessible, two of these schools are located in the same building, and a third school is a dual-language program. The dual-language K-8 program offers few, if any, opportunities to enter at the middle school level. There is a single middle school program offered in a functionally-ADA compliant building; and

Whereas, a fully accessible school building would allow students with and without disabilities to fully participate in classroom and after-school activities side-by-side, provide parents with disabilities the opportunity to fully immerse themselves in their child's education, and expand employment options for school personnel with disabilities; and

Therefore, be it resolved that, CB 3 recommends that the SCA and the DOE immediately set aside funding in the Fiscal Year 2015-2019 Capital Plan for constructing a new, fully accessible, state-of-the-

art, dual-language Spanish, public school at Essex Crossing Site 5 to serve pre-kindergarten through eighth grade students residing in CSD 1 and CSD 2.

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

**Economic Development Committee**

1. Approval of previous month's minutes  
no vote necessary / approved by committee
2. Presentation by Department of Finance on calculation of property taxes  
no vote necessary
3. Update from BIDs  
no vote necessary
4. Continued discussion on potential Special District for CB 3  
no vote necessary

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

**Transportation & Public Safety and Environment Committee**

1. Approval of NOVEMBER's minutes  
no vote necessary / approved by committee
2. TLC presentation on curbing unsafe practices of commuter vans  
no vote necessary
3. Traffic control measures at intersections of Water Street and Gouverneur Slip East/West

**VOTE: TITLE: Request for Traffic Calming Measures at the Intersections of Water Street and Gouverneur Slip West and Gouverneur Slip East**

WHEREAS, There is a very dangerous situation at the complex intersections of Water Street with Gouverneur Slip West, Gouverneur Slip and Gouverneur Slip East. In November 2014, CB 3 sent a resolution asking DOT to install traffic control devices and appropriate street markings at these intersections; and

WHEREAS, In October 2015, DOT reported that they had completed their analyses at these intersections and had determined that additional traffic controls were not warranted; and

WHEREAS, Stop signs were installed for northbound traffic on Gouverneur Slip West, from which vehicles make a right turn to enter the complex series of intersections on eastbound Water Street. There are no traffic control devices along Water Street from Montgomery Street to Jackson Street. Because of this long distance, vehicles tend to drive very fast on Water Street, which is used as a short-cut to avoid the congestion and traffic signals on Montgomery Street and Henry Street; and

WHEREAS, In December 2015, a tenant of Gouverneur Court was stuck by a car while crossing Water Street in front of the building and was hospitalized. Just recently, there was collision at the same location between a moving car and a parked car; and

WHEREAS, the intersections are adjacent to Vladeck Houses, a residential complex with hundreds of apartments, and Gouverneur Court, a residence for people with special needs including psychiatric disabilities and HIV/AIDS; and

WHEREAS, the intersections are heavily utilized by children in order to access a nearby playground. The intersections are also near the University Neighborhood High School and students utilize Basketball City's facilities during their gym periods. Students must cross these intersections in order to reach Basketball City, located at the waterfront pier; and

THEREFORE, CB 3 asks DOT to revisit their safety analyses and report back to CB 3 about what safety measures can be implemented or installed to provide for the safety and security of the residents of Gouverneur Court and the students at University Neighborhood High School at 200 Monroe Street.

4. Modification of parking regulation changes on Clinton south of Grand St to accommodate residential parking needs

**VOTE: TITLE: Request for Modifications to On-street Parking Regulations on Grand Street, Clinton Street and Essex Street**

WHEREAS; the installation of the two-way bicycle lane on Clinton Street resulted in a net loss of seven parking spaces, and

WHEREAS; residents of Seward Park Cooperative have been struggling with the loss of residential parking due to the closure of nearby parking lots that are now development sites for Essex Crossing, and

WHEREAS; the community has been struggling with additional pollution from circulating vehicles that is compounded by dust and debris from construction, and

WHEREAS; some businesses on Grand Street, such as the former Comfort Diner have been struggling and changing one-hour metered parking to two-hour metered parking may encourage shoppers to stay in the neighborhood longer, and

WHEREAS; now that the parking lane on the west side of Clinton Street is no longer adjacent to the curb, a street cleaning vehicle can fit between the parking lane and the curb. This eliminates the need for alternate side of the street parking two days per week, and

THEREFORE BE IT RESOLVED THAT; Community Board 3 asks that NYCDOT modify the parking regulations around Seward Park Co-op so that alternate side of the street parking rules be in effect once per week instead of two and that one-hour metered parking on Grand Street between the FDR and Essex Street and Essex Street between Grand Street and East Broadway be changed to two-hour metered parking.

5. Change of 1 hour metered parking to 2 hour metered parking on Grand St and nearby areas south of Grand St

no vote necessary

6. DDC update for Houston St reconstruction with Con Ed, Verizon

**VOTE: TITLE: Second Request for Expeditious Completion of Houston Street Reconstruction Project**

WHEREAS, The Houston Street Reconstruction project began in June 2010 and was scheduled to be completed in June 2013. CB 3 passed a resolution in October 2015 requesting an expedited schedule for the completion of the reconstruction. At that time, the expected completion was September 2016, but the schedule has since slipped to October 2016, despite the fact that City Hall has asked for the expedited completion of the project; and

WHEREAS, DDC, Con Ed and Verizon have all been responsive in attending and reporting updates. However, DDC did not send policy-making staff to the Transportation Committee meeting in January 2016 ; and

WHEREAS, The project has been focused on the efficiency of completing the entire project, but there has not been a focus on the local impacts and the needs of the community and businesses, as was originally planned and presented to CB 3 during the 2010 design phase; and

WHEREAS, The section of the reconstruction project along Houston St between Ave A and First Street has been completed, yet the green street has not be implemented and DDC has stated that this will not be completed until the Fall. However, there is no reason that the bio-swales cannot be planted and the benches installed in the spring as previously promised in October 2015. In its current state, the green street area has become a garbage pit, leading to complaints from nearby businesses and local residents; and

WHEREAS, The staging area on First St between Houston Street and First Avenue has not been tightened up to release parking space for residents and businesses, as was previously promised to CB 3 in October 2015; and

WHEREAS, DDC has stated that the pedestrian countdown signal at Avenue A and Houston Street, which is an extremely dangerous intersection, will not be installed until the project is completed in October 2016. However, there is no reason these cannot be installed immediately, since the signal timing along Houston would not need to be adjusted; so and

WHEREAS CB 3 acknowledges that DDC staff immediately after the committee meeting met with CB 3 to address concerns and has since reduced staging area and released parking space, and will investigate planting 4 street trees and other concerns, and

THEREFORE, BE IT RESOLVED, that CB 3 requests that DDC complete the reconstruction expeditiously with the highest priority given to the green street bounded by Houston Street, Avenue A and First Street, install pedestrian count down signals from FDR Drive to Avenue A and Houston Street,.

Furthermore, DDC must consider the impact on local businesses and residents instead of waiting for project completion without considering those impacts; and

THEREFORE, BE IT FURTHER RESOLVED, CB 3 asks that DDC return to the Transportation Committee in four months with policy-making staff who can discuss the issues and who are capable of immediately responding to questions.

7. continued minor modifications of Bus Stop stipulations

no vote necessary

8. Debriefing from Intercity Bus Town Hall

no vote necessary

9. Request for support for safety measure to protect PS 110 children's safety by restricting vehicle turns on to Broome and Cannon Streets

**VOTE: TITLE: Follow Up Resolution to Protect the Health and Safety of School Children at P.S. 110**

WHEREAS P.S. 110 (a.k.a. the Florence Nightingale School) is a pre-kindergarten through fifth grade public school located at 285 Delancey Street, New York, New York 10002;

WHEREAS P.S. 110 is bordered on its north by Delancey Street between Cannon and Lewis Streets, on its east by Lewis Street between Delancey and Broome Streets, on its south by Broome Street between Cannon and Lewis Streets ("Broome Street-East Segment"), and on its west by Cannon Street between Broome and Delancey Streets ("Cannon Street");

WHEREAS the Broome Street-East Segment, Cannon Street and Broome Street between Columbia and Cannon Streets ("Broome Street-West Segment") (collectively, the "Service Roads") are small, one-way service roads, with very narrow sidewalks, whose roadways are frequently used by school children walking to and from P.S. 110;

WHEREAS the only vehicular uses for the Service Roads are (1) accessing the unrestricted nine parking spaces on Cannon Street and ten parking spaces on the Broome Street-East Segment, (2) dropping students off directly in front of P.S. 110's Cannon Street entrance in inclement weather (an unnecessary risk given that students may be dropped off approximately fifty feet from the Cannon Street entrance, at the corner of Cannon and Delancey Streets, where P.S. 110's school busses drop off students), and (3) for Hillman Properties to access a garbage collection bin located at the far north-western section of the Broome Street-West Segment;

WHEREAS there is ample parking available all around P.S. 110 on Columbia, Delancey and Lewis Streets, including a substantial volume of angled parking along Delancey Street and a public parking garage on the corner of Delancey Street and Columbia Street;

WHEREAS the only building with an active entrance on any portion of the Service Roads is P.S. 110;

WHEREAS, in recognition of the risk cars present to students, Hillman Properties has placed speed bumps all along the service roads, but permanently removes the speed bumps for much of the school year to allow for snow plowing;

WHEREAS there have been numerous cases in recent years where students have nearly been struck by cars driving on the Service Roads, especially students running along the roadways of the Broome Street-East Segment and Broome Street-West Segment and then turning on to Cannon Street;

WHEREAS, given that the Service Roads are of limited use to vehicles and, consequently, have very limited vehicular traffic, and given the high risk such limited vehicular traffic creates (the limited use, which leads children to assume no cars will be driving on the roadways, likely heightens the risk), it is inconsistent with the principles of the Mayor's Vision Zero plan for the City to wait until a child is injured or killed before enacting safety measures to protect the primary users of the Service Roads: pedestrian school children;

WHEREAS P.S. 110 operates from Monday through Friday during the school year, with students arriving as early as 7:30 a.m. for free breakfast and leaving as late as 5:45 following after-school programs;

WHEREAS 205 persons signed a petition calling upon CB 3 to support, and DOT to implement, safety measures on the Service Roads including "turning one or more of the identified local service roads near P.S. 110 into pedestrian plazas, banning car traffic from the service roads on weekdays from the



time students begin arriving at school until they finish departing from after-school, and eliminating weekday parking on the service roads.";

WHEREAS in February 2015, Manhattan Community Board 3 adopted a resolution ("February 2015 Resolution") calling upon DOT to study the use of the Service Roads by cars and pedestrians, especially school children, and to swiftly implement any and all appropriate safety measures that will help protect the health and safety of P.S. 110's young students before a tragedy occurs.

WHEREAS in response to the February 2015 Resolution, on March 24, 2015 Hillman Housing Corporation ("Hillman"), through its attorney Mitchell D. Haddad of Sills, Cummis & Gross, wrote to DOT claiming that although there are numerous easements on the Service Roads, they were Hillman's private property and that DOT could not lawfully "take further action under the resolution" (Manhattan Community Board 3 takes no position on the veracity of Hillman's ownership claims at this time);

WHEREAS, in response to Hillman's letter, DOT expressed an unwillingness to study or implement any safety measures on the Service Roads called for by the February 2015 Resolution;

WHEREAS the same health and safety improvements to benefit the children of P.S. 110 using the Service Roads can be secured without DOT violating any private property claims being asserted by Hillman;

THEREFORE BE IT RESOLVED that Manhattan Community Board 3 calls upon DOT to implement the following vehicle driving restrictions, identified with clear and appropriate "no turn" signage, and to do so at the earliest possible date given the even greater health and safety risks the children of P.S. 110 using the Service Roads face during inclement weather in the wintertime:

- Prohibit all vehicles, except emergency vehicles, driving on Columbia Street from turning on to Broome Street from 7:30 am to 6:00 p.m. Monday through Friday;
- Prohibit all vehicles, except emergency vehicles, driving on Willett Street from turning on to Broome Street from 7:30 am to 6:00 p.m. Monday through Friday;
- Prohibit all vehicles, except emergency vehicles, driving on Delancey Street from turning on to Cannon Street from 7:30 am to 6:00 p.m. Monday through Friday; and
- Prohibit all vehicles, except emergency vehicles, driving on Lewis Street from turning on to Broome Street from 7:30 am to 6:00 p.m. Monday through Friday.

10. DOT presentation re: Chrystie St  
withdrawn

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

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

1. Approval of previous month's minutes  
no vote necessary / approved by committee

#### **Applications within Saturated Areas**

2. Barcade (Barcade Downtown LLC), 6 St Marks Pl btwn 2nd & 3rd Aves (upgrade to op)

**VOTE: TITLE: Community Board 3 Recommendation To Deny change in class to full op**

**WHEREAS**, Barcade Downtown LLC doing business as Barcade, for the premise located at 6 Saint Marks Place, between Second Avenue and Third Avenue, is seeking a change in class of its existing wine beer license to a full on-premise liquor license; and

**WHEREAS**, Community Board 3 heard this applicant for a full on-premise liquor license in June of 2014 and denied it for a wine beer license only unless it agreed to make as conditions of its license the stipulations that it would 1) operate a tavern arcade with a kitchen open and serving food to within one (1) hour of closing, 2) have hours of operation of 12:00 P.M. to 2:00 A.M. all days, 3) play recorded background music and not have live music, DJs, promoted events, scheduled performances or events with cover fees, 4) have a closed fixed façade with no open doors or windows, 5) not commercially use outdoor space, 6) employ at least one (1) security guard Sundays through Wednesdays, two (2) security guards Thursdays through Saturdays and additional security guards as needed, 7) install soundproofing, 8) not apply for an alteration without first appearing before the community board, 9) have happy hours to 7:00 P.M., 10) not host pub crawls or party buses, and 11) not have wait lines outside and have a staff person outside to monitor noise and crowds; and

**WHEREAS**, this applicant then applied for and obtained a tavern wine license from the SLA, which was issued on October 3, 2014; and

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

**WHEREAS**, although the applicant furnished forty-three (43) petition signatures in support of its application, these appeared to be comprised of both residents and businesses, and there was demonstrated opposition to this application in that representatives of the Saint Marks Block Association and the 8 Saint Marks Tenants Association appeared in opposition to this application, each stating that, although the business was well-run, the block has too many liquor licensed businesses and residents have observed the effects of those businesses in the urine, vomit and broken windows that they have been confronted with after weekend nights; and

**WHEREAS**, although this business has operated for one (1) year without complaints, it has reduced its daytime weekday hours, now opening at 4:00 P.M. weekdays, and now closes its kitchen at 12:00 A.M., contrary to its stipulations; and

**WHEREAS**, Saint Marks Place, between Second Avenue and Third Avenue, has eleven (11) full on-premise liquor licenses, twelve (12) wine beer licenses, including the subject location, one (1) pending full on-premise liquor license and two (2) retail licenses; and

**WHEREAS**, there has been no public interest stated by the applicant in its application to justify a change in class of its license to a full on-premise liquor license as required by statute; 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 for Barcade Downtown LLC, doing business as Barcade, for the premise located at 6 Saint Marks Place, between Second Avenue and Third Avenue; and.

3. To be Determined, 127 Ave C a/k/a 343 E 8th St (op)

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

**WHEREAS**, a corporation to be determined, with principal Derek Feldman, is seeking a full on-premise liquor license to operate a restaurant at the premise located at 127 Avenue C a/k/a 343 East 8th Street, at the corner of Avenue C and East 8th Street; and

**WHEREAS**, this applicant is proposing to operate a Japanese Omikase destination restaurant with a full on-premise liquor license, a chef from a notable restaurant, hours of operation of 12:00 P.M. to 2:00 A.M. all days, twelve (12) seats at a chef's table, a sixteen (16) foot bar with five (5) to eight (8) stools, a sidewalk café, an open facade and recorded background music; and

**WHEREAS**, notwithstanding the support it has demonstrated for its proposed business, this applicant has no experience operating or managing a licensed or similar business and has no developed plan or team to operate this business; and

**WHEREAS**, the applicant concedes that there are twelve (12) full on-premise liquor licenses within five hundred (500) feet of this location, six (6) of which are within one (1) block of this location; 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; and

**WHEREAS**, Community Board 3 was very concerned with the approval of a full on-premise liquor license for this applicant given its lack of experience and given that this is a location already overwhelmed by late night licensed businesses; and

**WHEREAS**, given the concerns of Community Board 3, the applicant has agreed to now apply for a wine beer license and close its business no later than 12:00 A.M.; now

**THEREFORE, BE IT FURTHER RESOLVED THAT** Community Board 3 moves to deny an application for wine beer license for a corporation to be determined, with principal Derek Feldman, for the premise located at 127 Avenue C a/k/a 343 East 8th Street, at the corner of Avenue C and East 8th 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 Japanese sushi 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 install soundproofing,
- 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,
- 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 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. To be Determined, 157 Ave C (op)  
withdrawn

**Alterations**

5. Pinks (East Village Hospitality LLC), 224 E 10th St (op) (reduce kitchen size, additional bar and table seats)  
withdrawn

6. Old Man Hustle (Old Man Hustle LLC), 39 Essex St @ Grand St (op) (change method of operation to extend hours)

**VOTE: TITLE: Community Board 3 Recommendation That Licensee Be Made To Operate Consistent With Its Method of Operation and Recommendation To Deny Alteration**

**WHEREAS**, Old Man Hustle LLC, doing business as Old Man Hustle, is seeking a seventy percent (70%) corporate change of its full on-premise liquor license, by removing two (2) principals and leaving principal Jesse Danoff with one hundred percent (100%) of the corporation, for the premise located at 39 Essex Street, at the corner of Grand Street and Essex Street, New York, New York; and

**WHEREAS**, this applicant is also seeking an alteration of its full on-premise liquor license by extending its closing time of 1:30 A.M. all days to 4:00 A.M. all days; and

**WHEREAS**, Community Board 3 denied this applicant for a full on-premise liquor license in February of 2014 unless it agreed to make as conditions of its license the stipulations that it would 1) operate as a tavern performance space, 2) have hours of operation of 4:00 P.M. to 1:30 A.M. all days, 3) play ambient background and entertainment level music, consisting of recorded music and acoustic live musicians, and not have DJs, promoted events or any event at which a cover fee will be charged, 4) close any façade doors and windows at 10:00 P.M. every night or at 8:00 P.M. if live music is playing, 5) not commercially use any outdoor areas, 6) not apply for any alteration in its method of operation without first appearing before Community Board 3, 7) have "happy hours" to 7:00 P.M. each night, 8) not host pub crawls or party buses, 9) install soundproofing, consisting of a vinyl acoustic barrier and audio dampening foam, and 10) provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

**WHEREAS**, this applicant was originally issued a full on-premise liquor license by the SLA on June 26, 2014; and

**WHEREAS**, the Seward Park and Canal East Block Association has appeared in opposition to the application to extend the closing time of this business and submitted eighty (80) resident signatures in opposition, fifty-nine (59) of which are from residents of Essex Street, siting summonses received by the applicant for selling alcohol to minors, operation inconsistent from the conditions of its license in that the business has been open past its closing time of 1:30 A.M., the business has advertised closing of 3:00 A.M. Sundays through Thursdays and 4:00 A.M. Fridays and Saturdays on its website, the applicant has served alcohol past its legally allowed closing time, there is no food service at the business and its façade has been open past its stipulated times, and because of complaints of unreasonable noise from the business as evidenced by eighteen (18) 311 calls from November 5, 2015 to December 19, 2015, from 2:00 P.M. to 4:00 A.M.; and

**WHEREAS**, area and building residents have also complained about the business being open past 1:30 A.M., sometimes as late as 4:30 A.M., 6:00 A.M. and 7:00 A.M., unreasonable noise and vibrations from music and bass emanating from the business into surrounding apartments, patrons drinking outside of the business and a lack of response to complaints by the remaining principal;

**WHEREAS**, consistent with these complaints, there have been thirty-eight (38) 311 calls for this location within the past year; and

**WHEREAS**, this applicant received summonses on June 18, 2015 and June 25, 2015, for selling alcohol to minors and was nuisance abated on December 19, 2015, for which it has entered into a stipulated settlement, which includes a security guard at its entrance on weekends, from 9:00 P.M. to closing, use of identification scanners and training of its staff; and

**WHEREAS**, although the applicant represented during its Community Board 3 hearing that it would be withdrawing its application to alter its method of operation by extending its closing times, it did not fill out a statement that it would withdraw this application before the SLA; and

***WHEREAS, although Jesse Danoff, the remaining principal has stated that the issues with this business are the fault of the exiting principals and professed to be unaware of the noise complaints, during the Community Board 3 hearing of this application, he conceded that he had spoken with police on a number of occasions about noise complaints and he refused to sign any additional stipulations to ameliorate these complaints, stating that he would not sign any additional stipulations when he was getting nothing in return; now***

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny an application for a corporate change, with principal Jesse Danoff, of Old Man Hustle LLC, doing business as Old Man Hustle, for the premise located at 39 Essex Street, at the corner of Grand Street and Essex Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that it will install additional soundproofing consistent with the recommendation of a sound engineering and in conjunction with affected residential tenants so that any noise and bass will be inaudible and undetectable outside of the business; and

**THEREFORE, BE IT FURTHER RESOLVED** that Community Board 3 moves to deny the alteration of the full on-premise liquor license for Old Man Hustle LLC, doing business as Old Man Hustle, for the premise located at 39 Essex Street, at the corner of Grand Street and Essex Street, to wit amending the hours of operation of 4:00 P.M. to 1:30 A.M. all days to 4:00 P.M. to 4:00 A.M. all days ; and

**THEREFORE, BE IT FURTHER RESOLVED** that Community Board 3 asks that the SLA enforce the approved method of operation for Old Man Hustle LLC, doing business as Old Man Hustle, for the premise located at 39 Essex Street, at the corner of Grand Street and Essex Street, including its hours of operation of 4:00 P.M. to 1:30 A.M. all days.

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

7. The John Lamb (Delancey Square Hospitality LLC), 119 Orchard St (op) withdrawn
8. Food For Third LLC, 100 3rd Ave (op) withdrawn
9. Numero 28 (La Meridiana I LTD), 176 2nd Ave btwn E 11th & E 12th Sts (upgrade to op)

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

To deny the application for a change in class of the wine beer license of La Meridiana I LTD, doing business as Numero 28, for the premise located at 176 Second Avenue, between East 11th Street and East 12th Street, to a full on-premise liquor license, and further amending its hours of operation and adding happy hours, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service Italian restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 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,
- 3) its sidewalk café, consisting of ten (10) tables and twenty (20) seats, will 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 and it will extend an awning over its café while it is operating,

- 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,
- 10) it will not have unlimited drink specials with food,
- 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 has been operating this restaurant at this location for seven (7) years, and 2) this applicant has experience operating three (3) other restaurants with this name in New York City.

10. Plant-Based Pizza New York LLC, 65 2nd Ave btwn E 3rd & E 4th Sts (op)

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

**WHEREAS**, Plant-Based Pizza New York LLC is seeking a full on-premise liquor license to operate a restaurant at the premise located at 65 Second Avenue, between East 3rd Street and East 4th Street; and

**WHEREAS**, this applicant is proposing to operate a full-service vegetarian pizza restaurant with a full on-premise liquor license, hours of operation of 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, eight (8) tables and fifty-four (54) seats, a twelve (12) foot bar with seven (7) stools, a sidewalk café, an open facade and recorded background music; and

**WHEREAS**, although the applicant consists of the principal at the existing business and the principal of the neighboring business, Community Board 3 was very concerned with the approval of a full on-premise liquor license for this applicant given that it is simultaneously seeking to change its corporation, add a principal and change its method of operation; and

**WHEREAS**, the applicant concedes that there are twenty-three (23) full on-premise liquor licenses within five hundred (500) feet of this location; and

**WHEREAS**, Community Board 3 believes that this premise is located within two hundred (200) feet of a house of worship, that being the Church of the Nativity, located at 44 Second Avenue, between East 3rd Street and East 4th Street, and

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

**THEREFORE, BE IT FURTHER RESOLVED THAT** Community Board 3 moves to deny an application for wine beer license for Plant-Based Pizza New York LLC, 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 stipulation that

- 1) it will operate as a full-service vegetarian 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 close its sidewalk café no later than 12:00 A.M. Mondays through Thursdays, 1:00 A.M. Fridays and Saturdays and 11:00 P.M. Sundays,
- 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,
  - 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 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. To be Determined, 99 Allen St btwn Delancey & Broome Sts (op)  
withdrawn
12. Marm Cafe (Bottega Clinton LLC), 79 Clinton St (op)  
withdrawn
13. Box Hill LLC, 107 E B'way btwn Forsyth & Pike 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 Box Hill LLC, 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 modern British 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. Sundays through Wednesdays and 12:00 P.M. to 1:00 A.M. Thursdays through Saturdays,
- 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,
- 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 will not have "happy hours,"
- 9) it will not host pub crawls or party buses,
- 10) it will not have unlimited drink specials with food,
- 11) it will not have wait lines outside and it will designate an employee 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.

14. Bridgeview Hotel LLC, 50 Bowery (op)  
withdrawn

15. Coleman Plan A Group LLC, 49 Monroe St btwn Market St & Pike Slip (op)

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

**WHEREAS**, Coleman Plan A Group LLC is seeking a full on-premise liquor license to operate a restaurant, in the premise located at 49 Monroe Street, between Market Street and Pike Slip; and

**WHEREAS**, this is a new application for a full on-premise liquor license for a Southern European restaurant with a certificate of occupancy of one hundred ten (110) people which originally proposed hours of operation of 12:00 P.M. to 12:00 A.M. Sundays through Wednesdays, 12:00 P.M. to 1:00 A.M. Thursdays and 12:00 P.M. to 1:30 A.M. Fridays and Saturdays, a forty (40) foot bar with twenty-two (22) stools, a fixed façade, no security guards and recorded background music; and

**WHEREAS**, this street is residentially zoned R7-2, this location has never housed a licensed business and was previously operated as a glass works factory but the Department of Buildings has determined that the location may be occupied by an eating and drinking establishment; and

**WHEREAS**, although the Orchard Street Block Association appeared in opposition to this application and submitted eighty-one (81) petition signatures from residents in opposition to this application and residents appeared both in support of and against this application, the applicant has experience operating three (3) licensed restaurants within Community Board #3 and furnished documented

support for its application, in that it provided one hundred nineteen (119) signatures from area residents in support of its application; and

**WHEREAS**, if zoning permits this type of business, Community Board 3 recognizes that there is one full on-premise liquor license within five hundred (500) feet of this location and this location would not be the subject of a five hundred (500) foot hearing; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the application for a full on-premise liquor license for Coleman Plan A Group LLC, for the premise located at 49 Monroe Street, between Market Street and Pike Slip, 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 Southern European restaurant, with a kitchen open and serving food, that being its full menu, during all hours of operation,
- 2) its hours of operation will be 12:00 P.M. to 12:00 A.M. Sundays through Thursdays and 12:00 P.M. to 1:00 A.M. Fridays and Saturdays,
- 3) it will not commercially operate any outdoor areas,
- 4) it will install soundproofing,
- 5) it will have a closed fixed facade with no open doors or windows, including the garage door located at the front of its business,
- 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 will not have "happy hours,"
- 9) it will not host pub crawls or party buses,
- 10) it will not have unlimited drink specials with food,
- 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 not add a bar of any type to its mezzanine level,
- 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.

16. Winnies NYC LLC, 104 Bayard St btwn Mulberry & Baxter Sts (op)

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

To deny the application for a full on-premise liquor license for Winnies NYC LLC, for the premise located at 104 Bayard Street, between Mulberry Street and Baxter Street, because the applicant failed to agree to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service Latin American restaurant, with a kitchen open and serving a full menu during all hours of operation with no reduction of food service to a late night menu,
- 2) its hours of operation will be 9:00 A.M. to 1:00 A.M. Sundays through Thursdays and 9:00 A.M. to 2:00 A.M. Fridays and Saturdays,
- 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,
- 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. each night,
- 9) it will not host pub crawls or party buses,
- 10) it will not have unlimited drink specials with food,
- 11) it will not have wait lines outside and it will designate an employee 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

17. Little Canal (Coffeemen's LLC), 26 Canal St btwn Rutgers & Division Sts (wb)

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

Understanding that it has entered into a memorandum of understanding regarding its method of operation with the Seward Park and Canal East Block Association (attached hereto), Community Board 3 moves to deny the application for a wine beer license for Coffeemen's LLC, with a proposed business name of Little Canal, for the premise located at 26 Canal Street, between Rutgers Street and Division 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 7:00 A.M. to 12:00 A.M. Mondays through Wednesdays, 7:00 A.M. to 1:00 A.M. Thursdays and Fridays, 7:30 A.M. to 1:00 A.M. Saturdays and 7:30 A.M. to 12:00 A.M. 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 not commercially operate any outdoor areas,
- 5) 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,
- 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,
- 8) it will not have "happy hours,"
- 9) it will not host pub crawls or party buses,
- 10) it will not have wait lines outside and 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.

**Corporate Change with Complaint**

18. Old Man Hustle (Old Man Hustle LLC), 39 Essex St @ Grand St (op)

**VOTE: TITLE: Community Board 3 Recommendation That Licensee Be Made To Operate Consistent With Its Method of Operation and Recommendation To Deny Alteration**

**WHEREAS**, Old Man Hustle LLC, doing business as Old Man Hustle, is seeking a seventy percent (70%) corporate change of its full on-premise liquor license, by removing two (2) principals and leaving principal Jesse Danoff with one hundred percent (100%) of the corporation, for the premise located at 39 Essex Street, at the corner of Grand Street and Essex Street, New York, New York; and

**WHEREAS**, this applicant is also seeking an alteration of its full on-premise liquor license by extending its closing time of 1:30 A.M. all days to 4:00 A.M. all days; and

**WHEREAS**, Community Board 3 denied this applicant for a full on-premise liquor license in February of 2014 unless it agreed to make as conditions of its license the stipulations that it would 1) operate as a tavern performance space, 2) have hours of operation of 4:00 P.M. to 1:30 A.M. all days, 3) play ambient background and entertainment level music, consisting of recorded music and acoustic live musicians, and not have DJs, promoted events or any event at which a cover fee will be charged, 4) close any façade doors and windows at 10:00 P.M. every night or at 8:00 P.M. if live music is playing, 5) not commercially use any outdoor areas, 6) not apply for any alteration in its method of operation without first appearing before Community Board 3, 7) have "happy hours" to 7:00 P.M. each night, 8) not host pub crawls or party buses, 9) install soundproofing, consisting of a vinyl acoustic barrier and audio dampening foam, and 10) provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

**WHEREAS**, this applicant was originally issued a full on-premise liquor license by the SLA on June 26, 2014; and

**WHEREAS**, the Seward Park and Canal East Block Association has appeared in opposition to the application to extend the closing time of this business and submitted eighty (80) resident signatures in opposition, fifty-nine (59) of which are from residents of Essex Street, siting summonses received by the applicant for selling alcohol to minors, operation inconsistent from the conditions of its license in that the business has been open past its closing time of 1:30 A.M., the business has advertised closing of 3:00 A.M. Sundays through Thursdays and 4:00 A.M. Fridays and Saturdays on its website, the



applicant has served alcohol past its legally allowed closing time, there is no food service at the business and its façade has been open past its stipulated times, and because of complaints of unreasonable noise from the business as evidenced by eighteen (18) 311 calls from November 5, 2015 to December 19, 2015, from 2:00 P.M. to 4:00 A.M.; and

**WHEREAS**, area and building residents have also complained about the business being open past 1:30 A.M., sometimes as late as 4:30 A.M., 6:00 A.M. and 7:00 A.M., unreasonable noise and vibrations from music and bass emanating from the business into surrounding apartments, patrons drinking outside of the business and a lack of response to complaints by the remaining principal;

**WHEREAS**, consistent with these complaints, there have been thirty-eight (38) 311 calls for this location within the past year; and

**WHEREAS**, this applicant received summonses on June 18, 2015 and June 25, 2015, for selling alcohol to minors and was nuisance abated on December 19, 2015, for which it has entered into a stipulated settlement, which includes a security guard at its entrance on weekends, from 9:00 P.M. to closing, use of identification scanners and training of its staff; and

**WHEREAS**, although the applicant represented during its Community Board 3 hearing that it would be withdrawing its application to alter its method of operation by extending its closing times, it did not fill out a statement that it would withdraw this application before the SLA; and

***WHEREAS, although Jesse Danoff, the remaining principal has stated that the issues with this business are the fault of the exiting principals and professed to be unaware of the noise complaints, during the Community Board 3 hearing of this application, he conceded that he had spoken with police on a number of occasions about noise complaints and he refused to sign any additional stipulations to ameliorate these complaints, stating that he would not sign any additional stipulations when he was getting nothing in return; now***

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny an application for a corporate change, with principal Jesse Danoff, of Old Man Hustle LLC, doing business as Old Man Hustle, for the premise located at 39 Essex Street, at the corner of Grand Street and Essex Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that it will install additional soundproofing consistent with the recommendation of a sound engineering and in conjunction with affected residential tenants so that any noise and bass will be inaudible and undetectable outside of the business; and

**THEREFORE, BE IT FURTHER RESOLVED** that Community Board 3 moves to deny the alteration of the full on-premise liquor license for Old Man Hustle LLC, doing business as Old Man Hustle, for the premise located at 39 Essex Street, at the corner of Grand Street and Essex Street, to wit amending the hours of operation of 4:00 P.M. to 1:30 A.M. all days to 4:00 P.M. to 4:00 A.M. all days ; and

**THEREFORE, BE IT FURTHER RESOLVED** that Community Board 3 asks that the SLA enforce the approved method of operation for Old Man Hustle LLC, doing business as Old Man Hustle, for the premise located at 39 Essex Street, at the corner of Grand Street and Essex Street, including its hours of operation of 4:00 P.M. to 1:30 A.M. all days.

**Items not heard at Committee**

19. Rabbit House Hospitality LLC, 76 Forsyth St (wb)  
withdrawn
20. To be Determined, 42 Ave B (wb)  
withdrawn
21. Sweethaus (Kelaka Inc), 119 St Marks Pl (wb)  
withdrawn
22. Lighthouse Outpost (Birds Ink LLC), 241 Mulberry St (wb)  
withdrawn
23. Pho Grand Lin's Vietnamese Restaurant (277 Pho Grand Inc), 277 Grand St (wb)  
withdrawn

**27 YES 11 NO 0 ABS 0 PNV MOTION PASSED (SLA item 15)**

**38 YES 0 NO 0 ABS 0 PNV MOTION PASSED (SLA excluding 15)**

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

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

2. Parks without Borders  
no vote necessary
3. Update on the Sol Lain Playground, Henry M Jackson Playground and Luther Gulick Playground projects  
no vote necessary
4. Report from Arts Subcommittee

**VOTE: TITLE: Resolution Calling for the Restoration of NYC DCA Funding to Negro Ensemble Company, New Heritage Theater and the New Federal Theater**

WHEREAS, the Negro Ensemble Company, New Heritage Theater and the New Federal Theater are three significant and well known African American Theater Companies who were formed in the LE and continue to present performances, workshops, and activities in the Lower East Side/ Community Board 3 area to this date; and

WHEREAS, the Negro Ensemble Company (NEC) was co-founded by Robert Hooks, Douglas Turner Ward and Gerald Krone in 1967, on the Lower East Side (LES), in CB 3, housed for decades at the Saint Marks Playhouse and boast esteemed alumni including Denzel Washington, Phyicia Rashad and Angela Basset; and

WHEREAS, was the NEC is known as one of the most successful Black theatrical company in the United States winning over 40 major theater awards including a Pulitzer Prize, two Tonys and thirteen Obies and continues to produce plays on the Lower East side including "A Lovely Malfunction" at La Mama in September 2015; and

WHEREAS, the New Heritage Theater (NHT) was founded by Roger Thurman in 1964 making it the oldest black theater in the City of New York; and

WHEREAS, NHT provides training, exposure and experience to new and emerging artists, playwrights, directors and technicians of color capturing the historical, social and political experiences of Black and Latino descendants in America, co-produced Bulgarian play write, Zachary Karabashliev's "Liassbon" at La Mama and is in talks to produce a play by a South African play write at La Mama in 2016; and

WHEREAS, the New Federal Theater was founded by Woodie King, Jr. in 1977, originally located in the basement of Saint Augustine's Church, later relocated to the Henry Street Theater and remains on the Lower East Side; and

WHEREAS, NHT has caused emerging playwrights with the opportunities to have their works produced and has brought minority actors, directors and designers to national attention including Ntozake Shange, Ed Bullins, Amiri Baraka, and Morgan Freeman; and

WHEREAS, over the decades these prestigious theaters have created job opportunities to thousands of actors, dancers, singers, directors, producers, technicians and other in the theater industry including many who lived and or live on the Lower East Side; and

WHEREAS, today, these prestigious theaters continue to produce plays, theater events and classes for actors and playwrights; and

WHEREAS, in 2015, there has been drastic cuts in funding and/or de-funding of the Negro Ensemble Company, New Federal Theatre and the Roger Furman New Heritage Repertory Theatre Company; and

WHEREAS, these three theaters may be relatively small but are of great current impact and importance in our community through their critical contributions of arts programs, education, entertainment, and diversification to our culture, through their unique to ability to hatch otherwise unseen talent, and through their general representation of the strength and values of the Lower East Side and CB 3; and

WHEREAS, this impact and importance extends nationally and internationally, where each has promoted cultural exchange through internship, performances, productions, and special events; and

WHEREAS, this community has lost many venues and theaters over the last couple of decades and with those loses have lost many theater companies. And, consequently, the preservation and support of these three of great value that remain is magnified and that value is only further magnified by the many venues which look to these three theater companies for performances; and

WHEREAS, community concern and outrage is not limited to the drastic cuts in funding and/or defunding but extends to the erosion of the historical record and contribution threatened by the defunding of these historically Black theater organizations, the three of which named here having been instrumental partners in creating and maintaining an environment of awareness, respect, and understanding on the lower east side, CB 3, and New York City as a whole; now

THEREFORE, BE IT RESOLVED, CB 3 urges the Department of Cultural affairs to restore funding to these organizations for their unique contributions to our community, culture, education, employment, entertainment, and more.

**Block Party**

5. Greeks Jewish Festival, 5/22, Broome Street (Eldridge and Allen Sts)

**VOTE:** To approve the Greeks Jewish Festival, 5/22, on Broome Street (Eldridge and Allen Sts).

6. Back to School Event, 8/22, E Broadway (Clinton and Jefferson Sts)

**VOTE:** To approve the Back to School Event, 8/22, on E Broadway (Clinton and Jefferson Sts).

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

**Landmarks Committee**

meeting canceled

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

Meeting Adjourned