



# THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

59 East 4th Street - New York, NY 10003

Phone (212) 533-5300

[www.cb3manhattan.org](http://www.cb3manhattan.org) - [info@cb3manhattan.org](mailto:info@cb3manhattan.org)

Alysha Lewis-Coleman, Board Chair

Susan Stetzer, District Manager

November 2018 Full Board Minutes

Meeting of Community Board 3 held on Tuesday, November 27, 2018 at 6:30pm at PS 20, 166 Essex Street.

### Public Session:

Scott Young – Representing Citizens Committee of NYC upcoming grants of up to \$500-3,000 for community based projects.

Ryan Gillam – Executive Director of FAB NYC to announce the first ever LES community cultural council. This is a paid position to receive training and programming for the community with a focus on NYCHA residents due January 4th.

Paul Feuerstein – CEO of Barrier Free Living announcing its plan for the new development on Houston Street 2nd street. They have empowered thousands of disabled persons to exit into the world as competent and independent residents.

LeShan Gawlman – Program Director who provided additional information on the new development plan that will expand and enlarge its current operations.

Harry Bubbins – Representing Greenwich Village Society for Historic Preservation provided an update on the special retail district. Provided support letters from local organizations regarding the proposed recommendations.

Michael Marino – Representing Friends of Corlears Park announcing its upcoming Community Event December 9th.

Olympia Kazi – representing NYC artist coalition announced the kick off of the Listening Tour for the NYC Nightlife Office.

Vaylateena Jones – Representing LES Power Partnership regarding the Two Bridges LSRD. The towers rising will block hundreds of apartments to lose access to east river and limit sunlight into these apartments. Chapter 27 Page 103, "every habitable room where a window is lost, there will be an existing window that satisfies the legal requirement" highlighting the disregard of the developers regarding these residents being affected.

Laura Sewell – Announcement regarding businesses on 14th street between 14th Avenue A and 1st avenue. The conditions have approved meanwhile these businesses are suffering. She is advocating for more patronage to these small businesses.

### Public Officials:

Mayor Bill de Blasio, Gabrielle Dann-Allel:

Public Advocate Letitia James, Adam Chen:

Comptroller Scott Stringer, Michael Stinson:

Townhall regarding tenant rights at the public library on 42nd street starts at 6pm. 2019 internships available for College students between \$13 – \$23 an hour.

Borough President Gale Brewer, Brian Lewis:

Concern regarding recent revision of the East Village Resiliency plan. The Borough President is expressing concern for alteration to the plan that will not lead to a loss of the park on the FDR drive. L Train taskforce and Boys Club meeting will take place in the coming weeks with Borough President wishes for the program to remain. Borough President is in support of the Clemente to remain despite recent management issues. CB member application. A resolution will be provided to implement mandatory nutrition education in public schools.

Congressmember Nydia Velazquez, Iris Quinones:

Congressmember Carolyn Maloney, Victor Montesinos:

Author of safe act released following statement in response to Betsy Devos statement that does not enforce sexual harassment safe space. CB3 report provided.

Assemblymember Yuh-Line Niou, Rebecca Ou:

Held a fire safety workshop in NYC public Schools. Yuhline office provided batteries for fire detectors at Full Board meeting. Gouverneur and Hamilton Madison House provided a free flu shot event. Free SCRIE workshop provided last week for senior residents. February 3rd Budget townhall will be held at Manny Cantor Center.

Assemblymember Deborah J. Glick, Charlie Anderson:

Assemblymember Harvey Epstein, Mike Schweinsburg:

In support of Fairer Fares and East River Resiliency plans. Strong opposition to Amazon which will affect the whole city. Harvey Epstein office provided 600 turkeys to low income families in the Lower East Side with plans to continue to expand on this budding tradition.

State Senator Brian Kavanagh, Venus Galarza-Mullins:

NYS Senate is a democratic majority hoping to bring NYCHA State funding among other plans to be passed. Reminded non NYCHA residents of their rights from their landlords to remain warm. A parent resource guide was provided at the Full board.

State Senator Brad M. Hoylman, Caroline Wechselbaum:

Tenant rights townhall meeting tomorrow at 42nd street Public Library. Honored transgendered veterans week. L train shutdown was advocated for air quality monitors among the Diesel bus routes that will be in its place.

Councilmember Margaret Chin, Marian Guerra:

Six years after the anniversary of Hurricane Sandy, her office is in strong support of keeping resiliency on this district corridor. Provided a hearing on mental health among older adults which was largely inspired by two seniors who took their lives in one development in this district. She pushed for legislation to require staff to identify mental health illnesses within senior centers and senior programs. Announced upcoming application portal to receive discretionary capital and program funding.

Councilmember Carlina Rivera, Sheila Rodriguez:

Councilmember Rivera office is receiving an uptick in public housing outages in District 2 (non NYCHA residents). Reminding constituents to report to the office to provide advocacy for tenants to their landlords. Councilmember Rivera is pushing legislation to pass into law the misuse of capturing pigeons to bring to Pennsylvania to be used for fire arm sport. Chair thanked Carlina Rivera office for the Thanksgiving dinner for constituents at PSA4 for public housing residents and victims of domestic violence.

Members Present at First Vote:

David Adams	[P]	Shirley Fennessey	[P]	Jeremy Markman	[P]
Yaron Altman	[P]	David Ford	[P]	Antonio Martinez	[A]
Jesse Beck	[P]	Ryan Gilliam	[P]	Alexandra Militano	[P]
Dominic Berg	[A]	Debra Glass	[A]	Nancy Ortiz	[P]
Lee Berman	[P]	Herman F. Hewitt	[P]	Carolyn Ratcliffe	[P]
Victoria Berrios	[A]	Trever Holland	[P]	Damaris Reyes	[P]
Lisa Burriss	[P]	Linda Jones	[P]	Richard F. Ropiak	[P]
Karlin Chan	[P]	Vaylateena Jones	[P]	Robin Schatell	[A]
Jonathan Chu	[A]	Meghan Joye	[P]	Laryssa Shainberg	[P]
MyPhuong Chung	[P]	Lisa Kaplan	[P]	Clint Smeltzer	[P]
David Crane	[P]	Olympia Kazi	[P]	Anisha Steephen	[P]
Paul DeRenzo	[A]	Joseph Kerns	[P]	Sandra Strother	[P]
Eric Diaz	[P]	Mae Lee	[P]	Josephine Velez	[P]
Daniel Dickson	[P]	Alysha Lewis-Coleman	[P]	Rodney Washington	[P]
Dean Diongson	[P]	Luis Lopez	[A]	Kathleen Webster	[P]
Alistair Economakis	[P]	Michael Marino	[P]		

Minutes:

Minutes of September 2018 were approved, as is.

**37 YES 0 NO 2 ABS 0 PNV MOTION PASSED**

Board Chairperson's Report:

Chairperson Alysha Lewis-Coleman

Announced Giving Tuesday today and encouraged members to donate to quality charities. Chair will be providing basic information on Parliamentary procedures so to encourage education for Community Board

members. Provided information on CB3 Holiday Celebration on December 20th (Potluck style dinner members will not need to pay a cover fee for attending).

District Manager's Report:

District Manager Susan Stetzer

Shared the interactive Map of the Citibike proposed locations on the CB 3 website that allows public comments for existing bike locations and suggestions for new locations. This includes expanded Citibike locations for the L train shutdown. All comments must be submitted by the end of the week. Bike lanes will be expanded on 12th and 13th street. Crime is up in the 7th precinct mostly grand larceny and unattended property at citibike locations and in construction sites. Code Blue in effect for homeless people to check that people are not in danger from the cold. Please call 311 to report homeless people so they can be offered services or taken to a warm shelter. District Manager Susan Stetzer was appointed to Nightlife Advisory Board, clarified the distinction to the office of Nightlife and the Nightlife advisory board, which are two separate entities. There is a townhall listening tour for the office of nightlife. Road Runners will be providing a half marathon through CB3 district in March and will present at the CB 3 Transportation Committee meeting in January.

Nominating Committee:

The following members were elected to the following positions:

- Alysha Lewis-Coleman, Board Chair
- David Ford, First Vice-Chair
- Nancy Ortiz, Second Vice-Chair
- Clint Smeltzer, Secretary
- Eric Diaz, Assistant Secretary
- Herman Hewitt, Treasurer

Committee Reports:

Executive Committee

no votes necessary

Parks, Recreation, Cultural Affairs, & Waterfront Committee

1. Approval of previous month's minutes  
approved by committee
2. Community impacts resulting from expanded garbage truck parking on Pier 36

DISCUSSION:

**VOTE: TITLE: To Support the removal of the expanded garbage truck parking at Pier 36 and mitigations**

To Support the removal of the expanded garbage truck parking at Pier 36 and mitigations

WHEREAS, after the closing of the DSNY garage in Manhattan Community District 4, DSNY equipment and a number of DSNY vehicles that service Manhattan Community District 6 were relocated to Pier 36 in Manhattan Community District 3, in addition to trucks also parked on 10th Street between First and Second Avenues; and

WHEREAS, the heavily used bicycle and jogging path along the East River Bikeway has been and continues to be blocked with illegally parked vehicles on the sidewalk areas outside Pier 36; and

WHEREAS, personal vehicles, trucks, vans and minibuses also completely block the sidewalk adjacent to Pier 36 from Rutgers Slip to Montgomery Street; and

WHEREAS, this situation is extremely dangerous and forces pedestrians to walk in the bike lane or the street; and

WHEREAS, this is a frequently used and heavily trafficked walkway for both PS 184 and Basketball City, which hosts hundreds of children every week; and

WHEREAS, the addition of DSNY trucks entering and exiting exacerbates this dangerous situation for pedestrians and cyclists on one of most heavily used bikeways in all of the city; and

WHEREAS, there are broken lights underneath the FDR Drive in the same area, with only a single working light for the entire stretch, which has been a well-documented problem existing for years that has yet to be addressed as neither City nor State DOT will take responsibility for maintenance; and

WHEREAS, now that we have entered Daylight Savings Time, the additional DSNY trucks entering and exiting Pier 36 in darkness makes the area more dangerous for cyclists, pedestrians, and motorists; and

WHEREAS, multiple DSNY collection trucks still regularly block the heavily used M22 bus stop at Rutgers Street and Madison Street, arriving around 6 AM every day for at least hour-long morning breakfast breaks, just outside the narrow staircase for the F-line East Broadway Station—creating a dangerous situation for riders, especially children, who have to ease out between the trucks to get the bus; and

WHEREAS, although DSNY did post three workers to guide the trucks in and out of Pier 36, it is still extremely dangerous, with residents and Community Board 3 members observing pedestrians nearly hit by the trucks and workers stating that they feel they are trying to save lives rather than manage traffic; and

WHEREAS, in a *NY1* report from October 5th, 2018, DSNY claimed only 11 trucks are parking at the Pier 36 garage site, yet at the September 2018 Community Board 3 *Parks, Recreation, Cultural Affairs, & Waterfront Committee* meeting, a DSNY representative clearly stated 35 trucks would be parked at the Pier 36 site; and

WHEREAS, the trucks will be a nuisance and conflict with the quality of the experience and the safety of residents using a new park slated to open next door to Pier 36 in the next few months; and

WHEREAS, in general, pedestrian, vehicular and bicycle traffic in the area will almost certainly escalate with the L-train closure in April 2019; and

WHEREAS, the relocation of these trucks to Pier 36 is an environmental justice issue, as they service wealthy neighborhoods in Community District 6 which have a median household income of \$107,500, while the median household income for residents in Community District 3 who are being burdened with the obligation have a median income of \$42,900; and

WHEREAS, the direct burden of this relocation plan is specifically felt by residents living adjacent to Pier 36, primarily in low- and middle-income affordable housing, where the median household income is \$24,600; and

WHEREAS, this burden is disproportionately placed on a community of color, as approximately 77 percent of residents in Community District 3 are people of color, and in the census tracts adjacent to Pier 36, 88 percent of residents are people of color, while the residents in the neighborhoods the trucks service are 70 percent white; and

WHEREAS, Pier 36 is also across the street from a 700-seat Title 1 school that serves residents of the area, with about 70 percent of the student body coming from low-income households; THEREFORE BE IT RESOLVED, the removal of the DSNY trucks from Pier 36 is a Community Board 3 priority; and

THEREFORE BE IT FURTHER RESOLVED, until the trucks are removed, they must not ever block area bus stops; and

THEREFORE BE IT FURTHER RESOLVED, there must be clearly marked pathways for walkers, runners, and cyclists with reflectors, blinking lights, slow downs, and rumble strips installed at all crosswalks near Pier 36 that are impacted by increased truck traffic; and

THEREFORE BE IT FURTHER RESOLVED, the Department of Transportation must evaluate the area's crossings to determine potential safer crossings; and

THEREFORE BE IT FURTHER RESOLVED, that all broken lights under the FDR Drive must be fixed now; and

THEREFORE BE IT FURTHER RESOLVED, there must be a more permanent solution for the sanitation truck traffic rather than the posting of periodic crossing guards with times where there are no crossing guards present at all; and

THEREFORE BE IT FURTHER RESOLVED, that crossing guard staffing must be increased during events at Pier 36 and in the adjacent area; and

THEREFORE BE IT FURTHER RESOLVED, that a realistic and accurate timetable for removal of DSNY trucks must be disclosed, and a commitment must be made for permanent crossing guards to remain in place until all trucks are relocated to a more appropriate site.

3. Rebuild By Design proposal RFP for stewardship of East River Park  
no vote necessary
4. Vote to Adjourn  
approved by committee

**41 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding Parks item 3)**

**40 YES 1 NO 0 ABS 0 PNV MOTION PASSED (Parks item 3)**

#### **Landmarks Committee**

1. Approval of previous month's minutes  
approved by committee
2. Certificate of Appropriateness: 301 East 10th Street – Demolition of existing rear yard addition, removal of fire escape, reconstruction of brick façade

**VOTE: TITLE: CB 3 approval of a Certificate of Appropriateness to demolish and reconstruct the rear-yard addition at 301 East 10th Street in the 10th Street Historic District**

WHEREAS, 301 East 10th Street, a Greek Revival row house built in 1843-44 and attributed to architect/builder Joseph Trench, is within the East 10th Street Historic District designated in 2012; and

WHEREAS, the application is to demolish the rear-yard addition and the façade of the upper two floors, replace it with a larger addition and reconstruct the brick façade and cornice at the top floor; and

WHEREAS, the existing structure is in poor condition and the applicant has been asked by the Department of Buildings to demolish it; and

WHEREAS, the existing rear-yard addition is 31.5 feet high and extends 9 feet into the rear yard, while the new addition will be 42 feet high and extend 15 feet 9 inches into the rear yard; and

WHEREAS, the taller rear-yard addition will not be visible from any of the surrounding streets; and

WHEREAS, the applicant states his intent to salvage and reuse as much of the rear cornice and masonry as possible; and

WHEREAS, the applicant proposes to maintain the historic three bay fenestration of the rear façade;

THEREFORE BE IT RESOLVED, CB 3 approves the application for a Certificate of Appropriateness to demolish and reconstruct the rear-yard addition at 301 East 10th Street with the following concern:

- CB 3 asks that the Landmarks Preservation Commission consider the encroachment of the larger addition on the historic open space in the rear yard, especially with respect to light and air behind 303 East 10th Street

3. Certificate of Appropriateness: Bialystoker Center and Home for the Aged (228 East Broadway) – Relocation and enlargement of west windows

**VOTE: TITLE: Approval of the Certificate of Appropriateness application to relocate and alter the west windows of 228 East Broadway—the Bialystoker Center and Home for the Aged.**

WHEREAS, the application is to relocate the central windows and spandrels on the western façade of the Bialystoker Center to align with the windows to either side; and

WHEREAS, the Bialystoker Center and Home for the Aged is an individual Landmark, designated in 2013; and

WHEREAS, The Center was built in 1929-31 and designed in a distinctive Art Deco style by architect Harry Hurwit; and

WHEREAS, the building survives as a major visual element on East Broadway symbolizing and recalling the Jewish history of the Lower East Side

WHEREAS, the building has since designation in 2013 been unoccupied and neglected; and

WHEREAS the west façade is highly visible from the public way; and

WHEREAS, the building is planned to be incorporated into a residential development with a new building to its East and the Landmark is to be restored and reused for residential use; and

WHEREAS, the west façade of the building is characterized by patterned yellow brickwork and decorative parquet-patterned spandrels between the windows and at the top of the central line; and

WHEREAS, there is a stairway behind the larger central windows that will no longer be necessary and which will be replaced by residential space; and

WHEREAS, in relocating the central windows, the brick spandrels between them will also be resized, replicated and relocated; and

WHEREAS, the tall decorative spandrel at the top is planned to be replicated and extended; and

WHEREAS, additional windows are planned to be added at the 4th floor and below, aligning with the windows above (as approved by LPC staff); and

WHEREAS, all windows in the building are to be replaced (as approved by LPC staff); and

WHEREAS, the concerned community struggled for three years to achieve Landmarks designation and protection, recognizing it for both its architectural and cultural significance to the Lower East Side; so

THEREFORE BE IT RESOLVED, CB 3 approves the application for a Certificate of Appropriateness to relocate the central windows and spandrels on the western façade of the Bialystoker Center and Home.

- 4. Vote to adjourn approved by committee

**41 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. HPD & AAFE: NCP LES – East Village Homes - Proposal for 50 units of affordable housing and community facility at 276 East 3rd St & 302 East 2nd St

**VOTE: TITLE: CB 3 Support for AAFE "East Village Homes" Proposal to be Located at 276 East 3rd Street and 302 East 2nd Street**

**WHEREAS**, the development team for 276 East 3rd Street and 302 East 2nd Street ("East Village Homes"), including Asian Americans for Equality (AAFE) and Leroy Street Studios, is proposing to create 54 units of income restricted rental housing at two infill sites through the New York City Housing Preservation and Development (HPD) Neighborhood Construction Program (NCP); and

**WHEREAS**, this proposal would also include 1,129 square feet of market rate ground floor commercial space at 276 East 3rd Street and 710 square feet of ground floor community facility space at 302 East 2nd Street; and

**WHEREAS**, the current proposal requires City Council amendments to previous UDAA and UDAAP designations, and will not come before Community Board 3 for additional review in the future; and

**WHEREAS**, Community Board 3 previously approved UDAA, UDAAP, and ULURP actions at both sites, including the January 2010 disposition of City-owned property at 302 East 2nd Street to a developer selected by HPD to facilitate a 13-story mixed-use project that did not come to fruition, and the March 2006 disposition of city-owned property to a developer to be selected by HPD, conditioned upon the provision of affordable housing for low-income residents in perpetuity; and

**WHEREAS**, the current proposal would include a 14-story, 44-unit building at 302 East 2nd Street, with 13 studio units, 18 1-bedroom units, and 13 2-bedroom units, with income requirements ranging between 27% of AMI to 130% of AMI, and a 6-story, 10-unit building at 276 East 3rd Street, with 10 affordable studio units with as yet undefined income requirements;

**THEREFORE BE IT RESOLVED**, Community Board 3 conditionally supports the "East Village Homes" proposal with the following recommendations for the final project:

- 1) Include 1- and 2-bedroom units at the 276 3rd Street site instead of exclusively studio units to accommodate a diversity of household types;
  - 2) Lower the AMI levels at both sites to create more deeply affordable units that target households most vulnerable to displacement and most in need of secure affordable housing;
  - 3) Distribute the mix of targeted AMI requirements in the affordable units evenly among the different size units;
  - 4) Make all efforts to find a commercial tenant for 276 East 3rd Street that provides affordable goods and services to the surrounding community;
  - 5) When an appropriate commercial tenant is found, offer a long-term, renewable lease to support the sustained presence of independent small businesses in the community;
  - 6) Pursue rooftop solar and all other viable sustainable design and infrastructure elements to contribute to community resiliency efforts and support deeper residential affordability by decreasing building operating costs;
  - 7) Commit to maintaining permanent affordability beyond the 40-year term required by the NCP and the use of Low Income Housing Tax Credits;
  - 8) Close any accessible rooftop outdoor space after 10:00 pm;
  - 9) Pursue parallel and expeditious construction of the two buildings to bring the affordable units online as soon as possible.
3. Request for Support of Intro 1058 – Establishing a comprehensive urban agriculture plan for NYC  
**VOTE: TITLE: Support for the goal of development of a comprehensive urban agriculture plan for NYC**

**WHEREAS**, Intro 1058 would create a comprehensive urban agriculture plan to be prepared by the Department of City Planning in cooperation with relevant agencies and stakeholders; and

**WHEREAS**, New York City is home to over 900 farms and gardens; and

**WHEREAS**, the farms and gardens aren't utilized to maximize their capacity for food; and

**WHEREAS**, among the issues that an urban agriculture plan can address are the following;

- Food insecurity
- Access to healthy food
- Sustainability

**THEREFORE BE IT RESOLVED**, CB 3 supports the goal of establishing a comprehensive urban agriculture plan for NYC and urges the City Council to consider Intro 1058

**BE IT ALSO RESOLVED**, CB 3 requires more information and study before taking a position on a specific urban agriculture plan.

4. Update on Two Bridges Rezoning Application  
no vote necessary
5. Vote to adjourn  
approved by committee

**Old Business**

- The language of the October 2018 approval for 204 Avenue A and 535 East 12th (ULURP #190069 HAM) unintentionally omitted one of three actions that were intended for approval. The resolution should also state that Community Board 3 approves of a UDAA designation, in addition to the UDAAP designation and disposition of City-owned property which were correctly included in last month's resolution. Revisions appear in *italics*:

**VOTE: Approval of ULURP #190069 HAM: 204 Avenue A and 535 East 12th ("East Village Housing") – Approval of UDAA designation, UDAAP designation, and disposition of City-owned property**

**WHEREAS**, the project consists of 204 Avenue A and 535 East 12th Street, both City-owned buildings; and

**WHEREAS**, each building has 5 tenant-of-record households that have been relocated since 2008; and

**WHEREAS**, both buildings are currently vacant due to structural issues; and

**WHEREAS**, due to structural problems, the current buildings will be demolished and rebuilt; and

**WHEREAS**, both buildings will be constructed according to current building code and will comply with ADA and Section 504 accessibility requirements. The buildings will be designed to meet Enterprise Green Communities standards.

**WHEREAS**, with respect to 204 Avenue A,

- It is a 4-story, 6-unit building with a ground-floor commercial space
- the replacement building will be a 7-story, 10-unit building with a ground-floor commercial space
- there will be 8 1-bedroom units and 2 2-bedroom units
- the project intends to use on-site Inclusionary Housing to build above the base FAR
- under the proposed Affordable Neighborhood Cooperative Program (ANCP) development project, the building will be sold to Restoring Communities HDFC
- after construction, it will be converted into an affordable cooperative, to be owned and operated by a co-op corporation formed by the 10 existing households
- maintenance will be set at 40% AMI for existing families; future sales prices will be affordable to shareholders at 80% AMI

**WHEREAS**, with respect to 535 East 12th Street,

- it is a 5-story, 8-unit building with a ground-floor commercial space
- the replacement building will be a 6-story building with 11 units
- there will be 11 1-bedroom units
- the project will be built as of right
- under the proposed ANCP development project, the building will be sold to an HDFC to be formed by SMJ Development
- after construction, it will be owned by SMJ Development and will be operated as a rent-stabilized rental building with rents capped at 130% AMI

**WHEREAS**, the sites require approval through ULURP for disposition of City-owned property and designation *as an Urban Development Action Area (UDAA)* and an Urban Development Action Area project (UDAAP); and

**WHEREAS**, because the residents of these two buildings have been displaced for more than ten years awaiting a satisfactory resolution of the issues surrounding these properties, as previously outlined; and

**WHEREAS**, the past and present councilmembers have worked with the residents and the designated developer to reach a satisfactory solution; so

**THEREFORE BE IT RESOLVED**, CB 3 approves the ULURP #190069 HAM: 204 Avenue A and 535 East 12th Street for the designation of properties located at 204 Avenue A and 535 East 12th Street (Block 406 Lots 6 and 47) *as an Urban Development Action Area*; and an Urban Development Action Area Project for such area; and for the disposition of these City-owned properties.

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

**Economic Development Committee**

1. Approval of previous month's minutes  
approved by committee
2. Special district update and start framework for boundaries and restrictions  
no vote necessary
3. Report from Arts & Cultural Affairs Subcommittee  
no vote necessary
4. Vote to adjourn  
approved by committee

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

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



1. Approval of previous month's minutes approved by committee
2. Support to prevent displacement of Community Healthcare Network – Catherine Abate Center (150 Essex Street)

**VOTE: TITLE: Resolution To Support Community Healthcare Network**

**At its November monthly meeting, Health, Seniors, & Human Services / Youth, Education, & Human Rights Committee passed the following motion:**

Whereas Community Healthcare Network (CHN) Lower East Side Center is a federally qualified health center, a community-based organization that provides comprehensive primary care and preventive care, including health, oral, and mental health/substance abuse services to persons of all ages, regardless of their ability to pay or health insurance status, and

Whereas Federally funded health care services are a critical component of the health care safety net, and

Whereas CHN has been serving residents of the Lower East Side since 1972, and

Whereas CHN currently serves 6,700 patients per year with the median income for residents of the immediate surrounding area at \$46,536, with only 22 percent of CHN patients having private insurance and 70% of CHN current patients at or below federal poverty level, and

Whereas CHN serves patients of all ages, patients with no health insurance as well as those with public or private insurance, and has many varied services, including adult, adolescent, pediatric, behavioral, dental, HIV, infectious disease care, psychiatric, sexual health, social services and wellness services, and other services, and

Whereas the top five diagnoses at CHN are hypertension, high cholesterol, obesity, depression, and anxiety, and

Whereas CHN has a lease at 150 Essex Street which terminates in December 2021, and

Whereas the Seward Park Mixed Use Development Final Environmental Impact Statement (FEIS) assumes that local residents who use the services provided by CHN would be able to find similar services elsewhere in the study area, but the CB 3 District Needs Statements for fiscal year 2020 finds:

**Health Care Needs and Services:**

- *CD 3 is a federally designated health professional shortage area in the fields of primary care, dental care, and mental health. CD 3 healthcare facilities, which include a vital network of community-based health clinics, serve a disproportionately high number of uninsured and Medicaid patients. Healthcare providers and residents have expressed strong concern for the future over continued waning health services and financial support from local and state government.*
- *After suffering losses of hospital resources and nursing home/rehab beds, our community is in critical need of additional funding from the Department of Health and Mental Hygiene to ensure services*

**The Vital Role of Community Based Health Centers in Our Community:**

- *Thousands of CD 3 residents depend on community-based health centers for their health care needs. The majority of patients served are either uninsured or on Medicaid or Medicare. These centers provide linguistically and culturally competent services. They have long standing relationships and strong roots within our community. Given the changes in hospital and medical services in CD 3, these centers will become more central to health care, and their sufficient funding and support is a priority, and*

Whereas CB 3 strongly believes that the loss of CHN to the community would constitute a grave loss to residents, especially low income and those without health insurance, and

Whereas the loss of CHN to the CB 3 community would be a gross and flagrant example of the most serious displacement of necessary services due to gentrification of our community, and

Whereas the displacement of federally qualified health care services for our low-income residents, especially those without health insurance, is a life-and-death health issue, so

Therefore, Be It Resolved CB 3 requests that the City identify appropriate alternative locations within close proximity to the current CHN facility;

Therefore, Be It Resolved that the FEIS obligated EDC to relocate CHN to a nearby facility, if the Essex Crossing development terminated the CHN lease before 2021, but CB 3 believes EDC must fulfill this obligation regardless of lease termination.

Be It Further Resolved CB 3 defines close proximity as a three-block radius emanating from 150 Essex Street;

Be It Further Resolved CB 3 supports the CHN facility to be relocated at a price point identical or similar to their existing price point;

Be It Further Resolved CB 3 supports the use of municipally owned and controlled property that is within close proximity to the current CHN facility for the purposes of relocation;

Be It Further Resolved CB 3 supports the allocation of municipal capital funds required to fit out new space for a relocated CHN facility and supports any appropriate or required change in use designations for such a facility, and lastly,

Be it Further Resolved that Community Board 3 emphasizes that it is of the highest priority for our community that Community Healthcare Network LES continue serving our underserved residents and that this facility not be displaced due to new development.

3. District Attorney Initiatives for criminal justice reform  
no vote necessary

4. Request for support for Barrier Free supportive housing

**VOTE: TITLE: To Support the Request for Barrier Free Living's plan to create 74 Units of Supporting Housing**

**At its November monthly meeting, Health, Seniors, & Human Services / Youth, Education, & Human Rights Committee passed a motion to support the following letter:**

TO WHOM IT MAY CONCERN:

Community Board 3 Manhattan supports Barrier Free Living's plan to create 74 units of supportive housing at the site it owns at 270 East Second Street. Barrier Free Living began its programs in Community Board 3 at its inception in 1981. It was an outgrowth of Project Outward Bound, a Federally-funded program to provide early intervention to newly disabled residents of the Lower East Side. Barrier Free Living has taken a leadership role in creating housing opportunities for people with disabilities. It was the co-founder of the New York City Coalition on Housing for People with Disabilities which was instrumental in the establishment of Local Law 58, the most progressive accessible building standards of its day.

Barrier Free Living's Transitional Housing program which had been located at 270 East 2nd Street was successful in placing 750 severely disabled homeless people into permanent housing in its 27-year existence in our community. The Community Board supported BFL in its efforts to raise the capital needed to keep that program in operation. When the plan to make 270 East Second Street a Gateway Project (which combined transitional housing and permanent housing in a newly constructed building) was not successful, Barrier Free Living won a reservation from the Empire State Supportive Housing Initiative to create 30 units of housing for nursing home transitioned individuals (the population BFL had been serving since it opened its transitional housing) and 44 units for survivors of domestic violence.

In the past 32 years, Barrier Free Living has developed the largest domestic violence intervention program for victims with disabilities in the country. Domestic Violence is the number one issue of women with disabilities nationwide. Barrier Free Living is sharing its expertise with the NYPD, the city's five Family Justice Centers and domestic violence programs throughout the country.

Given its 27 years of working with nursing home diverted individuals and its 32 years of working with disabled victims of domestic violence, we welcome their efforts to continue to be an important member of our Lower East Side Social Services community.

5. Proposed changes to the federal "Public Charge" rule

**VOTE: TITLE: Support the Resolution to Oppose the Changes to the Public Charge Test**

**At its November monthly meeting, Health, Seniors, & Human Services / Youth, Education, & Human Rights Committee passed the following motion:**

Whereas, when a person applies to be a lawful permanent resident (applies for a Green Card) a "public charge" test is applied to see if they are likely to become dependent on specific government programs; and

Whereas, currently the only programs that are part of this public charge test are: 1) Cash assistance (such as Temporary Assistance for Needy Families or Supplemental Social Security Income); and 2) Medicaid to pay for Institutionalized long-term care (such as living in a nursing home); and

Whereas, on October 10th, 2018, the United States Department of Homeland Security published in the Federal Register a proposed rule to greatly expand the scope of the public charge test to include these four programs: Supplemental Nutrition Assistance Program (SNAP), Medicaid, Medicare Part D extra help, and Section 8 housing assistance; and

Whereas the proposed rule change would also expand when the public charge test can be applied to include visa renewal and

Whereas, in Community District 3, 35.4% of residents are foreign born, and an estimated 26% of residents in CD 3, as well as approximately 36% of children under the age of 18 and 34% of seniors, are living below poverty level; and

Whereas, in Community District 3 many members of the same household may be "mixed-status" where family members have different immigration status ranging from U.S. citizen to undocumented; and

Whereas, the proposed rule would potentially force low-income immigrants to choose between obtaining food, housing, or health assistance and becoming a lawful permanent resident; and

Whereas, this proposed rule is already having a chilling effect so that non-citizens or even citizens living in mixed-status households may be reluctant to lawfully apply for public benefits; and

Whereas, this proposal has created confusion so that some immigrants who are lawfully receiving public benefits have been afraid to renew their benefits; and

Whereas, these proposed rules are not final, and the public has 60 days from October 10th, 2018 (until December 10th, 2018) to submit comments **to the Federal Register** on the proposed changes;

Therefore, be it resolved, that Community Board 3 opposes any expansion – including - the proposed changes to the test to determine whether a person applying for lawful permanent residence in the United States is likely to become a public charge.

6. Vote to adjourn  
approved by committee

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

**SLA & DCA Licensing Committee**

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

**Alterations**

2. Cienfuegos, Amor y Amargo and Mother of Pearl Room (Cien Fuegos LLC), 95 Ave A (alt/op/move bar, change from Cuban rum bar to Texas barbeque whiskey bar)

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

**WHEREAS**, Cien Fuegos LLC is applying for an alteration of its full on-premises liquor license for its venues, doing business as Cienfuegos, Mother of Pearl Room and Amor y Amargo, at its two-story premises located at 95 Avenue A a/k/a 445 East 6th Street, at the corner of Avenue A and East 6th Street, to wit changing the method of operation of its business on the second floor on the second floor from a Cuban restaurant and rum bar to a vegan Texas barbeque restaurant and whiskey bar and relocating its ten (10) foot second floor standup bar to the eastern wall of the floor; and

**WHEREAS**, this applicant is also seeking to reduce its daytime hours of operation by amending its hours of operation to 5:00 P.M. to 2:00 A.M. all days; and

**WHEREAS**, this applicant was denied a full on-premises liquor license by Community Board 3 in October of 2009 unless it agreed to make as conditions of its license stipulations that it would 1) operate as a full-service Cuban restaurant, serving food to within one (1) hour of closing, 2) have hours of operation of 11:00 A.M. to 2:00 A.M. every day, 3) play ambient background music only, consisting of recorded music from an MP3 player, and not have DJs or live music, 4) close its façade doors and windows at 10:00 P.M. every night, 5) employ a hostess on all nights of operation one of whose responsibilities would be to minimize crowding on the sidewalk, and 6) implement its proposed plan for minimizing pedestrian and vehicular traffic; and

**WHEREAS**, an alteration application to change the method of operation of the ground floor was denied by Community Board 3 in November of 2011 unless the applicant agreed to make as conditions of its license amended stipulations that it would 1) operate as a full-service fish and chips restaurant on its ground floor and a full-service Cuban restaurant on its second floor and serve food to within one (1) hour of closing on both floors, 2) close any façade doors and windows at 10:00 P.M. every night, 3) have hours of operation of 11:00 A.M. to 2:00 A.M. all days, 4) play ambient background music only, consisting of recorded music, and not have live music, promoted events, scheduled performances or any event at which a cover fee would be charged, 5) employ a hostess at all times to control noise and congestion from patrons and traffic outside its premise, and 6) minimize pedestrian and vehicular traffic through a traffic plan; and

**WHEREAS**, the applicant previously applied to and was approved by Community Board 3 in August of 2017 for an alteration to move a ten (10) foot standup bar with six (6) stools to the eastern wall of its second floor; and

**WHEREAS**, the applicant has conceded that it has also changed the method of operation of its ground floor restaurant to a vegan Polynesian restaurant and tiki bar doing business as Mother of Pearl Room and of its Cuban sandwich shop located on the ground floor of 445 East 6th Street, to a bitters cocktail bar, doing business as Amor y Amargo; and

**WHEREAS**, the applicant has operated six (6) other eating and drinking establishments within this neighborhood; and

**WHEREAS**, given the lack of complaint history for these businesses and given that the applicant has operated numerous licensed businesses within this neighborhood; 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 Cien Fuegos LLC, doing business as Cienfuegos, Mother of Pearl Room and Amor y Amargo, at its two-story premises located at 95 Avenue A a/k/a 445 East 6th Street, at the corner of Avenue A and East 6th Street, to wit changing the method of operation on the second floor of its business from a Cuban restaurant and rum bar to a vegan Texas barbeque restaurant and whiskey bar and relocating its ten (10) foot second floor standup bar to the eastern wall of the floor, as well as other enumerated alterations of its business, 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 Polynesian restaurant on its ground floor and a full-service vegan Texas barbeque restaurant on its second floor and serve food to within one (1) hour of closing on both floors, and will operate its 445 East 6th Street storefront as a bitter cocktail bar,
- 2) its hours of operation indoors will be no later than 5:00 P.M. to 2:00 A.M. all days,
- 3) its sidewalk café will open no earlier than 11:00 A.M all days and close no later than 10:00 P.M. all days,
- 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 or for any physical alterations 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 not have "happy hours,"
- 10) it will insure that there are no wait lines outside, will designate an employee to oversee patrons and noise on the sidewalk and will minimize pedestrian and vehicular traffic through a traffic plan,

- 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.

**New Liquor License Applications**

3. Williamsburg Pizza (Williamsburg Pizza 14th Street LLC), 226 E 14th St (wb) withdrawn

4. Khyber Pass (Brothers Khyber Pass Corp), 34 St Marks Pl btwn 2nd & 3rd Aves (upgrade to op)

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

**WHEREAS**, Brothers Khyber Pass Corp. is applying for a change in class of its wine beer license to a full on-premises liquor license for its restaurant, doing business as Khyber Pass, in the premises located at 34 Saint Marks Place, between Second Avenue and Third Avenue, New York, New York; and

**WHEREAS**, this applicant was issued a wine beer license by the SLA on April 24, 1998; and

**WHEREAS**, this applicant has been operating a Middle Eastern restaurant and hookah bar with a certificate of occupancy of seventy-four (74) people, twenty (20) tables and fifty (50) seats, no bar, hours of operation of 4:00 P.M. to 2:00 A.M. Mondays through Thursdays, 1:00 P.M. to 4:00 A.M. Fridays and Saturdays and 3:00 P.M. to 2:00 A.M. Sundays, a kitchen serving food during all hours of operation, a fixed façade and recorded background music; and

**WHEREAS**, the applicant has also been serving food and alcohol to seated diners in a covered area in front of its business and within its building line; and

**WHEREAS**, understanding that this applicant has been serving customers on the outdoor patio in front of its business within its building line, Community Board 3 has informed the applicant that the R8B zoning where the premises is located does not permit an extension of its business, which is a grandfathered noncompliant commercial use in residential zoning, to this outdoor area; and

**WHEREAS**, this applicant has stated that it is no longer serving food and alcohol to patrons in any outdoor areas; and

**WHEREAS**, there are thirty-three (33) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant but there are forty-three (43) full on-premises liquor licenses and four (4) pending full on-premises liquor licenses within five hundred (500) feet of this location per the SLA LAMP map; and

**WHEREAS**, there are ten (10) full on-premises liquor licenses, two (2) pending full on-premises liquor licenses, fourteen (14) wine beer licenses, including the wine beer license issued to this applicant, two (2) eating place beer licenses and one (1) retail liquor license on this block of Saint Marks Place, between Second Avenue and Third Avenue; and

**WHEREAS**, the applicant furnished petition signatures, thirty-eight (38) of which are from area residents and four (4) of which were from area businesses or employees of area businesses, in support of its application; and

**WHEREAS**, given that the applicant has stated that it intends to maintain the same method of operation of a quiet restaurant with no history of complaints that it has maintained since 1997 and given that this business has operated on this street since 1981; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the application for a change in class of the wine beer license of Brothers Khyber Pass Corp. to a full on-premises liquor license for the premises doing business as Khyber Pass, located at 34 Saint Marks Place, between Second Avenue and Third Avenue, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a Middle Eastern restaurant and hookah bar, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 4:00 P.M. to 2:00 A.M. Mondays through Thursdays, 1:00 P.M. to 4:00 A.M. Fridays and Saturdays and 3:00 P.M. to 2:00 A.M. Sundays,
- 3) 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,
- 4) it will not commercially operate any outdoor areas, including the area in front of its business within its building line,

- 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 or for any physical alterations 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 not have 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.

5. Zest Ramen (Zest Hospitality Inc), 112 Eldridge St btwn Grand & Broome Sts (upgrade to op)

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

**WHEREAS**, Zest Hospitality Inc. is applying for a change in class of its wine beer license to a full on-premises liquor license for its restaurant, doing business as Zest Ramen, in the premises located at 112 Eldridge Street, between Grand Street and Broome Street, New York, New York; and

**WHEREAS**, this is an application for a Japanese ramen noodle restaurant with a certificate of occupancy of seventy-four (74) people, five (5) tables and twenty-two (22) seats, no bar, a kitchen open during all hours of operation, hours of operation of 11:00 A.M. to 12:00 A.M. all days, windows, one (1) television and recorded background music; and

**WHEREAS**, the wine beer license for this applicant was administratively approved by Community Board 3 in June of 2017 with stipulations that it would 1) operate a full-service Chinese restaurant, with a kitchen open and serving food during all hours of operation, 2) have hours of operation of 11:00 A.M. to 12:00 A.M. all days, 3) not commercially operate any outdoor areas, 4) close any front or rear façade doors or windows at 10:00 P.M. every night or during any amplified performances, including but not limited to DJs, live music and live nonmusical performances, 5) play recorded background music and not have DJs, live music, promoted events, scheduled performances or any events at which a cover fee would be charged, 6) not apply for an alteration without first appearing before the community board, 7) not have happy hours, 8) not host pub crawls or party buses, 9) not have wait lines outside, 10) conspicuously post its 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**, this applicant has been operating its business with a wine beer license since September 18, 2017, when it was issued a wine beer license by the SLA; and

**WHEREAS**, the applicant has conceded that there are seventeen (17) full on-premises liquor licenses within five hundred (500) feet of this location; and

**WHEREAS**, the applicant was the manager of a sushi restaurant located at 249 Broome Street for seven (7) years before opening this business; and

**WHEREAS**, the applicant furnished petition signatures, thirty-nine (39) of which are from area residents, in support of its application; and

**WHEREAS**, given the prior experience of the applicant as a manager of an eating and drinking business in this area and operating this business and given that this is a small restaurant with limited hours of operation which include daytime hours of operation and no standup bar; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the application for a change in class of the wine beer license of Zest Hospitality Inc. to a full on-premises liquor license for the premises doing business as Zest Ramen, located at 112 Eldridge Street, between Grand Street and Broome 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 Japanese restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 11:00 AM. to 12:00 A.M. all days,

- 3) it will close any front or rear façade doors and windows at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances,
  - 4) it will not commercially operate any outdoor areas,
  - 5) it will play ambient background music only, consisting of recorded music, and will not have 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 or for any physical alterations 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 not have 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.
6. 250 E14 LLC, 250 E 14th St (op)  
withdrawn
  7. Arm 50 Inc, 50 Ave B @ E 4th St (op)  
withdrawn
  8. Ichibantei (Kotex & Chib Restaurant Inc), 20 St Marks Pl btwn 2nd & 3rd Aves (op)  
withdrawn
  9. Mala Project (Mala Project East Village LLC), 122 1st Ave (upgrade to op)  
withdrawn
  10. Grand Delancey LLC, 115 Delancey St btwn Essex & Norfolk Sts (op)

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

**WHEREAS**, DSA Phase I Beer Hall LLC has applied for a full on-premises liquor license for a storefront within the cellar level Essex Market, located at 115 Delancey Street, between Essex Street and Norfolk Street, New York, New York; and

**WHEREAS**, this applicant is seeking to operate a beer hall with a projected certificate of occupancy of two hundred (200) people, thirty (30) tables and one hundred forty (140) seats, a forty (40) foot by four (4) foot bar with eighteen (18) stools, a prep area open during all hours of operation, as well as a kiosk within the market providing pizza for its customers, hours of operation of 11:00 A.M. to 2:00 A.M. all days, a façade open to the market, two (2) to four (4) televisions, recorded background music, live acoustic background music up to twelve (12) times per year, DJs at background levels up to six (6) times per year, private parties up to twelve (12) times per year, happy hours to 9:00 P.M. and security from the market; and

**WHEREAS**, the applicant has conceded that there are ten (10) full on-premises liquor licenses within five hundred (500) feet of this location; and

**WHEREAS**, the applicant has operated seventeen (17) businesses with full on-premises liquor licenses in the greater metropolitan Washington D.C. area since 1997; and

**WHEREAS**, the applicant furnished petition signatures, one hundred seventeen (117) of which are from area residents, in support of its application; and

**WHEREAS**, given the prior experience of the applicant operating many eating and drinking businesses with full on-premises liquor licenses and given that this applicant will be one vendor in a new-construction, multi-vendor, below-ground food market hall or commissary located on Delancey Street which is a wide avenue, Community Board 3 would support this application with stipulations governing its use; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the application for a full on-premises liquor license for DSA Phase I Beer Hall LLC, for the premises located at 115 Delancey Street, cellar level, between Essex Street and Norfolk 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 beer hall tavern in a market hall commissary with its own seating, with less than a full-service kitchen open and serving food during all hours of operation and allowing its patrons to bring food into its business from other vendors and concessionaires within the market,

- 2) its hours of operation will be 11:00 A.M. to 2:00 A.M. all days,
- 3) it will not commercially operate any outdoor areas and will operate a business that, while having a façade open to the market, will not have any open doors or windows to the street,
- 4) it will use security from the market,
- 5) it will generally play ambient background music, consisting of recorded music, and may have acoustic live music consisting of no more than three (3) players or instruments playing at background level up to twelve (12) times per year and may have DJs playing at background level up to six (6) times per year, but will not have promoted events, scheduled performances or any event at which a cover fee will be charged and will have no more than twelve (12) private parties per year,
- 6) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3,
- 7) it may have "happy hours" to 9:00 PM. 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 outside,
- 11) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 12) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

11. An entity to be formed by Stephen Ballinger, 85 Ave A btwn E 5th & E 6th Sts (op)

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

**WHEREAS**, an entity to be formed by Stephen Ballinger is applying for a full on-premises liquor license for the premises located at 85 Avenue A, cellar floor, between East 5th Street and East 6th Street, New York, New York; and

**WHEREAS**, this applicant is seeking to operate a restaurant bar with certificate of occupancy of seventy-four (74) people, eleven (11) tables and thirty-nine (39) seats, an eighteen (18) foot bar with eleven (11) stools, a kitchen open during all hours of operation serving "American comfort tapas," hours of operation of 4:00 P.M. to 4:00 A.M. all days, a fixed façade, two (2) televisions, recorded background music and DJs at background levels, one (1) security guard Thursdays and two (2) security guards Fridays and Saturdays and other nights if needed and happy hours to 8:00 P.M.; and

**WHEREAS**, the applicant stated that it is seeking to have a restaurant with a food menu and serving craft beer and cocktails; and

**WHEREAS**, this location was previously operated as a tavern with a full on-premises liquor license that was issued by the SLA on December 7, 2001; and

**WHEREAS**, although it states otherwise in its community board questionnaire, the attorney for the applicant has stated that it is not asserting that this location has been continuously licensed since prior to 1993; and

**WHEREAS**, there are twenty-four (24) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant but there are thirty-eight (38) full on-premises liquor licenses and two (2) pending full on-premises liquor licenses within five hundred (500) feet of this location per the SLA LAMP map; and

**WHEREAS**, the applicant has managed and operated a business with full on-premises liquor license located at 251 West 30th Street, New York, New York for three (3) years, and has also worked in various positions at Webster Hall, a dance and music venue that was located at 125 East 11th Street, New York, New York, as part of the family that operated it; and

**WHEREAS**, the applicant furnished petition signatures, thirty-eight (38) of which are from area residents, including one (1) signature from a resident of the building, in support of its application; and

**WHEREAS**, given that the applicant has a long history of working in and operating licensed premises in this neighborhood and within New York City and given the small size of this venue and its location in a previously licensed cellar level premises, Community Board 3 would support this application with stipulations governing its use; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the application for a for a full on-premises liquor license for an entity to be formed by Stephen Ballinger for the premises located at



85 Avenue A, between East 5th Street and East 6th 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 an American tapas restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 4:00 P.M. to 4:00 A.M. all days,
- 3) 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,
- 4) it will not commercially operate any outdoor areas,
- 5) it will employ security Thursdays through Saturdays, from 8:00 P.M. to 4:00 A.M., and other days if needed,
- 6) it will install additional soundproofing,
- 7) it will play ambient background music only, consisting of recorded music, and will have DJs consisting of employees curating music at background levels, but will not 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 or for any physical alterations without first appearing before Community Board 3,
- 9) it may have "happy hours" to 8:00 P.M.,
- 10) it will not host pub crawls or party buses,
- 11) it will not have unlimited drink specials with food,
- 12) it will not have wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 13) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 14) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

12. Sidewalk (Table 20 LLC), 94-96 Ave A (op)  
withdrawn

13. Double Chicken Please (East Village Hospitality Group LLC), 213 2nd Ave (op)  
withdrawn

**Items not heard at Committee**

14. Sherman's (Sherman's Grill Plan A LLC), 121 Division St (wb)  
no vote necessary

15. Lower East Side Partnership Policy Partnership for Pre-Vetted OP License Applications for Restaurants  
no vote necessary

**Hotel Applications**

16. Allen Hotel (Allen Street Hospitality LLC), 140 Allen St @ Rivington St (op) and to consider a legislative carve out from the 200-foot rule

**VOTE: TITLE: COMMUNITY BOARD 3 RESOLUTION DENYING THE HOTEL LIQUOR LICENSE FOR ALLEN STREET HOSPITALITY LLC, FOR 140 ALLEN STREET**

**WHEREAS**, the applicant, Allen Street Hospitality LLC, by its qualified representative or principal, is seeking to obtain a hotel liquor license for a seventeen (17) story hotel, located at 140 Allen Street, bounded by Rivington Street, Allen Street and Orchard Street, New York, New York; and

**WHEREAS**, the hotel will be located in a newly constructed building that fronts Allen Street and Rivington Street and runs through the block, with entrances on Allen Street, Orchard Street and Rivington Street; and

**WHEREAS**, said applicant will maintain the primary method of operation of said location as a hotel open all hours for temporary lodging in ninety-eight (98) rooms on fourteen (14) floors, with its primary entrance on Allen Street, and will maintain the following ancillary public uses:

- 1) an interior first floor restaurant facing Allen Street of one thousand eight hundred fifty (1,850) square feet, with a capacity of ninety-four (94) people, twenty-eight (28) tables and sixty-four (64) seats, a twenty-five (25) foot bar with twelve (12) stools, hours of operation of 6:00 A.M. to 2:00 A.M. all days, service of a full menu from the cellar kitchen during all hours of operation, an open façade, recorded background music generally and DJs for private events, one (1) television and happy hours to 8:00 P.M.;
- 2) an interior first floor restaurant facing Allen Street and Rivington Street of one thousand five hundred (1,500) square feet, with a capacity of one hundred twenty (120) people, thirty-eight (38) tables and eighty-nine (89) seats, a twenty (20) foot bar with twelve (12) stools, hours of operation of 6:00 A.M. to 2:00 A.M. all days, a kitchen open during all hours of operation serving a full menu, a closed façade on Rivington Street and an open façade on Allen Street, recorded

background music generally and DJs for private events, a twenty-seven (27) foot bar with twelve (12) stools, one (1) television and happy hours to 8:00 P.M.;

- 3) a sidewalk café on Allen Street operating as an extension of the restaurant facing Allen Street and Rivington Street, with five (5) tables and twenty (20) seats, hours of operation of 8:00 A.M. to 10:00 P.M. Mondays through Saturdays and 10:00 A.M. to 10:00 P.M. Sundays, food service during all hours of operation and no music;
- 4) a second floor terrace operating as an extension of the restaurant facing Allen Street and Rivington Street of one thousand one hundred (1,100) square feet, with a capacity of sixty-nine (69) people, twenty-five (25) tables and forty-eight (48) seats comprised of tables, chairs and lounge seating, an eight (8) foot service bar, hours of operation of 11:00 A.M. to 10:00 P.M. all days with alcohol service ending at 7:00 P.M. all days, food service during all hours of operation and no music;
- 5) a ground floor terrace of four hundred (400) square feet opening on Allen Street and extending into the block to abut the rear yard of 143 Orchard Street, with five (5) tables and twenty (20) seats, hours of operation of 7:00 A.M. to 10:00 P.M. all days, food service during all hours of operation and no music;
- 6) an additional interior first floor restaurant bar facing Orchard Street of nine hundred (900) square feet, with a capacity of sixty-three (63) people, twenty-one (21) tables and fifty (50) seats, a ten (10) foot service bar, hours of operation of 6:00 A.M. to 2:00 A.M. all days, food service from the cellar kitchen during all hours of operation, an open façade, its own entrance on Orchard Street, recorded background music generally and DJs for private events, one (1) television and happy hours to 8:00 P.M.;
- 7) an interior sixteenth floor lounge of nine hundred twenty (920) square feet, with a capacity of forty-three (43) people, sixteen (16) tables and thirty-two (32) seats comprised of lounge seating, an eleven (11) foot bar with seven (7) stools, hours of operation of 6:00 A.M. to 2:00 A.M. all days, a limited menu from the cellar kitchen during all hours of operation, recorded music and DJs three (3) times per month, an open façade, one (1) television and access through the hotel entrance on Allen Street; and
- 8) an exterior sixteenth floor terrace facing Allen Street, with either twenty-one (21) or twenty-six (26) seats comprised of lounge seating, hours of operation of 6:00 A.M. to 12:00 A.M. all days, food service from the cellar kitchen during all hours of operation, recorded background music and its access through the sixteenth-floor lounge;
- 9) an exterior sixteenth floor terrace facing Orchard Street, with ten (10) seats comprised of lounge seating, hours of operation of 6:00 A.M. to 12:00 A.M. all days, food service from the cellar kitchen during all hours of operation, recorded background music and its access through the sixteenth-floor lounge; and

**WHEREAS**, Community Board 3 has heard this application three (3) times and the enumerated proposed uses reflect the most recent amendment to the proposed method of operation after much community board and community comment; and

**WHEREAS**, the applicant has conceded that the hotel is within two hundred (200) feet of a house of worship, in that the proposed hotel entrance is located across the street from and within one hundred sixty-seven (167) feet by the measurement of the applicant of the Church of Grace to Fujianese, located at 133 Allen Street, between Rivington Street and Delancey Street; and

**WHEREAS**, there are approximately fifty (50) full on-premises liquor licenses within five hundred (500) feet of this location, approximately twenty (20) of which are hotels with multiple public uses identical or similar to those proposed by this applicant; and

**WHEREAS**, notwithstanding the above-described conditions, the applicant is seeking the support of Community Board 3 for this application and, in doing so, is also seeking its support in obtaining an exemption or carve-out from the law prohibiting a full on-premises liquor license within two hundred (200) feet of a house of worship pursuant to New York State Alcohol Beverage Control Law Section 64(7)(a); and

**WHEREAS**, the applicant has asserted that this exemption is within the public interest because it has developed a long-stalled construction site that was a blight on the neighborhood into a multi-use hotel which will bring patrons and revenue to the City; and

**WHEREAS**, the applicant has asserted that it purchased this partial development not realizing that it was directly across the street from a three-story free-standing house of worship; and

**WHEREAS**, the applicant has cited eight (8) exemptions or carve outs from New York State Alcohol Beverage Control Law Section 64(7)(a) between 2013 and 2018, however most were not within New York City where the concentration of licensed businesses is substantially greater than other areas of the State, and of those that included a written basis for the exemption, none cited provided a comparable circumstance to what exists here, in that 1) the one granted in Washington County cited the difficulty in developing the city center and the proximity of the urban center to the house of worship (A09851), 2) the one granted for 161 Grand Street is in an area of New York City with little residential development and close to a church that was about to close (A08277), and 3) the one granted for the Brooklyn Botanical Garden had no impact on any residential community (A04834); and

**WHEREAS**, while the applicant may have undertaken to develop a stalled construction project, the applicant has mischaracterized community need to improve this one street corner within this community board district; and

**WHEREAS**, this neighborhood has been mixed-use residential and commercial for more than two hundred (200) years; and

**WHEREAS**, Community Board 3 prepares a yearly statement detailing its community needs which has repeatedly included recognizing the need for affordable housing and retail diversity, as well as recognizing the proliferation of hotels and eating and drinking establishments in this area; and

**WHEREAS**, social media and the press frequently comments on the booming development and gentrification in this area, including hotel and nightlife development; and

**WHEREAS**, residents routinely complain about the incredible number of eating and drinking businesses and hotels in this area and the significant increase in noise, pedestrian and vehicular traffic and crime in this area as a result of patrons flooding the stand-alone eating and drinking businesses and those offered by all of the hotels in the area; and

**WHEREAS**, letters were submitted by two (2) tenants associations and, at the most recent hearing, representatives of three (3) block or tenants associations and six (6) residents appeared to oppose this application because 1) the multiple public venues within the proposed hotel will add people and traffic from the hotel to this area which is already overwhelmed with people and traffic, 2) the proposed outdoor areas will exacerbate the already existing noise issues, 3) this hotel is proposing the same amount of indoor public areas, more public outdoor areas and more open façades than other area hotels while offering fewer rooms for lodging, and 4) residents are opposed to an exemption for this applicant from the law prohibiting it from having a full on-premises liquor license within two hundred (200) feet of a house of worship; and

**WHEREAS**, residents specifically complained that traffic along Orchard Street and Rivington Street is already congested during the daytimes from delivery and service vehicles to the existing hotels and eating and drinking establishments on the streets, that Rivington Street and Allen Street already bear the burden of west and northbound traffic from the Williamsburg Bridge and that Allen Street which is a wider street is expected to absorb the up to eighty (80) buses per hour that will replace the L subway train when it shuts down for renovations; and

**WHEREAS**, the traffic study commissioned by the applicant was not persuasive in assessing the impact of the this hotel on surrounding traffic patterns as 1) it compared pedestrian and vehicular traffic to Midtown Manhattan and other high volume commercial areas in determining that it was far less than those areas which failed to account for the narrower streets or higher concentration of residential use in the Lower East Side and yet still conceded that during peak hours this one hotel will add up to five percent (5%) vehicular and up to ten percent (10%) pedestrian traffic to this area, 2) it concluded that there would be not be any major traffic impact from this development because this project is consistent with existing conditions so will not contribute to them although residents, the media and the community board have repeatedly stated that each large development poses an additional burden as the area still lacks the infrastructure and size to absorb these businesses, and 3) it inappropriately

compared this development to the residential and small ground floor retail use that existed before this construction; and

**WHEREAS**, despite these substantial concerns, the Lower East Side Dwellers, a local residents association, has been working with the applicant on behalf of community residents to try to mitigate the impact of noise and pedestrian and vehicular traffic from this development on this community, understanding that that the applicant may reorient its hotel to Orchard Street or Rivington Street to avoid conflict with the two hundred (200) foot rule, but has failed to reach an agreement about the outdoor uses proposed by this applicant; and

**WHEREAS**, the applicant conceded that the outdoor venues it has proposed are within fifteen (15) to thirty (30) feet of residential windows, in that 1) the majority of the second floor terrace would be located fifteen (15) feet below apartment windows at 79 Rivington Street, 1) its Allen Street sidewalk café would be located within thirty (30) feet of apartment windows, and 3) its ground floor entry terrace would be located within twenty-five (25) feet of apartment windows; and

**WHEREAS**, the sound study commissioned by the applicant was not persuasive in addressing the impacts of noise from the proposed venues on surrounding neighbors in that it 1) incorrectly assessed that there would be no impact from a second floor outdoor terrace fifteen (15) feet below residential windows, 2) failed to account in any way for the ground floor terrace abutting the rear yard of 143 Orchard Street, and 3) contrary to all other sound studies and plans submitted to Community Board 3 for other rooftop hotel use in this area, found no need for sound mitigation for the sixteenth-floor outdoor terraces facing Allen Street and Orchard Street; and

**WHEREAS**, Community Board 3 recognizes that during the three hearings of this application, Community Board 3 has also been attempting to minimize the negative impacts of noise and pedestrian and vehicular congestion of this development on the surrounding community by asking the applicant to amend its application; and

**WHEREAS**, the community would be better served with a development comprised of residential, mixed residential and retail, or office development that would not negatively impact neighborhood residents; and

**WHEREAS**, instead the applicant has proposed a seventeen (17) story hotel in an area inundated with hotels and has proposed multiple public uses that duplicate the numerous eating and drinking businesses within those hotels and other businesses in the immediate area; and

**WHEREAS**, this project offers nothing in terms of addressing local community needs and only generally benefits City and State development which could have been accomplished through another type of development; and

**WHEREAS**, Community Board 3 does not support a special exemption for this applicant from two-hundred-foot compliance with the Church of Grace to Fujianese as Community Board 3 believes that two-hundred-foot compliance is the responsibility of the applicant and its failure to account for its proximity to a house of worship should not become the burden of community residents; and

**WHEREAS**, Community Board 3 will not abrogate the right of community residents under this law by supporting this application when the applicant has failed to offer any compelling reason why it should have a full on-premises liquor license for its hotel in this location; now

**THEREFORE BE IT RESOLVED** that Community Board 3 moves to deny the application for a hotel on-premises liquor license for Allen Street Hospitality LLC for a seventeen (17) story hotel, located at 140 Allen Street, bounded by Rivington Street, Allen Street and Orchard Street, New York, New York

**Items not heard at Committee**

17. Downtown Yummy Restaurant Inc, 39-41 E Bdwy (wb)  
no vote necessary
18. Dian Kitchen LLC, 435 E 9th St (b)  
no vote necessary
19. Sunrise Partnership Inc, 328 E 6th St (wb)  
no vote necessary
20. Lucky Family Zhang (New 94 East Broadway Inc), 94 E Broadway (b)  
no vote necessary
21. Vote to adjourn  
approved by committee

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

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

1. Approval of previous month's minutes  
approved by committee
2. Citi Bike Infill – Presentation of Infill locations in CB 3 by NYC Dept of Transportation – Draft Proposal  
no vote necessary
3. Vote to adjourn  
approved by committee

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

**Charter Revision Task Force**

no vote necessary

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

Vote to adjourn

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

**Members Present at Last Vote:**

David Adams	[P]	Shirley Fennessey	[P]	Jeremy Markman	[P]
Yaron Altman	[P]	David Ford	[P]	Antonio Martinez	[A]
Jesse Beck	[P]	Ryan Gilliam	[P]	Alexandra Militano	[P]
Dominic Berg	[P]	Debra Glass	[A]	Nancy Ortiz	[P]
Lee Berman	[P]	Herman F. Hewitt	[P]	Carolyn Ratcliffe	[P]
Victoria Berrios	[A]	Trever Holland	[P]	Damaris Reyes	[P]
Lisa Burriss	[P]	Linda Jones	[P]	Richard F. Ropiak	[P]
Karlin Chan	[P]	Vaylateena Jones	[P]	Robin Schatell	[A]
Jonathan Chu	[A]	Meghan Joye	[P]	Laryssa Shainberg	[P]
MyPhuong Chung	[P]	Lisa Kaplan	[P]	Clint Smeltzer	[P]
David Crane	[P]	Olympia Kazi	[P]	Anisha Steephen	[P]
Paul DeRenzo	[P]	Joseph Kerns	[P]	Sandra Strother	[P]
Eric Diaz	[P]	Mae Lee	[P]	Josephine Velez	[P]
Daniel Dickson	[P]	Alysha Lewis-Coleman	[P]	Rodney Washington	[P]
Dean Diongson	[P]	Luis Lopez	[A]	Kathleen Webster	[P]
Alistair Economakis	[P]	Michael Marino	[P]		

Meeting Adjourned