



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

59 East 4th Street - New York, NY 10003

Phone (212) 533-5300

www.cb3manhattan.org - info@cb3manhattan.org

Jamie Rogers, Board Chair

Susan Stetzer, District Manager

May 2017 Full Board Minutes

Meeting of Community Board 3 held on Tuesday, May 23, 2017 at 6:30pm at PS 20, 166 Essex Street.

Public Session:

Robert Corden spoke against the closing of Masaryk Towers gates and Rivington street pathway.

Elizabeth Oyen, on behalf of the EVCC showing support of re-zoning in 3rd and 4th Street corridor. She supports conditional support of the tech hub on 14th Street but only with that re-zoning.

Bonnie Stein, announced the launch of a new annual free dance festival. "Dancefest LES 2017" located at El Jardin del Paraiso on East 4th Street between C&D.

Harry Bubbins, GVSHP spoke regarding the tech hub on 14th street and the need for re-zoning on 3rd and 4th Ave corridors.

Dalton Helms, East 11th Street Block Association. Spoke about his concerns about commercial development in his neighborhood. He does not support the tech hub without re-zoning on 3rd and 4th Ave corridors.

Amy Robinson, Seward Park Conservancy, spoke in favor of the parks without Borders project and thanked CB3 for it's involvement.

Marilyn Appleberry, spoke on behalf of 10th Street and Stuyvesant Street Block Association against the tech hub and in support of re-zoning of 3rd and 4th st corridor.

Robyn Shapiro and Melanie del Rosario

June 12: Lowline Workshop at the Manny Cantor Center and also presentation report on the info they collected from the community over the last few months. Lowline is still hiring. Young Ambassadors program will be available in approx. 1 month.

Elizabeth Langwith, spoke against the tech hub and for re-zoning on 3rd and 4th Street corridor.

Public Officials:

Mayor Bill de Blasio, Paola Ruiz:

Public Advocate Letitia James, Adam Chen:

Bill that prevents employers from asking women for asking job salary history.

Rally in front of Fox News to investigate potential human rights violations.

Comptroller Scott Stringer, Michael Stinson:

Released an audit for escalators and elevators in subway system and an audit on privately owned public spaces.

Guy is going to come back with info on 1) who and often cleans the MTA busses 2) what are the rules on smoking in public spaces in privately owned areas.

Borough President Gale Brewer, Drew Lombardi:

Thursday at 1 Centre Street: Two Bridges Environmental Impact Review Scoping Session, Public Hearing on Joint EIS. Two sessions: 2pm and 6pm .Written testimony can be submitted to the Dept of City Planning until June 8.

Congressmember Nydia Velazquez, Andrew Roth: legislation passed loophole XXXreductions

May 4th vote Trumpcare. Read a bunch of stuff from the report.

Congressmember Carolyn Maloney, Victor Montesinos:

Assemblymember Yuh-Line Niou, Rebecca Ou: Celebrated 100 days on the job. Spearheaded a letter to ConEd and DEpt of Environmental Conservation to press these agencies on impacts of the leak. Announced creation of Aisan American Policy Taskforce. NYCHA resident leaders should have access to legal changes...

Seward Park planting with families.

Assemblymember Deborah J. Glick, Charlie Anderson: Speed camera legislation within school zones. Assembly passed a package of bills with voting changes.

Assemblymember Brian Kavanagh, Venus Galarza-Mullins: lead testing was completed April 27 and results should be handed out at school. Book drive to benefit kids at PS 24.

State Senator Daniel L. Squadron, Fendi Linan: 3 letters to Dept of Trans. 1st supporting CB3 resolution on Yep. Next is about a safer Clinton and Grand Street. Lastly, the intersection on Houston and Ave D.

State Senator Brad M. Hoylman, Caroline Wekselbaum: leg that requires public traded fossil fuels. Voting age to 18? Honoring several community members.

Councilmember Margaret Chin, Vincent Fang: resolution President Chester Exclusion act 1882. May 6 ; Citywide Day of Inclusion. Crane and construction safety legislation. April 30th community rally on shooting.

Councilmember Rosie Mendez, Jorge Jimenez: Rosie is against the tech hub unless it comes with a re-zoning of 3rd and 4th Street corridor.

Members Present at First Vote:

David Adams	[P]	Herman F. Hewitt	[P]	Nancy Ortiz	[P]
Yaron Altman	[P]	Trever Holland	[P]	Carolyn Ratcliffe	[P]
Dominic Berg	[P]	Anne K. Johnson	[A]	Joyce Ravitz	[P]
Karen Blatt	[A]	Linda Jones	[P]	Damaris Reyes	[P]
Lisa Burriss	[A]	Vaylateena Jones	[P]	James Rogers	[P]
Alan van Capelle	[A]	Meghan Joye	[P]	Richard F. Ropiak	[P]
Karlin Chan	[A]	Lisa Kaplan	[P]	Robin Schatell	[P]
MyPhuong Chung	[A]	Carol Kostik	[P]	Laryssa Shainberg	[P]
David Crane	[P]	Mae Lee	[P]	Wilson Soo	[A]
Enrique Cruz	[P]	Veronica Leventhal	[A]	Nancy Sparrow-Bartow	[P]
Eric Diaz	[A]	Alysha Lewis-Coleman	[P]	Josephine Velez	[P]
Wilda Escarfuller	[P]	Gigi Li	[P]	Rodney Washington	[P]
Shirley Fennessey	[P]	Jeremy Markman	[P]	Kathleen Webster	[P]
David Ford	[P]	Chad Marlow	[P]		
Debra Glass	[P]	Alexandra Militano	[P]		

Minutes:

Minutes of March 2017 were approved, as is.

33 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Board Chairperson's Report:

Chairperson Jamie Rogers

New board members will be introduced by BP's office by the end of the week.

Announced resignation of Wilson Soo.

Acknowledged and thanked members of the nominating committee.

Board will be voting on testimony Chair will provide of EIS Scoping.

Handed out a section of City Charter reviewing role of board and DM.

Vice Chair asked for participation in new member social and mentoring program.

District Manager's Report:

District Manager Susan Stetzer

District Needs are on every agenda for June and will be voting on them in July. We will be voting on budget priorities in Oct.

We need to resesarch any budget requests that we are interested in voting on in Oct--and we must have these budget requests in June. Last year we voted on budget priorities to fund improvements for some school playgrounds, then found they were already funded. This was a waste of priorities and an example of why we must resesarch potential priorities.

New increasing complaint in EV area is rooftop/backyard and terrace parties: Very little police can do because parties are happening on private property.

5th and 7th precincts continue to give out many summonses to illegal busses.

Call from newspaper reg Rivington House. Reporter said Allure is trying to rehabilitate because they are trying to open a nursing home in the LES.

Nominating Committee:

Tonight is the last opportunity to nominate someone. Committee meeting dates/locations were announced via emails. Announced all nominees.

Committee Reports:

Executive Committee

- CB 3 position re Create NYC policy

VOTE: TITLE: Resolution regarding Summary Overview of comments on the NYC Cultural Plan

WHEREAS, a Summary Overview of Community Input for the NYC Cultural Plan is presently on line at CreateNYC.org. There is a two week window of opportunity to offer public comment before a final version of the NYC Cultural Plan is submitted to the NYC Council by June 30, 2017 for review and approval.

WHEREAS, the NYC Council passed legislation requiring that NYC Dept of Cultural Affairs develop a Cultural Plan for New York City no later than the end of the fiscal year of 2017.

WHEREAS, the Summary Overview was reviewed by the Arts and Culture subcommittee who proposed that the following priorities would be of the most benefit to Community Board #3.

WHEREAS, the Issue of Equity should support arts & cultural organizations with a primary mission of serving historical underrepresented and underserved communities by encouraging and facilitating the employment of people from diverse communities and supporting individual artists who are from or work with diverse communities, as well as encourages and supporting increased language access, including ASL, for cultural programming and finding opportunities to reach broader more inclusive audiences by providing information in multiple languages and formats, and supporting disability Arts as part of supporting culture and artists, supporting artists and community based cultural organizations that work with immigrant communities, cultures and artists and continue to supporting free admission, membership or discounted programming with cultural organizations through the IDNYC program.

WHEREAS, under Social and Economic Impact, including Arts and Culture in resiliency planning and preparedness by designating a City Liaison to help coordinate the participation of artists and arts, cultural and science communities in disaster preparedness and responses. with support for cultural organizations that have a lower environmental impact.

WHEREAS, Affordability is one of the major issues facing our arts and culture community. It is recommended that by preserving and developing long-term workspaces of the cultural community, advancing the affordable Real Estate for Artists(AREA) initiative, supporting nonprofit organizations in the development and operation of affordable workspaces in City-owned or public-private partnership facilities, consulting with local residents in the City's RFP's for new cultural facilities in order to better reflect community needs and priorities, as well as share and partner in the development of new models to develop and preserve affordable workspaces citywide-considering Community Land Trusts, fractional ownership, rent to own, deed restrictions, cross subsidization and mobile studios would best serve our community. To improve access to existing and newly developed affordable housing for artists and cultural workers by creating opportunities to increase the development of physically accessible affordable housing for artists that allows them to thrive in their own communities, inform NYC's artist and cultural communities about affordable housing opportunities and investigate how to allow for non-traditional income documentation review in affordable housing applications from artists and other freelance workers with variable income. Support longterm sustainability of artists, cultural workers and Arts& Culture and Science organizations including creating mechanisms for organizations to pool resources and encourage block buying of resources and materials such as goods and a city agency or not-for-profit 3rd party to pursue collective purchases of insurance.

WHEREAS, City-Wide Coordination should support culture across agencies partnering with other City agencies to ensure the needs of the cultural community in all community and economic development and planning processes, develop RFP's for mixed-use developments which give reference too proposals that include cultural organization on the development team, help artist and cultural organization stop navigate city government rules, regulations and permitting, hold sessions for cultural opera and City agencies to facilitate collaboration and share information on upcoming opportunities. Strengthen interagency and inter-governmental collaboration by formally coordinating efforts to support an integrate culture across City Agencies and facilitate collaboration between agencies, sector sea initiatives. by effectively communication cultural funding opportunities and programming citywide via exiting information systems such as th NYCH Journal and libraries.

WHEREAS, Arts, Culture & Science Education needs to strengthen and promote high quality, diverse and sequential art culture and science education for every child in NYC Public schools by promoting

and supporting arts instruction across grades K-12, integrate arts and culture in all subtexts, collaborate with arts and /or museum educators, expand the pool of arts and cultural organizations that deliver service in and after school, expand free and affordable after school arts and culture programs citywide. Supporting professional development and fellowship for educators and teaching artists from under represented groups, including people with disabilities.

WHEREAS, Health of the Cultural Sector should support expanded employment opportunities for local artists and arts, cultural and science works by collaborating with partner organizations to support individual arts through direct grants, including vocally sponsored artist, help community based networks to learn from one another, coordinate their efforts and scale up through collective action, support incremental marketing efforts by the City and other stakeholder to promote the broad range of arts and cultural offerings citywide and work towards safe and open environments for DIY and alternative arts spaces in collaboration with City agencies and to streamline the grant application process.

WHEREAS, Arts & Culture in Public Space should be increased opportunities for artist to work in NYC Government and public space by removing barriers and support stakeholders in navigating the permitting process for art and cultural programming in public space and create mechanisms for artist-led and artist-initiated project in public space and/or with City government, by inclusion of public story in all development projects on private sites.

WHEREAS, Neighborhood Character should be maintained by supporting arts, cultural and science programs in all neighborhoods in all boroughs by incorporating local arts and culture organizations and priorities in neighborhood planning and re-zoning, collaborating with communities and researchers to identify cultural assets and distribution of funding, partner with City agencies and community stakeholders to support cultural preservation in neighborhoods across all five boroughs.

THEREFORE BE IT RESOLVED, Community Board 3 approves this Summary Overview of the NYC Cultural plan taking into consideration the above mentioned areas of concern as presented in this resolution and asks that the Department of Cultural Affairs release a copy of the proposed cultural plan to be submitted to the NYC Council prior to June 30 2017 for public review and comment and that data gathered from the many surveys conducted be made available to the general public and be sortable by zip code.

33 YES 0 NO 0 ABS 0 PNV MOTION PASSED

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

1. Approval of previous month's minutes approved by committee
2. Presentation by NYC Parks Landscape architect Chris Crowley of the schematic design for the Parks Without Borders project at Seward Park

VOTE: TITLE: To Support the design for Parks Without Borders Project at Seward Park

WHEREAS, Seward Park was awarded capital grant funding for improvements as part of the Parks Without Borders program; and

WHEREAS, Parks Without Borders aims to make parks around the city more welcoming and accessible to everyone by transforming underused spaces and improving current uses and entrances; and

WHEREAS, The Seward Park Conservancy and the Parks Department held numerous outreach sessions to gather community input on the proposed " Parks Without Borders" program and funding; and

WHEREAS, there was a consensus for approval of the plan by the local community and the Conservancy; and

WHEREAS, one key aspect of the Parks Without Borders program is to minimize and lower fencing and make it more uniform. The perimeter fences in Seward Park will be lowered from 7 feet to 4 feet; and

WHEREAS, the proposed design will include: additions of an adult exercise area to the underused open area near the basketball court; bioswales, permeable pavers, and other sustainable infrastructure; and two entrances, as well as enlargement of the garden; and

WHEREAS, the project will also include reconstruction of the sidewalks, making them more uniform, safe, and easier to maintain, and beautification of the library plaza; and

WHEREAS, the Parks Department is looking into the possibility of adding bistro and game tables in the park as well as children's size furniture in the library plaza; and

WHEREAS, the classical design of the park will be maintained throughout the project; so

THEREFORE BE IT RESOLVED, Community Board 3 supports the design for the Parks Without Borders Project at Seward Park.

BE IT FURTHER RESOLVED, due to the potential for newly lowered fences to provide easier access during the park's closed hours and given some concerns raised over the potential for misuse of the playground areas in particular, CB3 requests the 7th Precinct, the Parks Department and the Conservancy to provide ongoing support to monitor and mitigate any issues that might arise due to the new design; and

AND BE IT FURTHER RESOLVED, that CB3's support for lowering the fence height in Seward Park should not be interpreted to mean that CB3 supports the lowering of fences in other parks in our community district.

Kay moves to amend Parks resolution as read. Motion seconded. Motion passes.

3. Presentation of design for the Reconstruction of the Compost Facility and Construction of a Wetland for LES Ecology Center in East River Park

VOTE: TITLE: To Support the design for the reconstruction of the compost facility and construction of a wetland for the LES Ecology Center in East River Park

WHEREAS, Since 1987, the Lower East Side Ecology Center (LESEC) has worked toward a more sustainable New York City by providing community-based recycling and composting programs, as well as youth development through environmental education programs; and

WHEREAS, LESEC takes in food waste and processes it into compost for planting material in East River Park. LESEC would like to expand its composting operations, which would require reconstruction of the site; and

WHEREAS, the proposed reconstruction project would formalize current composting operations to adhere to requirements of the Department of Environmental Protection for sewer discharge by creating a separate treatment system capable of treating liquid waste from the composting operations; and

WHEREAS, the proposed project would provide a space for better site integration, educational opportunity, and controlled pedestrian access, while also serving as a stormwater collection and treatment space; and

WHEREAS, the site will be enhanced with plantings, stormwater management, and spatial organization for efficient composting operations and management and a reduction in unwanted odors; so

THEREFORE BE IT RESOLVED, Community Board 3 supports the design for the reconstruction of the compost facility and construction of a wetland for the LES Ecology Center in East River Park.

4. Planning for District Needs Statement
no vote necessary

Block Party

5. People Power Planet Party, 6/17, 622 E 6 St (btwn Ave B & Ave C)

VOTE: TITLE: To Support the People Power Planet Party on 6/17/2017 at 622 E 6th St. between Ave B and Ave C

To Support the People Power Planet Party

6. Festival Nios y Adultos, 7/15, E 6 St (btwn Ave D & FDR Drive)

VOTE: TITLE: To Support the Festival Nios y Adultos on 7/15/2017 at E 6 St. between Ave D and FDR Drive

To Support the Festival Nios y Adultos

7. Independence Day Celebration, 7/1, Market St (btwn E Bdwy & Henry)

no vote necessary

8. Vote to adjourn

approved by committee

33 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Landmarks

- Certificate of Appropriateness, 74 E 4th St: La MaMa Theatre full renovation, including new storefront system to replace brick with aluminum, window replacement, elevator renovation, new stairs, roof bulkheads, ADA accessibility, renovation of rear upper façade, rooftop mechanical with screen wall

VOTE: TITLE: Approval of the Certificate of Appropriateness for full renovation at 74 E 4th Street

WHEREAS, 74 East 4th Street (Block 459, Lot 23) was designated in 2009 as the Aschenbroedel Verein (now La MaMa); and

WHEREAS, the four-story (plus basement), red brick-clad building was constructed in 1873 to the design of German-born architect August H. Blankenstein; and

WHEREAS, the front façade was altered in 1892 by the architectural firm of Kurtzer & Rohl, with the addition of cast-iron ornament, pilasters, and cornice that combine elements of the German Renaissance Revival and Neo-Grec styles with folk motifs; and

WHEREAS, four 1892 cast-iron pilasters survive and will be restored; and

WHEREAS, alterations dating from 1969 include the central metal-and-glass entrance doors, which are surmounted by a wooden panel and sign; and brick infill between and above the pilasters; and

WHEREAS, the building was acquired in 1967 by the La MaMa Experimental Theatre Club; and

WHEREAS, the building remains one of the significant reminders of 19th-century German-American cultural contributions to New York City, as well as the continuing vitality of off-off-Broadway theater in the East Village, and

WHEREAS, proposed exterior work includes rooftop bulkheads and a mechanical screen wall that are not visible from a site line directly across the street; and

WHEREAS, it is proposed to remove the first floor brick infill and replace it with a recessed glass and aluminum storefront, including a suggestion of a storefront cornice, retaining and restoring the cast-iron pilasters; and

WHEREAS, the treatment of the historic façade is a restoration of special architectural elements, such as the cast-iron window surrounds, quoins, and cornice; and

WHEREAS, the proposed colors are based on forensic analysis; and

WHEREAS, the replacement windows will be wooden; and

WHEREAS, restoration and rehabilitation of this historic building will enable this important community cultural asset to serve its constituents well into the future; so

THEREFORE BE IT RESOLVED, CB 3 approves the application for a Certificate of Appropriateness for a full renovation at La MaMa Theatre at 74 E 4th St. The renovation will include a new storefront system to replace brick with aluminum, window replacement, elevator renovation, new stairs, roof bulkheads, ADA accessibility, renovation of rear upper façade, rooftop mechanical with screen wall.

33 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Land Use, Zoning, Public & Private Housing Committee

1. Approval of previous month's minutes approved by committee
2. 421-a application for 79 Avenue D: mixed use building of 110 residential apartments including 22 affordable, 87 market rate, basement and ground floor retail

VOTE: TITLE: Approval of 421-a application by Avenue D Owners LLC and Avenue D Affordable LLC for 79 Avenue D (Block 376, Lot 33), a 12-story, mixed use building of 110 residential apartments, including 22 affordable, 87 market rate, basement and ground-floor retail

WHEREAS, the applicant is constructing a mixed-use residential and commercial building at 79 Avenue D with 110 apartments, 22 of which are affordable, as well as ground-floor retail; and

WHEREAS, CB 3 approved the inclusionary housing program for the building in June, 2015; and

WHEREAS, because of the HFA regulatory agreement, the affordable units will be affordable to families at or below 60% of AMI for 35 years and, upon vacancy, at or below 80% of AMI thereafter; and

WHEREAS, under the regulatory agreement, if operating expenses exceed revenues, the market-rate units will subsidize the affordable units; and

WHEREAS, the retail space has been pre-leased to RiteAid; and

WHEREAS, apartment facilities such as dishwashers and washer/dryers, are included in both the market rate and affordable units (neither market rate nor affordable studios have washer/dryers); and

WHEREAS, amenities will include a gym, lounge, laundry, bike room, and two outdoor areas, which will be available to all tenants, at no charge (except for the bike room, for which the affordable tenants will pay a lower amount); so

THEREFORE BE IT RESOLVED, CB 3 urges the New York City Department of Housing Preservation and Development to approve the 421-a application for 79 Avenue D.

3. Housing application checklist
no vote necessary
4. Chinatown Neighborhood Plan update
no vote necessary
5. Planning for District Needs
no vote necessary
6. Response to Two Bridges area development EIS draft scope

VOTE: TITLE: Provisional Approval of the Draft Comments

WHEREAS, draft comments on the draft scope of work were prepared by our consultant; and

WHEREAS, committee members and members of the public have reviewed the draft and proposed changes and additions; and

WHEREAS, the committee will not meet again prior to the scoping hearing on May 25; so

THEREFORE BE IT RESOLVED, the committee approves the draft, with the addition of the notes taken, and forwards the revised document to the CB 3 Executive Committee for approval. (See Appendix A)

7. Vote to adjourn
approved by committee

33 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding Land Use item 6)

31 YES 2 NO 0 ABS 0 PNV MOTION PASSED (Land Use item 6)

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

1. Approval of previous month's minutes
approved by committee
2. Discussion of Mount Sinai Beth Israel Certificate of Need
no vote necessary
3. Continued discussion of proposed resolution regarding hate-free zone
no vote necessary
4. Planning for District Needs
no vote necessary
5. Vote to adjourn
approved by committee

33 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Economic Development Committee

1. Approval of previous month's minutes
approved by committee

2. Union Square Tech Hub - update on recent occurrences
no vote necessary
3. Planning for Special District
no vote necessary
4. Planning for District Needs Statement
no vote necessary
5. Vote to adjourn
approved by committee

33 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Transportation & Public Safety and Environment Committee

1. Approval of previous month's minutes
approved by committee
2. PS/MS34 student presentation: Trash Free Waters – collection of data, engagement of neighbors to reduce plastic street litter (cafeteriaculture.org)
no vote necessary
3. LES Partnership - pedestrian plaza between Seward Park and Straus Square

VOTE: TITLE: Preliminary Support for Pedestrian Plaza between Seward Park and Straus Square

WHEREAS, the 'Parks without Borders' program will make significant investments in Seward Park; and

WHEREAS, underutilized portions of the roadbed exist between Seward Park and Straus Square; and

WHEREAS, residents have expressed a desire for additional pedestrian space and amenities in this location; so

THEREFORE BE IT RESOLVED, Community Board 3 supports the closure of the Canal Street roadbed between Seward Park and Straus Square to vehicular use; and

THEREFORE BE IT FURTHER RESOLVED, Community Board 3 supports necessary and appropriate changes in parking regulations to accommodate relocation of the existing taxi relief stand; and

THEREFORE BE IT FURTHER RESOLVED, Community Board 3 supports granulated resurfacing to discourage skateboarding; and

THEREFORE BE IT FURTHER RESOLVED, Community Board 3's support is conditioned on the understanding that a final design and programmatic use concept will be presented to the Parks Committee prior to implementation, with the exception of work involving granulated resurfacing and the installation of required pedestrian safety buffers such as planters and/or bollards.

4. DOT presentation: Weekend Walks, Shared Streets and Seasonal Street Closures planned for Chinatown summer 2017

VOTE: TITLE: Approve Concept for Pilot Seasonal Closure & Shared Streets in a Portion of Chinatown

WHEREAS, DOT presented a conceptual program for pilot programs on some streets in the historic core of Chinatown for the 2017 warm weather season. The Chinatown BID is a partner with DOT for this program, and would provide programming for streets that would be partially or fully closed during the pilot program:

- A full seasonal closure of Doyers Street is being considered from mid-July through September. The southern-most 100 feet would remain open, primarily for access to the Post Office. The Chinatown BID would program the closed street, by, for example, putting street furniture out during the daytime.
- A few streets are being considered for designation as a Shared Street on Friday evenings from 6 pm-10 pm in July and August – Mott Street from Canal St to Chatham Square, Pell Street from the Bowery to Mott Street, and Mosco Street from Mott Street to Mulberry Street. A Shared Street is a roadway designed for slow travel speeds where pedestrians, cyclists, and motorists all share the right of way. Vehicles are advised to drive 5 MPH; and

WHEREAS, all of the streets proposed for Seasonal Closure or Shared Streets are narrow with very narrow sidewalks. In effect they already operate similar to how a designated Shared Street would operate, but without benefit of adequate planning; and

WHEREAS, the programming/closure of the Seasonal Closure or Shared Streets would take into account overall circulation, building access, emergency access, sanitation, deliveries, pick-up and drop-offs, and parking; and

WHEREAS, DOT and the Chinatown BID will provide promotion, signage, amenities, programming, sanitation, and a monitoring plan; so

THEREFORE BE IT RESOLVED, that Community Board 3 approves of the conceptual programming for both the seasonal closure of Doyers Street and the Friday evening Shared Streets operation of Mott Street, Pell Street and MoscoStreet in the historic core of Chinatown during 2017; and

THEREFORE BE IT FURTHER RESOLVED, that Community Board 3 asks DOT the Chinatown BID to return to CB 3 with the detailed programming for the Seasonal Closure and Shared Streets designations before implementation.

5. Two Bridges weekend walk, June 24 and Sept 23, Rutgers Street, between Madison St and E Broadway

VOTE: TITLE: Recommendation to Support Two Bridges Weekend Walk

Community Board 3 hereby supports the Two Bridges Weekend Walk, to be held June 3, 2017 and September 23, 2017 from 9 am – 4 pm on Rutgers Street between Madison Street and East Broadway.

6. Street co-name request 7th Street between 2nd Avenue and 3rd Avenue to be co-named Moises Locon

VOTE: TITLE: Support for street co-naming for Moises Locon, 7th Street between 2nd Avenue and 3rd Avenue

WHEREAS, Moises Ismael Locón Yac, an employee at Sushi Park Restaurant on 2nd Avenue between 7th Street and St Marks, died in the East Village gas explosion in 2015 at the age of 26; and

WHEREAS, Moises was born in Guatemala and came to the United States in 2008. Though he resided in Queens, he spent a great deal of time in the East Village; and

WHEREAS, Moises has been described as hard-working, taking on long shifts 6 days per week at the sushi restaurant and saving the money he earned in hopes of one day returning to Guatemala; and

WHEREAS, as a result of the increase in attention the 2015 East Village gas explosion brought to the issue of gas safety, on December 6, 2016 Mayor Bill de Blasio signed ten City Council gas safety bills into law; and

WHEREAS, residents of the East Village organized to support co-naming the street where Moises worked in his honor. They presented petitions and letters from 288 residents and many of the businesses on the block, as well as the local City Councilwoman; so

THEREFORE BE IT RESOLVED, Community Board 3 supports the co-naming of 7th Street between 2nd Avenue and 3rd Avenue in honor of Moises Locón.

7. Street co-name request 2nd Avenue between 7th Street and St. Marks Place to be co-named Nicholas Figueroa

VOTE: TITLE: Support for street co-naming for Nicholas Figueroa, 2nd Avenue between 7th Street and St Marks Place

WHEREAS, Nicholas Figueroa, a native New Yorker, died in the East Village gas explosion in 2015 at the age of 23 while dining at the Sushi Park Restaurant on 2nd Avenue between 7th Street and St Marks; and

WHEREAS, Nicholas, of Puerto Rican descent, was raised on the Upper West Side and East Harlem and eventually graduated from Buffalo State College; and

WHEREAS, Nicholas has been described as adventurous, family-oriented, and always happy; and

WHEREAS, as a result of the increase in attention the 2015 East Village gas explosion brought to the issue of gas safety, on December 6, 2016 Mayor Bill de Blasio signed ten City Council gas safety bills into law; and

WHEREAS, residents of the East Village organized to support co-naming a street in honor of Nicholas. They presented petitions and letters from 288 residents and many of the businesses on the block, as well as the local City Councilwoman; so

THEREFORE BE IT RESOLVED, Community Board 3 supports the co-naming of 2nd Avenue between 7th Street and St Marks Place in honor of Nicholas Figueroa.

8. Street co-name request E 2nd St btwn Ave A and Ave B to be co-named for Mary Spink

VOTE: TITLE: Support for street co-naming for Mary Spink, E 2nd Street between Avenues A and B

WHEREAS, Mary Spink, the longtime activist and resident of the block of East 2nd Street between Avenues A and B, died in 2012 at the age of 65 after many decades of service to this community; and

WHEREAS, Mary was executive director of Lower East Side People's Mutual Housing Association and a valued member of Community Board 3, as well as a board member of the LES People's Federal Credit Union, the LES Girls Club, and many more organizations; and

WHEREAS, Mary has been described as passionate, hard-working, determined, resilient, and a person who always made time to volunteer for causes she cared about. Her work in preserving and creating affordable housing on the Lower East Side has left a lasting legacy on the district; and

WHEREAS, the Lower East Side People's Mutual Housing Association organized to support co-naming the street where she lived in her honor. They presented petitions and letters from 365 residents and many of the businesses on the block, as well as the local City Councilwoman; so

THEREFORE BE IT RESOLVED, Community Board 3 supports the co-naming of East 2nd Street between Avenues A and B in honor of Mary Spink.

9. Planning for agenda topics

no vote necessary

10. Support for: Delancey Street Bike Lane as presented by DOT in April

VOTE: TITLE: Approve Delancey Street Protected Bike Lanes and Safety Improvements

WHEREAS, in its presentation at the April 2017 meeting of the Community Board 3 Transportation, Public Safety, and Environment Committee, DOT proposed the installation of a two-way protected bike lane on Delancey Street between the Williamsburg Bridge (at Clinton Street) and Chrystie Street, adjacent to the median on the east-bound side of Delancey Street; and

WHEREAS, this Delancey Street bike lane would create direct connections between the bike facilities on the Williamsburg Bridge, Allen Street and Chrystie Street; and

WHEREAS, there would be a reduction from four to three moving lanes for east-bound traffic between Allen Street and Norfolk Street, which DOT explained would be sufficient for the level of traffic observed during the 5:00 P.M. to 6:00 P.M. peak hour; and

WHEREAS, there will be a protected bike box at the center of the intersection of Allen Street and Delancey Street to provide southbound cyclists making a left turn onto Delancey Street with a safe, efficient bike connection; and

WHEREAS, construction would begin in Spring 2018; and

WHEREAS, at the Community Board 3 Transportation, Public Safety, and Environment Committee meeting two suggestions were made to help with safe rollout:

- There is a severe ponding condition on the median at Norfolk Street where the bike lane is proposed that needs to be corrected before installing any bike lanes; and
- Measures will be needed to educate the cyclists and pedestrians about the two-way operation through street outreach and possibly additional signage; so

THEREFORE BE IT RESOLVED, that Community Board 3 approves of the installation of the Delancey Street Protected Bike Lanes and Safety Improvements; and

THEREFORE BE IT FURTHER RESOLVED, that CB 3 asks DOT to address the ponding conditions at Norfolk Street and to develop a program to educate cyclists and pedestrians when the new bike lane becomes operational.

11. Planning for District Needs

no vote necessary

12. Vote to Adjourn

approved by committee

33 YES 0 NO 0 ABS 0 PNV MOTION PASSED

SLA & DCA Licensing Committee

1. Approval of previous month's minutes approved by committee

Applications within Saturated Areas

2. The Irish Times Pub and Eatery NYC LLC, 158 Ave C (op) withdrawn
3. Tortaria, 172 Orchard St (op) withdrawn
4. Chamusca (Harvest of the Sea LLC), 92 Rivington St btwn Orchard & Ludlow Sts (wb)

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

To deny the application for a wine beer license for Harvest of the Sea LLC, with a proposed business name of Chamusca, for the premises located at 92 Rivington Street, between Orchard Street and Ludlow Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service seafood restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 12:00 P.M. to 11:00 P.M. Sundays through Thursdays and 12:00 P.M. to 2:00 A.M. Fridays and Saturdays,
- 3) it will not commercially operate any outdoor areas,
- 4) it will install soundproofing,
- 5) it will close any front or rear façade entrance doors at 10:00 P.M. every night or when amplified sound is playing and will otherwise have a closed fixed facade with no open doors or windows,
- 6) it will play ambient background music only, consisting of recorded music, and will not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 7) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 8) it will not host pub crawls or party buses,
- 9) it will not have unlimited drink specials with food,
- 10) it may have "happy hours" to 7:00 P.M. each night,
- 11) it will insure that there are no wait lines outside and 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.

Alterations

5. Saluggi's East (Saluggi's East Inc), 399 Grand St btwn Clinton & Essex Sts (op/extend hours to 4am all nights)

VOTE: TITLE: Community Board 3 Recommendation To Deny

WHEREAS, Saluggi's East Inc., doing business as Saluggi's East, is seeking an alteration of its full on-premises liquor license for the premises located at 399 Grand Street, between Clinton Street and Essex Street, to wit extending its closing times to 4:00 A.M. all days; and

WHEREAS, this applicant is also seeking to reduce the hours its kitchen is open, in that it is seeking to close its kitchen two (2) hours before closing every night; and

WHEREAS, this applicant was denied a full on-premises liquor license by Community Board 3 in May of 2016, unless it agreed to make as conditions of its license stipulations that it would 1) operate a full-service Italian restaurant, with a kitchen open and serving food during all hours of operation, 2) have hours of operation of 8:00 A.M. to 1:00 A.M. Sundays through Wednesdays and 8:00 A.M. to 2:00 A.M. Thursdays through Saturdays, 3) 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) play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee would be charged, 5) not apply for any alteration in its method of operation without first appearing before Community Board 3, 6) not host pub crawls or party buses, 7) have happy hours to 7:00 P.M. each night, 8) not have unlimited drink specials with food, 9) designate an employee to oversee patrons and noise on the sidewalk, 10) conspicuously post this stipulation form beside its liquor license inside of its business, and 11) provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

WHEREAS, the full on-premises liquor license for this applicant was then issued by the SLA on August 25, 2015, and this applicant has been operating its business for seven (7) months; and

WHEREAS, this applicant was then heard by Community Board 3 in February of 2017 for an alteration to extend its liquor license to an outdoor café within its buildings line, consisting of eleven (11) tables and twenty-two (22) seats and was denied unless it agreed to make as additional conditions of its license additional stipulations that it would 1) have an outdoor café consisting of eleven (11) tables and twenty-two (22) seats, and 2) have hours of operation for its café of 10:00 A.M. to 10:00 P.M. all days; and

WHEREAS, although the applicant furnished eighty-five (85) signatures from area residents in support of its application and two (2) area residents appeared on its behalf, representatives of the Seward Park Around Canal Street Block Association and the Orchard Street Block Association appeared and stated that the applicant has been operating only seven (7) months and had entered into an agreement with the Seward Park Around Canal Street Block Association prior to the approval of its full on-premises liquor license which included an agreement to have hours of operation of 8:00 A.M. to 1:00 A.M. Sundays through Wednesdays and 8:00 A.M. to 2:00 A.M. Thursdays through Saturdays, consistent with its operation as a restaurant; and

WHEREAS, this applicant confirmed that it has not been operating its kitchen during all of its hours of operation which is inconsistent with its existing stipulations; and

WHEREAS, given that the applicant has been operating only seven (7) months, has already altered its full on-premises liquor license to allow it to serve alcohol in its outdoor space and is not operating consistent with its stipulations, in that it is closing its kitchen earlier than it is closing its business; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for an alteration of the full on-premises liquor license for Saluggi's East Inc., doing business as Saluggi's East, for the premises located at 399 Grand Street, between Clinton Street and Essex Street, to wit extending its closing times to 4:00 A.M. all days.

6. Momofuku KO (KO EP LLC), 8 Extra Pl (aka 4-8 Extra Place, aka 22 E 1st St) btwn Bowery & 2nd Ave (op/additional eating area, refigure entrance/exit, stand up bar to service bar)

VOTE: TITLE: Community Board 3 Recommendation To Approve

To approve the application for an alteration of the full on-premises liquor license for KO EP LLC, doing business as Momofuku KO, for the premises located at 8 Extra Place a/k/a 4-8 Extra Place a/k/a 22 East 1st Street, between Second Avenue and Bowery, to wit creating an additional dining space from the storage area located at the northern end of the restaurant, which will consist of seven (7) tables and fourteen (14) seats, moving its entrance further into the alley, relocating its standup bar to a new waiting area and converting the existing standup bar to a service bar.

New Liquor License Applications

7. Spectrum Catering and Concessions (Facility Concession Services Inc), 119-125 E 11th St btwn 3rd & 4th Aves (op) (operating concessions at Webster Hall)
withdrawn

8. Sensei (Gallery Sensei LLC), 135 Eldridge St btwn Brome & Delancey Sts (upgrade to op)

VOTE: TITLE: Community Board 3 Recommendation To Deny

WHEREAS, Gallery Sensei LLC is seeking a full on-premises liquor license to operate an art gallery, tavern and art event space at the premises located at 135 Eldridge Street, between Broome Street and Delancey Street, New York, New York; and

WHEREAS, this applicant is seeking to operate an art gallery and tavern with a proposed business name of Sensei, a certificate of occupancy of sixty (60) people, seven (7) tables and forty (40) seats, an eight (8) foot bar with four (4) stools, hours of operation of 12:00 P.M. to 12:00 A.M. Sundays through Tuesdays and 12:00 P.M. to 2:00 A.M. Wednesdays through Saturdays, two (2) televisions or monitors, happy hours to 8:00 P.M. each night, recorded background music and security all nights; and

WHEREAS, this applicant was heard for a full on-premises liquor license application for the same business located on the second floor of 278 Grand Street in May of 2014 but was denied for a wine beer license only unless the applicant agreed to make as conditions of its license stipulations that it would 1) operate a tavern and art gallery, with a prep area serving food during all hours of operation, 2) have hours of operation of 12:00 P.M. to 12:00 A.M. Sundays through Tuesdays and 12:00 P.M. to 2:00 A.M. Fridays and Saturdays, 3) play ambient background music, consisting of recorded music, and not have live music, DJs or any event at which a cover fee would be charged, and any promoted

events or scheduled performances would consist of art related events or performances consisting of visual or film arts, 4) not commercially use any outdoor areas, 5) have a closed fixed façade with no open doors or windows, 6) not apply for any alteration in its method of operation without first appearing before Community Board 3, 7) not have "happy hours," 8) not host pub crawls or party buses, 9) insure that there are no wait lines outside and designate an employee to oversee patron noise and crowds on the sidewalk, and 10) provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

WHEREAS, this is a location which has never been licensed and, although, commercially zoned, it is substantially different from the Grand Street location in that it is on a narrow street densely populated with residential apartment buildings; and

WHEREAS, there are at least thirty-three (33) full on-premises liquor licenses within five hundred (500) feet of this location; and

WHEREAS, the apparent public benefit for approving a full on-premises liquor license for this location is its method of operation as an art gallery; and

WHEREAS, although the applicant has stated that a full on-premises liquor license is necessary to sustain its business, there are numerous galleries within this community board district which operate without any liquor license and the history of operation of the applicant; and

WHEREAS, although the applicant furnished evidence of support from the surrounding community for its business, in that it furnished forty (40) petition signatures and two (2) patrons appeared on its behalf, a resident of 134 Eldridge Street submitted a letter in opposition to this application and the landlord of the adjacent 133 Eldridge Street appeared in opposition to this application, both stating that the business, which has already been open for three (3) weeks looks like a tavern and has already hosted an event, both of which are inappropriate for this residential street; and

WHEREAS, notwithstanding the history of the applicant, the proposed application for a tavern, art gallery and art event space with later nighttime hours than its previous business, happy hours and security is inappropriate for this heavily residential block of Eldridge Street; now

THEREFORE, BE IT RESOLVED that, for all of the aforementioned reasons, Community Board 3 moves to deny the full on-premises liquor license for Gallery Sensei LLC for the premises located at 135 Eldridge Street, between Broome Street and Delancey Street, New York, New York.

9. One Ludlow Street LLC, 1 Ludlow St @ Ludlow, Division & Canal Sts (op)

VOTE: TITLE: Community Board 3 Recommendation To Deny

WHEREAS, One Ludlow Street LLC is seeking a full on-premises liquor license to operate a café and restaurant at the premises located at 1 Ludlow Street, at the intersection of Ludlow Street, Division Street and Canal Street, New York, New York; and

WHEREAS, this applicant is seeking to operate a café on the ground floor and restaurant in the basement with a certificate of occupancy of seventy-four (74) people, four (4) tables and eleven (11) seats on the ground floor, thirteen (13) tables with fifty-three (53) seats in the basement, a sidewalk café consisting of twelve (12) tables and twenty-four (24) seats a sixteen (16) foot bar with eight (8) stools in the basement, hours of operation of 7:00 A.M. to 10:00 P.M. all days on the ground floor and 6:00 P.M. to 12:00 A.M. Sundays, 6:00 P.M. to 2:00 A.M. Mondays through Thursdays and 6:00 P.M. to 2:30 A.M. Fridays and Saturdays, recorded background music and security Thursdays through Saturdays; and

WHEREAS, the applicant is seeking to open an eastside version of its French café and restaurant, doing business as Mimi's, located at 185 Sullivan Street, New York, New York, since October of 2015; and

WHEREAS, the apparent public benefit for approving a full on-premises liquor license for this location is that the applicant has operated a similar business with a full on-premises liquor license in the West Village since October of 2015; and

WHEREAS, this is a previously unlicensed location which has been vacant for at least thirteen (13) years; and

WHEREAS, there are at least sixteen (16) full on-premises liquor licenses and two (2) pending full on-premises liquor licenses within five hundred (500) feet of this location; and

WHEREAS, the applicant has stated that it seeking to open this café restaurant to have a venue where it can direct the patrons for its existing business because it is so popular; and

WHEREAS, although the applicant furnished evidence of support from the surrounding community for its business, in that it furnished eighty-five (85) petition signatures from area resident, representatives of the Seward Park Around Canal Street Block Association, Resident of Two Bridges Neighborhood Association and the Orchard Street Block Association appeared or submitted statements that they were opposed to the approval of a full on-premises liquor license for this location given the existing noise and people from area nighttime businesses; and

WHEREAS, notwithstanding that the applicant has operated the same business at 185 Sullivan Street, New York, New York, for nineteen (19) months, there is no public benefit in the addition of a French café and restaurant which will operate as a destination location to this area; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the full on-premises liquor license for One Ludlow Street LLC, for the premises located at 1 Ludlow Street, at the intersection of Ludlow Street, Division Street and Canal Street, New York, New York.

10. Yuan Noodle (Yuan Noodle LLC), 157 2nd Ave btwn E 9th & E 10th Sts (op)
withdrawn

11. Epstein's (Epstein's Bar LLC), 82 Stanton St @ Allen St (op)

VOTE: TITLE: Community Board 3 Recommendation To Deny

WHEREAS, Epstein's Bar LLC, with a proposed business name of Epstein's Bar, is seeking a full on-premises liquor license for the premises located at 82 Stanton Street, at the corner of Stanton Street and Allen Street; and

WHEREAS, this is an application to operate a tavern restaurant with no listed certificate of occupancy, twelve (12) tables and thirty-six (36) seats, hours of operation of 11:00 A.M. to 4:00 A.M. all days, a kitchen open to within one (1) hour of closing, an open façade, consisting of accordion, doors, on two (2) sides of the business along both Allen Street and Stanton Street, a speaker system mounted over or beside its accordion doors, three (3) televisions, recorded entertainment level music, happy hours to 7:00 P.M. and security; and

WHEREAS, the previous licensee opened its business in 2004 but its original license application was not heard by Community Board 3; and

WHEREAS, the previous licensee, Stanton Restaurant Corp, also doing business as Epstein's Bar, had a long adverse history before the SLA, consisting of 1) a conditional no contest plea on February 23, 2007, for unreasonable noise on May 19, 2006, and sale to a minor on May 25, 2006, 2) a conditional no contest plea denied without known resolution on June 5, 2013, for unlicensed security and failure to supervise on February 26, 2011, unlicensed security on February 27, 2011, prohibited sales after hours on March 26, 2011, disorderly premise on August 21, 2011, sale to minor on October 20, 2011, and unlimited drinks and exceeding maximum occupancy on January 7, 2012, 3) a conditional no contest plea on February 8, 2012, for disorderly premise on June 4, 2011, 4) a settlement on June 1, 2015, for records and signage violations, failure to conform to the application and unlicensed security on May 30, 2014, and noise on November 26, 2014, and 5) a conditional no contest plea on March 1, 2017, for occupancy violation on July 16, 2015 and September 30, 2015, work without a permit on October 16, 2014, occupancy violations and failure to comply on October 20, 2014, failure to comply and false material statements on March 19, 2015, gas line violations, not operating as a bone fide business, records violations and having defective emergency lights, fire extinguisher and fire exits signs on August 27, 2015, and not conforming to codes on April 23, 2015, June 25, 2015, August 20, 2015, and December 3, 2015; and

WHEREAS, the New York Police Department also conducted a multiagency or MARCH operation against the business on August 28, 2015; and

WHEREAS, the business ceased operating as a *bona fide* business and ceased its operations entirely in December of 2015, and the corporation placed its license into safekeeping with the SLA where it has remained; and

WHEREAS, the prior licensee submitted a letter to the SLA on December 7, 2016, in support of its ability to keep its license in safekeeping that it would resolve its outstanding buildings and code

violations, which includes a present certificate of occupancy for a retail clothing store, however, these remain outstanding according to present applicant; and

WHEREAS, although the license for the former Epstein's remains in safekeeping with the SLA and this applicant is seeking to reopen as Epstein's, it has represented that it is a new corporation with new principals; and

WHEREAS, this location is now within five hundred feet of forty-seven (47) full on premises liquor licenses and two (2) pending full on-premises liquor licenses; and

WHEREAS, the applicant did not state a public benefit for the reintroduction of Epstein's with a full on-premises liquor license into this community; and

WHEREAS, numerous residents of Stanton Street submitted letters in opposition to the approval of a full on-premises liquor license at this location and the return of Epstein's, and two residents appeared to speak in opposition to this application, all of whom complained of loud music and loud noise from patrons emanating from the open façade of Epstein's during daytime and nighttime hours and unsafe conditions from patrons crowding the sidewalk outside Epstein's, drinking on the sidewalk, overdrinking during its "boozy" brunches and fighting outside of the business, as well as a lack of concern about these conditions by the business' and

WHEREAS, residents also complained that given the now horrible conditions from the existing nightlife businesses within the same block as this location, which have crowds and wait lines on the sidewalk, loud music and noise from their open facades and promoted events and a lack of control over their patrons, residents cannot support another late night drinking venue on this block; and

WHEREAS, the LES Dwellers, a local residents organization, submitted a statement and appeared in opposition to this application, citing the long adverse history of buildings, code, police and SLA violations at the prior business, that the business had not operated as a *bona fide* business and had been closed since 2015, the forty-seven (47) full on-premises liquor licenses within five hundred (500) feet of this location, the rising crime rates in the immediate area, the horrific noise and traffic congestion within one (1) block of this location, as well as the growing need for retail diversity in this neighborhood; and

WHEREAS, consistent with its violation history and resident complaints, YELP patrons for Epstein's cited its "boozy" brunches, unlimited drink specials, free drinks and pub crawls; and

WHEREAS, the applicant has articulated limited experience operating a licensed business in New York State and furnished no documentation in support of its license or similar experience, in that the applicant has operated a tavern with a full on-premises liquor license at 310 Bowery Group LLC, doing business as 310 Bowery, located at 310 Bowery, New York, New York, since June 22, 2016, one principal was a bartender at the former Epstein's and principals cited experience working at restaurants in San Francisco and Florida; and

WHEREAS, although the applicant stated that it had assumed control of the business known as 310 Bowery in June of 2016, this business, per the LES Dwellers, which submitted documentation in its support, this business has wait lines, pub crawls, an open front door, ticketed events and dancing in violation of the stipulations it signed with Community Board #2; and

WHEREAS, although the applicant furnished evidence of support from the surrounding community for its business, in that it furnished one hundred forty (140) petition signatures, eighty-two (82) of which appeared to be from residents of the immediate area, as well as twenty-one (21) letters, many of the letters were signed by people who had also signed the petitions, which was conceded by the applicant, and some of the petition signatures were from representatives of businesses rather than from residents; and

WHEREAS, given the adverse history of the previous business with the same business name at this location, the existing deleterious conditions on this block from the present nightlife establishments and the forty-seven (47) full on-premises liquor licenses and two (2) pending full on-premises liquor licenses within five hundred (500) feet of this location; now

THEREFORE, BE IT RESOLVED that, for all of the aforementioned reasons, Community Board 3 moves to deny the application for a full on-premises liquor license for Epstein's Bar LLC, with a proposed

business name of Epstein's Bar, for the premises located at 82 Stanton Street, at the corner of Stanton Street and Allen Street.

12. San Marzano (Evir Corp), 117 2nd Ave @ E 7th St (upgrade to op)

VOTE: TITLE: Community Board 3 Recommendation To Deny

WHEREAS, Evir Corp., doing business as San Marzano, is seeking a change in class of its wine beer license to a full on-premises liquor license for its restaurant located at 117 Second Avenue, at the corner of Second Avenue and East 7th Street; and

WHEREAS, the wine beer license for this applicant was denied by Community Board 3 in May of 2011, unless the applicant agreed to make as conditions of its license the stipulations that it would 1) operate a full-service Italian restaurant, serving food to within one (1) hour of closing, 2) have 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, 3) close its façade at 10:00 P.M. every day, and 4) play recorded background music and not have DJs, live music, promoted events, scheduled performances or any events at which a cover fee is charged; and

WHEREAS, this applicant previously applied to Community Board 3 for a change in class of its wine beer license to a full on-premises liquor license in May of 2016 and was denied because of its proximity to a house of worship, to wit New Middle Collegiate Church, located at 112 Second Avenue, between East 6th Street and East 7th Street; and

WHEREAS, the applicant has stated that it then applied for a change in class to the SLA within the past two (2) months and was instructed to return to Community Board 3 for a rehearing of its application; and

WHEREAS, the applicant has now asserted without any documented support that New Middle Collegiate Church does not operate exclusively as a house of worship; and

WHEREAS, although Community Board 3 understands that the SLA, in evaluating this application, will make a determination about the use of New Middle Collegiate Church as a house of worship, this location has had a longstanding history in this community as a free standing house of worship with regular church and community services and Community Board 3 believes that, as such, it is primarily operated as a house of worship; and

WHEREAS, despite its stated public benefit of offering affordable food and having operated at this location for several years, this is outweighed by the forty-two (42) full on-premises liquor licenses and two (2) pending full on-premises liquor licenses within five hundred (500) feet of this location; and

WHEREAS, the applicant has offered no evidence of outreach to the community or community support for this application, in that, although requested to provide such evidence by Community Board 3, it furnished no petition signatures in support of this application from area residents; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for a change in class of a wine beer license to a full on-premises liquor license for Evir Corp., doing business as San Marzano, located at 117 Second Avenue, at the corner of Second Avenue and East 7th Street.

13. TTBK Inc, 188 Suffolk St btwn E Houston & Stanton Sts (op)

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

To deny the application for a full on-premises liquor license for TTBK LLC, with a proposed business name of Subject, for the premises located at 188 Suffolk Street, between East Houston Street and Stanton Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a tavern, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 5:00 P.M. to 4:00 A.M. Mondays through Fridays and 12:00 P.M. to 4:00 A.M. Saturdays and Sundays,
- 3) it will not commercially operate any outdoor areas,
- 4) it will close any front or rear façade entrance doors at 10:00 P.M. every night or when amplified sound is playing and will otherwise have a closed fixed facade with no open doors or windows,
- 5) it will play ambient background music only, consisting of recorded music, and will not have DJs, live music, 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 host pub crawls or party buses,
- 8) it will not have unlimited drink specials with food,
- 9) it will insure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 10) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 11) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints

Community Board 3 is approving this application for a full on-premises liquor license although this is a location in an area with numerous full on-premises liquor licenses because 1) this is a sale of assets of a preexisting tavern with full on-premises liquor license and the applicant will maintain the method of operation and business name, 2) one of the principals has been the bar manager at this location for the past two (2) years and the other principal has operated Prohibition Bakery at 9 Clinton Street, between East Houston Street and Stanton Street, since 2011, and 3) the applicant has demonstrated support for this application, in that it has furnished six-eight (68) signatures from area residents in support of its application, and

14. Novo Partners, 57 2nd Ave (op)

withdrawn

15. 00+Co (Plant-Based Pizza New York LLC), 65 2nd Ave (upgrade to op)

withdrawn

16. Dos Cientos (200 Allen Restaurant LLC), 200 Allen St a/k/a 175-177 E Houston Street (op)

VOTE: TITLE: Community Board 3 Recommendation To Deny

WHEREAS, 200 Allen Restaurant LLC, with a proposed business name of Dos Cientos, is seeking a full on-premises liquor license for the premises located at 200 Allen Street, between East Houston Street and Stanton Street; and

WHEREAS, this location is also known as 175-177 East Houston Street; and

WHEREAS, this is an application to operate a Mexican restaurant with a certificate of occupancy of one hundred ninety-nine (199) people with sixty-eight (68) people on the ground floor and one hundred thirty-three (133) people in the basement, fourteen (14) tables and thirty-eight (38) seats on the ground floor and twenty-seven (27) tables and one hundred twenty-one (121) seats in the basement, hours of operation of 9:00 A.M. to 12:00 A.M. Sundays through Wednesdays and 9:00 A.M. to 2:00 A.M. Thursdays through Saturdays, a twenty (20) foot bar with ten (10) stools on the ground floor and a twenty-five (25) foot bar with nine (9) stools in the basement, windows, two (2) televisions, background level recorded music, DJs ten (10) times per month, one hundred (100) private parties per year, two (2) security guards Thursdays through Saturdays, happy hours to 8:00 P.M. and anticipated wait lines; and

WHEREAS, although this location had a business with a liquor license once before, it has been vacant for several years; and

WHEREAS, the previous licensee was heard for a full on-premises liquor license by Community Board 3 in April of 2011 and was denied unless it agreed to make as conditions of its license stipulations that it would 1) operate a full-service American restaurant in the basement and a coffee shop, bakery and restaurant on the ground floor, with a kitchen open and serving food during all hours of operation on both floors, 2) have hours of operation of 12:00 A.M. to 12:00 A.M. all days on the ground floor and 11:00 A.M. to 2:00 A.M. all days in the basement, 3) triple soundproof windows facing a shared courtyard in the basement and install soundproof curtains along the windows or other equally effective soundproofing measures after an evaluation by a sound engineer, 4) not commercially operate the courtyard, and 5) play recorded background music and not have DJs, live music, promoted events or events at which a cover fee is charged; and

WHEREAS, this location is within five hundred feet of forty-three (43) full on premises liquor licenses; and

WHEREAS, there was no public benefit stated by the applicant for the approval of this full on-premises liquor license; and

WHEREAS, Michael Shah, the principal in the instant application, and Victor Jung, his proposed manager, are operators of 133 Essex Restaurant LLC, doing business as Sons of Essex Street, located at 133 Essex Street, between Stanton Street and Rivington Street, which was heard for a full on-premises liquor license by Community Board 3 in May of 2011 and was denied unless it agreed to make as conditions of its license stipulations that it would 1) operate a full-service American restaurant, with a

kitchen open and serving food to within one (1) hour of closing, 2) have hours of operation of 10:00 A.M. to 2:00 A.M. Sundays through Wednesdays and 10:00 A.M. to 4:00 A.M. Thursdays through Saturdays, 3) close any façade doors and windows at 10:00 P.M. every night, 4) play recorded background music and not have DJs more than fifty (50) times per year and not have live music, promoted events or events at which a cover fee is charged, and 5) use an identification scanner and security guards for special events; and

WHEREAS, residents have complained that this business is being operated inconsistent from its stipulations in that it is operated as a club with reduced daytime hours and expanded nighttime hours, loud music, loud noise from crowds on the sidewalk, regular DJs and promoted events; and

WHEREAS, 133 Essex Restaurant LLC has had a violation history before the SLA, consisting of a conditional no contest plea on November 14, 2014, for improper conduct and unauthorized trade name on May 16, 2014 and improper conduct on May 19, 2014; and

WHEREAS, Michael Shah and Victor Jung are respondents in a pending lawsuit filed by Matthew Levine, the other principal of 133 Essex Restaurant LLC for, among other allegations, stealing money from the business, commingling its funds, forgery and fraud; and

WHEREAS, Michael Shah and Victor Jung, are also operators of 19 Stanton Restaurant LLC, doing business as 205 Club and Leave Rochelle Out Of It, located at 19 Stanton Street a/k/a 205 Chrystie Street, at the corner of Stanton Street and Chrystie Street, which was heard for a full on-premises liquor license by Community Board 3 in May of 2012, and was denied unless it agreed to make as conditions of its license stipulations that it would 1) operate a full-service restaurant and lounge, serving food during all hours of operation, 2) have hours of operation of 12:00 P.M. to 4:00 A.M. all days, 3) play ambient background music, consisting of recorded music, upstairs only and may have DJs in the basement level but will not have live music, promoted events, scheduled performances or any event at which a cover fee will be charged, 4) close any façade doors and windows at 10:00 P.M. every day, 5) install additional soundproofing to minimize noise emanating from the location, 6) it will employ two (2) to four (4) security or door people daily but will have no less than one (1) security person per every seventy-five (75) people, and 7) create a traffic plan to address traffic congestion outside of its premise; and

WHEREAS, residents have complained that this business is being operated inconsistent from its stipulations, in that it has loud uncontrollable crowds on the sidewalk; and

WHEREAS, Victor Jung, who is also the landlord of 19 Stanton Street, was cited as one of the top thirty-one (31) worst landlords of 2011 because of the one hundred sixty-five (165) violations against that building in 2011; and

WHEREAS, Victor Jung, who has also represented that he will be operating the proposed business and employed by Michael Shah was convicted in 2008 by federal indictment of three (3) counts of wire fraud and one (1) count of conspiracy for crimes associated with his business dealings; and

WHEREAS, Michael Shah has also been sued by the City of New York for tax evasion associated with his business dealings with a nonprofit organization and properties in Staten Island; and

WHEREAS, Michael Shah and Victor Jung also operated The Raven, located at 53-59 Gansevoort Street, New York, New York, which was approved a full on-premises liquor license for a Mexican restaurant by Community Board #2 on September 20, 2012, and denied its renewal by Community Board #2 on April 23, 2015, because it was operating contrary to its stipulations, in that it was not operating as a *bona fide* restaurant and was operating as a club lounge; and

WHEREAS, a resident of an adjacent business on East Houston Street submitted a letter in opposition to this application, stating that there was no public benefit in the addition of a Mexican restaurant with DJs, wait lines, three (3) private parties per week and security in an area with forty-three (43) full on-premises liquor licenses within five hundred (500) feet; and

WHEREAS, a resident of an adjacent building on East Houston Street and owner of a neighboring business appeared, stating that his apartment is adjacent to the courtyard shared with this location and he is opposed to the approval of a full on-premises liquor license for this location because any noise from activity in the basement of this location is amplified through the courtyard and into his apartment; and

WHEREAS, the LES Dwellers, a local residents organization, submitted a statement and appeared in opposition to this application, citing the long adverse history of the existing business operated by the applicant at 133 Essex Street, the relevant legal and criminal history of the principal Michael Shah and Victor Jung, his manager, the forty-three (43) full on-premises liquor licenses within five hundred (500) feet of this location, the lack of public benefit in the addition of a Mexican restaurant with DJs, security and wait lines, the rising crime rates in the immediate area, the horrific noise and traffic congestion in this area, as well as the growing need for retail diversity in this neighborhood; and

WHEREAS, consistent with its violation history and resident complaints, YELP patrons for Epstein's cited its "boozy" brunches, unlimited drink specials, free drinks and pub crawls; and

WHEREAS, although the applicant stated that it was furnishing substantial evidence of support from the surrounding community for its business, in that it furnished seven hundred (700) petition signatures, only fifty-seven (57) appeared to be from residents of the immediate area; and

WHEREAS, the legal history of the individuals involved in this application, their history operating their existing businesses, the scope of the proposed application, the lack of public benefit in the addition of another nightlife venue to this area and its proximity to forty-three (43) full on-premises liquor licenses render this application for a full on-premises liquor license inappropriate for this location; now

THEREFORE, BE IT RESOLVED that, Community Board 3 moves to deny the application for a full on-premises liquor license for 200 Allen Restaurant LLC, with a proposed business name of Dos Cientos, for the premises located at 200 Allen Street a/k/a 175-177 East Houston Street, at the corner of East Houston Street and Stanton Street; and

17. Burgers and Chismis LLC, 143 Orchard St btwn Rivington & Delancey Sts (wb)

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

To deny the application for a wine beer license for Burgers and Chismis LLC, for the premises located at 143 Orchard Street, between Rivington Street and Delancey Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service Filipino restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 5:00 P.M. to 1:00 A.M. Tuesdays through Sundays and it will be closed Mondays,
- 3) it will not commercially operate any outdoor areas,
- 4) it will install soundproofing,
- 5) it will close any front or rear façade entrance doors at 10:00 P.M. every night or when amplified sound is playing and will otherwise have a closed fixed facade with no open doors or windows,
- 6) it will play ambient background music only, consisting of recorded music, and will not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 7) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 8) it will not host pub crawls or party buses,
- 9) it will not have unlimited drink specials with food,
- 10) it may have "happy hours" to 8:00 P.M. each night,
- 11) it will insure that there are no wait lines outside and 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.

18. Ladybird (DeRose Mac LLC), 111 E 7th St btwn 1st Ave & Ave A (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 Derossi Mac LLC, with a proposed business name of Ladybird, for the premises located at 111 East 7th Street, between First Avenue and Avenue A, 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 vegan restaurant, with a kitchen open and serving food during all hours of operation,

- 2) its hours of operation will be 5:00 P.M. to 2:00 A.M. Mondays through Fridays and 3:00 P.M. to 2:00 A.M. Fridays and Saturdays,
- 3) it will not commercially operate any outdoor areas,
- 4) it will close any front façade doors and windows at 10:00 P.M. every night or when amplified sound is playing, 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 will not have DJs, live music, 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-premises liquor license without first obtaining the approval of Community Board 3,
- 8) it will not host pub crawls or party buses,
- 9) it will not have unlimited drink specials with food,
- 10) it may have "happy hours" to 7:00 P.M. each night,
- 11) it will insure that there are no wait lines outside and 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.

Items not heard at Committee

19. El Camion III LLC, 198 Ave A (wb)
no vote necessary
20. Shinsen, 44 Bowery (wb)
no vote necessary
21. Rose & Basil (Rose & Basil LLC), 104 E 7th St (wb)
no vote necessary
22. Chibaola Inc, 152 2nd Ave (wb)
no vote necessary
23. Chutney Masala NYC Inc, 175 Ave B (wb)
no vote necessary
24. Vote to adjourn
approved by committee

33 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Vote to adjourn

33 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Members Present at Last Vote:

David Adams	[P]	Herman F. Hewitt	[P]	Nancy Ortiz	[P]
Yaron Altman	[P]	Trever Holland	[P]	Carolyn Ratcliffe	[P]
Dominic Berg	[P]	Anne K. Johnson	[A]	Joyce Ravitz	[P]
Karen Blatt	[A]	Linda Jones	[P]	Damaris Reyes	[P]
Lisa Burriss	[A]	Vaylateena Jones	[P]	James Rogers	[P]
Alan van Capelle	[A]	Meghan Joye	[P]	Richard F. Ropiak	[P]
Karlin Chan	[A]	Lisa Kaplan	[P]	Robin Schatell	[P]
MyPhuong Chung	[A]	Carol Kostik	[P]	Laryssa Shainberg	[P]
David Crane	[P]	Mae Lee	[P]	Wilson Soo	[A]
Enrique Cruz	[P]	Veronica Leventhal	[A]	Nancy Sparrow-Bartow	[P]
Eric Diaz	[A]	Alysha Lewis-Coleman	[E]	Josephine Velez	[P]
Wilda Escarfuller	[P]	Gigi Li	[P]	Rodney Washington	[P]
Shirley Fennessey	[P]	Jeremy Markman	[P]	Kathleen Webster	[P]
David Ford	[P]	Chad Marlow	[P]		
Debra Glass	[P]	Alexandra Militano	[P]		

Meeting Adjourned