



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

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Gigi Li, Board Chair

Susan Stetzer, District Manager

February 2016 Full Board Minutes

Meeting of Community Board 3 held on Tuesday, February 23, 2016 at 6:30pm at MS 131, 100 Hester Street.

Public Session:

Lois Genee Ledner: Speaking as the daughter of Hy Genee, she advocated for the street co-naming of Hy Genee Way.

Marcia Ikonomopoulos: Speaking as a member of the Kehila Kedosha Janina synagogue, she spoke in support of the street co-naming of Hy Genee Way.

Vaylateena Jones: Speaking on behalf of the Lower East Side Power Partnership, she stated that the New York City Department of Health and Mental Hygiene's website does not have sufficient coverage for mental illness awareness.

Veronica Leventhal: Speaking as the Beacon Director of the East Side Community High School, she asked the Community Board to support lights for the soccer field.

Mae Lee: Speaking on behalf of the Chinese Progressive Association, she spoke about the voter registration efforts of the Chinese Progressive Association.

New York City Agencies:

NYHCA, Micaila O'Connell: She encouraged NYCHA residents to apply for construction positions that will become available for repairs related to damage caused by Hurricane Sandy.

Mayor's Office of Immigrant Affairs, Aaron Soriano: The Mayor's office will have a pop up site at the Manny Cantor Center on East Broadway on March 14-31.

Department of Health and Mental Hygiene ("DOHMH"), Ricky Wong: Speaking as the Director of Community Affairs, he noted that there are cases of travel-related Zika virus in New York City. There are concerns regarding birth defects.

Mayor's Office of Resiliency and Recovery, Michael Shaikh: Speaking as the Deputy Director of Community Affairs for the Mayor's Office of Resiliency and Recovery, he stated that the Housing and Urban Development awarded New York City \$176m for coastal protection. These funds will be used along the area. There were questions regarding community engagement.

Public Officials:

Mayor Bill de Blasio, Tommy Lin: Not present

Public Advocate Letitia James, Adam Chen: Not Present

Comptroller Scott Stringer, Anas Uddin: Not Present

Borough President Gale Brewer, Drew Lombardi: Re-applicants will hear about their status by April 1. The decision will be based on attendance and work. The Borough President encouraged young people to apply to the Borough President's Youth Council. The Borough President is holding a hearing on March 8 on school space issues, such as overcrowding.

Congressmember Carolyn Maloney, Victor Montesinos: Not Present

Congressmember Nydia Velazquez, Iris Quinones: The Committee on Small Business held a hearing to discuss the experience of small manufacturers doing business in New York City. The Congresswoman is working to curb gun violence to help establish an additional registry of lost and stolen weapons.

Assemblymember Deborah J. Glick, Charlie Anderson: Not Present

Assemblymember Brian Kavanagh, Edward Cerna: Not Present

State Senator Daniel L. Squadron, Mauricio Pazmino: The State Senator is excited to note that the gas pipes at Smith Houses have been prepared.

State Senator Brad M. Hoylman, Sejal Singh: The State Senator published a senior resource guide that is available. The State Senate is accepting nomination for Women of the Year.

Councilmember Margaret Chin, Vincent Fang: Not Present

Councilmember Rosie Mendez, Sheila Rodriguez: The Councilmember thanked the Manhattan District Attorney for the arrest of the individuals allegedly responsible for the Second Avenue Explosion. The Councilmember is now the Chair of the LGBT Caucus.

Members Present at First Vote:

David Adams	[P]	Luke Henry	[A]	Nancy Ortiz	[P]
Yaron Altman	[P]	Herman F. Hewitt	[A]	Carolyn Ratcliffe	[P]
Dominic Berg	[P]	Trever Holland	[P]	Damaris Reyes	[A]
Karen Blatt	[P]	Anne K. Johnson	[P]	Carlina Rivera	[P]
Lisa Burriss	[A]	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	[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]		

Minutes:

Minutes of November 2015 and December 2015 were approved, as is.

35 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Board Chairperson's Report:

Chairperson Gigi Li: Parks Committee Item Number 8 will be postponed until next month because the applicant for this block party did not yet provide signatures necessarily for review of this item. There will be a joint Economic Development Committee and SLA Committee meeting on March 2. Attendance warning letters will go out next week.

District Manager's Report:

District Manager Susan Stetzer: The State Controller's office is conducting a survey of neighborhood noises. CB 3 has increasing complaints regarding nightlife noise. All are urged to take the survey that may result in press attention for noise conditions in our community. Construction has started on Houston Street overpass on FDR Drive. This will be complete in August 2017. There will be lane closures, but there will always be an open lane. Astor Place reconstruction, including Peter Cooper Park will be complete August 2016. Forsyth Plaza reconstruction is due to be completed in June, 2016. Because of the CB3-hosted Bus Town Hall, the police are now issuing the correct violations for noncompliant intercity buses. There was an interagency follow up meeting this morning, and it was found that some of these companies owe thousands of dollars. It is taking a long time, but we are working to hold the noncompliant buses accountable. The Community Board has issued a letter to Steven Banks, Commissioner of the Human Resources Administration/Department of Social Services, taking the opportunity of the Commissioner's review of the Department of Homeless Services to advocate for the needs of Community District 3 as reported in our Budget Priorities. The District Manager urged people to inform the District Manager regarding complaints related to Essex Crossing construction so the office can address the complaints.

Committee Reports:

Executive Committee

no vote necessary
The Committee reviewed the budget priorities review process.

Landmarks Committee

no meeting scheduled

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. Update from Economic Development Committee on Special Purpose District
no vote necessary
4. Review and vote on Chinatown Working Group Subdistrict C
To be voted on in March
5. 421-a application for 185 Avenue B

VOTE: TITLE: Community Board 3 declines to support HPD 421A Partial Tax Exemption Program Application for 185 Avenue B

WHEREAS, the applicant did not appear; and

WHEREAS, the development provides no affordable housing; and

WHEREAS, CB 3 has a long-standing position against granting 421A tax exemptions to developments that provide only market-rate housing; so

THEREFORE BE IT RESOLVED, CB 3 denies the 421A application for 185 Avenue B.

6. Certification of No Harassment for 142 1st Avenue
no vote necessary

37 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 of the Age-Friendly Neighborhood Initiative Neighborhood Action Plan by the New York Academy of Medicine
no vote necessary
3. Gouverneur Healthcare: Overview of facilities and overview of implementation of Delivery System Reform Incentive Payment (DSRIP) Program
no vote necessary
4. Renewal Contracts and the DOE Contract Process - Letter identifying issues and need for oversight

VOTE: TITLE: Community Board 3 letter to Comptroller Stringer's Office identifying issues and need for oversight of the Renewal Contracts and the DOE Contract Process

Dear Comptroller Stringer:

Manhattan Community Board 3 respectfully requests your assistance with a matter of great concern.

Well-publicized incidents have highlighted the need for increased oversight of Department of Education contracts. A particularly egregious example occurred in recent months when the DOE was set to approve a \$1.1 billion, five-year contract for computer hardware and software services in all schools. After this contract was unearthed by education advocates and local elected officials, the DOE backtracked, reconsidered the contract, and ultimately hired vendors to do the same work for just \$472 million.

We believe the NYC Comptroller is uniquely suited to serve a 'watch dog' role with respect to DOE contracts. Advocates and local elected officials are not equipped to serve this function. We would like you to consider committing staff to examine waste, fraud and abuse in DOE contracts before they are registered.

We would welcome the opportunity to discuss this issue with you further. Kindly contact CB 3's District Manager, Susan Stetzer, at (212)-533-6015 or sstetzer@cb3manhattan.org.

Sincerely,

5. NYS Board of Regents: Role relating to Charter Schools approvals and oversight, pending vacancy -Letter with recommendations and support

VOTE: TITLE: Community Board 3 Support for NYS Board of Regents Bylaws to be changed to allow new

members to fill upcoming Chancellor vacancy

WHEREAS, there are 2 vacant seats on the NYS Board of Regents who will be selected to take their seats in April. This is after the outgoing Board of Regents is scheduled to elect the new chancellor to lead the Board in March. Since the newly constituted board should have the right to elect their own chancellor to reflect their objectives and priorities, it is critical that the bylaws of the Board of Regents be modified to align the timing of the election of the new chancellor so that it occurs after the selection and seating of any newly appointed regents, and

WHEREAS, the priorities of the new chancellor will influence the policy direction that will directly impact the students of CB 3, including decisions related to class size, English Language Learner support, and reduced emphasis on high stakes testing, including the use of test scores to drive teacher and school evaluations. It is paramount that the chancellor be a strong advocate for these policy considerations and be responsive to these community concerns, and

THEREFORE, be it resolved, Community Board 3 is writing the attached letter to the NYS Board of Regents.

We urge the Board of Regents to postpone their internal election and vote for the offices of Chancellor and Vice Chancellor to April, until after the selection (in March) and commencement of the term for two new members (April 1).

While the current rule calls for a leadership vote and appointment at the March board meeting in the year in which the terms expire, allowing the vote to take place in March would mean that the two outgoing Regents would be selecting the leaders of the Board they would no longer be serving on while incoming Regents would be deprived of a say in the leadership. The idea that a body ought to be able to vote for its own leadership is so sound and so central to any notion of good governance that we urge corrective at the March meeting to delay the leadership vote to April.

Delaying the leadership vote until after the open seats have been filled will allow the election of a Chancellor and Vice-Chancellor attuned to the objectives and priorities of the newly constituted Board and the constituencies and the points of view they represent. It will also allow the new members to fully participate in the shaping of the Board and to stand on equal footing with the other 17 members of the Board of Regents.

In addition, Community Board 3 urges the Board to make such other changes as might be required to uphold this principal of good governance for prospective leadership votes.

We further urge the Board to elect a Chancellor who can help deliver equity to our education system. The schools sited within our Community District serve students from diverse ethnic, racial, and economic backgrounds, and include high percentages of at-risk students. We need a Chancellor with varied and extensive experience and a record of responsiveness and advocacy when it comes to these students, whether they be English Language Learners, Students with Disabilities, or students in poverty, We need a Chancellor who is deeply committed to action on their behalf and to resolving the underlying problems of admissions inequities, charter school approvals without accountability for meeting goals and targets, and deficient resources and support, particularly for those schools placed in the state receivership program and/or marked as Renewal schools.

We also urge the election of a Chancellor who hears the opposition to high-stakes tests that can't fairly be used to evaluate students, teachers, or schools. In whole, we urge the Board to elect a Chancellor who will embrace educationally sound policies such as smaller class sizes, and be guided by a commitment to collaborative, inclusive, and research-based policy making, outcomes aligned with community priorities, and be passionate about a student-centered, whole-child, and community schools approach to education.

VOTE: TITLE: Community Board request for NYC school siting or planning commission to address school overcrowding emergency

Whereas, more than 500,000 students are sitting in overcrowded schools, according to the DOE's own calculations. The city's failure to plan, site and build sufficient school space is a long term problem that is worsening because of the rapid pace of housing development, and

Whereas, in Community School District 1, by independent assessment, 800 seats are needed in coming years, yet none are presently allotted in the five-year capital plan, and

Whereas, rezoning proposals have been proposed city-wide and would accelerate the construction of affordable and market-rate housing, and school overcrowding, already at critical levels in many communities, will likely grow even more severe unless there are significant reforms to the planning process and the capacity of the city to build schools along with housing, and

Whereas, there clearly needs to be more funding in the capital plan (but without a more efficient planning and siting process these funds could go unspent for years), seat estimates that are done on an annual or semi-annual basis, and full funding of those seats the DOE has admitted are needed, and

Whereas, the estimate of the actual seats needed is more than 100,000, based on existing DOE overcrowding data and future enrollment projections from housing starts and their consultants' own demographic projections, and

Whereas, there are overcrowded communities that have waited over a decade for a school to be built, even when funds have been sitting in the capital plan allocated for that purpose. The process of identifying and acquiring appropriate school sites must be made more efficient, and

Whereas, the SCA has only three people on staff citywide looking for sites, and only one real estate firm on retainer per borough, and

Whereas, a site for a new school in CB 3 has been identified at Essex Crossing, but the School Construction Authority has not allocated funds to building the new school, and

Whereas, more evidence of planning failures on the part of the DOE is the fact that the last two amendments of the five-year capital plan, in May 2015 and January 2016, were months overdue, and

Whereas, in February 2014 they allocated \$490 million to create an additional 4,900 seats under a new "class size reduction" program. It has taken them two years to identify any projects for this program; even as the vast majority of students throughout the city are still subjected to overly large classes, with at least 350,000 students sitting in classes of 30 or more this year, and

Whereas, after two years only three school expansion projects have been identified under this category, without specifying how many seats these three projects will add or whether this will allow these schools or others nearby to actually reduce class size. This goal appears unlikely since in July 2015, the DOE rejected the recommendations of the Blue Book Working Group appointed by the Chancellor to align the school capacity formula to smaller classes, and

Whereas, other issues a Commission could consider include: changes to the CEQR formula used to project the impact on enrollment from housing starts, now based upon outdated census data; how the entire process of enrollment projections should be revamped to become more accurate and more transparent; and whether impact fees and other reforms to the zoning and ULURP process should be adopted to ensure that sufficient school space is created along with residential development, and

Therefore, be it resolved, Community Board 3 proposes that the Council negotiate for and/or establish a Commission in conjunction with their negotiations over rezoning, such Commission or Task Force to be appointed by the NYC Council and the Mayor and created to improve the efficiency of school siting and planning.

37 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding Human Services items 4, 5, 6)

37 YES 0 NO 2 ABS 2 PNV MOTION PASSED (Human Services item 4)

37 YES 0 NO 2 ABS 0 PNV MOTION PASSED (Human Services item 5)

37 YES 0 NO 1 ABS 0 PNV MOTION PASSED (Human Services item 6)

Economic Development Committee

Joint Meeting (Economic Development & Arts Subcommittee)

- Request for support to exempt Off Broadway theatres from real property tax

VOTE: TITLE: Resolution supporting creation of a mechanism to allow Off and Off-Off Broadway theaters in NYC to realize an exemption from property taxes

Whereas, Off and Off-Off Broadway live performance theaters play a vital role in developing new work and providing unique opportunities for actors to be seen on large stages with intimate audience settings; and

Whereas, Commercial and not-for-profit live performance theaters have been on the forefront of developing new artistic frontiers;

Whereas, these theaters support and strengthen local economies throughout New York City;

Whereas, there is a ceiling on ticket prices, making Off and Off-Off Broadway among the most vulnerable small businesses in New York

Whereas, these intermediate-sized houses are the workhorse stages that keep New York in its traditional place as the capital city of world theater;

Whereas, Manhattan has been losing Off and Off-Off Broadway theaters at an alarming rate, though they are well attended, due to the hyper-inflation of property values in New York;

Whereas, the astronomic rise in property tax has endangered these smaller theaters; so

Therefore, be it resolved that, Community Board 3 supports creation of a plan to exempt buildings housing commercial and not-for-profit theaters that are renting space from property tax at least to the proportional extent the theater is part of the building.

Economic Development

1. Approval of previous month's minutes
no vote necessary / approved by committee
2. Informational presentation on Chamber on the Go mobile business support program
no vote necessary
3. Possible remedies to over-proliferation of SLA licenses and impact on local businesses
no vote necessary

37 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Transportation & Public Safety and Environment Committee

1. Approval of previous month's minutes
no vote necessary / approved by committee
2. Les Enfants de Boheme, 177 Henry Street, request to extend street seat by 20 feet (for a total of 40 feet long)

VOTE: TITLE: Community Board 3 Resolution of Support for Ho Jonot, LLC Street Seat Extension Application

WHEREAS, applicant Office Ho Jonot, LLC, doing business as Les Enfants de Boheme, is requesting to extend their Street Seat at 16–20 Jefferson Street (premise also known as 173–177 Henry Street) by an additional 14 feet; and

WHEREAS, Community Board 3 supported the applicant for the initial installation of a 26 foot long Street Seat in the parking lane of 16-20 Jefferson Street a.k.a. 173-177 Henry Street in a March 2015 resolution; and

WHEREAS, since its installation in June 2015, the Street Seat has served as a gathering spot for local residents, employees of surrounding businesses, and restaurant patrons and its presence has helped in the beautification of the block; and

WHEREAS, there have been no complaints from the local community related to the Street Seat; and

WHEREAS, extending the Street Seat would allow for additional 3-4 tables and 9-12 folding chairs; and

WHEREAS, the applicant would preserve the same design features that adhere to the same DOT guidelines as previously set, which limits the Street Seat's depth to 6' feet; is ADA compliant; includes DOT's signage indicating the area is open to the public, and that alcohol and smoking are prohibited; includes furniture that is removed or secured at the end of each night; is cleaned and maintained by applicant's restaurant staff; and includes DOT's safety features; so

THEREFORE BE IT RESOLVED, Community Board 3 supports the applicant's proposed extension of the Street Seat at 16–20 Jefferson Street a.k.a. 173–177 Henry Street for a total Street Seat length of forty feet.

3. Support for legislation to make commuter van license holders liable for the conduct of their drivers in certain circumstances

VOTE: TITLE: Support for legislation to make commuter van license holders liable for the conduct of their drivers in certain circumstances

WHEREAS commuter vans are valuable and an increasingly relied upon form of affordable public transportation within the boundaries of Community Board 3, especially within Chinatown; and

WHEREAS CB 3 has heard testimony that commuter van drivers regularly create additional seating in their vans by placing unrestrained temporary seating, such as a plastic bucket, on the van floor – a practice which is illegal and creates health and safety risks to van passengers; and

WHEREAS there is an economic incentive for van drivers to continue to engage in these unsafe practices as van drivers earn more money by accommodating additional passengers; and

WHEREAS a common method of operating a commuter van company involves the commuter van license holder leasing/renting the license to a commuter van driver through an agreement under which the commuter van license holder bears no civil or criminal liability for the unlawful acts of a van driver; and

WHEREAS this no-liability arrangement places no incentive on commuter van license holders to insist commuter van drivers adhere to mandated safety standards or to take punitive actions against those who regularly violate such laws; and

WHEREAS, following an injury caused by the use of illegal seating, an insurance company insuring the van is almost certain to disclaim coverage, as insurance contracts frequently do not cover liability for intentional illegal acts; and

WHEREAS under this arrangement if a passenger is injured in a commuter van while riding on an illegal seat, he or she will not be able to collect damages for medical and other expenses from the commuter van license holder or the insurance company, and will be very unlikely to receive sufficient compensation from the commuter van driver, who is likely to have such limited personal assets as to be effectively judgment proof; and

WHEREAS the New York City Taxi & Limousine Commission and the NYPD do not have the resources to adequately enforce commuter van safety laws; and

WHEREAS CB 3 believes the only way to protect commuter van passengers' health and safety with respect to illegal seating is to incentivize commuter van license holders to strictly and aggressively enforce safety laws with their drivers; and

WHEREAS, the only way to effectively incentivize commuter van license owners to strictly and aggressively enforce safety laws with their drivers is to hold them civilly liable for the actions of their drivers when they utilize illegal seating in their vans; so

THEREFORE BE IT RESOLVED, that Community Board 3 calls upon the Mayor of New York, the City Council of New York, and the New York City Taxi & Limousine Commission to adopt, either through legislation or administrative regulations, as a condition of receiving a new or renewed commuter van license, a requirement that commuter van license holders contractually agree to assume civil liability for any injuries resulting from drivers who utilize illegal seating in their vans and that, in such civil suits, no "assumption of the risk" defenses (which seek to avoid liability by claiming the commuter van rider knew riding on a temporary seat was dangerous but did so anyway) may be raised.

4. Request for support for modifications to traffic directions and parking regulations on Broome Street between Essex and Clinton Streets

VOTE: TITLE: Request for Support for Modifications to Traffic Directions and Parking Regulations

Whereas, the construction of Essex Crossing has begun and the first phase of the project is underway for sites 1, 2, 5 and 6; and

Whereas, to facilitate construction on multiple sites, trucks and other vehicles must utilize the surrounding side streets of each site. In particular the existing traffic pattern requires construction vehicles to travel north on Clinton Street in order to access site 6 of Essex Crossing and the right turn onto Broome Street has a turning radius that is too tight for large trucks; and

Whereas, Community Board 3 seeks to ensure that construction impacts can be mitigated when possible, especially as they relate to truck standing associated with construction;

Therefore Be It Resolved, Community Board 3 supports the removal of alternate side parking on portions of Norfolk Street between Grand and Broome Streets and on portions of Broome Street between Clinton and Pitt Streets for additional construction staging areas;

Further Be It Resolved, Community Board 3 supports a change in traffic direction on Broome Street between Norfolk and Clinton Streets, as to allow all vehicular traffic to head east creating better circulation of construction trucks and vehicles entering and exiting construction sites.

5. Street co-name Broome Street between Allen and Eldridge Streets as "Hy Genee Way"

VOTE: TITLE: Resolution Supporting the Co-Naming of Broome Street between Allen and Eldridge Streets as "Hy Genee Way"

WHEREAS, Hy Genee, late President and Spiritual Leader of Kehila Kedosha Janina Synagogue, which is the only Greek Jewish Romaniote synagogue in the Western Hemisphere, passed away on February 13, 2006. He was 83 years old; and

WHEREAS, Hy was born on the Lower East Side on Orchard Street, and lived on the Lower East Side his entire life. It was a world that defined him and a world he was so proud to be a part of. He worked as a tailor to support his family and ran a clothing business on Delancey Street. In many ways he symbolized the Lower East Side, a son of immigrants, like so many others who found a home here and who gave back to the community throughout his life.

WHEREAS, Hy was always educating himself about the world, his religion and culture, not for self-gratification but as a means of educating others. Whatever he did, whether it was making a pair of pants or leading his congregation at Kehila Kedosha Janina, he did it with pride – not the pride that puts one above others, but rather a joy in knowing who you are, where you came from and where you are going; and

WHEREAS, Hy was the President of Kehila Kedosha Janina for 50 years and almost single-handedly kept this synagogue alive. Kehila Kedosha Janina is now a New York City Landmark thanks to his efforts.

WHEREAS, The block of Broome Street between Allen & Eldridge Streets is home to Kehila Kedosha Janina, and was once the epicenter of Greek Jewish Romaniote immigration at the turn of the 20th Century. Hundreds of Greek Jewish families once lived in the tenements on this block, which contributed to the establishment of the current synagogue building in 1927. Today community members fondly recall sharing holidays and celebrations with other neighbors on this block; and

WHEREAS, There is substantial community support for co-naming the block of Broome Street between Allen & Eldridge Streets as "Hy Genee Way," as evidenced by a petition signed by 153 residents of this block, and 13 businesses located on this block, as well as additional letters of support. The CB 3 guidelines for requests for street co-naming require a petition signed by 150 residents for blocks with fewer than 200 residential units and 75% of the businesses on the affected block, in part to ensure that the local community is aware of and supports the street co-naming; now

THEREFORE, BE IT RESOLVED, that CB 3 formally requests the NY City Council and the Mayor to enact legislation co-naming Broome Street between Allen & Eldridge Streets as "Hy Genee Way."

6. NYCHA revocable consent to construct, maintain and use pipes and conduit under and across Baruch Place (126 Baruch Pl), btwn Stanton & East Houston Sts

VOTE: TITLE: Support for NYCHA Revocable Consent

WHEREAS, New York City Housing Authority has petitioned Department of Transportation to receive a revocable consent to construct, maintain, and use steam and condensate utility pipes, as well as electric conduits in concrete duct bank at 126 Baruch Place; and

WHEREAS, the new steam conduit will have a total length of 70 feet and the electrical duct bank will have a total length of 70 feet;

WHEREAS, the steam and conduit utility pipes will be used to service the Lavanburg building from the Baruch Houses. The electric conduits are to serve as emergency and standby services for the Lavanburg homes; so

THEREFORE BE IT RESOLVED Community Board 3 supports NYCHA's new revocable consent to construct, maintain and use pipes and conduits under and across Baruch Place, between Stanton and East Houston Streets.

37 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding Transportation item 2)
36 YES 1 NO 0 ABS 0 PNV MOTION PASSED (Transportation item 2)

SLA & DCA Licensing Committee

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

Renewal with Complaint

2. Tut, 189 E 3rd St (op)
withdrawn
3. Karma (J&J International New York Inc), 51 1st Ave btwn E 3rd & E 4th Sts (op)

VOTE: TITLE: Community Board #3 Recommendation That Licensee Be Investigated For Violations

WHEREAS, J&J International New York Inc., doing business as Karma, is seeking a renewal of its full on-premise liquor license, for the premise located at 51 First Avenue, between East 3rd Street and East 4th Street, New York, New York; and

WHEREAS, this applicant was originally issued a full on-premise liquor license by the SLA on March 1, 2000; and

WHEREAS, the original method of operation of this applicant according to stipulations signed with Community Board #3 and dated October 28, 1999, was for a business 1) serving food all hours of operation, 2) not commercially using any outdoor space, 3) not having DJs, 4) not having dancing without a cabaret license, 5) not having live music, and 6) operating according to the hours of operation represented in its application; and

WHEREAS, this applicant was denied a renewal of its full on-premise liquor license by Community Board #3 in February of 2004 because of complaints of noise, that it was open past its legal operating hours, that it had DJs contrary to its original method of operation and that it had illegally converted a service bar to a stand up bar; and

WHEREAS, this applicant was denied an alteration by Community Board #3 in March of 2007 to expand its occupancy in the basement because it conceded at that time that it was making the alteration to address continuing issues of noise and crowds in front of the business and because it had been nuisance abated in December of 2006; and

WHEREAS, Community Board #3 has received complaints from January and February of 2016 from residents of surrounding buildings of loud music and noise emanating from this business as late as 3:00 A.M. and 4:00 A.M., including noise from loud unruly patrons on the sidewalk and in cars parked by the sidewalk and patrons who have been observed on the verge of fighting or actually fighting in front of the business without adequate efforts to control the front of the business by existing security guards; and

WHEREAS, one resident of the adjacent building stated that she has gone downstairs to speak with the bouncers about the noise and lack of control of the patrons outside and they have told her that the sidewalk is not their problem and that the last time she did this, which was within the past month, a rock was thrown through her window as soon as she returned to her apartment, she has had to file a complaint with the 9th Precinct for this incident and she no longer feels like this area is a safe place to live because of these patrons and this business; and

WHEREAS, this applicant conceded at its hearing before Community Board #3 on February 16, 2016, that it was unhappy with the type of clientele it is attracting and has been unable to control these patrons in front of the business; and

WHEREAS, consistent with these complaints, this licensee has entered into a conditional no contest plea before the SLA on September 8, 2006, for an underage sale, sustained charges on December 24, 2008, for blocked exits, entered into a conditional no contest plea on January 15, 2010, for inadequate emergency exits and an underage sale and entered into a conditional no contest plea on January 21, 2011, for an underage sale; and

WHEREAS, also consistent with these complaints, the local precinct has issued violations against this licensee on January 17, 2016 for an overcrowded bar and no posted cabaret license and on January 28, 2016, for inadequate emergency exits; and

WHEREAS, the business has received sixteen (16) 311 commercial noise complaints within the past year; and

WHEREAS, Community Board #3 would ask the SLA to add stipulations to this license at the time of renewal to address these issues but has been informed by the SLA that the renewal of this license has already happened; now

THEREFORE, BE IT RESOLVED that Community Board #3 moves to ask the SLA to investigate for violations of the full on-premise liquor license for J&J International New York Inc., doing business as Karma, for the premise located at 51 First Avenue, between East 3rd Street and East 4th Street, New York, New York; and

THEREFORE BE IT FURTHER RESOLVED that Community Board #3 asks that the SLA to work with local police to protect the community from the violent acts residents have observed in front of this business.

Applications within Saturated Areas

4. The Honey Fitz, 129 St Mark Pl (aka 131 Ave A) btwn 1st Ave & Ave A(op)
no vote necessary
5. Virgola (Virgola 3 LLC), 221 Ave B btwn E 13th & E 14th Sts (op)

VOTE: TITLE: Community Board #3 Recommendation To Deny

WHEREAS, Virgola 3 LLC, with a proposed business name of Virgola, for the premise located at 221 Avenue B, between East 13th Street and East 14th Street, is seeking a full on-premise liquor license; and

WHEREAS, this is an application for a restaurant cocktail bar, serving raw seafood and oysters from a cold prep area, with hours of operation of 12:00 P.M. to 12:00 A.M. Sundays through Wednesdays and 12:00 P.M. to 2:00 A.M. Thursdays through Saturdays, a seventeen (17) foot bar with twelve (12) stools and recorded background music; and

WHEREAS, this location was previously approved for a full on-premise liquor license by the SLA in June of 2013 over the objections of this community board, in part because it was then an unlicensed location in an area with many licensed establishment; and

WHEREAS, notwithstanding that the location once had a business with a full on-premise liquor license, this location is currently unlicensed with no existing business in operation; and

WHEREAS, this location is within half (½) a block of four (4) full on-premise liquor licenses; and

WHEREAS, this applicant was approved by Community Board #3 for a wine beer license for the same business with the same business name for the premise located at 111 East 7th Street in August of 2015 and was denied unless it agreed to make as conditions of its license the stipulations that it would 1) operate a full-service seafood and raw bar restaurant, with a kitchen open and serving food to within one (1) hour of closing, 2) have hours of operation of 11:00 A.M. to 12:00 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) close its façade at 10:00 P.M. every night, 5) not commercially use outdoor space, 6) have happy hours to 8:00 P.M., 7) not host pub crawls or party buses, and 8) not have wait lines outside; and

WHEREAS, this applicant has limited experience operating a licensed business in this community, in that per the applicant, it has been operating its existing business at 11 East 7th Street since November or December of 2015; and

WHEREAS, the proposed business plan appears to be that of a cocktail bar serving raw seafood, consistent with its proposed later hours, lack of kitchen and cocktail menu; and

WHEREAS, although the applicant furnished twenty-five (25) petition signatures and two (2) letters in support of its application, and five (5) people appeared on its behalf, the signatures appeared to be comprised of both residents and businesses, people appearing on its behalf described its comparable West Village business as a cocktail bar with "light food" and there was demonstrated opposition to

this application in that five (5) residents of this street appeared or wrote letters complaining that the block has too many liquor licensed businesses with late night hours and that the existing licensed businesses cause the block to be overtaken by noise and people at night; and

WHEREAS, there has been no benefit stated by the applicant in its application for the granting of a full on-premise liquor license at this location as required by statute; now

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the application for a full on-premise liquor license for Virgola 3 LLC, with a proposed business name of Virgola, for the premise located at 221 Avenue B, between East 13th Street and East 14th Street.

6. TBI Manhattan Corp, 185 Ave C btwn E 11th & E 12th Sts (op)

VOTE: TITLE: Community Board #3 Recommendation To Deny

WHEREAS, TBI Manhattan Corp., is seeking a full on-premise liquor license for the premise located at 185 Avenue C, between East 11th Street and East 12th Street; and

WHEREAS, this is an application for a "large bites" restaurant with hours of operation of 11:00 A.M. to 1:00 A.M. Sundays through Thursdays and 11:00 A.M. to 3:00 A.M. Fridays and Saturdays, a fifteen (15) foot bar with eight (8) stools, three (3) forty-two (42) inch screen televisions and recorded background music; and

WHEREAS, notwithstanding that this location has a business with a full on-premise liquor license, that this application is for a bulk asset sale, and that this applicant furnished twenty-nine (29) petition signatures in support of its application, this applicant did not demonstrate that it has the experience or is prepared to operate a business with a full on-premise liquor license, in that it has limited experience managing a licensed business outside of this community since 2013 and did not articulate a well-thought out business plan with defined personnel and menu; and

WHEREAS, although represented to be a restaurant, the proposed business plan appears to be that of a bar serving a limited menu with proposed later hours and three (3) large screen televisions; and

WHEREAS, there are at least three (3) full on-premise liquor licenses within five hundred (500) feet of this location; and

WHEREAS, there has been no benefit stated by the applicant in its application for the granting of a full on-premise liquor license for a restaurant bar at this location, as required by statute; now

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the application for a full on-premise liquor license for TBI Manhattan Corp., for the premise located at 185 Avenue C, between East 11th Street and East 12th Street.

7. Sushi Wa (Whynot Orchard LLC), 175 Orchard St btwn E Houston & E Stanton Sts (wb)

VOTE: TITLE: Community Board #3 Recommendation To Deny

WHEREAS, Whynot Orchard LLC, previously doing business as Whynot Coffee Wine & Art Gallery and with a proposed business name of Sushi Wa, is seeking a wine beer license, to operate a Japanese sushi restaurant at 175 Orchard Street, between East Houston Street and Stanton Street; and

WHEREAS, this applicant was denied a full on-premise liquor license by Community Board #3 in October of 2013 and denied a wine beer license in November of 2013, in part because it was proposing to operate a coffee wine bar with two (2) bars in an area already overwhelmed by licensed businesses; and

WHEREAS, this applicant was then approved for a wine beer license by the SLA for a coffee wine bar and art gallery with one (1) stand up bar, provided that 1) it closed at 1:00 A.M. all nights, 2) had an art gallery which comprised fifty percent (50%) of the business, 3) had no promoted events, scheduled performances or events with cover fees, 4) provided a contact number for residents to immediately to respond to complaints, 5) closed its façade doors and windows by 9:00 P.M. if music was playing and 10:00 P.M. if music was not playing, and 6) had live music consisting of classical piano and violin; and

WHEREAS, Community Board #3 then denied an application for an alteration to its wine beer license, to wit adding a standup bar and live jazz music, in August of 2014 because the applicant had failed to comply with its existing stipulations in that 1) it had been observed by area residents to have its two-story glass façade completely open until closing most nights, 2) it had regularly scheduled performances, consisting of live acoustic and amplified music of all types, as well as live dance

performances, 3) it had charged cover fees and suggested tips which one resident who attended the community board hearing stated he was told was a required cover fee he was expected to pay to hear the program on the night he was at the business, 4) it had received complaints from a resident of its building of consistent loud noise and bass from music emanating from the business and a failure to respond to any of her complaints, 5) it had failed to provide any contact information to residents to respond to complaints, and 6) it had conceded that it had only had one gallery showing since it opened; and

WHEREAS, Community Board #3 then denied an application for a change in class of its wine beer license to a full on-premise liquor license in March of 2015 but approved an alteration to change in method of operation of this business to a full-service Japanese restaurant, playing recorded background music only and with no art gallery or live music component to its method of operation despite the continued poor operating history of the applicant at this location and its continued failure to comply with the stipulations imposed by the SLA, if the applicant agreed to make as conditions of its license stipulations limiting its hours and method of operation; and

WHEREAS, within the same time period, the applicant also filed a change in class of its wine beer license to a full on-premise liquor license and a change of its method of operation at its coffee shop in Community Board #2 to a two-story restaurant and music venue; and

WHEREAS, the SLA then cancelled the wine beer license of this applicant in June of 2015, because of material misrepresentations made by the applicant regarding its method of operation; and

WHEREAS, this applicant is now seeking to regain its wine beer license by re-applying for a wine beer license before this community board and the SLA; and

WHEREAS, this applicant has only operated its business with a wine beer license since February 6, 2014; and

WHEREAS, notwithstanding that the applicant submitted petition signatures in support of its application, given its demonstrated history of misrepresentations before Community Board #3 and the SLA and its lack of adherence to the conditions of its license, this applicant has proven that it is a poor candidate for compliance with the New York State Alcohol Beverage Control Law; now

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the application for a wine beer license for Whynot Orchard LLC, with a proposed business name of Sushi Wa, for the premise located at 175 Orchard Street, between East Houston Street and Stanton Street.

Alterations

8. Pinks (East Village Hospitality LLC), 242 E 10th St btwn 1st 2nd Aves (op) (reduce kitchen size, add bar and table seats)

VOTE: TITLE: Community Board #3 Recommendation to Approve

Understanding that the applicant will continue to operate consistent with its method of operation and its stipulations and serve the same menu, Community Board #3 moves to approve the application for an alteration of the full on-premise liquor license, to wit reducing its kitchen size to seventy (70) or eighty (80) square feet and adding four (4) tables and twenty (20) seats, for East Village Hospitality LLC, doing business as Pinks, for the premise located at 242 East 10th Street, between First Avenue and Second Avenue.

9. The Kitchen Sink (88 2nd Ave Food Corp), 88 2nd Ave @ E 5th St (op) (bar/counter enlarged, add booths/chairs)

VOTE: TITLE: Community Board #3 Recommendation To Deny

WHEREAS, 88 2nd Ave Food Corp. is applying for an alteration of its full on-premise liquor license for its restaurant, now doing business as The Kitchen Sink, at the premise located at 88 second Avenue, at the corner of Second Avenue and East 5th Street; and

WHEREAS, this applicant was denied a full on-premise liquor license by Community Board #3 in December of 2014 unless is agreed to make as conditions of its license stipulations that it would 1) operate as a full-service American restaurant, to wit a diner, with a kitchen open and serving food during all hours of operation, 2) operate twenty-four (24) daily but would cease alcohol service at 1:00 A.M. all days, 3) not commercially use any outdoor space, 4) close any 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) play recorded background music and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged, 6)

not apply for an alteration without first appearing before Community Board #3, 7) not host pub crawls or party buses, 8) have happy hours to 7:00 P.M. each night, 9) not have wait lines outside, 10) conspicuously post its stipulation beside its licenses inside its business, and 11) provide contact information for resident complaints and immediately respond to any resident complaints; and

WHEREAS, at the time that it was approved for a full on-premise liquor license by Community Board #3 in December of 2014, the applicant represented that it would continue its method of operation as Moonstruck Diner and submitted a questionnaire which described its bar as thirteen (13) feet in length with six (6) stools (see copy of questionnaire from December of 2014 attached hereto); and

WHEREAS, the applicant then commenced renovation of its business, which included creating a twenty-seven (27) foot by seven (7) foot bar with nine (9) to ten (10) stools in the front of its business, changing the décor, adding high top tables and changing its business name to The Kitchen Sink; and

WHEREAS, there had been no notice of alteration to Community Board #3 for the stand-up twenty-seven (27) foot by seven (7) foot bar with nine (9) to ten (10) stools prior to its installation by the applicant in the front of its business; and

WHEREAS, this applicant has been operating contrary to its agreed upon stipulations and the conditions of its license, in that this applicant altered its premise without first appearing before Community Board #3; now

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the application for an alteration of the full on-premise liquor license for 88 2nd Ave Food Corp., now doing business as The Kitchen Sink, for the premise located at 88 Second Avenue, at the corner of Second Avenue and East 5th Street, to wit legalizing the already installed stand-up bar for which no notice was sent to Community Board #3 prior to this alteration, and changing its seating and business name; and

THEREFORE, BE IT FURTHER RESOLVED that Community Board #3 asks that the SLA investigate and penalize 88 2nd Ave Food Corp., now doing business as The Kitchen Sink, for the premise located at 88 Second Avenue, at the corner of Second Avenue and East 5th Street, for violations of the conditions of its liquor license.

New Liquor License Applications

10. The John Lamb (Delancey Square Hospitality LLC), 119 Orchard St a/k/a 120 Allen Street btwn Delancey & Rivington Sts (hotel/restaurant co-license op)
withdrawn - to be voted on at March full board
11. VINYL (Vinyl Entertainment Inc.), 100 3rd Ave btwn E 12th & E 13th Sts (op)

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

WHEREAS, Vinyl Entertainment Inc. is seeking a full on-premise liquor license for a proposed restaurant bar record store and coffee bar, for the premise located at 100 Third Avenue, between East 12th Street and East 13th Street; and

WHEREFORE, although this is a currently unlicensed location, one of the principals of the current application was a principal in the preexisting longstanding business, doing business as Nevada Smiths, which occupied this location for which there was a full on-premise liquor license; and

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the application for a full on-premise liquor license for Vinyl Entertainment Inc., with a proposed business name of VINYL, for the premise located at 100 Third Avenue, between East 12th Street and East 13th Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service serve restaurant and bar, with a kitchen open and serving food during all hours of operation and on all floors, and will also operate a record store and coffee house in the front of the business on the ground floor,
- 2) its hours of operation will be 10:00 A.M. to 2:00 A.M. Sundays through Wednesdays and 10:00 A.M. to 3:00 A.M. Thursdays through Saturdays,
- 3) it will have a closed fixed facade with no open doors or windows, including keeping its front door closed,
- 4) it will not commercially operate any outdoor areas,
- 5) it will play both background and entertainment level recorded music, and may have DJs on weekends only, but will not have live music, promoted events, scheduled performances or any event at which a cover fee will be charged,

- 6) it will employ at least two (2) security guards Sundays through Wednesdays and four (4) security guards Thursdays through Saturdays and will place one (1) security guard at the door at all times and have additional security for large or major events,
- 7) it will have no more than two hundred twenty-five (225) people in its location at any given time although the location has a greater occupancy,
- 8) it will construct and maintain an interior waiting area to minimize the number of patrons waiting outside,
- 9) it will coordinate with surrounding nightlife venues to share the cost of private security to patrol the sidewalks in front of its and area venues in order to control noise and crowds on the street,
- 10) it will notify the 9th Precinct of any large or special events,
- 11) it will meet with representatives of the residential community monthly for at least six (6) months and as needed thereafter,
- 12) it will attend the local precinct council meetings monthly for at least twelve (12) months,
- 13) it will insure that the sidewalk in front of the business is clear of any refuse within one half (½) hour of closing every night,
- 14) it will not apply for any alteration in its method of operation without first appearing before Community Board #3,
- 15) 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,
- 16) it may have "happy hours" to 8:00 P.M. each night,
- 17) it will not host pub crawls or party buses,
- 18) it will not have unlimited drink specials with food,
- 19) it will not have wait lines outside and will designate an employee responsible to oversee patrons on the sidewalk and ensure no crowds or noise outside,
- 20) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 21) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

12. Bridgeview Hotel LLC, 50 Bowery @ Canal Street (hotel op)

VOTE: TITLE:

COMMUNITY BOARD #3 RESOLUTION APPROVING THE HOTEL LIQUOR LICENSE FOR BRIDGEVIEW HOTEL LLC, FOR 50 BOWERY, SUBJECT TO CERTAIN RESTRICTIONS ON USE

WHEREAS, the applicant, Bridgeview Hotel LLC, by its qualified representative or principal, is seeking to obtain a hotel liquor license for a twenty-two (22) story hotel, located at 50 Bowery, at the corner of Bowery and Canal Street, New York, New York; and

WHEREAS, said applicant will maintain the primary method of operation of said location for lodging, with its primary entrance on Bowery, and will maintain the following ancillary public uses:

- 1) An interior first floor restaurant of four thousand two hundred thirty-four (4,234) square feet, with a capacity for two hundred eighteen (218) people, twenty-nine (29) tables and two hundred eighteen (218) seats, hours of operation of 7:00 A.M. to 2:00 A.M. all days, a kitchen open all hours serving a full menu, a closed façade, its own entrance on Bowery north of the hotel entrance and south of the bus stop, recorded background music, no live music, DJs, promoted events, scheduled performances or events with cover fees, a twenty-three (23) foot bar with ten (10) stools, no pub crawls or party buses, no happy hours, an outdoor area within its building line on Bowery, consisting of no more than seven (7) tables and fourteen (14) seats, and no wait lines outside;
- 2) an interior restaurant bar lounge, located in the cellar and two thousand four hundred sixty-two (2,462) square feet in size, with a capacity for one hundred nineteen (119) people, twenty (20) tables and one hundred nineteen (119) seats, hours of operation of 5:00 P.M. to 4:00 A.M. all days, a kitchen open all hours serving a limited menu, a closed façade, its own entrance on Bowery north of the hotel, live music, consisting of no more than five (5) musicians, two (2) to three (3) nights per week, DJs two (2) to three (3) nights per week, promoted events, scheduled performances and events with cover fees, a twenty-two (22) foot bar with seven (7) stools, small scale dancing on a two hundred ten (210) square foot dance floor, no pub crawls or party buses, no happy hours and no wait lines outside;
- 3) a second floor exterior event and gathering space which is four thousand three hundred eighty-four (4,384) square feet in size, with a capacity to seat one hundred fifty (150) people in moveable seating, events that could include live music, DJs and dancing, no bar and hours of operation of 8:00 A.M. to 12:00 A.M. all days;

- 4) an interior nineteenth floor lounge of one thousand six hundred twenty-two (1,622) square feet, with a capacity for thirty (30) seats, with recorded background music indoors and live bands no more than five (5) times per year but otherwise no live music, DJs, promoted events, scheduled performances or events with cover fees, a fourteen (14) foot bar with seven (7) stools, no kitchen but limited food service all hours of operation from the restaurant kitchen, hours of operation of 7:00 A.M. to 4:00 A.M. all days and access through the hotel lobby; and
- 5) two (2) exterior nineteenth floor terraces of one thousand one hundred fifty-nine (1,159) square feet and four hundred ninety-two (492) square feet, with a capacity for thirty-one (31) seats on the northeast terrace and twenty (20) seats on the west side terrace, no music or bar on either terrace, limited food service from electric food carts and the restaurant kitchen, hours of operation of 7:00 A.M. to 2:00 A.M. all days and access through the hotel lobby; and

WHEREAS, the applicant concedes that the proposed second floor open air event and gathering space, which is fifty (50) feet wide and spans the hotel from Bowery to Elizabeth Street, abuts 26 Elizabeth Street, a residential apartment building located on Elizabeth Street; and

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the application to obtain a hotel liquor license for Bridgeview Hotel LLC, for a twenty-two (22) story hotel, located at 50 Bowery, at the corner of Bowery and Canal Street, New York, New York unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations, that

Generally, 1) the entrance to the hotel which is located on Bowery, south of Canal Street, will be its primary entrance, 2) all loading and unloading of guests will be effected on Bowery; 3) deliveries and garbage pick-ups will occur on Elizabeth Street, in a driveway created for those uses and garbage will be retained inside of the hotel until pick-up; 4) it will not have "happy hours" in any of its public spaces; 5) it will not host pub crawls or party buses; 6) it will not have unlimited drink specials with food in any of the areas where food is served; 7) it will insure that soundproofing or sound baffling measures are constructed in its publicly accessed spaces, consistent with the recommendations of a sound engineer; 8) it will have staff people outside its business when needed to insure that there is no loitering, crowds or noise outside but will have staff people outside to direct vehicular and pedestrian traffic when it is hosting simultaneous events; 9) exterior lights will be at low levels and directed down or away from neighboring windows; 10) it will not apply for any alteration in its method of operation without first appearing before Community Board #3; and

Specifically,

With respect to the ground floor restaurant, 11) it will operate as a full-service Asian American restaurant, with a kitchen open and serving a full menu during all hours of operation; 12) its hours of operation will be 7:00 A.M. to 2:00 A.M. all days; 13) 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, 14) it will have a closed fixed facade with no open doors or windows; 15) it will not have "happy hours;" 16) it will not host pub crawls or party buses; 17) it will not have unlimited drink specials with food; 18) its entrance will be located on Bowery; 19) it will not have wait lines outside and it will designate an employee responsible to oversee patrons on the sidewalk and ensure no crowds or noise outside; 20) it will conspicuously post this stipulation form beside its liquor license inside of its business; 21) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

With respect to the first floor lobby, 22) it will operate as a check in check out area and seating area for lodgers; 23) there will be no food or alcohol service in the lobby; 24) only recorded background music will be played in the lobby and there will not be live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged; and

With respect to the second floor exterior event and gathering space, 25) it will be operated as a casual gathering space for patrons and the public daily and as an occasional event space; 26) there will be no music at any time; 27) there will be no dancing at any time; 28) there will be no fixed stand up bar but moveable bars may be used during events; 29) there will be no promoted events, scheduled performances or any event at which a cover fee will be charged; 30) its hours of operation will be 8:00 A.M. to 9:00 P.M. Sundays through Thursdays and 8:00 A.M. to 10:00 P.M. Fridays and Saturdays; 31) it will install a soundproofed barrier and planters, consistent with the recommendations of a sound engineer, to baffle noise travelling to the adjacent residential building located at 26 Elizabeth Street;

With respect to the cellar restaurant bar lounge, 32) it will operate as an Asian American restaurant bar and lounge, with a kitchen open and serving food during all hours of operation; 33) its hours of operation will be 5:00 P.M. to 4:00 A.M. all days; 34) it will play recorded music daily and may have live music, consisting of bands of no more than five (5) musicians, no more than three (3) times per week and may have DJs no more than three (3) times per week, and may have promoted events, scheduled performances and events at which cover fees will be charged, 35) it will have a closed fixed facade with no open doors or windows; 36) it will not have "happy hours;" 37) it will not host pub crawls or party buses; 38) it will not have unlimited drink specials with food; 39) its entrance will be located on Bowery; 40) it will not have wait lines or velvet ropes outside and it will designate an employee responsible to oversee patrons on the sidewalk and ensure no crowds or noise outside; 41) it may have small scale dancing if it obtains a cabaret permit; 42) it will conspicuously post this stipulation form beside its liquor license inside of its business; 43) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

With respect to the nineteenth floor indoor lounge, 44) it will operate as bar and lounge, with the restaurant kitchen serving food during all hours of operation; 45) its hours of operation will be 7:00 A.M. to 4:00 A.M. all days; 46) it will play recorded background music daily and may have live music no more than five (5) times per year for special events, but will not have DJs, promoted events, scheduled performances or any event at which a cover fee will be charged, 47) it will have a closed fixed facade with no open doors or windows; 48) it will not have "happy hours;" 49) it will not host pub crawls or party buses; 50) it will not have unlimited drink specials with food; 51) it will be accessed through the hotel lobby; 52) it will conspicuously post this stipulation form beside its liquor license inside of its business; 53) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

With respect to the nineteenth floor exterior terraces, 54) it will operate them as lounge seating areas for patrons, with the restaurant kitchen serving food during all hours of operation and additional food service from food carts with electric grills; 55) the hours of operation will be 7:00 A.M. to 2:00 A.M. all days; 56) there will be no music at any time; 57) there will not be "happy hours;" 49) there will not be pub crawls or party buses; 58) there will not be unlimited drink specials with food; 59) access will be through the hotel lobby; 60) this stipulation form will be conspicuously posted beside its liquor license inside of its business; 62) there will be a telephone number provided for residents to call with complaints and any resident complaints will be immediately addressed; and

With respect to the ground floor outdoor seating, 63) it will be located within the building line adjacent to the Bowery Street sidewalk; 64) it will be operated as an amenity to the ground floor restaurant and seating will be for restaurant dining; 65) there will be no more than seven (7) tables and fourteen (14) seats; 66) there will be no music at any time; 67) its hours of operation will be 7:00 A.M. to 10:00 A.M. Sundays through Thursdays and 7:00 A.M. to 12:00 A.M. Fridays and Saturdays; 68) it will not have "happy hours;" 69) it will not host pub crawls or party buses; and 70) it will not have unlimited drink specials with food.

13. Kuni's Ikinari Steak (Kuni's Corporation), 90 E 10th St (op)
withdrawn

14. Eldridge Hospitality LLC, 105-107 Eldridge St btwn Broome & Grand Sts (op)
withdrawn

15. Marm Cafe (Bottega Clinton LLC), 79 Clinton St @ Rivington St (op) THIS IS A WINE BEER APPLICATION

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

To deny the application for a wine beer license for Bottega Clinton LLC, doing business as Marm Cafe, for the premise located at 79 Clinton Street, at the corner of Clinton Street and Rivington Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service Italian American 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 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 unlimited drink specials with food,
- 11) it will not have wait lines outside,
- 12) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 13) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

16. 215 Chrystie LLC, IS Chrystie Management LLC & VS-Chrystie LLC, 215 Chrystie St (hotel op); IS Chrystie Management LLC & VS-Chrystie LLC, 215 Chrystie St (restaurant op)
withdrawn

17. Baohaus, 238 E 14th St btwn 2nd & 3rd Aves (wb)

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

To deny the application for a wine beer license for Baohaus 238 14 St LLC, doing business as Baohaus, for the premise located at 238 East 14th Street, between Second Avenue and Third Avenue, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service Taiwanese quick-serve restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 11:30 A.M. to 11:30 P.M. Sundays through Thursdays and 11:30 A.M. to 2:30 A.M. Fridays and Saturdays,
- 3) 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,
- 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 unlimited drink specials with food,
- 11) it will designate an employee responsible to oversee patrons on the sidewalk and ensure no crowds or noise outside,
- 12) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 13) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

18. Black Cat LES (Naushad Corp), 172 Rivington St (wb)
withdrawn

Items not heard at Committee

19. Box Car Lounge (Oops of New York LLC), 168 Ave B (op/corp change)
no vote necessary

20. Little Poland Restaurant (Little Poland LLC), 200 2nd Ave (wb)

21. Sun Shine Seafood Restaurant (Sun Shine Seafood Restaurant Inc), 27 Division St (wb)
withdrawn

22. Hunan Bistro (Sichuan Bistro LLC), 96 3rd Ave (wb)
withdrawn

23. EZ Mini Mart (BHH Enterprise Inc), 52 Rivington St (b)
withdrawn

36 YES 0 NO 1 ABS 0 PNV MOTION PASSED

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

There was concern that the vote on Item 9 would establish a precedent of having multiple block parties on the same block.

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

2. EDC: update on the East River Esplanade
no vote necessary
3. Parks: RFP for renovation, operation, and maintenance of vacant comfort station as a food service facility in Allen St Mall (at Delancey)
no vote necessary
4. Peter Cooper Park and New York Health & Racquet Club spring/summer partnership
VOTE: TITLE: Peter Cooper Park and New York Health & Racquet Club

To support the Peter Cooper Park and New York Health & Racquet Club spring and summer partnership event open free to the public.

5. Lower East Side Playground and Minipitch soccer field-lighting requests and use/permitting policies
VOTE: TITLE: Lower East Side Playground and Minipitch Soccer Field Lighting

Whereas, CB 3 greatly supported the installation of the Lower East Side Playground and Minipitch soccer field for use by the Beacon Program and the public;

Whereas, the public use of the soccer field amenity is hampered by the lack of lighting after dusk, when it can still be of further use by the community;

Therefore be it resolved, that CB 3 asks that NYC Parks install lighting on the field, facing away from residential apartment windows, and to turn off no later than 7:30pm.

6. Capital and repair updates: miscellaneous projects at Seward Park, SDR Park, Columbus Park, esplanade
no vote necessary
7. Report from Arts Subcommittee
no vote necessary

Block Party

8. FringeNYC on Fourth, E 4th St (2 Ave and Bowery), 8/14
no vote necessary
9. A taste of the East Village, E 7th St (Cooper Square and 2 Ave), 9/17
VOTE: TITLE: A Taste of the East Village

To approve the A Taste of the East Village block party, E 7th St (Cooper Square and 2 Ave), on 9/17/2016.

10. Vegan Street Festival, 4th Ave (9th St and E 14th St), 9/18
withdrawn

37 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Members Present at Last Vote:

David Adams	[P]	Luke Henry	[A]	Nancy Ortiz	[P]
Yaron Altman	[P]	Herman F. Hewitt	[A]	Carolyn Ratcliffe	[P]
Dominic Berg	[P]	Trever Holland	[P]	Damaris Reyes	[A]
Karen Blatt	[P]	Anne K. Johnson	[P]	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	[P]
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	[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]		

Meeting Adjourned