



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

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Alysha Lewis-Coleman, Board Chair

Susan Stetzer, District Manager

March 2020 Full Board Minutes

Meeting of Community Board 3 held on Tuesday, March 24, 2020 at 6:30pm via Zoom.

Public Session:

Tommy Loeb

On November 12, Carlina Rivera and the mayor released an agreement about East Side resiliency. It's been 4 months and there hasn't been anything new since then.

Wendy Brawer, 30 year CB3 resident

With Corona, bicycle usage is soaring, and it will be key to the city's recovery. Let's not close the East River Park's greenway/shared path as it's safe and healthy for riders of all ages. Interim flood protection is a must, especially around NYCHA campuses where flood barriers and resilient infrastructure is already under construction. Let's revisit completing FEMA's patchwork of walls and flood gates to meet the CDBG-DR demand that NYCHA's needs be addressed. I look forward to seeing NYCHA's barricaded green spaces reopened, the park preserved, and for all of CB3's wellbeing, the street tree canopy thriving and the bike lane network expanded. Thank you and be well everyone!

Harry Bubbins – Village Preservation

As we look for some continuity and inspiration in these times, I just want to thank Community Board 3 and its members and staff for carrying on in the capacity you can to serve the neighborhood.

Village Preservation has some online resources that you find of interest and use while you work or educate or stay at home. For example, you can look at the history of every building in the East Village on our East Village Building Blocks webpage at <https://www.gvshp.org/buildingblocks> and contribute your own stories about the building and its history in the comments sections or submit photos. We hope tools like this can help pass the time while also serving as an educational resource for students and researchers.

Teachers are also welcome to contact me to explore ways to incorporate the tools in our Resources section <https://www.gvshp.org/resources> in your online curriculum.

I am glad to see that the Executive Committee passed a resolution to draw attention to the plight of small businesses and As we look for some continuity and inspiration in these times, I just want to thank Community Board 3 and its members and staff for carrying on in the capacity you can to serve the neighborhood.

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I am glad to see that the Executive Committee passed a resolution to draw attention to the plight of small businesses and for the urgent need for action on every level of government.

Village Preservations stands with the community in these times and stands ready to help in anyway we can.

Thank you for continuing your work in creative and unfolding ways.

Public Officials:

Mayor Bill de Blasio, Andrew Kunkes:

- Any student can pick up 3 meals a day at 400 schools, M-F from 7:30 am – 1:30 pm
- Alternate side parking suspended 3/25-3/31. Meters remain in effect.

- Text COVID to 692-692 or COVID ESP for Spanish.
- Practice social distancing
- Andrew will send nightly updates to Alysha and Susan
- For parents without technological capabilities, parents can call 311 and schools are doing calls with parents

Public Advocate Jumaane Williams, Phillip Ellison:

- Phillip is the Manhattan advocate in the PA's office
- Hosting immigration advocacy calls

Comptroller Scott Stringer, Michael Stinson:

- City contractors are concerned about meeting contract requirements

Borough President Gale Brewer, Brian Lewis:

- Manhattan is #1 in Census responses – 19.5% response
- All senior center meals are being delivered
- Fresh Direct is doing free deliveries to NYCHA housing, will be coming to LES soon
- Office is sending out a daily newsletter
- All 12 Manhattan community boards are now virtual
- If you have space for surge hospital space, go to OEM's Share Your Space website
- City has postponed all ULURPs

Congressmember Nydia Velazquez, Lingxia Ye:

- Trying to obtain more surgical and N95 masks

Congressmember Carolyn Maloney, Victor Montesinos:

Assemblymember Yuh-Line Niou, Shivani Gonzalez:

- Yuh-Line introduced bill extending a 90-day eviction moratorium
- She is sending letters to Gov. Cuomo to provide at-home testing kits

Assemblymember Deborah J. Glick, Charlie Anderson:

- Need to eliminate any existing restrictions on accessing unemployment, including freelancers, restaurant staff
- Schools are working remotely. It is possible that there are students who still need devices. [Coronavirus.schools.nyc/remoteteachingdevices](https://www.coronavirus.schools.nyc/remoteteachingdevices) that is where people can get devices from the DOE.
- Text "New York" to 81336 to get information from the state.
- If the 2% budget cap is out the window, it will all go to healthcare
- In-hospital testing is only for admitted patients and healthcare workers, any drive through testing would only be for symptomatic people
- Supports 90 day rent suspension

Assemblymember Harvey Epstein, Aura Olavarria:

- Hoping to get clarity from the federal government about the amount of money coming from the stimulus bill
- NYS will potentially be in a \$7-\$15 billion budget deficit
- State will have to work on emergency unemployment and protections for gig workers
- Governor has a self-imposed 2% revenue cap – not required anywhere in the law. Harvey thinks we should ignore the 2% cap and also increase revenue streams through taxing wealthy people but the governor is not supportive

State Senator Brian Kavanagh, Greer Mayhew:

- There is a need for additional resources for permanent housing for people who are facing eviction or experiencing homelessness. This has been magnified by the public health crisis
- Expanded unemployment benefits and sick leave to make them easier for people to access

State Senator Brad M. Hoylman, Caroline Wechselbaum:

- Asked all large grocery chains to institute senior hours
- Introduced a bill to clamp down on price gouging

Councilmember Margaret Chin, Marian Guerra:

- City council deadline for census help is April 1

Councilmember Carlina Rivera, Isabelle Chandler:

- Most of our existing hospitals are functioning as ICUs, working on surge capacity hospitals
- Called on the state and city to do more to support small businesses
- Worried about food shortages for food banks, etc. because of rising prices
- Alysha asked: City is telling some workers that they need to have doctors notes for sick leave, and they don't have the protective gear. Carlina said she would look into it.
- City council had called for an end to nonessential construction, but the mayor isn't interested in that

Members Present at First Vote:

David Adams	[P]	Trever Holland	[P]	Paul Rangel	[A]
Yaron Altman	[P]	Linda Jones	[P]	Carolyn Ratcliffe	[P]
Jesse Beck	[P]	Vaylateena Jones	[P]	Damaris Reyes	[P]
Dominic Berg	[P]	Tatiana Jorio	[P]	Richard Ropiak	[P]
Lee Berman	[P]	Meghan Joye	[P]	Thomas Rosa	[P]
Karlin Chan	[P]	Lisa Kaplan	[P]	Robin Schatell	[P]
Jonathan Chu	[A]	Olympia Kazi	[P]	Heidi Schmidt	[P]
David Crane	[P]	Joseph Kerns	[P]	Laryssa Shainberg	[P]
Felicia Cruickshank	[A]	Michelle Koppersmith	[P]	Clint Smeltzer	[P]
Eric Diaz	[P]	Mae Lee	[P]	Anisha Steephen	[P]
Alistair Economakis	[P]	Alysha Lewis-Coleman	[P]	Sandra Strother	[P]
Shirley Fennessey	[P]	Ellen Luo	[P]	Josephine Velez	[P]
Ryan Gilliam	[P]	Michael Marino	[P]	Rodney Washington	[P]
Debra Glass	[P]	Alexandra Militano	[P]	Kathleen Webster	[P]
Herman Hewitt	[A]	Michael Perles	[P]	Jacky Wong	[P]

Minutes:

Minutes of January 2020 were approved, as is.

45 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Board Chairperson's Report:

Chairperson Alysha Lewis-Coleman

- Please check in on your neighbors and take care of yourselves.

District Manager's Report:

District Manager Susan Stetzer

- The district office is totally closed. All staff are working from home. Please email if you need staff
- All permits have been suspended, there are no composting drop-off sites, all traffic studies are suspended. Playgrounds are NOT sterilized.
- All public gatherings are cancelled. Police are being asked to break up groups.
- Community gardens are open only to their members.

Committee Reports:

Executive Committee

1. To Approve a request for immediate economic help for small businesses

VOTE: TITLE: Community Board 3 request for immediate economic help for Small Businesses

Whereas: New York City is facing a health emergency unlike anything seen in over a century;

Whereas: Measures to slow and stop the spread of COVID-19, while essential and justified, have caused significant economic hardships;

Whereas: Required aid and support programs for countless small businesses and their employees will be substantial;

Whereas: All levels of government must work collaboratively to provide needed economic relief in the immediate, near and long terms;

Therefore Be It Resolved: Community Board 3 recommends the following actions to provide immediate relief for all small businesses affected by the COVID-19 crisis:

- Suspension or forgiveness of all fines and associated payments for a period of six months and make sure there is no admission of culpability.
- Automatic, no-fee renewal of all City and State operating permits and business filings for a period of six months.
- Suspension of State sales tax filings for a period of three months.
- Suspension of commercial rent taxes for a period of three months.
- Immediate expansion of the no interest loan programs provided by the City and an increase of the loan amount to \$250,000.
- Immediate expansion of the NYC Small Business Services NYC Employee Retention Grant Program currently available for small businesses with 1 - 4 employees should be expanded for small businesses up to 10 employees.

Further Be It Resolved: Community Board 3 requests the City's Department of Finance analyze appropriate property tax relief measures for a period of one year that will allow small merchants to reduce rent and operating costs while also allowing small property owners to stabilize their building's income streams;

Further Be It Resolved: Community Board 3 requests the State Department of Financial Services ensure that business interruption related to the public health emergency be considered a covered event for insurance purposes;

Further Be It Resolved: Community Board 3 requests funding for economic and community development organizations be strengthened and maintained to ensure support services for small merchants and continuation of community-based efforts that will prepare for a sustained recovery.

2. To approve updated CB 3 social media policy

VOTE: TITLE: Revised Social Media Policy

Manhattan Community Board 3 Social Media Policy

Manhattan Community Board 3 Social Media Manager

The Chair of Manhattan Community Board 3 (CB 3) shall appoint a member of CB 3 to serve as CB 3's Social Media Manager (SMM).

The SMM may attend CB 3 Executive Board meetings but shall not be a voting member of the CB 3 Executive Board by virtue of being the SMM.

The Board Chair may appoint other members to assist in the completion of SMM's duties, including managing a CB 3 social media account or attending an Executive Board meeting in SMM's absence.

Branding Social Media Accounts

All CB 3 social media accounts should use the same profile image and bio. The bio should indicate that this is an official account and link to CB 3's official webpage.

Social media account names should indicate the borough and board number.

Posting CB 3 Calendar Items:

The CB 3 Social Media Manager (SMM) shall post, or cause to be posted, each committee, subcommittee, task force, executive board, and full board meeting from the monthly Calendar of Meetings to CB 3's social media accounts.

Each post shall mention the name of the meeting (e.g., committee name), the time of the meeting, and the location of the meeting.

In the event a meeting appears on a Calendar of Meetings and is later cancelled, it shall be the responsibility of the chair of the cancelled meeting to notify the SMMs of the cancellation. Notice should be provided, by email, as soon as possible so postings can be cancelled or corrected.

Posting Individual Agenda Items:

- Individual agenda items deemed to be of particular importance or interest to the community may be highlighted by a post on CB 3's social media accounts.
- An individual agenda item shall be posted before its scheduled committee meeting if, at the monthly Executive Board meeting, (1) the chair of the meeting related to the agenda item requests it be posted, and the SMM consents to doing so, unless such a decision is overruled by a vote of the Executive Board, or (2) any other community board member or employee present at the Executive Board requests the item be posted and such a request is approved by a vote of the Executive Board.
- No posts/tweets highlighting a specific agenda item involving a vote on a particular license may be posted.

Posting other original content:

- The majority of content posted on CB 3's social media accounts should be original content (including meeting schedules and agendas).
- Original content, such as photographs and videos, cannot be posted on CB 3's social media accounts without express permission from the owner of said materials. Reposting or sharing third party material via an article link or reference to the original text or material does not require permission.

Reposting/Retweeting:

- Any SMM, or member or employee of Community Board 3 by email to the SMM, may request an article, blog post, or other item that is linkable to on the Internet be reposted/retweeted on CB 3's social media accounts.
- Such items should be of special relevance to the community board, not just the community and, if referenced, should reflect the work of the board in a neutral or positive light.
- Upon receiving a repost/retweet request, if a SMM believes the item should be reposted/retweeted, the SMM should send an email to the Board Chair and District Manager providing them with an opportunity to approve or reject the item.
- If the item is approved for reposting/retweeting by both the Board Chair and District Manager, it shall be reposted/retweeted.
- If the item is not rejected for reposting/retweeting by either the Board Chair or District Manager within 24 hours of the request, it shall be reposted/retweeted.
- If the item is rejected for reposting/retweeting by either the Board Chair or District Manager within 24 hours of the request, it shall not be reposted/retweeted.
- Links to high value information:
- Information that is of high value to members of the community, which may be linked to online, may be posted/tweeted on CB 3 social media.
- Linked-to-information should never promote or seek to increase the exposure of an elected official or a candidate for political office, unless it is to promote an event of which CB 3 is a co-sponsor.
- Any SMM or member or employee of Community Board 3, by email to the SMM, may request that high value information that is available on the Internet be linked to via a post/tweet on CB 3's social media accounts.
- Upon receiving a link-to-information request, if a SMM believes the item should be linked to, the SMM should send an email to the Board Chair and District Manager providing them with an opportunity to approve or reject the link.
- If the link is approved by both the Board Chair and District Manager, the link shall be posted/tweeted.
- If the link is not rejected by either the Board Chair or District Manager within 24 hours of the request, the link shall be posted/tweeted.
- If the link is rejected by either the Board Chair or District Manager within 24 hours of the request, the link shall not be posted/tweeted.

This list is not comprehensive and will be updated with additions

3. Approve a block party for Assembly Member Epstein

VOTE: That CB 3 approves the block party for Assembly member Harvey Epstein Block Party, 5/9, E 7 Street (Aves B & C)

45 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding Exec item 3)

44 YES 1 NO 0 ABS 0 PNV MOTION PASSED (Exec item 3)

By-Laws Task Force

- Clarification of language regarding absences
- VOTE:** To approve by-law changes to clarify language regarding absences.

G. Board Members are expected to regularly attend all Full Board meetings and all committee, subcommittee and task force meetings to which they are appointed as members.

1. A Board Member shall be deemed present at a Board meeting, committee, subcommittee or task force if he/she is present for the first and last votes at that meeting. If present at either the first or last vote but not both, a Board Member shall be deemed present at half the meeting.
2. A Board Member may request in writing that the Board Chairperson grant the Board Member long-term leave from meetings for any of the following reasons:
 - a. The Board Member is serving in the active military;
 - b. The Board Member is suffering from a long-term illness;
 - c. There is a long-term illness or death in the immediate family or household of the Board Member;
3. A Board Member requesting long-term leave shall notify the Board Chairperson in writing of his/her anticipated absence (or promptly thereafter if circumstances prevent advance notice) and when he/she anticipates being able to resume regular attendance at meetings. This process shall apply to any of the enumerated reasons. Acceptance of such request shall be at the discretion of the Board Chairperson. The Board Chairperson shall notify the Board Member in writing of acceptance or denial and copy the District Manager.
4. If the Board Member is a member of two committees, subcommittees or task forces scheduled at the same time or is assigned to represent Community Board 3 at another meeting, the member is not marked present or absent at the meeting the member is missing, but is noted to be at another meeting. The Board Chairperson shall designate which meeting the member will attend when there is a conflict.

H. All Board Members are automatically excused from up to one-third of their obligated meetings to cover short-term illness, work, and other everyday issues that come up. However, if a Board Member is absent from more than one third of the Board Member's meeting obligations during a six-month period, a letter shall be sent either electronically or by regular mail to the Board Member advising the Board Member of his/her substantial lack of attendance with a copy to the elected official who recommended the Board Member and the Borough President. During the next three months, if the Board Member continues to be absent from more than one third of his/her meeting obligations, the Board Chairperson shall propose the removal of the Board Member as set forth in Section I below. There shall be two periods for measurement of attendance each year (April to September and October to March).

I. Procedures for Removal of a Board Member for Cause

1. The Board Chairperson shall place the proposed removal of the Board Member on the agenda of the Executive Committee meeting. The Board Chairperson, or designated Executive Committee member, shall provide to the Board Member written notice of the proposed removal at least ten (10) days prior to the meeting of the Executive Committee. The Board Member shall be provided an opportunity to be heard at the Executive Committee meeting.
2. If the Executive Committee votes in favor of removal, the matter shall be voted upon at the monthly Full Board meeting immediately following the Executive Committee meeting where the vote was taken.
3. If the Full Board votes in favor of the removal, the Board Member shall be deemed removed, immediately after the vote. The Board Chairperson shall notify the elected official who appointed the Board Member (and the Borough President) of the removal of the Board Member with a request to appoint a person to fill the remainder of the term.

J. A Board Member may be removed for cause including for any of the following reasons:

1. A felony conviction during the Board Member's term of service on the Board.
2. Soliciting, receiving or accepting any remuneration in exchange for a vote on any item under consideration by the Board or any of its committees, subcommittees or task forces if there is a Department of Investigation or Conflicts of Interest Board determination that a Board Member had solicited, received, or accepted remuneration.
3. Failure to declare a conflict of interest based on a Department of Investigation or Conflict of Interest Board determination.

4. Substantial lack of attendance at Board, committee, subcommittee and/or task force meetings as defined in section H.
5. Any form of Board representation not authorized by the Chairperson.
6. A consistent pattern of behavior unbecoming a Board Member, including but not limited to disruptive, demeaning, abusive or violent behavior.

45 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Economic Development Committee

1. Approval of previous month's minutes
approved by committee
2. Lower East Side Partnership District Boundary Expansion Update
no votes necessary
3. LES Partnership: East Village Community District Needs Assessment--Preliminary Findings Presentation
no votes necessary
4. Special Enhanced Commercial Districts outreach planning
no votes necessary
5. Vote to adjourn
approved by committee

45 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Parks, Recreation, Waterfront, & Resiliency Committee

meeting canceled

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

1. Approval of previous month's minutes
approved by committee
2. Follow up to Manhattan District Attorney presentation on prevention model on fare evasion
no votes necessary
3. Request for extension of deadline to reserve land for new school at Essex Crossing

VOTE: TITLE: Resolution to send the following letter to the NYC Department of Housing Preservation and Development to request extension of reservation of Site 5 at Essex Crossing for new school

Dear _____:

Community Board 3 would like to explain the need to extend the reservation of Site 5 at Essex Crossing for the construction of a school. The reservation is now set to expire in 2023, and funding for the construction is not yet included in New York City School Construction Authority's capital budget. However, it continues to be the position of Community Board 3 that there is a strong need for a new school in Community District 3. A position paper was issued in 2014 by Community Board 3, outlining the need for the school. Since 2014 the core arguments still apply. There is in addition, new information and factors relevant to our position. Some of the most critical factors are outlined below:

- Facility space is extremely limited due to co-located schools. Each school is forced to ration use of essential facilities such as science labs, libraries, art and music rooms, food prep areas / cafeterias, and gymnasium.
- If the state supreme court rules to limit classroom size to 20 students, schools in CD3 will not have the space to reconfigure classrooms to be in compliance with the new guidelines.
- Schools in CD3 are housed in buildings well over 100 years old. The majority of the aging school buildings in CD3 do not meet ADA standards. The currently lack of ADA accessibilities further segregates students with special needs by restricting their choices.
- The aging infrastructure poses a tremendous financial burden. Piping wrapped in asbestos exist in our school and many of the electrical systems cannot support air conditioning.
- Structural inadequacies limit the schools' ability to meet DOE core mission of Equity in Excellence. The lack of adequate space to house computer labs and limited electrical infrastructure needed to power the technology denies students a high-quality computer science education.
- There is a clear and growing need for a school that includes services and programs for special needs students. Supporting these students, requires smaller class ratios and space dedicated to provide related services.

Classroom conditions and building limitations have not improved since 2014. Current schools face new challenges that can only be addressed by procuring a new state-of-the-art facility. The extension of the 2023 deadline is necessary for CB3 to continue to petition the New York City Department of Education and School Construction Authority and to allocate funding for a new school to address longstanding and emerging inadequacies. We thank you for your time and consideration.

4. Planning for May panel on special education
no votes necessary
5. Community Advisory Board / Community Education Council reports
no votes necessary
6. Vote to adjourn
approved by committee

45 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. Hayaty (A H 103 Corp), 103 Ave A (op/alt/change method of operation: extend hours to 4am daily)
withdrawn
3. Las' Lap (Norman's Cay Group LLC), 74 Orchard St (op/alt: to license adjacent space)
withdrawn
4. Noree Thai Bazaar (Noree Thai Bazaar Inc), 274 Grand St btwn Forsyth & Eldridge Sts (op/change method of operation: extend hours to 4am daily)

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

WHEREAS, Noree Thai Bazaar Inc., doing business as Noree Thai Bazaar, is seeking a change in the method of operation of its full on-premises liquor license for the premises located at 274 Grand Street, between Forsyth Street and Eldridge Street, New York, New York, to wit extending its hours of operation to 4:00 A.M. all days; and

WHEREAS, this is an application for a Thai restaurant with a certificate of occupancy seventy-five (75) people, twenty-seven (27) tables and fifty-six (56) seats, a fourteen (14) foot bar with ten (10) stools listed, hours of operation of 11:00 A.M. to 4:00 A.M. all days, a kitchen serving food during all hours of operation, French doors, one (1) television and recorded background music; and

WHEREAS, the applicant has stated that it is amending its proposed hours of operation to 12:00 P.M. to 2:00 A.M. Sundays through Wednesdays and 12:00 P.M. to 4:00 A.M. Thursdays through Saturdays; and

WHEREAS, this applicant was denied a full on-premises liquor license by Community Board 3 in May of 2018 unless the applicant agreed to make as conditions of its license stipulations that it would 1) operate as a full-service Thai 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 Wednesdays and 11:00 P.M. to 12:00 A.M. Thursdays through Saturdays, 3) not commercially operate any outdoor areas, 4) close any front or rear façade entrance doors at 10:00 P.M. every night or when amplified sound is playing and otherwise have a closed fixed facade with no open doors or windows, 5) play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee would be charged, 6) not apply for any alteration in its method of operation without first appearing before Community Board 3, 7) not have "happy hours," 8) not host pub crawls or party buses, 9) not have unlimited drink specials with food, 10) not have wait lines and designate an employee to oversee patrons and noise on the sidewalk, 11) conspicuously post this stipulation form beside its liquor license inside of its business, and 12) provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

WHEREAS, the applicant was issued a full on-premises liquor license on May 1, 2018, and had been operating for sixteen (16) months; and

WHEREAS, the applicant provided petition signatures, forty (40) of which are from area residents, in support of its application; and

WHEREAS, given these circumstances, Community Board 3 would approve this application for a change in the method of operation of this license with hours of operation no later than 2:00 A.M. all days; now

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a change in the method of operation of the full on-premises liquor license for Noree Thai Bazaar Inc., doing business as Noree Thai Bazaar, for the premises located at 274 Grand Street, between Forsyth Street and Eldridge Street, New York, New York, to wit changing its hours of operation from 11:00 A.M. to 11:00 P.M. Sundays through Wednesdays and 11:00 A.M. to 12:00 A.M. Thursdays through Saturdays to 12:00 P.M. to 2:00 A.M. Sundays, through Wednesdays and 12:00 P.M. to 4:00 A.M. Thursdays through Saturdays, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate a full-service Thai restaurant, with a kitchen serving food during all hours of operation,
- 2) its hours of operation will be 12:00 P.M. to 2:00 A.M. all days,
- 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 or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances,
- 5) it will play ambient background music only, consisting of recorded music, and will not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 6) it will not apply for any alteration in its method of operation 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 ensure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk and oversee the front of the business when the façade is open to ensure no noise and crowds 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.

5. El Sombrero (Two Almontes Corp), 108 Stanton St btwn Ludlow & Orchard Sts (op/method of operation: change hours to 11am to 2am Sunday thru Thursday and 11am to 4am Friday and Saturday)
withdrawn

Sidewalk Cafe Application

6. Uluh (Chibaola Inc), 152 2nd Ave btwn E 9th & E 10th Sts

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

WHEREAS, Chibaola Inc., doing business as Uluh, is applying for a sidewalk café permit for its restaurant for the premises located at 152 Second Avenue, between East 9th Street and East 10th Street; and

WHEREAS, this is an application for a sidewalk café consisting of fourteen (14) tables and twenty-eight (28) seats with a row of six (6) tables and twelve (12) seats against the façade, a second row of eight (8) tables and sixteen (16) seats and proposed hours of operation of 11:00 A.M. to 10:00 P.M. all days; and

WHEREAS, Community Board 3 would support this application for a sidewalk café for this business if the sidewalk café plan is reduced to remove the tables and seats located in front of the entrance to the business; now

THEREFORE BE IT RESOLVED that Community Board 3 recommends the approval of the application for an unenclosed sidewalk café permit for ten (10) tables and twenty-four (24) seats for Chibaola Inc., doing business as Uluh, for the premises located at 152 Second Avenue, between East 9th Street and East 10th Street, because the applicant has signed a change agreement which will become part of its DCA license that

- 1) its café will consist of one (1) row of six (6) tables and twelve (12) seats flush against the façade of the building south of the business entrance and a second row of six (6) tables and twelve (12) seats in line with the first row and separated by a wait aisle, and
- 2) its hours of operation will be 11:00 A.M. to 10:00 P.M. all days.

Hotel Applications

7. Orchard Street Hospitality LLC, 119 Orchard St a/k/a 120 Allen St btwn Rivington & Delancey Sts (op)

VOTE: TITLE: COMMUNITY BOARD 3 RESOLUTION APPROVING THE HOTEL LIQUOR LICENSE FOR ORCHARD STREET HOSPITALITY LLC, FOR 119 ORCHARD STREET A/K/A 120 ALLEN STREET, SUBJECT TO CERTAIN RESTRICTIONS ON USE

WHEREAS, the applicant, Orchard Street Hospitality LLC, by its qualified representative or principal, is seeking to obtain a hotel liquor license for a twelve (12) story hotel with a basement restaurant, located at 119 Orchard Street a/k/a 120 Allen Street, between Rivington Street and Delancey Street, New York, New York; and

WHEREAS, this is a sale of assets of an existing hotel with a hotel on-premises liquor license; and

WHEREAS, said applicant will maintain the primary method of operation of said location for lodging and apartments, with its primary entrance on Allen Street, and will maintain the existing ancillary public uses of a first-floor lobby, basement level restaurant and sixth-floor outdoor terrace but has amended the proposed uses as follows:

- 1) the interior first floor lobby of seventy (70) square feet with a certificate of occupancy of six (6) people will be open all hours with recorded background music and no service of food or alcohol;
- 2) the interior restaurant, located in the basement and subbasement and nine hundred twenty-three (923) square feet in size with a certificate of occupancy of ninety (90) people will have twenty-four (24) tables and fifty-eight (58) seats, an eight (8) foot bar with four (4) bar stools, hours of operation of 6:00 A.M. to 2:00 A.M. all days, a kitchen open from 6:00 A.M. to 2:00 A.M. serving Chinese Latin food and including food and alcohol service, two (2) televisions, recorded background music and DJs;
- 3) the exterior sixth-floor terrace of eight hundred forty-two (842) square feet with a certificate of occupancy of seventy (70) people will have twelve (12) tables and forty-six (46) seats, consisting of tables, chairs and lounge seating, food and alcohol service, no music and hours of operation of 7:00 A.M. to 9:00 P.M. all days; and

WHEREAS, the applicant is proposing to add DJs to the basement restaurant and extend its hours of operation, increase the seating and hours of operation of the sixth-floor terrace and add alcohol service to the sixth-floor terrace; and

WHEREAS, the applicant concedes that the proposed terrace is located within ten (10) feet of residential apartment windows; and, in fact, the previous applicant had conceded that the proposed terrace is located within four (4) feet to ten (10) feet of residential apartment windows located at 117 Orchard Street; and

WHEREAS, the applicant has experience operating a hotel in Midtown Manhattan and Garden City, New York, and has a hotel under construction and with a hotel on-premises liquor license pending at 139 Orchard Street which is on the same block as this hotel; and

WHEREAS, the applicant presented the two proposed operators of the restaurant who stated without documentation that they had eighteen (18) and twenty-two (22) years' experience in the eating and drinking industry respectively and would be operating the restaurant as a daytime tea parlor serving loose and blended teas which would become a restaurant at night serving Chino Latino food and draft cocktails; and

WHEREAS, the applicant furnished seven (7) petition signatures, four (4) of which were from area residents, in support of its application, although none of them were from residents of 117 Orchard Street, and one (1) resident submitted a letter in support of the ability of the applicant to use its outdoor area; and

WHEREAS, the LES Dwellers, a local residents organization, has repeatedly voiced its opposition to the construction and operation of a terrace serving alcohol within a few feet of residential apartment windows and has submitted a letter in opposition to this application given that the applicant is proposing to extend the hours of operation of and allow alcohol service to the terrace and add DJs to its restaurant and noting that this had been a quiet hotel in an area overrun with hotels and other licensed businesses and any change in its method of operation may significantly impact the immediate area; and

WHEREAS, representatives of the LES Dwellers, the Orchard Street Block Association and the Bowery Block Association appeared to voice their opposition to this application given that the addition of DJs to the restaurant, increase in size and hours of the sixth-floor terrace and extension of alcohol service to the terrace; and

WHEREAS, fourteen (14) area residents submitted letters and three (3) residents appeared in opposition to this application, asking that the terrace hours not be increased, that alcohol service not be extended to the terrace and that the applicant not be permitted to have DJs; and

WHEREAS, the applicant conceded that it had done no outreach to the residential tenants of 117 Orchard Street about its proposed changes to the adjacent terrace or 124 Orchard Street, which is within twenty-five (25) feet of the terrace and is relying on the dated sound study submitted by the previous applicant and would institute its recommendation of surrounding the entire parapet walls of the terrace with soundproofed glass walls extending three (3) feet above residential windows although the recommendations in this sound study were required for the existing use of the terrace; and

WHEREAS, the SLA has previously recognized that the above ground outdoor amenity of a terrace or roof top to the operation of a licensed premise should not be at the expense of nearby apartment dwellers and that the addition of alcohol to such an amenity will increase the volume of noise heard by nearby residents; and

WHEREAS, with respect to the proposed basement tea parlor restaurant, given its below ground location with an entrance on Allen Street, Community Board 3 would approve the proposed use provided that the hanger window located on Orchard Street and overlooking this area of the hotel remain closed at all times; and

WHEREAS, with respect to the sixth-floor terrace, given that the applicant has done no outreach to affected tenants, Community Board 3 cannot support the increase in its hours of operation or the extension of alcohol service to this area; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application to obtain a hotel liquor license for Orchard Street Hospitality LLC for a twelve (12) story hotel with basement restaurant, located at 119 Orchard Street a/k/a 120 Allen Street, between Rivington Street and Delancey Street, New York, New York unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations, that

Generally, 1) the entrance to the hotel which is located on Allen Street, between Delancey Street and Rivington Street, will be its primary entrance, 2) all loading and unloading of guests and deliveries, service vehicles and garbage pickups will be effected on Allen Street; 3) the entrance located on Orchard Street will be used as an emergency egress only; 4) service deliveries and garbage pickups will be arranged to avoid traffic congestion during deliveries; 5) exterior lighting will only be mounted on its Allen Street façade at its first floor, will be low level and will be directed down or away from neighboring windows and lighting for the sixth floor terrace will be ambient landscape lighting at ground level; 6) the hotel will not host pub crawls or party buses; 7) the hotel will not have unlimited drink specials with food; 8) the hotel will utilize its staff to ensure that there are no wait lines, loitering, crowds or noise outside and will have staff people responsible for directing vehicular and pedestrian traffic in order to prevent queuing and idling vehicles around its business; 9) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3; and 10) it will provide a telephone number for residents to call with complaints and will immediately respond to any resident complaints; and

Specifically,

With respect to the basement restaurant, 11) it will operate as a full-service "Chino Latino" restaurant, with a kitchen open and serving food during all hours of operation; 12) its hours of operation will be 6:00 A.M. to 2:00 A.M. all days; 13) it will play ambient background music only, consisting of recorded music and DJs, and will not have live music, promoted events, scheduled performances or any event at which a cover fee will be charged, 14) it will have one (1) DJ playing at background level and using the existing hotel sound system Thursdays through Saturdays, from 8:00 P.M. to 1:00 A.M., and Sundays from 11:00 A.M. to 4:00 P.M.; 15) it may have "happy hours" to 8:00 P.M. each night; 16) it will not host pub crawls or party buses; 17) it will not have unlimited drink specials with food; 18) it will have its own entrance on Allen Street and any food delivery service will be through this entrance; 19) it will utilize staff from the restaurant to ensure that there are no wait

lines outside and that there are no patrons loitering or making noise outside around its restaurant entrance; 20) it will close any front façade entrance doors at 10:00 P.M. every night and will otherwise have a closed fixed facade with no open doors or windows, including the hangar window located on Orchard Street which overlooks the restaurant; 21) it will conspicuously post this stipulation form beside its liquor license inside of its business; 22) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

With respect to the first floor lobby, 23) it will operate as a check in check out area and seating area for lodgers with its entrance on Allen Street and will be open twenty-four (24) hours each day; 24) there will be no food or alcohol service in the lobby; and 25) only ambient background music, consisting of recorded music, will be played in the lobby and there will be no live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged; and

With respect to the sixth-floor exterior terrace, 26) it will operate as part of the full-service restaurant located in the basement, which will otherwise have no other commercially operated outdoor space, with seating of no more than twelve (12) tables and forty-six (46) seats consisting of tables, chairs and lounge seating, for restaurant dining only; 27) its hours of operation will be 9:00 A.M. to 6:00 P.M. all days; 28) there will be food service during all of its operating hours; 29) because this terrace is separated from residential apartment windows by only several feet, there will be a sound baffling wall and other sound mitigating measures, consistent with the recommendations of a sound engineer, 30) there will be no service of alcohol or bar in this area at any time; and 31) no music will be played in this area at any time.

New Liquor License Applications

8. Nostro East Village (Romi Ripa LLC), 75 2nd Ave btwn E 4th & E 5th Sts (wb) administrative approval
9. Jadeite Hospitality Group LLC, 87 E 4th St btwn 2nd Ave & Cooper Sq (op)

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

WHEREAS, Jadeite Hospitality LLC is seeking a full on-premises liquor license to operate a restaurant in the premises located at 87 East 4th Street, between Second Avenue and Cooper Square, New York, New York; and

WHEREAS, the applicant is proposing to operate a Chinese restaurant with a certificate of occupancy of fifty-seven (57) people, three (3) tables and bars and twenty-four (24) seats with a dining counter with fourteen (14) seats in the back room, a sixteen (16) foot bar with six (6) stools in the front room, hours of operation of 5:00 P.M. to 12:00 A.M. all days, a kitchen open during all hours of operation, and recorded background music; and

WHEREAS, the applicant has stated that it is seeking to operate a restaurant with a ten (10) course tasting menu and a reservation policy with two (2) services each night at the counter and bar and reservations for thirty (30) people per night at the dining counter and ten (10) people per night at the bar; and

WHEREAS, this location was previously a full-service Italian restaurant with a full on-premises liquor license that had opened in 1997 and has been closed for several years; and

WHEREAS, there are fifteen (15) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant but there are eighteen (18) full on-premises liquor licenses and two (2) pending full on-premises liquor license within five hundred (500) feet of this location per the SLA LAMP map; and

WHEREAS, the applicant furnished petition signatures, seven (7) of which were from area residents, in support of its application; and

WHEREAS, the applicant has no experience operating a licensed business but stated that it has five (5) years' experience as a cook and chef; and

WHEREAS, given the limited hours of operation of the business and its method of operation as a reservation-only restaurant with tasting menu and limited seating, Community Board 3 would approve this application for a full on-premises liquor license with stipulations governing its method of operation; now

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a full on-premises license for Jadeite Hospitality Group LLC for the premises located at 87 East 4th Street, between Second Avenue and Cooper Square, New York, New York, 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 Chinese restaurant, with a kitchen open and serving 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 and the enclosed area in front of the business will function as a decorative rock garden and will be inaccessible to patrons,
- 4) it will close any front or rear façade entrance doors at 10:00 P.M. every night and will otherwise have a closed fixed facade with no open doors or windows,
- 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 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 ensure 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.

10. Hakka Cuisine LLC, 11 Division St (op)
withdrawn

New Liquor License Applications

11. Spiegel (Ride More Inc), 26 1st Ave (op)
withdrawn

12. Entity to be formed by Jade Shenker, 235 E 4th St (op)
withdrawn

13. Tsukimi (TKM 228 East 10th St LLC), 228 E 10th St (op)
withdrawn

14. Good Thanks Cafe LLC, 131 Orchard St btwn Rivington & Delancey Sts (upgrade to op)

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

WHEREAS, Good Thanks Cafe LLC, doing business as Good Thanks Cafe, is applying for a change in class of its wine beer license to a full on-premises liquor license for the premises located at 131 Orchard Street, between Rivington Street and Delancey Street, New York, New York; and

WHEREAS, this is an application for a café restaurant with a certificate of occupancy of seventy-four (74) people, nine (9) tables and twenty-two (22) seats, a ten (10) foot bar with twelve (12) stools, hours of operation of 8:00 A.M. to 12:00 A.M. Sundays through Wednesdays and 8:00 A.M. to 2:00 A.M. Thursdays through Saturdays, a prep area serving food during all hours of operation, accordion doors, recorded background music and happy hours to 8:00 P.M.; and

WHEREAS, this applicant was heard for a wine beer license by Community Board 3 in March of 2018 and was denied unless the applicant agreed to make as conditions of its license stipulations that it would 1) operate as a tavern wine bar, with less than a full-service kitchen serving food, including a full breakfast and lunch menu, during all hours of operation, 2) have hours of operation of 8:00 A.M. to 12:00 A.M. Sundays through Wednesdays and 8:00 A.M. to 2:00 A.M. Thursdays through Saturdays, 3) not commercially operate any outdoor areas, 4) 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, 5) play ambient background music only, consisting of recorded music, and 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 seek a change in class to a full on-premises liquor license without first obtaining the approval of Community Board 3, 8) have "happy hours" to 7:00 P.M. each night, 9) not host pub crawls or party buses, 10) not have unlimited drink specials with food, 11) ensure that there are no wait lines outside and designate an employee to oversee patrons and noise on the sidewalk, 12) conspicuously post this stipulation form beside its liquor license inside of its business, and 13) provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

WHEREAS, this applicant was then issued a wine beer license by the SLA on July 30, 2018, and has been operating for twenty-one (21) months; and

WHEREAS, this location was previously licensed with a full on-premises liquor license that was heard by Community Board 3 in November of 2012 and denied unless that applicant agreed to make as conditions of its license stipulations that it would 1) operate as a full-service restaurant, specifically a sandwich shop, 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. Sundays through Thursdays and 11:00 A.M. to 2:00 A.M. Fridays and Saturdays, 3) play ambient recorded background music and not have DJs, live music, promoted events, scheduled performances or any events at which a cover fee would be charged, and 4) have a closed fixed façade with no open doors or windows; and

WHEREAS, there are twenty-five (25) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant but there are twenty-six (26) full on-premises liquor licenses within five hundred (500) feet of this location and one (1) pending full on-premises hotel liquor license on this block per the SLA LAMP map; and

WHEREAS, the applicant has stated that the public benefit for approving a full on-premises liquor license is provided a comfortable neighborhood eating establishment for its patrons; and

WHEREAS, the applicant stated that one of the two principals has experience working in eating and drinking businesses in addition to the instant business; and

WHEREAS, the applicant furnished petition signatures, thirty-six (36) of which are from area residents, and four (4) letters from area residents and patrons in support of its application and a community board member and business owner from the same block submitted a letter in support of this application because the applicant operates a great neighborhood business; and

WHEREAS, the applicant has agreed to reduce its closing hours to 12:00 A.M. all days; and

WHEREAS, given that the applicant is an existing business open almost two (2) years, has daytime hours of operation with breakfast and lunch service, is proposing to expand its menu to include dinner service and has agreed to reduce its closing times, Community Board 3 would support an application for a change in class of the wine beer license of this applicant to a full on-premises liquor license with amended stipulations governing its use; now

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the change in class from its wine beer license to a full on-premises liquor license for Good Thanks Cafe LLC, doing business as Good Thanks Cafe, for the premises located at 131 Orchard Street, between Rivington Street and Delancey Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a cafe restaurant, with less than a full-service 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 doors and windows at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances,
- 5) it will play ambient background music only, consisting of recorded music, and will not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 6) it will not apply for any alteration in its method of operation 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 may have "happy hours" to 7:00 P.M. each night,
- 10) it will ensure 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. 9th Street Underground LLC, 141 Chrystie St (op)
withdrawn

16. Scarr Pizza (Scarr Pizza LLC), 35 Orchard St (op/removal from 22A Orchard St) (aka 34 Allen St) withdrawn
17. Hwa Yuan Szechuan (42-44 East Broadway Restaurant Inc), 42-44 E B'way btwn Market & Catherine Sts (upgrade to op)

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

WHEREAS, 42-44 East Broadway Restaurant Inc., doing business as Hwa Yuan Szechuan, is applying for a change of class of its wine beer license for the premises located at 42-44 East Broadway, between Catherine Street and Market Street, New York, New York, to a full on-premises liquor license; and

WHEREAS, this is an application for a Chinese restaurant on three (3) floors with a certificate of occupancy of two hundred six (206) people with nine-one (91) people on the first floor, eighty-three (83) people on the second floor and thirty-two (32) people in a party room in the cellar, fifty-seven (57) tables and one hundred seventy-one (171) seats, 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, a kitchen open during all hours of operation, a thirty (30) foot bar with fifteen (15) stools on the ground floor, French doors that are kept closed, one (1) television, recorded background music and twenty (20) private parties per year; and

WHEREAS, an application for a full on-premises liquor license for this applicant for a one-story restaurant with a certificate of occupancy of seventy-four (74) people was heard by Community Board 3 in October of 2015 and a wine beer license was denied unless the applicant agreed to make as conditions of its license the stipulations that it would 1) operate as 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 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 areas, 4) close any front or rear façade entrance doors at 10:00 P.M. every night and otherwise have a closed fixed facade with no open doors or windows, 5) play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee would be charged, 6) not apply for any alteration in its method of operation without first appearing before Community Board 3, 7) not have "happy hours," 8) not host pub crawls or party buses, 9) insure that there are no wait lines and designate an employee responsible for overseeing patrons and noise on the sidewalk, 10) conspicuously post this stipulation form beside its liquor license inside of its business, and 11) provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

WHEREAS, this business then opened with a wine beer license that was issued by the SLA on January 23, 2017, and has been operating since October 5, 2017; and

WHEREAS, the applicant then applied for a change in class of its wine beer license to a full on-premises liquor license in October of 2017, November of 2017 and June of 2018, but withdrew each of those applications because of community board concern that it had opened and was operating a three-story restaurant with alcohol service on each of its floors although it was only licensed for the ground floor; and

WHEREAS, at the June of 2018 hearing of its application, the applicant conceded that it was serving wine and beer on all floors of its three-story restaurant, although its license was only for the ground floor of this location and Community Board 3 directed the applicant to first apply for an alteration of its wine beer license to address this illegal operation before applying for a change in class of its wine beer license to a full on-premises liquor license; and

WHEREAS, the applicant then simultaneously applied for an alteration to address its illegal conduct, as well as a change in class of its wine beer license to a full on-premises liquor license for all three (3) floors of its business in July of 2019, withdrew its application for a change in class of its license and was denied the alteration unless the applicant agreed to make as conditions of its license the stipulations that it would 1) operate as 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 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 areas, 4) close any front or rear façade entrance doors at 10:00 P.M. every night and otherwise have a closed fixed facade with no open doors or windows, 5) play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee would be charged, 6) not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board

3, 7) not have "happy hours," 8) not host pub crawls or party buses, 9) not have unlimited drink specials with food, 10) ensure that there are no wait lines outside and designate an employee responsible for overseeing patrons and noise on the sidewalk, 11) conspicuously post this stipulation form beside its liquor license inside of its business, and 12) provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

WHEREAS, the applicant is the landlord of this building and should have notified the community board and SLA of the alteration to the plans it originally submitted but has now been approved by the SLA to extend its wine beer license to all three (3) floors of its business; and

WHEREAS, Community Board 3 recognizes that the applicant has operated an acclaimed restaurant at this location since October 5, 2017, previously operated a longstanding eating and drinking establishment in this neighborhood and has been a longtime member of this community; and

WHEREAS, the applicant has furnished petition signatures, one hundred forty-four (144) of which are from area residents, in support of its application and submitted letters in support of its application from the Chinatown Business Improvement District, a local bank and an area resident and patron; and

WHEREAS, the applicant concedes that there are three (3) full on-premises liquor licenses within five hundred (500) feet of this location; and

WHEREAS, given these circumstances, Community Board 3 will now support a change in class of the wine beer license of this applicant to a full on-premises liquor license; now

THEREFORE, BE IT RESOLVED THAT Community Board 3 recommends the denial of the application for change in class of the beer wine license of 42-44 East Broadway Restaurant Inc., doing business as Hwa Yuan Szechuan, for the premises located at 42-44 East Broadway, between Catherine Street and Market Street, New York, New York, to a full on-premises liquor license 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 Chinese restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 11:00 A.M. to 11:00 P.M. Sundays through Thursdays and 11:00 A.M. to 12:00 A.M. Fridays and Saturdays,
- 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 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 and will have no more than twenty (20) 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 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 ensure that there are no wait lines outside and will designate an employee responsible 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.

18. Corp to be formed by Ruben Rodriguez, 29 2nd Ave btwn E 1st and E 2nd Sts (op)

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

WHEREAS, a corporation to be formed by principal Ruben Rodriguez is applying for a full on-premises liquor license for the premises located at 29 Second Avenue, between East 1st Street and East 2nd Street, New York, New York; and

WHEREAS, this is an application for a Mexican restaurant with a certificate of occupancy of fifty (50) people, five (5) tables and twenty-six (26) seats, hours of operation of 10:00 A.M. to 12:00 A.M. Sundays, 10:00 A.M. to 1:00 A.M. Mondays through Wednesdays, and 10:00 A.M. to 2:00 A.M. Thursdays through Saturdays, a sidewalk café, a kitchen open during all hours of operation, a twenty-eight (28) foot bar counter with twelve (12) stools, recorded background music, (6) private parties per month and happy hours to 7:00 P.M.; and

WHEREAS, the applicant has now stated that it is not intending to operate a sidewalk café or host private parties; and

WHEREAS, this location is located on a wide avenue in an area that commercially zoned and was previously operated as a pizza restaurant with a wine beer licensed that was administratively approved by Community Board 3 in January of 2018 with stipulations; and

WHEREAS, the applicant concedes that there are eight (8) full on-premises liquor licenses within five hundred (500) feet of this location; and

WHEREAS, the applicant has furnished petition signatures, fifteen (16) of which are from area residents, in support of its application; and

WHEREAS, the applicant had operated a Spanish tapas restaurant, located at 174 First Avenue, New York, New York, from 2010 to 2018 and has operated the same business at 85 Second Avenue, New York, New York, since 2018 which was issued a wine beer license by the SLA on October 12, 2018; and

WHEREAS, given that the applicant is proposing to operate a restaurant with daytime hours of operation, Community Board 3 will now support a full on-premises liquor license for this applicant with stipulations governing its method of operation; now

THEREFORE, BE IT RESOLVED THAT Community Board 3 recommends the denial of a full on-premises liquor license for a corporation to be formed by principal Ruben Rodriguez, for the premises located at 29 Second Avenue, between East 1st Street and East 2nd Street, New York, New York, 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 Mexican restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 10:00 A.M. to 12:00 A.M. Sundays, 10:00 A.M. to 1:00 A.M. Mondays through Wednesdays, and 10:00 A.M. to 2:00 A.M. Thursdays through Saturdays,
- 3) it will not commercially operate any outdoor areas,
- 4) it will install soundproofing,
- 5) it will close any front or rear façade entrance doors at 10:00 P.M. every night and will otherwise have a closed fixed facade with no open doors or windows,
- 6) it will play ambient background music only, consisting of recorded music, and will not have 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 or for any physical alterations without first appearing before Community Board 3,
- 8) it may have "happy hours" to 7:00 P.M. each night,
- 9) it will not host pub crawls or party buses,
- 10) it will not have unlimited drink specials with food,
- 11) it will ensure that there are no wait lines outside and will designate an employee responsible 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.

19. The Dolar Shop (Dolar Shop 55 3rd Ave LLC), 55 3rd Ave Unit 2 btwn E 10th & E 11th Sts (wb)

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

WHEREAS, Dolar Shop 55 3rd Ave LLC, with a proposed business name of The Dolar Shop, is applying for a wine beer license for the premises located at 55 Third Avenue, between East 10th Street and East 11th Street, New York, New York; and

WHEREAS, this is an application for a Chinese hot pot restaurant with a certificate of occupancy of one hundred ninety (190) people, thirty-nine (39) tables and ninety (90) seats, hours of operation of 12:00 P.M. to 12:00 A.M. Mondays through Thursdays, 12:00 P.M. to 1:00 A.M. Fridays and 11:30 A.M. to 1:00 A.M. Saturdays and Sundays, a kitchen open to 12:00 A.M., no answer about its facade, no bar, three (3) televisions, recorded background music, happy hours to 5:00 P.M. and wait lines outside; and

WHEREAS, the applicant has stated that is has amended its proposed hours of operation to 11:30 A.M. to -11:00 P.M. Sundays, 12:00 P.M. to 11:00 P.M. Mondays Thursdays, 12:00 P.M. to 1:00 A.M.

Fridays and 11:30 A.M. to 1:00 A.M. Saturdays and that it will have a closed façade, a kitchen open during all hours of operation and no wait lines outside; and

WHEREAS, this location is located on a wide avenue and was previously operated as a Japanese restaurant with a wine beer license that was administratively approved by Community Board 3 in September of 2016; and

WHEREAS, the applicant has furnished petition signatures, fifteen (15) of which are from area residents, in support of its application; and

WHEREAS, the applicant has operated the same business, located at 36-36 Prince Street, Flushing, New York, since 2015; and

WHEREAS, given these circumstances, Community Board 3 will now support a wine beer license for this applicant with stipulations governing its method of operation; now

THEREFORE, BE IT RESOLVED THAT Community Board 3 recommends the denial of a wine beer license for The Dolar Shop 3rd Ave LLC, with a proposed business name of The Dolar Shop, for the premises located at 55 Third Avenue, between East 10th Street and East 11th Street, New York, New York, 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 hot pot restaurant, with a kitchen open and serving during all hours of operation,
- 2) its hours of operation will be 11:30 A.M. to -11:00 P.M. Sundays, 12:00 P.M. to 11:00 P.M. Mondays Thursdays, 12:00 P.M. to 1:00 A.M. Fridays and 11:30 A.M. to 1:00 A.M. Saturdays,
- 3) it will not commercially operate any outdoor areas and the enclosed area in front of the business will function as a decorative stone garden and will be inaccessible to patrons with no food or alcohol service in this area,
- 4) it will close any front or rear façade entrance doors at 10:00 P.M. every night and will otherwise have a closed fixed facade with no open doors or windows,
- 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 host pub crawls or party buses,
- 8) it will not have unlimited drink specials with food,
- 9) it may have "happy hours" to 5:00 P.M. each night
- 10) it will ensure 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.

20. Corp to be formed by Beatrice Rodriguez Dearma, 157 E Houston St (op)
withdrawn

Items not heard at Committee

21. Pretty Ricky's (JED Partners LLC), 126 Ludlow St (op/corp change)
administrative approval
22. Phoenix (Hughes Murray Walsh LLC), 447 E 13th St (op/corp change)
administrative approval
23. The Vinyl (Vinyl Entertainment Inc), 100 3rd Ave (op/corp change)
administrative approval
24. Downtown Ave Hospitality/Steel Bar Inc, 210 Ave A (op/corp change)
administrative approval
25. Karibbean Restaurant Corp, 125 Ave D (wb)
administrative approval
26. Sakura Hana Inc, 222 1st Ave (wb)
administrative approval
27. Murphy's Door Cafe (Murphy's Door LLC), 440A E 9th St (wb)
administrative approval
28. Fafuli (Fafuli LLC), 118 1st Ave (wb)
administrative approval
29. Sunday to Sunday (Sunday to Sunday Cafe Inc), 253-257 Broome St (wb) (aka 88 Orchard St)
administrative approval

30. Vote to adjourn
approved by committee

45 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding SLA item 7)

44 YES 1 NO 0 ABS 0 PNV MOTION PASSED (SLA item 7)

Landmarks Committee

meeting canceled

Land Use, Zoning, Public & Private Housing Committee

meeting canceled

Transportation, Public Safety, & Environment Committee

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

2. DOT: Grand/Clinton Updates
no votes necessary

Street Events

3. 1st Annual CPC Summer Festival 2020, Bayard St (Mott & Baxter Sts) & Mulberry St (Bayard & Worth Sts),
5/30, 5/31

VOTE: TITLE: Resolution To Approve The Chinese American Planning Council's Application For A Street Festival

CB 3 approves the street festival for the Chinese American Planning Council (CPC) to be held on May 30, 2020 located on Bayard Street (between Elizabeth Street & Baxter Street) & Mott Street (Canal Street & Worth Street)

4. Vote to adjourn
approved by committee

45 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Vote to adjourn

45 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Members Present at Last Vote:

David Adams	[P]	Trever Holland	[P]	Paul Rangel	[A]
Yaron Altman	[P]	Linda Jones	[P]	Carolyn Ratcliffe	[P]
Jesse Beck	[P]	Vaylateena Jones	[A]	Damaris Reyes	[P]
Dominic Berg	[P]	Tatiana Jorio	[P]	Richard Ropiak	[P]
Lee Berman	[P]	Meghan Joye	[P]	Thomas Rosa	[P]
Karlin Chan	[P]	Lisa Kaplan	[P]	Robin Schatell	[P]
Jonathan Chu	[A]	Olympia Kazi	[P]	Heidi Schmidt	[P]
David Crane	[P]	Joseph Kerns	[P]	Laryssa Shainberg	[P]
Felicia Cruickshank	[A]	Michelle Koppersmith	[P]	Clint Smeltzer	[P]
Eric Diaz	[P]	Mae Lee	[P]	Anisha Steephen	[P]
Alistair Economakis	[P]	Alysha Lewis-Coleman	[P]	Sandra Strother	[P]
Shirley Fennessey	[P]	Ellen Luo	[P]	Josephine Velez	[P]
Ryan Gilliam	[P]	Michael Marino	[P]	Rodney Washington	[P]
Debra Glass	[P]	Alexandra Militano	[P]	Kathleen Webster	[P]
Herman Hewitt	[A]	Michael Perles	[P]	Jacky Wong	[P]

Meeting Adjourned