



# THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

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Jamie Rogers, Board Chair

Susan Stetzer, District Manager

November 2017 Full Board Minutes

Meeting of Community Board 3 held on Tuesday, November 28, 2017 at 6:30pm at PS 20, 166 Essex Street.

#### Public Session:

Kevin Crocilla: (Post Master Announcement) 600 buildings in the borough of Manhattan (66 buildings in CB3 alone) that Postal carriers do not have access to. Key keepers are being requested by the Post Office for these landlords allowing postal carriers access to the buildings.

Micaela O'Connell: Update on FEMA construction activity within the Lower East Side: Smith, Two Bridges, Baruch, La Guardia.

JK Canepa: Supporting the Mayor's public response to return PS 64/CHARAS back to community use.  
Aresh Javadi: Executive Director of MORE GARDENS and is Supporting the Mayor's public response to return PS64/CHARAS back to community use.

Rosemarie Hameed: Sharing her views on political and spiritual topics. In support of more gardens.

Khadjah Mills: Informing the board about the Citizens Committee for NYC Neighborhood grant in January.

Kathy Wakehan: Resident of E 12th street in support of rezoning Tech-Hub proposal. Requesting CB3 and the Mayors office support protection of the buildings within the 4th avenue corridor.

Katy Stokes: President of PTA at NEST+M. Requesting a Traffic and Sanitation Study if a proposal to re-open the pedestrian pathway on Stanton Street is considered by the Mayor's office.

Vaylateena Jones: There are no hospitals in community District 3 and Mount Sinai Beth Israel is the closest hospital north of CD3. According to the NYC Dept of Health, Community Health Profiles 2015, the leading cause of death for residents is heart disease. Construction of the new hospital is planned to begin 2018 and completion is expected 2021/2022. WTC Health Program & Sept 11th Victim Compensation Fund.

Harry Bubbins: Expressed support for the 3rd and 4th ave rezoning proposal. Advocating for CB3 to contact him personally regarding the rezoning.

Dana Friedman: Resident of Suffolk Street asking what can be done about the excessive residential noise in her neighborhood. Shared that officers have provided advice to partygoers to have parties on weekends but not during weekdays which she felt was inappropriate.

K Webster: Announced a vigil for this Friday December 1st 2017 in memory of Rivington House and the AIDS victims within the neighborhood.

Blaze Jones-Yellin: Update on Lowline. Provided an invitation for an underground tour. Grand Street Settlement grand opening in January and has invited Lowline to use the community space for the Community Advisory Board meeting in February.

Laura Sewell: President of the East Village Community Coalition is supporting several local events at Tompkins Square Park and supporting the Arts + Cultural Affairs Subcommittee's Resolution for CHARAS Ps. 64.

Joyce Ravitz: Announcing a Saturday demonstration for affordable and low income housing at 44 Second Avenue.

#### Public Officials:

Mayor Bill de Blasio, Paola Ruiz: Not present.

Public Advocate Letitia James, Adam Chen: Public Advocate has called for the resignation of the Shola Olatoye Chair of NYCHA as a result of the Lead Paint Safety regulations failure of NYCHA. 4200 of 55,000 apartments were not inspected as regulated by the federal government despite Olatoye signed statements of compliance. Shared list of worst landlords in CB3.

Comptroller Scott Stringer, Michael Stinson: Not present.

Borough President Gale Brewer, Afraz Khan: Joining a zoning text amendment with Margaret Chin on the Two Bridges area to protect the land from further development. Cabaret Law was repealed. \$20 million in capital funding for nonprofits and schools is available.

Congressmember Nydia Velazquez, Iris Quinones: Provided update on the Congresswoman's report.

Congressmember Carolyn Maloney, Victor Montesinos: Not present.

Assemblymember Yuh-Line Niou, Rebecca Ou: Spearheading the effort to ensure the City delivers a new school at the Essex Crossing. A letter was submitted in support of construction for the SPURA school on Essex Street Crossing. Supporting NORCS by restoring funding to senior centers.

Assemblymember Deborah J. Glick, Charlie Anderson: Not present

Assemblymember Brian Kavanagh, Venus Galarza-Mullins: Not present

State Senator Brad M. Hoylman, Caroline Wekselbaum: Wrote a letter to NYCHA demanding answers regarding failure to conduct mandatory lead paint safety inspections. Advocated for more help with Puerto Rico.

Councilmember Margaret Chin, Vincent Fang: Not present but literature provided.

Councilmember Rosie Mendez: Street Co naming of Avenue A and E 2nd St Mary Spink and Co naming by Astor Place for Richie Perez. Update on 3rd Ave and St Marks storefront demolition. The residential building across the street from Webster Hall will be demolished for a nasty looking Boutique hotel. TASC and Global Leaders has low enrollment of students.

Members Present at First Vote:

David Adams	[P]	Debra Glass	[A]	Jeremy Markman	[A]
Yaron Altman	[P]	Herman F. Hewitt	[P]	Chad Marlow	[P]
Dominic Berg	[P]	Trever Holland	[A]	Alexandra Militano	[P]
Lee Berman	[A]	Linda Jones	[P]	Nancy Ortiz	[P]
Karen Blatt	[P]	Vaylateena Jones	[P]	Carolyn Ratcliffe	[P]
Lisa Burriss	[A]	Marnie Ann Joyce	[P]	Joyce Ravitz	[P]
Karlin Chan	[P]	Meghan Joye	[P]	Damaris Reyes	[P]
Jonathan Chu	[P]	Lisa Kaplan	[P]	James Rogers	[P]
MyPhuong Chung	[P]	Carol Kostik	[P]	Richard F. Ropiak	[P]
David Crane	[P]	Mae Lee	[P]	Robin Schatell	[P]
Enrique Cruz	[A]	Veronica Leventhal	[P]	Laryssa Shainberg	[P]
Eric Diaz	[P]	Alysha Lewis-Coleman	[P]	Clint Smeltzer	[P]
Dean Diongson	[P]	Gigi Li	[P]	Nancy Sparrow-Bartow	[P]
Shirley Fennessey	[P]	Luis Lopez	[P]	Josephine Velez	[P]
David Ford	[P]	Mei Lum	[A]	Rodney Washington	[P]
Ryan Gilliam	[P]	Robert Magliaro	[P]	Kathleen Webster	[P]

Minutes:

Minutes of September 2017 were approved, as is.

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

Board Chairperson's Report:

Chairperson Jamie Rogers

Invitation to attend the CB3 Christmas Party in December for members. Announcement of By-laws committee. Announced the Social Media position for the CB3. Lowline and Tenement Museum Group Tours. Announced his resignation as CB3 Chair effective December 31st.

District Manager's Report:

District Manager Susan Stetzer

Announced the new assistant district manager Vicente Arellano. Clarified Delancey Street Holiday Inn is not a shelter --DHS is using some beds as emergency beds for single women. The most common cause of homelessness for single women is domestic violence. Reminded residents and members of co naming of Mary Spink. Reported on NCO officers meeting at the 9th precinct providing them training on stipulations of SLA licensees. Announced Community Health Center panel as the agenda item for December Human Services Committee.

Committee Reports:

Executive Committee

no votes necessary

SLA & DCA Licensing Committee

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

Applications within Saturated Areas

2. Galeria (Nova Era Inc), 43 Clinton St btwn Stanton & Rivington Sts (upgrade to op)

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

To deny the application for a change in class of its wine beer license to a full on-premises liquor license for Nova Era Inc., doing business as Galeria, for the premises located at 43 Clinton Street, between Stanton Street and Rivington Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that

- 1) it will operate as a full-service organic Brazilian restaurant, serving vegan and vegetarian options, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 8:00 A.M. to 12:00 A.M. all days,
- 3) it will not commercially operate any outdoor areas,
- 4) it will 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 live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 6) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 7) it may have "happy hours" to 7:00 P.M. each night,
- 8) it will not host pub crawls or party buses,
- 9) it will not have unlimited drink specials with food,
- 10) it will not have wait lines and will designate an employee to oversee patrons and noise on the sidewalk,
- 11) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 12) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints

Community Board 3 is approving this application for a change in class to a full on-premises liquor license although this is a location in an area with numerous full on-premises liquor licenses within five hundred (500) feet of this location because 1) the applicant has been operating this restaurant with moderate hours, including daytime hours, and with an art gallery and retail component, 2) it has been operating this business for almost two (2) years without complaints, 2) it provided substantial support for its application, in that it furnished sixty-two (62) petition signatures and three (3) residents appeared in support of its application, and 4) the applicant operated a similar business, New Organico Inc., located at 89 Seventh Avenue, New York, New York, from October of 2011 to August of 2015, with a full on-premises liquor license.

3. Entity to be formed by K McKamee, 157 Ave C (op)  
withdrawn
4. Dorian Gray, 205 E 4th St (op)  
withdrawn
5. Entity to be formed by L Precious, 162 Orchard St (op)  
withdrawn
6. Entity to be formed by Jeremiah Stone, 175 Orchard St btwn E Houston & Stanton Sts (op)

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

**WHEREAS**, Una Pizza Napoletana LLC was originally seeking a full on-premises liquor license to operate a pizza restaurant in the premises located at 175 Orchard Street, between East Houston Street and Stanton Street; and

**WHEREAS**, this is an application for a pizzeria with a certificate of occupancy of seventy-four (74) people, ten (10) tables and sixty-nine (69) seats, twenty (20) of which would be at a counter, an fifteen (15) foot by four (4) foot bar with eight (8) to ten (10) stools, hours of operation of 5:00 P.M. to 12:00 A.M. Mondays through Saturdays, a kitchen open to within one (1) hour of closing, French doors and recorded background music; and

**WHEREAS**, this is a currently unlicensed location; and

**WHEREAS**, the previous licensee had operated its business at this location with a wine beer license since February 6, 2014; and

**WHEREAS**, because of material misrepresentations made by the previous licensee regarding its method of operation, the SLA cancelled its wine beer license in June of 2015, and it now has a wine beer license application pending before the SLA with a conditional approval letter issued on August 8, 2016; and

**WHEREAS**, there are forty (40) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant but forty-eight (48) full on-premises liquor licenses and three (3) pending full on-premises liquor licenses within five hundred (500) feet of this location per LAMP; and

**WHEREAS**, residents appeared to complain that there are numerous licensed businesses within the immediate area which create excessive noise and crowding on the streets and sidewalk; and

**WHEREAS**, there are three (3) pizza restaurants on the corner of Orchard Street and Stanton Street; and

**WHEREAS**, the applicant has operated 138 Orchard Street since October of 2013 and 140 Orchard Street since June of 2015, both of which have full on-premises liquor licenses and have operated without complaints, and an additional partner operated a pizza restaurant at 349 East 12th Street from 2004 to 2009 with a wine beer license; and

**WHEREAS**, notwithstanding the good history of the applicant in operating licensed businesses in the immediate area and its proposal to operate a full-service pizza restaurant, Community Board 3 was concerned about approving an application for a full on-premises liquor license for an unlicensed location, within close proximity to numerous full on-premises liquor licenses and within the same block as three (3) pizza restaurants; and

**WHEREAS**, although the applicant filed a notice to the SLA for a full on-premises liquor license, given community and community board concerns, the applicant has stated to Community Board 3 that it would now seek a wine beer license; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the application for a wine beer license for Una Pizza Napoletana LLC, with a proposed business name of Una Pizza Napoletana, for the premises located at 175 Orchard 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 full-service pizza restaurant, with less than a full-service kitchen, which includes a cold kitchen and pizza oven, serving food during all hours of operation,
- 2) its hours of operation will be 5:00 P.M. to 12:00 A.M. all days,
- 3) it will not commercially operate any outdoor areas,
- 4) it will install additional soundproofing,
- 5) it will close any front or rear façade doors and windows at 9:00 P.M. every night, when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances, or during any private parties,
- 6) it will play ambient background music only, consisting of recorded music, and will not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 7) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 8) it will not have "happy hours,"
- 9) it will not host pub crawls or party buses,
- 10) it will not have unlimited drink specials with food,
- 11) it will insure that there are no wait lines outside and 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.

**New Liquor License Applications**

7. VYSK Inc, 174 Rivington St btwn Clinton & Attorney Sts (op)

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

**WHEREAS**, VYSK Inc. has applied for a full on-premises liquor license for the premises located at 174 Rivington Street, between Clinton Street and Attorney Street, New York, New York; and

**WHEREAS**, this applicant is proposing to operate a tavern lounge with a certificate of occupancy of seventy-four (74) people, seven (7) tables and forty (40) seats, a twenty-two (22) foot bar with nine (9) stools, hours of operation of 1:00 P.M. to 2:00 A.M. Sundays through Wednesdays and 1:00 P.M. to 4:00 A.M. Thursdays through Saturdays, a prep area serving caviar, recorded background music and DJs Fridays and Saturdays, two (2) televisions, accordion doors, one (1) security guard Thursdays through Saturdays and happy hours to 8:00 P.M.; and

**WHEREAS**, the previous licensee at this location was heard for a full on-premises liquor license by Community Board 3 in August of 2014 and was denied unless it agreed to make as conditions of its license stipulations that it would 1) operate as a tavern, with a prep area serving food to within one (1) hour of closing, 2) have hours of operation of 12:00 P.M. to 1:00 A.M. all days, 3) play ambient background music only, consisting of recorded music and DJs, and not have live music, promoted events, scheduled performances or any event at which a cover fee would be charged, 4) have a closed fixed façade with no open doors or windows and would close any façade front or rear doors by 10:00 P.M. every night, 5) not commercially operate any outdoor areas, 6) install soundproofing, 7) employ at least one (1) security guard Sundays through Tuesdays and two (2) security guards Wednesdays through Saturdays, at least one of which would always be outside to monitor noise and crowds on the sidewalk, 8) not apply for an alteration of its method of operation without first appearing before Community Board 3, 9) not host pub crawls or party buses, 10) have "happy hours" to 8:00 P.M. each night, 11) insure that there are no wait lines outside and designate an employee to oversee patrons and noise on the sidewalk, 12) only use its back door as an emergency egress, 13) install a sound limiter to insure that volume and bass are kept low, and 14) provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

**WHEREAS**, there are twelve (12) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant but fifteen (15) full on-premises liquor licenses within five hundred (500) feet of this location per LAMP; and

**WHEREAS**, residents of the building and directly across the street from the building appeared before Community Board 3 expressing concern about the proposed late night hours and complained that there had been late night noise and smoke from patrons standing outside the previous businesses at this location; and

**WHEREAS**, a representative of the LES Dwellers, a local residents association, appeared expressing concern about the proposed late night hours given the numerous late night businesses and businesses with full on-premises liquor licenses within the immediate area and, further, expressed concern that the previous business had been improperly using the letter of no objection for the adjacent commercial space for the approval of its commercial use and liquor license; and

**WHEREAS**, the applicant stated that it has experience working in bars and restaurants outside of the country since a young age and has three years' experience as a bartender and five years' experience as a manager at a large catering hall and at a restaurant, both within New York City; and

**WHEREAS**, the applicant furnished forty-three (43) signatures and three (3) letters from area residents in support of its application; and

**WHEREAS**, the applicant agreed to reduce its hours of operation, have a fixed façade and have no DJs and stated that it has applied for a letter of no objection for this location; and

**WHEREAS**, Community Board 3 was concerned with the proposed application but agreed to approve this application with stipulations governing its method of operation, including those now agreed to by the applicant; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the application for a full on-premises liquor license for VSYK Inc., for the premises located at 174 Rivington Street, between Clinton Street and Attorney 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 less than a full-service kitchen but serving food during all hours of operation
  - 2) its hours of operation will be 1:00 P.M. to 1:00 A.M. all days,
  - 3) it will not commercially operate any outdoor areas,
  - 4) it will employ at least one (1) security guard all days, one of whose responsibilities is monitoring crowds and noise outside and who will be stationed outside,
  - 5) it will install additional soundproofing,
  - 6) 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,
  - 7) 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,
  - 8) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
  - 9) it may have "happy hours" to 8:00 P.M. each night,
  - 10) it will not host pub crawls or party buses,
  - 11) it will not have unlimited drink specials with food,
  - 12) it will insure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
  - 13) it will use its back door only as an emergency egress,
  - 14) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
  - 15) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.
8. EDManhustle LLC, 39 Essex St btwn Hester & Grand Sts (op)  
withdrawn
9. Hwa Yuan Szechuan (42 44 East Broadway Restaurant Inc), 42 44 E Broadway (upgrade to op)  
withdrawn
10. Chibaola Inc, 152 2nd Ave btwn E 9th & E 10th Sts (upgrade to op)

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

To deny the application for a change in class of its wine beer license to a full on-premises liquor license for Chibaola Inc., for the premises located at 152 Second Avenue, between East 9th Street and East 10th Street, because the applicant failed to appear before Community Board 3 for review of its application.

**Alterations**

11. La Caverna Ristorante (122-124 Rivington Corp), 122-124 Rivington St btwn Essex & Norfolk Sts  
(op/alt/expand from basement to ground fl and mezzanine/add dancing)

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

**WHEREAS**, 122-124 Rivington Corp., doing business as La Caverna Bar & Lounge, is seeking an alteration of its full on-premises liquor license for its basement premises located at 122-124 Rivington Street, between Essex Street and Norfolk Street, New York, New York, to wit expanding to the ground floor and mezzanine, adding approximately one hundred thirty (130) people and adding dancing; and

**WHEREAS**, based upon the questionnaire submitted to Community Board 3, this applicant is also seeking to change its method of operation by extending its hours, adding security, adding DJs and opening its façade by installing French doors; and

**WHEREAS**, this is an application for an Italian restaurant located on three floors with a yet to be determined certificate of occupancy, seventy-six (76) tables and two hundred three (203) seats, a thirty (30) foot bar in the basement and a thirty-eight (38) foot bar on the ground floor with a combined thirty-seven (37) stools, hours of operation of 10:00 A.M. to 4:00 A.M. Saturdays and Sundays and 5:00 P.M. to 4:00 A.M. Mondays through Fridays, French doors, four (4) to five (5) televisions, recorded background music and DJs, one (1) to two (2) security guards weekdays and five (5) to six (6) security guards weekends, two (2) to three (3) private parties per month, no pub crawls and party buses, happy hours to 9:00 P.M. and no wait lines; and

**WHEREAS**, this applicant stated before Community Board 3 that it would adding approximately one hundred thirty (130) people to the ground floor and mezzanine; and

**WHEREAS**, the ground floor and mezzanine of this location have never housed a licensed business; and

**WHEREAS**, there are thirty-eight (38) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant but forty (40) full on-premises liquor licenses and two (2) pending full on-premises liquor licenses within five hundred (500) feet of this location per LAMP; and

**WHEREAS**, Community Board 3 approved this applicant for a full on-premises liquor license to operate an Italian restaurant without stipulations in September of 2002; and

**WHEREAS**, this applicant was originally issued a full on-premises liquor license by the SLA on October 20, 2003; and

**WHEREAS**, the original method of operation of the applicant according to its applications filed with the SLA and Community Board 3 is as a full-service Italian restaurant on the basement level of this location, with a certificate of occupancy of two hundred twenty-five (225) people, twenty-four (24) tables and one hundred twenty-two (122) seats, a six (6) foot by twelve (12) foot by six (6) foot by fifteen (15) foot bar with fifteen (15) stools, recorded background music, consisting of tapes and CDs, and hours of operation of 12:00 P.M. to 10:30 P.M. all days; and

**WHEREAS**, the Statement Of Public Benefit then filed by the applicant with the SLA provided the public benefit of operating as an Italian restaurant in an area with no Italian restaurant and seeking to serve Italian liquors to complement its menu; and

**WHEREAS**, this applicant has been operating inconsistent from its approved method of operation because the business 1) has been hosting DJs, including having a designated DJ booth, and dancing since at least 2010, 2) has had security, wait lines and bottles service since at least 2012, 3) has been exceeding its maximum occupancy consistent with its method of operation as a club, 4) has had complaints from residents of late night noise from wait lines, patrons and cabs on the sidewalk; and

**WHEREAS**, seven (7) residents of the immediate area appeared and four (4) residents spoke in opposition to this application, given its proposed change in method of operation with the addition of late night hours, security, DJs and private parties, its existing late night wait lines, noise and traffic congestion outside of its business and given the existing incredible vehicular and traffic congestion and noise in the area, as well as the numerous licensed businesses, five (5) of which are on this small residential block; and

**WHEREAS**, a representative of the LES Dwellers, a local residents association, appeared in opposition to this application, stating that 1) the proposed method of operation as a restaurant is inconsistent with having security, dancing, late night hours and DJs, 2) that the community was deceived because the applicant first applied as a full-service restaurant but has been operating as a nightclub with horrible wait lines and crowds outside, 3) the pedestrian and vehicular traffic congestion and noise from the existing businesses with full on-premises liquor licenses in this area is incredible, Rivington Street itself has become a heavily trafficked thoroughfare, and 4) this applicant should not be approved an expansion of a business that is already operating outside of its approved method of operation; and

**WHEREAS**, a representative of the Suffolk Street Block Association stated that her organization is opposed to this application because this location is very close to three or four different schools, housing fifteen hundred (1,500) students, is within five hundred (500) feet of forty (40) other licensed businesses and has been a bad neighbor in that it has been contributing to this area being like a ghost town during the day because none of the nightlife businesses including this one is open during the day; and

**WHEREAS**, consistent with the complaints against it, the existing licensee had a settlement before the SLA on February 22, 2012, for exceeding maximum occupancy, noise and unlicensed cabaret on May 22, 2011, and has sustained charges before the SLA on July 1, 2013, for exceeding maximum occupancy on January 16, 2013; and

**WHEREAS**, also consistent with the complaints that it has been operating inconsistent from its method of operation its website and Facebook page reflect private parties, promoted events and DJs, happy hours to 10:00 P.M. each night, closing times of 4:00 A.M. on weekends and a modified menu; and

**WHEREAS**, also consistent with its operation inconsistent from its approved method of operation, its YELP reviews reflect consistent observations by patrons of DJs, including a DJ booth, and dancing from 2010 to 2017, and wait lines, security and bottle service from 2012 to 2017; and

**WHEREAS**, the applicant conceded during its community board hearing that it had "adjusted its operation rather than shut down" in 2010 when its operation as an Italian restaurant "was not going so well" and was now seeking to return to its original method of operation as an Italian restaurant on the first floor and mezzanine but would continue to operate the existing method of operation in the subterranean level on weekends only; and

**WHEREAS**, the applicant also stated that it was seeking to expand its business to address the existing issues of overcrowding in its subterranean level; and

**WHEREAS**, although the applicant submitted thirty-seven (37) signatures from area residents in support of its application, each of the petition pages included a statement that the applicant was seeking to operate a restaurant closing at 1:00 A.M.; and

**WHEREAS**, notwithstanding that the applicant has experience operating businesses in Community Board 3, Community Board 3 cannot approve this application given the history of violations, operation inconsistent from the approved method of operation, noise complaints, deteriorating conditions of this area and lack of public benefit in opening what Community Board 3 believes would be, despite the representations of the applicant, two additional floors with the existing method of operation and, thereby, endorsing all of its previously unapproved conduct in an area with the greatest density of liquor licenses, and

**WHEREAS**, Community Board 3 would not support this application even if this applicant were seeking to expand a legitimately operating restaurant to two additional floors, open the facade and extend its closing times to 4:00 A.M. because it would result in the addition of approximately one hundred thirty (130) people, their attendant noise and later hours of operation to an area that already suffers from late night pedestrian and traffic congestion and noise; and

**THEREFORE BE IT RESOLVED** that Community Board 3 moves to deny the application for the alteration of the full on-premises liquor license for 122-124 Rivington Corp., doing business as La Cavern Bar & Lounge, for the premises located at 122-124 Rivington Street, between Essex Street and Norfolk Street, New York, New York, to wit expanding its business to the ground floor and mezzanine, adding approximately one hundred thirty (130) people and adding dancing; and

**THEREFORE BE IT FURTHER RESOLVED** that Community Board 3 asks that the SLA investigate whether 122-124 Rivington Corp. doing business as La Caverna Bar & Lounge, for the premises located at 122-124 Rivington Street, between Essex Street and Norfolk Street, New York, New York, is operating its full on-premises liquor license inconsistent from its approved method of operation.

**New Liquor License Applications**

12. Pinks Cantina (Pinks Cantina LLC), 203 Chrystie St (wb)  
withdrawn
13. LLC to be formed, 131 Rivington St @ Norfolk St (op)

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

**WHEREAS**, 131 Rivington Street Restaurant LLC has applied for a full on-premises liquor license for the premises located at 131 Rivington Street, at the corner of Norfolk Street and Rivington Street, New York, New York; and

**WHEREAS**, this applicant is seeking to operate a contemporary New England seafood restaurant with a certificate of occupancy of one hundred five (105) people, twenty-two (22) tables and sixty-two (62) seats, a twenty-six (26) foot bar with twelve (12) stools, hours of operation of 10:00 A.M. to 1:00 A.M. Sundays, 12:00 P.M. to 4:00 A.M. Mondays through Fridays and 10:00 A.M. to 4:00 A.M. Saturdays, a kitchen open to within one (1) hour of closing serving a limited menu of seafood sandwiches and oysters, windows, recorded background music, ten (10) private parties per year and one (1) security guard Thursdays through Saturdays; and

**WHEREAS**, this location is on a residentially zoned street, zoned R7A; and

**WHEREAS**, this location was previously operated as a restaurant with a full on-premises liquor license issued by the SLA on August 6, 2003; and

**WHEREAS**, the previous licensee was then heard by Community Board 3 for complaints of noise and crowds on the sidewalk and an illegally illuminated sign; and



**WHEREAS**, the previous business has been permanently closed since August of 2017 with a representation by the present applicant that its liquor license is in safekeeping rather than surrendered to the SLA as required by permanently closed businesses; and

**WHEREAS**, there are twenty-six (26) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant but thirty-six (36) full on-premises liquor licenses and one (1) pending full on-premises liquor license within five hundred (500) feet of this location per LAMP; and

**WHEREAS**, the applicant has stated that the public benefit in the approval of a full on-premises liquor license is that the applicant will operate this location as a restaurant and has had experience operating three (3) restaurant bars in the West Village since 1999, all of which operated with full on-premises liquor licenses; and

**WHEREAS**, seven (7) residents of the immediate area appeared and five (5) residents spoke in opposition to this application, given its proposed late night hours of operation which are inconsistent from the earlier closing times of the previous business, the open façade, its proximity to a school located directly across the street and given the existing incredible vehicular and traffic congestion in the area, one resident describing a regular bottleneck of cabs on Rivington Street; and

**WHEREAS**, a representative of the LES Dwellers, a local residents association, appeared expressing concern about the application for a full on-premises liquor license given the numerous businesses with full on-premises liquor license within the immediate area and the incredible pedestrian and vehicular traffic congestion and noise from the existing businesses with full on-premises liquor licenses in this area; and

**WHEREAS**, a representative of the Suffolk Street Block Association stated that her organization is opposed to this application because this location is directly across the street from a building located at 145 Stanton Street, which houses no less than three schools and it and other schools within a block of this location daily service one thousand five hundred (1,500) students; and

**WHEREAS**, notwithstanding that after hearing community concerns the applicant offered to reduce its closing times to 12:00 A.M. Sundays through Wednesdays and 2:00 A.M. Thursdays through Saturdays and furnished one hundred eight (108) signatures from area residents in support of its application, Community Board 3 finds no public benefit in approving an application for a full on-premises liquor license for a seafood restaurant with a limited sandwich and snack menu, within close proximity to numerous full on-premises liquor licenses and in an area with incredible vehicular and pedestrian traffic congestion as a result of the existing licensed businesses; and

**WHEREAS**, although the previous business operated with a full on-premises liquor license, the prior applicant applied for a liquor license for this previously unlicensed location during a time when it was one of the first applications for a restaurant in this area, there was a decided public benefit in the addition of a restaurant to this area, this area did not have the number of licensed businesses it now has nor did it have the pedestrian or traffic congestion and noise that residents now consistently complained about; and

**WHEREAS**, Community Board 3 asks that the SLA investigate the proximity of this location to the building located at 145 Stanton Street, with an entrance and egress into a school yard located on the corner of Rivington Street and Norfolk Street, given that Community Board 3 believes that the last investigation involving the proximity of this location to this school building occurred in 2003, and given that this location now houses at least three schools, to wit Marta Valle High School, School for Global Leadership and Lower Eastside Preparatory High School; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the application for a full on-premises liquor license for 131 Rivington Street Restaurant LLC, for the premises located at 131 Rivington Street, at the corner of Norfolk Street and Rivington Street.

14. Charrua (Bistro Uruguay Inc), 131 Essex St (upgrade to op/ change hours from 11am-11pm, Sunday-Thursday and 11am-12am, Friday/Saturday to 11am-11pm, Sunday-Wednesday and 11am -2am, Thursday-Saturday)

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

**WHEREAS**, Bistro Uruguay Inc. has applied for a change in class of its wine beer license to a full on-premises liquor license for the premises located at 131 Essex Street, between Stanton Street and Rivington Street, New York, New York; and

**WHEREAS**, this applicant is also seeking an alteration, to wit changing its hours of operation from 11:00 A.M. to 11:00 P.M. Sundays through Thursdays and 11:00 A.M. to 12:00 A.M. Fridays and Saturdays to 11:00 A.M. to 11:00 P.M. Sundays through Wednesdays and 11:00 A.M. to 2:00 A.M. Thursdays through Saturdays; and

**WHEREAS**, the current managers of this business have appeared before Community Board #3 as the applicant after filing a corporate change application on October 26, 2017; and

**WHEREAS**, this location has never housed a business with a full on-premises liquor license and the location was unlicensed prior to the wine beer license application by this corporation; and

**WHEREAS**, this corporation was administratively approved for a wine beer license by Community Board #3 in November of 2014, with stipulations to 1) operate as a full-service Uruguayan restaurant, with a kitchen open and serving food during all hours of operation, 2) have hours of operation of 11:00 A.M. to 11:00 P.M. Sundays through Thursdays and 11:00 A.M. to 12:00 A.M. Fridays and Saturdays, 3) not commercially operate any outdoor area, 4) close its façade 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) 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 would be charged, 6) not apply for any alteration in its method of operation without first appearing before Community Board #3, 7) not host pub crawls or party buses, and 8) insure that there are no wait lines outside; and

**WHEREAS**, the SLA issued its wine beer license on January 21, 2016; and

**WHEREAS**, there are forty (40) full on-premises liquor licenses and one (1) pending full on-premises liquor license within five hundred (500) feet of this location per LAMP; and

**WHEREAS**, the applicant has stated that the public benefit in the approval of a full on-premises liquor license is that this location has operated as a restaurant for almost two (2) years and that its patrons have requested alcohol; and

**WHEREAS**, one of the principals stated that it has that he has worked in the restaurant business for fourteen (14) years and has managed a restaurant in another area of Manhattan and both principals have been managers at this location since it opened; and

**WHEREAS**, notwithstanding that the applicant furnished thirty-six (36) signatures from area residents in support of its application, a representative of the LES Dwellers, a local residents association, appeared expressing concern about the application for a change in class to a full on-premises liquor license given the numerous businesses with full on-premises liquor licenses within the immediate area, the incredible pedestrian and vehicular traffic congestion and noise from the existing businesses with full on-premises liquor licenses at this intersection, as well as the lack of experience of the applicant in operating a licensed business; and

**WHEREAS**, Community Board #3 was concerned about approving an application for a full on-premises liquor license within close proximity to numerous full on-premises liquor licenses to an applicant without any experience owning a licensed business and with less than two years' experience managing this business with a wine beer license; and

**WHEREAS**, given its operating history, Community Board #3 would have supported an alteration to amend the operating hours, thereby extending the nighttime hours of operation Thursdays through Saturdays; and

**WHEREAS**, the applicant would not sign the stipulations governing its method of operation Community Board #3 required in support of its alteration application; now

**THEREFORE, BE IT RESOLVED** that Community Board #3 moves to deny the application for a change in class of its wine beer license to a full on-premises liquor license for Bistro Uruguay Inc., doing business as Charrua, for the premises located at 131 Essex Street, between Stanton Street and Rivington Street; and

**THEREFORE, BE IT FURTHER RESOLVED** that Community Board #3 moves to deny the simultaneous application for an alteration of the wine beer license for Bistro Uruguay Inc., doing business as Charrua, for the premises located at 131 Essex Street, between Stanton Street and Rivington Street, to

wit changing its hours of operation, because the applicant would not agree to make as conditions of its license the following stipulations that

- 1) it will operate as a Uruguayan restaurant, with a kitchen open and serving food during all hours of operation
- 2) its hours of operation will be 11:00 A.M. to 11:00 P.M. Sundays through Wednesdays and 11:00 A.M. to 2:00 A.M. Thursdays through Saturdays,
- 3) it will not commercially operate any outdoor areas,
- 4) it will close any front or rear façade doors and windows at 10:00 P.M. every night, when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances, or during any private parties,
- 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 may have "happy hours" to 7:00 P.M. each night,
- 8) it will not host pub crawls or party buses,
- 9) it will not have unlimited drink specials with food,
- 10) it will insure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 11) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 12) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

15. Cheese Grille (188 Allen St Inc), 188 Allen St btwn E Houston & Stanton 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 188 Allen St Inc., doing business as Cheese Grille, for the premises located at 188 Allen 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 full-service cheese-focused restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 11: A.M. to 10:00 P.M. Sundays, 11:00 A.M. to 12:00 A.M. Mondays through Thursdays and 11:00 A.M. to 3:00 A.M. Fridays and Saturdays,
- 3) it will not commercially operate any outdoor areas,
- 4) it will close any front or rear façade doors and windows at 11:00 P.M. every night, when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances, or during any private parties,
- 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 have "happy hours,"
- 8) it will not host pub crawls or party buses,
- 9) it will not have unlimited drink specials with food,
- 10) it will insure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 11) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 12) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

**Hotel Applications**

16. The Allen Hotel Inc, 88 Allen St (op)  
withdrawn

**Items not heard at Committee**

17. Malai Marke (RAA NYC LLC), 318 E 6th St (corp change)  
no vote necessary

18. The Athenian NYC Inc, 224 E 10th St (wb)  
no vote necessary

19. Sooh NYC Inc, 108 E 4th St (wb)  
no vote necessary

20. Avocado Appetit (Avocado Appetit Inc), 112 Eldridge St (wb)  
no vote necessary

- 21. Ho Foods NYC, 110 E 7th St (wb)  
no vote necessary
- 22. Mama Fina's (Mama Fina's NY Inc), 167 Ave A (wb)  
no vote necessary
- 23. Malt and Mold Inc, 221 E Broadway (wb)  
no vote necessary
- 24. Vote to adjourn  
approved by committee

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

**Transportation, Public Safety, & Environment Committee**

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

**Bus Stop Permit Applications**

- 2. Hi Bus Inc, 156 East Broadway (North side of Street, Rutgers to Pike Sts)

**VOTE: TITLE: Support for a Curbside Bus Stop for Hi Bus, Inc. at 156 East Broadway**

**WHEREAS**, Hi Bus, Inc. has applied for a designated bus stop for curb-side loading/unloading operations located at 156 East Broadway, which is located on the north side of the street between Rutgers Street and Pike Street; and

**WHEREAS**, the buses will provide service between New York City and Catonsville, MD with up to one arrival and one departure daily between the hours of 6:30 p.m. and 2:30 a.m.; and

**WHEREAS**, the proposed bus stop is located adjacent to the permitted bus stop for Rockledge Bus Tour, Inc. at 150 East Broadway, which operates three arrivals and three departures daily; and

**WHEREAS**, Hi Bus, Inc. will maintain a storefront for waiting passengers with restroom facilities at 152 East Broadway that will open at 6:30 a.m. and remain open until 10:30 p.m.; and

**WHEREAS**, the bus layover location for Hi Bus, Inc. is 145 Sullivan Street, Brooklyn, NY; and

**WHEREAS**, the applicant has entered into an agreement with CB 3 to adhere to the following stipulations:

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

**THEREFORE BE IT RESOLVED**, that CB 3 Manhattan recommends that DOT issue a permit for Hi Bus, Inc. to operate their bus service at a designated curbside bus stop located at 156 East Broadway, provided that the preceding list of stipulations agreed between the applicant and CB 3 will be attached to the DOT permit.

- 3. Vote to adjourn  
approved by committee

**42 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding Transportation item 2)**

**41 YES 1 NO 0 ABS 0 PNV MOTION PASSED (Transportation item 2)**

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

no meeting scheduled

**Landmarks Committee**

meeting canceled

**Joint Land Use, Zoning, Public & Private Housing Committee & Economic Development Committee**

1. Approval of previous month's Land Use, Zoning, Public & Private Housing Committee minutes and Economic Development Committee minutes  
approved by committee
2. Update Regarding the Proposed Workforce Development and Digital Skills Training Center at 124 East 14th Street and Discussion on Design, Program, and Future Community Engagement with local youth, entrepreneurs and small businesses.  
no vote necessary

Meghan Joyce announced the Tech Hub will make a presentation at January 2018 Economic committee.

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

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

1. ULURP C170068ZSM: 66 Allen Street aka 315 Grand Street – modification to allow residential use (Use Group 2) on portions of the ground floor, the 2nd-4th floors, and proposed penthouse of an existing 5-story mixed-use building in a C6-2G District  
**VOTE:** To approve ULURP C170068ZSM: 66 Allen Street aka 315 Grand Street – modification to allow residential use (Use Group 2) on portions of the ground floor, the 2nd-4th floors, and proposed penthouse of an existing 5-story mixed-use building in a C6-2G District.
2. Report from Public Housing & Section 8 Housing Subcommittee  
no vote necessary
3. Vote to adjourn  
approved by committee

Committee chair MyPhoung responded to questions from Board members regarding the 3rd and 4th avenue rezoning. The following question was asked, "why hasn't the 3rd and 4th avenue rezoning proposal been put on an agenda to vote for or against" to which Chair MyPhoung responded that due diligence for committee needs to be taken before a position and vote can take place. Lisa Kaplan shared that she would like to move this rezoning proposal to committee for a discussion to generate a position to vote. Chad Marlow wants a discussion to consider whether the 3rd and 4th avenue rezoning and the Tech Hub should be joined/"married" together or voted on separately. Herman Hewitt shared that the committee members should be approached for discussion on the proposal ahead of any new members/staff such as the new assistant district manager. Meghan shared that 3rd and 4th avenue rezoning should be studied more before we rush to a vote as a committee but not at the timeframe of several months-"this decision affects businesses and has long term effects". Vaylateena Jones commented that the presentation of the 3rd and 4th avenue rezoning proposal and the Chinatown Working Group proposal were not uniform and the committee was able to make a vote with one presentation but unable to make a vote after the 3rd and 4th avenue rezoning presentation. Chair clarified that the Chinatown Rezoning proposal was a culmination of 8 years of work and preparation before it was finally presented at committee making it a distinct difference from the 3rd and 4th avenue rezoning proposal presentation. Damaris Reyes commented that uniformity of processes for zoning proposals should be in place. Robin asked why the present material isn't enough to decide on a vote. Committee Chair responded that she is presently in the process of receiving information on the impact this Tech Hub will have on the community and clarified that is the information the committee is waiting for. Joyce commented that whatever resources/information the board needs to help committees reach a decision should be in place to avoid future zoning proposal stonewalls.

Chair suggested adding to the agenda of Land Use Committee on December 13th 2017 a discussion regarding the 3rd and 4th avenue rezoning proposal and invited all full board members to attend.

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

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

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

1. Approval of previous month's minutes  
approved by committee
2. Update on Mount Sinai Beth Israel Community Health Needs Assessment  
no vote necessary
3. NYS Nurses Association: report on restructuring the NYC Health & Hospitals Corp  
no vote necessary

4. Vote to adjourn  
approved by committee

Nancy Ortiz provided a report on the Waterfront Task force Sub-Committee.

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

Vote to adjourn

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

Members Present at Last Vote:

David Adams	[P]	Debra Glass	[A]	Jeremy Markman	[A]
Yaron Altman	[P]	Herman F. Hewitt	[P]	Chad Marlow	[P]
Dominic Berg	[P]	Trever Holland	[A]	Alexandra Militano	[P]
Lee Berman	[P]	Linda Jones	[P]	Nancy Ortiz	[P]
Karen Blatt	[P]	Vaylateena Jones	[P]	Carolyn Ratcliffe	[P]
Lisa Burriss	[A]	Marnie Ann Joyce	[P]	Joyce Ravitz	[P]
Karlin Chan	[P]	Meghan Joye	[P]	Damaris Reyes	[P]
Jonathan Chu	[P]	Lisa Kaplan	[P]	James Rogers	[P]
MyPhuong Chung	[P]	Carol Kostik	[P]	Richard F. Ropiak	[P]
David Crane	[P]	Mae Lee	[P]	Robin Schatell	[P]
Enrique Cruz	[A]	Veronica Leventhal	[P]	Laryssa Shainberg	[P]
Eric Diaz	[P]	Alysha Lewis-Coleman	[P]	Clint Smeltzer	[P]
Dean Diongson	[P]	Gigi Li	[P]	Nancy Sparrow-Bartow	[P]
Shirley Fennessey	[P]	Luis Lopez	[P]	Josephine Velez	[P]
David Ford	[P]	Mei Lum	[A]	Rodney Washington	[P]
Ryan Gilliam	[P]	Robert Magliaro	[P]	Kathleen Webster	[P]

Meeting Adjourned