



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

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Alysha Lewis-Coleman, Board Chair

Susan Stetzer, District Manager

April 2020 Full Board Minutes

Meeting of Community Board 3 held on Tuesday, April 28, 2020 at 6:30pm via Zoom.

Public Session:

PUBLIC TESTIMONY

Wendy Brawer, director (Green Map System, GreenMap.org + NYC)

Yesterday, DOT announced an Open Streets plan that will help people keep their distance. Hats off to Councilmember Rivera for her leadership on this timely policy.

As I understand it, DOT will soon be opening applications to community groups to request barricades and set hours to welcome local residents to walk and cycle safely on open streets. I urge CB3 to encourage this effort. I also request that CB3 ask DOT to indemnify all the Open Streets projects, making it far more equitable for block associations, lower income and smaller groups to participate in this important community health initiative.

Thank you!

Joe Kerns

- I'm running a non-profit to help deliver non-medical PPE to need New Yorkers (covid.cm).
 - We provide PPE to the communities who need it most during the fight against COVID-19. Started by NYC native Ben Wei in on March 12th 2020, the Foundation aims to become a platform for PPE distribution, funding efforts, partnerships and exchanges on issues related to COVID-19. It is a registered 501(c)3 non-profit and it is 100% volunteer-run.
 - We launched the "A Million Masks Campaign" which has raised \$600,000+ to date and donated 15,000 surgical N95 and KN95 respirators to 25 of NYC's most overwhelmed hospitals to protect frontline hospital workers.
- Ask: We'd love any volunteers to help us with the effort and for any electeds to partner with us in finding distribution partners

Public Officials:

Mayor Bill de Blasio, Andrew Kunkes:

Public Advocate Jumaane Williams, Lilah Mejia:

Comptroller Scott Stringer, Michael Stinson:

- Started a phone call program to return \$2.5 million to people cheated out to wages by contractors on city public work projects. Please help the office get the word out.
- Every Tuesday and Thursday having presentations on government resources for small businesses and MWBEs
- Office now has an online resource available for those searching for help

Borough President Gale Brewer, Brian Lewis:

- Community board appointments will be done by Friday, May 1
- Manhattan community boards should participate in how the city recovers
- Fresh Direct is now paid by the city to work with NYCHA food deliveries
- Open Streets – the community should make the suggestions for how the city opens up 40 – 100 miles of streets
- Open Society has \$25 million for undocumented workers, so please let the BP's office know if you have uses
- August 26 unveiling of statues of suffragettes in Central Park
- The BP's office is receiving a large shipment of masks and asks people to contact them if they have specific uses for masks

Congressmember Nydia Velazquez, Lingxia Ye:

Congressmember Carolyn Maloney, Victor Montesinos:

- Please fill out your Census form – My2020Census.com; do it by phone; or fill out your mailed Census. It helps determine how \$800 billion are distributed each year and being undercounted by even 1% loses our district \$650,000. District 12 right now is only at 40% response rate nationwide response rate is about 50%.
- Congress passed the CARES Act, plus other stimulus bills, to support those in need. Rep. Maloney requested a list of SBA loan recipients in the 12th District. Democrats tried to get rent relief into the acts, but were not able to get it in the final bill. Rep. Maloney suggested that if constituents are having issues accessing relief, to contact her office to engage a caseworker. Rep. Maloney introduced a bill to create a fund for essential workers' healthcare, similar to her establishment of a healthcare fund for 9/11 workers.

Assemblymember Yuh-Line Niou, Shivani Gonzalez:

- Hosting a town hall on Sunday about the budget
- Trying to make sure that folks can manage the unemployment system better. Assemblymember Niou's office is helping constituents navigate the issues around applying
- CDFI fund is finally funded with \$25 million. A little late for the state to use it though.
- Assemblymember Niou has been asking for help for small businesses since January when she saw the downturn in business in Chinatown. None of her small businesses have been able to apply for existing small business support programs
- Rent forgiveness bill for all sorts of rent bills – for small landlords, public housing tenants, etc.

Assemblymember Deborah J. Glick, Charlie Anderson:

- Right now, Manhattan is losing census filling out battle, and Staten island is winning.
- Please download your absentee ballot application ahead of the June 23 primary
- State is providing summer youth funds, and Assemblymember Glick wrote a letter to the mayor telling him to utilize the funds.
- Added \$25 million in emergency food funds that will go directly to food banks
- Nursing homes and understaffed and underfunded. Assemblymember Glick has a troubleshooting conversation with the governor's staff every day and has raised specific nursing homes that need oversight.
- Has a bill requiring all employers to keep a month supply of PPE for workers, this will go into effect as soon as equipment is more readily available
- Governor's office might allow an extension of the eviction moratorium, and also to allow security deposits to go to rent

Assemblymember Harvey Epstein, Aura Olavarria:

- Volunteers are always needed to help with calling constituents and putting up flyers
- Please call the office if you are having issues with accessing unemployment
- Holding many town halls, including one next week around small businesses
- Governor has the power to freeze rents now, it can't be done legislatively but Gov. Cuomo can do it today
- Fighting for a pied-a-terre tax, which Assemblywoman Glick has been leading on.
- Doesn't see that the governor is interested in more small business loans, thinking of potential workarounds like a freeze on liquor licenses to give existing small businesses leverage over their landlords

State Senator Brian Kavanagh, Greer Mayhew:

- Pushing for a comprehensive program – Emergency Rental Assistance Vouchers Bill (S8140) - to get federal funding and pay rent to the extent that residential tenants have the inability to pay. Similar to a Section 8 program but would cover rents that are much higher than what government programs typically cover, maybe up to 250% of the fair market value. State needs a real infusion of federal money to help with housing, ideally \$10 billion for New York.
- For homeowners, there is a forbearance in place that prevents lenders from collecting mortgages if you miss payments right now.
- Asking the federal executive branch to give waivers for how CARES Act money can be used at the states. Hoping Congress would weigh in as well.
- Hosting a town hall Thursday, details are on NYsenate.gov.

State Senator Brad M. Hoylman, Caroline Wekselbaum:

- Sen. Hoylman worked with Rep. Maloney to have the FDA repeal the homophobic ban on gay men donating blood. The FDA reduced the ban to 3-month celibacy, which still is not enough.
- Sen. Hoylman and his staff are working to help constituents obtain unemployment and connecting constituents with meals.
- In strong support of the cancel rent movement, along with Assemblymembers Niou, Glick, and Epstein. Introduced the Tenant Safe Harbor Act to give tenants another six months after the end of the state of emergency to give tenants the chance to get back on their feet.
- Appointed to the revenue raising committee – believes that the wealthy should be taxed, and industries that are making a lot of money should be taxed.
- Question about two bills that were passed without open testimony: immunity to nursing homeowners and allowance of commercial surrogacy. Sen. Hoylman said that allowing commercial surrogacy raises the standard for participants by regulating it and supports allowing New Yorkers to engage in litigation to prove wrongful death.

Councilmember Margaret Chin, Marian Guerra:

- There have been problems for seniors receiving meals since the program moved from the Department of the Aging and to the food czar. Want to make sure that coming out of this crisis senior centers are kept whole.
- Working with providers to figure out a creative way of providing services to youth during the summer.
- The Mayor has set up task forces around COVID, but did not set up the council. Councilmember Chin will work with community groups to ensure that community members do not fall through the cracks during the recovery.
- Councilmember Chin thinks that the council should take the lead on settling the issues around nursing homes in the aftermath of the crisis. She asks that if you have stories around problems in state regulated nursing homes, please bring them to her office.

Councilmember Carlina Rivera, Isabelle Chandler:

- The council met for the first time, and passed several land use applications, along with a slate of COVID related bills including opening up streets to help social distancing, extending the time for NYC renters to repay rent and delay evictions until April 2021, prioritizing public health to provide safe shelter for those experiencing homelessness, suspending personal liability on commercial leases, and suspending fees for sidewalk cafes.
- A lot of the mayor's announcements are happening in a vacuum. The council was not included in the creation of the mayor's task forces. Councilmember Rivera thinks that there should be a centralized commission to assess response.
- The public hospital system has been holding water during this crisis.
- Council was served \$7 billion in fiscal cuts through FY2020 and FY2021. Many non-profits received a letter that any services provided needed to be essential for reimbursement and Councilmember Rivera is fighting to make sure all essential services are reimbursed as soon as possible.
- For open streets designations – send recommendations to Councilmember Rivera's office.
- If you are a hospital worker or know a hospital worker that has information, please contact Councilmember Rivera's office and you will be confidential.

Members Present at First Vote:

David Adams	[P]	Trever Holland	[P]	Paul Rangel	[P]
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	[A]
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	[A]	Michael Marino	[P]	Rodney Washington	[P]
Debra Glass	[P]	Alexandra Militano	[P]	Kathleen Webster	[P]
Herman Hewitt	[P]	Michael Perles	[P]	Jacky Wong	[P]

Minutes:

Minutes of February 2020 were approved, as is.

41 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Board Chairperson's Report:

Chairperson Alysha Lewis-Coleman

- All new full board members will be appointed on Friday, May 1. Alysha encourages all new members to attend committee meetings coming up.
- Thanking elected officials for being on the front lines checking in with the community as we fight COVID
- Meghan Joye is leaving the board and passing the baton to Anisha Steephen. Thanks to Meghan for all of her hard work.
- During executive board this month, decided that a second board meeting will be added to address any pressing issues.
- Please check in on your neighbors to make sure they are okay.
- School Foods is doing a Monday – Friday meal distribution, you can get 3 meals a day for each member of your household. Vision Urbana is also helping the neighborhood by distributing meals.
- Thanking Sandra Strothers, Damaris Reyes, and Eric Diaz for their help in the community.

District Manager's Report:

District Manager Susan Stetzer

- CB3 staff has been working remotely for about five weeks
- Expect that all committees will have meetings in June to discuss District Needs
- District Managers have started working with OMB about budget need. Susan will work with the committee chairs on this going forward.
- Thanks to the elected officials for talking about their hard work and the hard work of local non-profits
- Have a unique model on the LES of non-profits working together to make sure that work doesn't overlap to coordinate a joint response
- SLA was backed up by six months before COVID. What has changed now is there are still meetings, but the public can only submit testimony, no public interaction. There is no opportunity to ask or answer questions.

Committee Reports:

Executive Committee

no vote necessary

Transportation, Public Safety, & Environment Committee

no meeting scheduled

Economic Development Committee

no meeting scheduled

Parks, Recreation, Waterfront, & Resiliency Committee

1. Approval of previous month's minutes
approved by committee
2. Brooklyn Bridge-Montgomery Coast Resiliency—design update / preliminary design for Public Design Commission
withdrawn
3. Parks presentation: proposed plan for the renovation of the Tompkins Square Park field house, including restrooms

VOTE: TITLE: To Approve Plans for the Tompkins Square Park Field House Reconstruction

To Support Plans for Tompkins Square Park Field House Reconstruction

WHEREAS, the Department of Parks and Recreation is proposing to reconstruct the Field House at Tompkins Square Park; and

WHEREAS, this plan includes the following renovations and upgrades:

- Upgrade of the existing restrooms, including bringing them up to code and making them ADA accessible
- Upgrade of the Parks Department maintenance and operations space
- Addition of First Aid and Lifeguard locker room spaces in the building
- Reconstruction of building interiors
- Cleaning and partially repointing exterior brickwork

- Providing new windows and doors
- Providing new utilities systems, including oil to natural gas conversion
- Installation of new ramp to making building code-compliant and ADA accessible; and

WHEREAS, in the Community Board 3 District Needs Statement for Fiscal Year 2021, the Tompkins Square Park Field House building was identified as an under-utilized Parks building that should be renovated and reopened for community use and this plan would help meet that need; and

WHEREAS, the plan to renovate the Field House will also achieve the Parks Department's goals of improving restrooms and ADA access, meeting community needs for separate restrooms for children as requested by numerous day-care and school programs which use the park, providing a First Aid station, and improving the overall use of space in the Field House;

THEREFORE BE IT RESOLVED, Manhattan Community Board 3 approves plans for the reconstruction of the Tompkins Square Park fieldhouse; and

THEREFORE BE IT FURTHER RESOLVED, Manhattan Community Board 3 supports the sharing of lifeguard locker rooms for community use when swimming is out of season, and requests that the viability of this proposal be studied, with the incorporation of additional public input.

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

no meeting scheduled

DISCUSSION: Drafted a letter asking the mayor to restore the Summer Youth Employment program

SLA & DCA Licensing Committee

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

Sidewalk Cafe Applications

2. Dig Inn (Dig Inn 127 Fourth Ave LLC), 127 4th Ave @ E 13th St

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

WHEREAS, Dig Inn 127 Fourth Ave LLC, doing business as Dig Inn, is applying for a sidewalk café permit for its restaurant for the premises located at 127 Fourth Avenue, at the corner of East 13th Street and Fourth Avenue; and

WHEREAS, this is an application for a sidewalk café consisting of seven (7) tables and fourteen (14) seats with one (1) row of two (2) tables and four (4) seats against the façade on the Fourth Avenue side of the business and one (1) row of five (5) tables and ten (10) seats against the façade on the East 13th Street side of the business and proposed hours of operation of 11:00 A.M. to 10:00 P.M. all days; and

WHEREAS, having reviewed the submitted architectural drawings, Community Board 3 is concerned about the distance between the planters proposed on East 13th Street and the newspaper dispensers already located on the sidewalk west of the proposed sidewalk café and asks that a solution be constructed to create greater usable sidewalk for pedestrians to pass between the planters and the newspaper dispensers; and

WHEREAS, Community Board 3 otherwise supports this application, now

THEREFORE BE IT RESOLVED that Community Board 3 recommends the approval of the application for an unenclosed sidewalk café permit for seven (7) tables and fourteen (14) seats for Dig Inn 127 Fourth Ave LLC, doing business as Dig Inn, for the premises located at 127 Fourth Avenue, at the corner of East 13th Street and Fourth Avenue, 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 five (5) tables and ten (10) seats located flush against the façade of the building on the East 13th Street side of the business and one (1) row of two (2) tables and four (4) seats located flush against the façade of the building on the Fourth Avenue side of the business, and
- 2) its hours of operation will be 11:00 A.M. to 10:00 P.M. all days.

3. Headless Widow (The Headless Widow LLC), 99 1st Ave @ E 6th St

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

WHEREAS, The Headless Widow LLC, doing business as The Headless Widow, is applying for a sidewalk café permit for its restaurant for the premises located at 99 First Avenue, at the corner of East 6th Street and First Avenue; and

WHEREAS, this is an application for a sidewalk café consisting of thirteen (13) tables and twenty-six (26) seats with one (1) row of eight (8) tables and sixteen (16) seats against the façade on the East 6th Street side of the business and one (1) row of five (5) tables and ten (10) seats against the façade on the First Avenue side of the business and proposed hours of operation of 4:00 P.M. to 10:00 P.M. all days; and

WHEREAS, having reviewed the submitted architectural drawings, which do not include measurements between the edge of the café and street furniture located on First Avenue but do include measurements of the distance between the edge of the café and the curb, Community Board 3 has observed that the proposed location of the tables on the north side of the business on First Avenue in relation to a phone booth located on the sidewalk and the proposed location of the tables on the south side of the business on First Avenue in relation to mailboxes and a garbage can located on the sidewalk appears to be less than the required eight (8) feet; 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 on the First Avenue side the business given that the submitted diagrams depict the proposed sidewalk café too close to the identified street furniture and limit the seating on East 6th Street to one (1) row of two-top tables placed flush against the façade of the building; now

THEREFORE BE IT RESOLVED that Community Board 3 recommends the approval of the application for an unenclosed sidewalk café permit for seven (7) tables and fourteen (14) seats for The Headless Widow LLC, doing business as The Headless Widow, for the premises located at 99 First Avenue, at the corner of East 6th Street and First Avenue, 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 seven (7) two-top tables and fourteen (14) seats located flush against the façade of the building on the East 6th Street side of the business, and
- 2) its hours of operation will be 4:00 P.M. to 10:00 P.M. all days.

Alterations

4. Hayaty (A H 103 Corp), 103 Ave A (op/alt/change method of operation: extend hours to 4am daily) withdrawn

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

New Liquor License Applications

6. Tsukimi (TKM 228 East 10th St LLC), 228 E 10th St btwn 1st & 2nd Aves (upgrade to op)

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

WHEREAS, TKM 228 East 10th St LLC is seeking a change is class of its wine beer license to a full on-premises liquor license for the premises located at 228 East 10th Street, between First Avenue and Second Avenue, New York, New York; and

WHEREAS, this is an application for a Japanese Kaiseki-style restaurant with a certificate of occupancy of seventy-four (74) people, two (2) fourteen (14) foot dining counters with seven (7) seats at each counter, no bar, hours of operation of 6:00 P.M. to 12:00 A.M. Wednesdays through Sundays and closed Mondays and Tuesdays, a kitchen open during all hours of operation, a fixed façade and recorded background music; and

WHEREAS, an application for a wine beer license for this applicant was administratively approved by Community Board 3 in February of 2017 with stipulations that the applicant agreed would become conditions of its license to 1) operate as a full-service Japanese restaurant with a Kaiseki-styled tasting menu and a kitchen open and serving food during all hours of operation, 2) have hours of operation of 6:00 P.M. to 12:00 A.M. all days, 3) not commercially operate any outdoor areas, 4) close any front façade doors and windows at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances, 5) 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 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 applicant was issued a wine beer license by the SLA on November 1, 2018, and opened on June 24, 2019; and

WHEREAS, this location is mid-block on a residentially zoned street which is zoned R8B and was previously operated as full-service restaurants with wine beer licenses; and

WHEREAS, the applicant has stated that it is operating a restaurant in a location that is less than seven hundred (700) square feet, less than four hundred seventy (470) of which is designated for patron use, with a twelve (12) course tasting menu and a reservation policy with two (2) services each night at the counters with a maximum of fourteen (14) people seated for dinner during each seating; and

WHEREAS, the applicant has experience operating a restaurant located at 177 First Avenue which has a wine beer license that was issued by the SLA on March 2, 2017, a restaurant within a hotel located at 15 Gridley Street, Saratoga Springs, New York, which has a hotel liquor license that was issued by the SLA on October 25, 2017 and a business located at 128 West Houston Street, New York, New York, which has been operating since September of 2012; and

WHEREAS, the applicant has stated that there are no other Japanese Kaiseki-style restaurants which offer a multi-course tasting menu in the area; and

WHEREAS, although Community Board 3 is reticent about approving full on-premises liquor licenses on residential streets because it is seeking to maintain the character of these streets, given the small size and limited hours of operation of the business and its method of operation as a reservation-only restaurant with limited seatings and seats, Community Board 3 would approve this application for a change in class of the wine beer license of this applicant to 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 change in class of the wine beer license for TKM 228 Est 10th St LLC, doing business as Tsukimi, for the premises located at 228 East 10th Street, between First Avenue and Second Avenue, 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 Japanese restaurant, with a Kaiseki-styled tasting menu consisting of multiple courses and no more than two (2) seatings of patrons per night and will have a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 6:00 P.M. to 12:00 A.M. Wednesdays through Sundays and it will be closed Mondays and Tuesdays,
- 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 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.

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

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

withdrawn

9. Site 2 Market Line Restaurant LLC, 115 Delancey St (op)

this applicant was administrative approved

10. Scarr Pizza (Scarr Pizza LLC), 35 Orchard St (op/removal from 22A Orchard St) (aka 34 Allen St)

this applicant was administrative approved

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

withdrawn

Items not heard at Committee

12. Mama's Bar (Mama Bar LLC), 34 Ave B (corp change)

administrative approval

13. The Izakaya (Shiawase Factory LTD), 215 E 4th St (wb)

administrative approval

14. May Kaidee (May Kaidee East Broadway LLC), 215 E B'way (wb)

administrative approval

15. Rosella (Little Fish Hospitality Group LLC), 137 Ave A (wb)

administrative approval

16. Entity to be formed by Enrique Wangerman, 144 E B'way (wb)

administrative approval

Old Business

Hotel Applications

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

VOTE: TITLE:

COMMUNITY BOARD #3 RESOLUTION DENYING 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 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) 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, 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 from the basement restaurant, 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) 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 liquor license pending at 139 Orchard Street; 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 its ability 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 it included 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 neighboring residential tenants of 117 Orchard Street or 124 Orchard Street about its proposed changes to the adjacent terrace and is relying on the 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 recommendation of 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 hangar 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; and

WHEREAS, Community Board #3 was otherwise prepared to approve this application with stipulations governing the method of operation of the business; and

WHEREAS, the applicant has stated that it will not agree to the proposed stipulations; 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 because the applicant will not agree to make as conditions of its license the following 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 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 will be arranged to avoid traffic congestion during deliveries; 5) understanding that exterior lighting is only mounted on its Allen Street façade at ground level, exterior lights will be at low levels and 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 outside; 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 A.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 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, consisting 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 several feet, there will be a sound baffling wall and other measures constructed, 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.

18. Vote to adjourn
approved by committee

41 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Landmarks Committee
no meeting scheduled

Land Use, Zoning, Public & Private Housing Committee
no meeting scheduled

Vote to adjourn

41 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Members Present at Last Vote:

David Adams [P] Yaron Altman [P] Jesse Beck [P]

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

Meeting Adjourned