



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

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Alysha Lewis-Coleman, Board Chair

Susan Stetzer, District Manager

October 2020 Full Board Minutes

Meeting of Community Board 3 held on Tuesday, October 27, 2020 at 6:30pm via Zoom.

Public Session:

- Rod Williams – With the saturation and proliferation of bars and restaurants in this community, there has been a systemic noise issue. Now that restaurants/bars can use outside spaces, raises questions about who can use these outdoor spaces.
- Donald Moy (Grace Faith Church, City Grace Church, East Village Missional Community, Holy Connection) – Wants to encourage the business community and other houses of worship to set up computer labs for the financially needy, like his church Grace Faith Church and City Grace Church have done.
- Mark Benoit (Geto de Milly, Grand Street Guild) – Wants to thank the Land Use committee for the thoughtful consideration of the Grand Street Guild’s proposal to add two towers with 480 units of affordable housing to the block.
- Richard Moses (President, LES Preservation Initiative) – Proposing to restore the East River Park Track House and Tennis Center Comfort Station, rather than letting it be demolished as is currently the plan for the East River resiliency plan.
- Deborah Wye (Board Member, LES Preservation Initiative) – East River Park Track House and Tennis Center Comfort Station has unique design motifs that are not seen in any other CD3 park buildings.
- Laura Sewell (EV Community Coalition, Board Member, LES Preservation Initiative) – Community only found out about the demolition two years ago, and that LESPI had been left out of the environmental impact statement. Thrilled to win the parks committee’s support for LESPI’s proposal to renovate the East River Park Track House and Tennis Center Comfort Station.
- Harry Bubbins (Village Preservation) – The city recently inspected the old PS 64 / Charas between 9th and 10th Street near Avenue B and issued “immediate emergency declaration” and requested that HPD seal the building. The owner will make the needed renovations so it can be restored for community use. He is very concerned about the SoHo/NoHo rezoning plan. CB3 will be affected by it because it’s on the border. Village Preservation has asked the city to require more affordable housing without upzoning.
- Christina Datz-Romero (LES Ecology Center) – Thanks the parks committee for writing a resolution supporting the ecology center and its continued existence in the community.
- Michael Marino (Friends of Corlears Park) – Hosting a COVID-friendly Halloween party on Saturday. Go to Friendsofcorlearspark.org for more info.

Public Officials:

Mayor Bill de Blasio, Andrew Kunkes:

Public Advocate Jumaane Williams, Lilah Mejia:

Comptroller Scott Stringer, Michael Stinson:

- Comptroller is asking for improved ventilation to help NYCHA residents during a possible second COVID wave

Borough President Gale Brewer:

- Working on 70 Mulberry, next virtual townhall is November 9
- Bowery Mission is selling its building on Avenue D, Gale is working on it to make it into affordable housing
- There are nearly 20 agencies focused on the streets right now – FDNY, SLA, DOB, etc.
- Gale is working with DEP to try and implement wastewater testing to pinpoint upcoming outbreaks

Congressmember Nydia Velazquez, Lingxia Ye:

- Congress worked to re-open EIDL, deadline to apply is coming next week, October 31. The loan is for any small business or non-profit of any size, that has suffered significant economic injury as a result of COVID

Congressmember Carolyn Maloney, Victor Montesinos:

- Carolyn kicked off early voting by strolling to the polls with downtown New Yorkers

Assemblymember Yuh-Line Niou, Shivani Gonzalez:

- Please contact Shivani with any issues
- 70 Mulberry community meetings continue with a virtual townhall on Nov. 9

Assemblymember Deborah J. Glick:

- Promises that the Assembly will re-visit early voting capacity
- Several options for revenue raising, but can't raise rates mid-year

Assemblymember Harvey Epstein:

- Expecting to go back to Albany post-Nov. 3 to talk about revenue. Answer needs to be revenue, not cuts

State Senator Brian Kavanagh, Chantal Cabrera:

- Emergency rental fund drew 94,000 applicants. 8400 people have been given funds thus far

State Senator Brad M. Hoylman, Caroline Wechselbaum:

- Please vote!

Councilmember Margaret Chin, Harmony Zhao:

- City must maintain programs that help the city's most vulnerable populations

Councilmember Carlina Rivera, Jeremy Unger:

- CB3 had one of the best census totals of all of the councilmember's areas
- 14th Street between 1st Avenue and Avenue A has become an open air bazaar, but they are not licensed vendors

Members Present at First Vote:

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

Minutes:

Minutes of August 2020 were approved, as is.

47 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Board Chairperson's Report:

Chairperson Alysha Lewis-Coleman

- RFP for the Baruch Bathhouse has gone out. ALC emailed it the members of the task force that worked on the bathhouse issue with ALC.
- PS 19, PS 65, Marta Valle HS and MS, PS 188, and University Middle School (old PS 56) are all providing meals from 3-5 PM in the afternoon.

- Please everyone vote.

District Manager's Report:

District Manager Susan Stetzer

- Please be aware that there may be protests around the Nov. 3 election, so be aware of potential street closures
- District Needs Statement and Budget Priorities must be submitted via a program that city planning created for the documents. All the information is captured from all 59 boards to be able to give statistics on what the needs are.
- There are many complaints coming in following city budget cuts and noise. There are very few agencies that are actually enforcing the issues.

Committee Reports:

Executive Committee

no vote necessary

46 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Nominating Committee

About a week before November 24, Linda will send out statements from each candidate. The election will take place at the November 24 meeting after each candidate has a chance to speak about themselves. An electronic form will be distributed to each member and they will vote during the meeting, and Linda will announce results by the end of the meeting.

Economic Development Committee

1. Approval of previous month's minutes
approved by committee
2. FY'2022 District Needs Statement and Capital & Expense Priorities
VOTE: To approve FY 2022 District Needs Statement and Capital & Expense Priorities.
3. Report from Arts & Cultural Affairs Subcommittee
VOTE: To approve FY 2022 District Needs Statement and Capital & Expense Priorities.
4. Revisit Special District
no vote necessary
5. Vote to adjourn
approved by committee

46 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding Expense Priorities)

45 YES 0 NO 1 ABS 0 PNV MOTION PASSED (Expense Priorities)

Parks, Recreation, Waterfront, & Resiliency Committee

1. Approval of previous month's minutes
approved by committee
2. Parks Manager Update
no vote necessary
3. NYC Ferry: Discussion of Ridership at Corlears Hook Park
no vote necessary
4. DDC: East Side Coastal Resiliency update
no vote necessary
5. Lower East Side Preservation Initiative: presentation /request for support of preservation and adaptive reuse of ERP Track House & Tennis House in light of SHPO's Determination of Eligibility for these buildings
VOTE: TITLE: Preservation of the East River Park Track House and Tennis Center Comfort Station

WHEREAS, the East River Park Track House and Tennis Center Comfort Station, located near East 6th Street and Rivington Street respectively, were constructed in 1938 in an Art Deco / WPA Moderne style;

WHEREAS, the buildings were determined to be eligible for the State and National Registers of Historic Places by the State Historic Preservation Office, due to their architectural and historic significance;

WHEREAS, the buildings, designed by Robert Moses's lead architect Aymar Embury II, are significant as examples of the New Deal's Works Progress Administration (WPA) and New York City Depression-Era public works;

WHEREAS, the WPA, which was part of an unprecedented federal effort to combat widespread unemployment and the effects of a major economic depression, and represents a high point of civic engagement and civic improvement in our nation's history, still provides a very timely lesson of successful government action to mitigate free market forces during difficult times;

WHEREAS, both buildings, remarkably intact from their original construction, have Indiana limestone facades, hipped roofs with original slate tiles, stout chimneys, and unique terra cotta ornamental panels with nautical motifs that refer to the area's maritime history;

WHEREAS, these are the last two buildings remaining of the original ensemble of five East River Park buildings designed by Embury, and the only buildings within Community Board 3's parks where decorative elements were designed to relate specifically to the Lower East Side;

WHEREAS, the buildings appear to be in very good condition, having been constructed of highly durable materials such as limestone and slate which require minimal maintenance;

WHEREAS, buildings of this size and type are often moved to new locations, without undue complication or expense;

WHEREAS, when compared to new construction, the preservation / adaptive re-use of existing buildings is typically the greenest type of architecture, resulting in less mining of raw materials, less energy in converting raw materials to new construction materials, less fuel to transport new construction materials to site, and less toxic emissions involved in the assembly and adhering of new building components on site;

WHEREAS, many community members have requested that the interiors of the office spaces, comfort stations and other interior spaces be renovated with all new fixtures and finishes;

WHEREAS, the Lower East Side Preservation Initiative has promised to do outreach to the local community which will include residents of NYCHA developments, specifically those at Baruch, Lillian Wald, and Jacob Riis

THEREFORE, BE IT RESOLVED,

That, the East River Park including its Track House and Tennis Center Comfort Station has an important and unique history, which is worthy of respecting in the park's reconstruction;

That, the ESCR project, with its significant costs and disruptions, and that the park's reconstruction should utilize the greenest methods possible in performing the work, including utilizing preservation over new construction whenever possible;

That, due to their recognized unique and important architectural and historic significance, the Track House and Tennis Center Comfort Station are worthy of preservation, rather than demolition as presently called for by the East Side Coastal Resiliency Project's scope of work;

And that, the buildings should be lifted, restored, and adaptively re-used, including the construction of new additions and renovation of the interiors, to meet the new park's criteria for functionality and suitability of fixtures and finishes.

6. Request for Support for the LES Ecology Center's Compost Yard Temporary Relocation

VOTE: TITLE: Support for LES ECOLOGY CENTER

7. FY'2022 District Needs Statement and Capital & Expense Priorities

VOTE: To approve FY 2022 District Needs Statement and Capital & Expense Priorities.

8. Vote to adjourn

approved by committee

46 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding Parks item 5, 6 and Expense Priorities)

45 YES 0 NO 0 ABS 1 PNV MOTION PASSED (Parks item 5, 6)

45 YES 0 NO 1 ABS 0 PNV MOTION PASSED (Expense Priorities)

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

1. Approval of previous month's minutes

approved by committee

2. Alliance for Positive Change: Plans and services at new facility at 35 East Broadway

no vote necessary

3. FY'2022 District Needs Statement and Capital & Expense Priorities
VOTE: To approve FY 2022 District Needs Statement and Capital & Expense Priorities.
4. CAB reports
no vote necessary
5. Vote to adjourn
approved by committee

46 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding Expense Priorities)
45 YES 0 NO 1 ABS 0 PNV MOTION PASSED (Expense Priorities)

SLA & DCA Licensing Committee

1. Approval of previous month's minutes
approved by committee
2. FY'2022 District Needs Statement
VOTE: To approve FY 2022 District Needs Statement.

Review of Stipulations

3. Downtime/Eastpoint (25 B Group Rest Ave LLC), 25 Ave B btwn E 2nd & E 3rd Sts (op)
VOTE: TITLE: Community Board 3 Recommendation To Have Licensee Operate Consistent With Its Stipulations And Zoning

WHEREAS, 25 B Rest Group LLC is appearing at the request of Community Board 3 to review the stipulations for its full on-premises liquor license for the restaurant bar, doing business as Eastpoint on the ground floor and Downtime in the basement, in the premises located at 25 Avenue B, between East 2nd Street and East 3rd Street, New York, New York; and

WHEREAS, 25 B Rest Group LLC was denied a full on-premises liquor license by Community Board 3 in March of 2010 unless the applicant agreed to make as conditions of its license the stipulations that it would 1) operate as a full-service American Cajun restaurant and bar, serving food to within one (1) hour of closing, 2) have hours of operation of 12:00 P.M. to 2:00 A.M. Sundays, 5:00 P.M. to 2:00 A.M. Mondays through Thursdays, 5:00 P.M. to 4:00 A.M. Fridays and 12:00 P.M. to 4:00 A.M. Saturdays, 3) play ambient background music, consisting of recorded music, and have no live music, disk jockeys, promoted events or events at which a cover would be charged, 4) close its façade doors and windows at 10:00 P.M. every night, and 5) employ licensed security personnel on Fridays and Saturdays and more often as needed to control patron congestion and noise on the sidewalk; and

WHEREAS, this applicant was issued a full on-premises liquor license by the SLA on September 3, 2010; and

WHEREAS, a one hundred percent (100%) corporate change was administratively approved by Community Board 3 in December of 2014; and

WHEREAS, the SLA has received corporate change applications for this business on September 14, 2015 and June 14, 2019; and

WHEREAS, this licensee appeared before the SLA in November of 2018 for a disciplinary hearing, 388-2018/Case No. 122556, regarding violations of its method of operation and unauthorized alterations on November 17, 2017, including having DJs, promoted events and events with cover fees, and this licensee sustained charges for an unauthorized alteration; and

WHEREAS, during its hearing in November of 2018, the licensee asserted that it needed to continue to have live music and DJs as part of its method of operation and the SLA included in its written decision on November 27, 2018, a monetary penalty "with stipulations made part of its license except licensee can have live music and DJ in basement"; and

WHEREAS, as reflected in its most recent Decision and Order, 647-2020/Case #143741, regarding violations occurring on June 27, 2020, the SLA included the November 17, 2017 adverse history and decision which stated "Allowed to have live music and DJ in basement; Must file an alteration application; and

WHEREAS, the licensee has yet to file an alteration application to include live music and DJs as part of its method of operation; and

WHEREAS, the licensee has continued to operate with live music and DJs in violation of its approved method of operation and its stipulations which are conditions of its license from November of 2018 to March of 2020, when indoor dining was suspended due to the pandemic; and

WHEREAS, this location is zoned R7A with a C1-5 commercial overlay which does not permit scheduled performances, events with cover fees, dancing or a certificate of occupancy for a commercial space greater than two hundred (200) people; and

WHEREAS, social media reflects that this business has hosted scheduled performances and events with cover fees, including scheduled comedic performances, live music and DJs; and

WHEREAS, although the licensee listed its certificates of occupancy in its community board questionnaire submitted for this hearing as one hundred fifty (150) people on the ground floor and one hundred twenty-five (125) people in the basement and has separate business names for its ground floor and basement spaces, the applicant submitted to the SLA in its original questionnaire stamped July 20, 2010, a combined certificate of occupancy of two hundred ninety (290) people for both floors and it acknowledged during its community board hearing that while each floor has its own door to the street, the basement is also accessed through the ground floor business; now

THEREFORE, BE IT RESOLVED that Community Board 3 asks that the SLA prohibit 25 B Rest Group LLC, doing business as Eastpoint on the ground floor and Downtime in the basement, in the premises located at 25 Avenue B, between East 2nd Street and East 3rd Street, New York, New York, from having live music or DJs in the basement of its premises given that the licensee has not yet filed an alteration application for this use as instructed by the SLA in November of 2018; and

THEREFORE, BE IT FURTHER RESOLVED that Community Board 3 asks that the SLA prohibit 25 B Rest Group LLC, doing business as Eastpoint on the ground floor and Downtime in the basement, in the premises located at 25 Avenue B, between East 2nd Street and East 3rd Street, New York, New York, from hosting scheduled performances, including scheduled live music or DJs, or events with cover fees and require that the licensee reduce its occupancy to less than two hundred (200) people, as required by its zoning.

Alterations

4. Williamsburg Vegan Corp, 12 St Marks Pl btwn 2nd & 3rd Aves (op/upgrade)

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

WHEREAS, Williamsburg Vegan Corp. is seeking a change in class of its wine beer license to a full on-premises liquor license for its restaurant, doing business as VSPOT Express, in the premises located at 12 Saint Marks Place, between Second Avenue and Third Avenue, New York, New York; and

WHEREAS, the applicant has submitted a statement that it is also seeking to extend its license and commercial use to the outdoor area in front of its building within its building lines and add live music; and

WHEREAS, this is an application for a vegan restaurant with a certificate of occupancy of seventy-four (74) people, thirteen (13) tables and fifty-two (52) seats, hours of operation of 12:00 P.M. to 12:00 A.M. all days, a bar of unspecified size with six (6) stools, a kitchen open during all hours of operation, accordion doors, recorded and live music and vegan themed fundraising and community events; and

WHEREAS, Community Board 3 heard an application for a full on-premises liquor license for this applicant in April of 2015 but denied a wine beer license unless the applicant agreed to make as conditions of its license the stipulations that it would 1) operate as a full-service Latin vegan organic kosher restaurant, with a kitchen open and serving food during all hours of operation, 2) have hours of operation of 11:00 A.M. to 12:00 A.M. all days, 3) not commercially operate any outdoor areas, 4) close any front or rear façade doors and windows at 10:00 P.M. every night or during any amplified 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 seek a change in class of its license to a full on-premise liquor license without the approval of Community Board 3, 8) not have "happy hours," 9) not host pub crawls or party buses, 10) ensure that there would be no wait lines outside 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, this applicant was issued a wine beer license by the SLA on August 5, 2015; and

WHEREAS, this location is residentially zoned with an R8B zoning designation; and

WHEREAS, during its hearing in April of 2015 and in the resulting resolution, Community Board 3 informed the applicant that it cannot commercially operate any outdoor areas, specifically its backyard or the front yard within its building line because the zoning designation for this location and street prohibit the extension of the commercial use of this location, designated as grandfathered commercial space, to any outdoor area; and

WHEREAS, given that the zoning for this location is R8B, scheduled performances and events with cover fees are also not permitted; and

WHEREAS, there are twenty-four (24) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant but there are thirty-five (35) full on-premises liquor licenses and three (3) pending full on-premises liquor licenses within five hundred (500) feet of this location per the SLA LAMP map; and

WHEREAS, there are twelve (12) full on-premises liquor licenses and fourteen (14) beer or wine beer licenses on Saint Marks Place, between Second Avenue and Third Avenue; and

WHEREAS, the applicant stated that the public benefit for approving a full on-premises liquor license for this location is that its business has been operating since 2015 without any problems, that the applicant has been a responsible business owner on the block during the pandemic and been in charge of the Open Streets program for this block and that the business has become a hub for vegan activism, animal rights groups, community events and fundraisers and these groups have asked for the service of alcohol and, further, because the applicant needs the additional revenue from alcohol sales to maintain its business; and

WHEREAS, the applicant submitted letters from the Village Alliance, the area business improvement district, and the Swiss Institute, the art institute located at the corner of Saint Marks Place and Second Avenue, in support of this application and a resident from the block appeared and stated that he appreciates that the applicant has remained open and its business has reinvigorated the street during the pandemic; and

WHEREAS, contrary to its zoning and existing stipulations, this applicant has been hosting scheduled performances, consisting of live bands and comedy shows, at this location; and

WHEREAS, a picture posted on the FACEBOOK page for the business shows a performance space in the back room of this business, which includes a stage and microphone, videos posted on this page show a sign for a comedy club, performers using the stage, microphone and recording equipment in the back room and the owner conducting a tour of the performance space and there are advertisements on this page for scheduled live music and comedy shows; and

WHEREAS, there is also a FACEBOOK page entitled BRICKSPOT Comedy for this business which has posts of regularly scheduled comedy shows and live music performances; and

WHEREAS, Community Board 3 informed the applicant that it cannot continue to host scheduled performances and cannot extend its business to the outdoor area in front of its business; and

WHEREAS, notwithstanding that the applicant has been operating inconsistent from its stipulations, method of operation and the zoning for this location, Community Board 3 would support this application with stipulations governing the method of operation for the business; 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 Williamsburg Vegan Corp., doing business as VSPOT Express, to a full on-premises liquor license for the premises located at 12 Saint Marks Place, between Second Avenue and Third 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 vegan restaurant, with both front and back rooms of the business operating as dining rooms with only sit-down dining, and with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 12:00 P.M. to 12:00 A.M. all days,

- 3) it will not commercially operate any outdoor areas, including the area in front of its building within its building line,
 - 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 or during unamplified live performances or televised sports,
 - 5) it will play ambient background music, consisting of recorded music, but 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.
5. Paloma Rocket (Clinton Craft LLC), 41-43 E 7th St btwn 2nd Ave & Cooper Sq (op/alt/change method of operation)

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

WHEREAS, Clinton Craft LLC, with principals James Carbone and Graham Winton, is applying for an alteration and change in method of operation of its full on-premises liquor license for the premises located at 41-43 East 7th Street, basement level, between Second Avenue and Cooper Square, New York, New York, to wit allowing live music and live performances and changing its hours of operation to 12:00 P.M. to 4:00 A.M. all days; and

WHEREAS, the applicant has submitted a statement asking for an alteration to allow all legally permitted live entertainment, including karaoke, stage, dance and drag performance, DJs, bingo, live music, spoken word, comedy and patron and employee dancing; and

WHEREAS, this is an application for a pizza restaurant and bar with a certificate of occupancy of seventy-four (74) people, twelve (12) tables and fifty-eight (58) seats, a six (6) foot by seventeen (17) foot by six (6) foot bar with fourteen (14) stools, hours of operation of 12:00 P.M. to 4:00 A.M. all days, a kitchen open to within two (2) hours of closing, a closed façade, televisions, recorded and live music and DJs at background levels and happy hours; and

WHEREAS, this location is zoned R8B with a C1-5 commercial overlay; and

WHEREAS, with respect to the proposed change in method of operation to add scheduled performances and dancing, Community Board 3 has informed the applicant that given that the zoning for this location is R8B with a C1-5 overlay, scheduled performances, events with cover fees and dancing are not permitted; and

WHEREAS, the applicant then submitted an amended questionnaire and statement averring that it was not seeking to host promoted events, scheduled performances, events with cover fees or dancing but was still seeking an alteration to allow all legally permitted live entertainment, including karaoke, stage, dance and drag performance, DJs, bingo, live music, spoken word and comedy; and

WHEREAS, James Carbone, one of the two principals, has operated the existing business at this location since 2005 and with a full on-premises liquor license since January 21, 2015; and

WHEREAS, Graham Winton, the other principal, has experience operating a business with a wine beer license for the corporation Clinton Craft LLC, for the premises located at 7 Clinton Street, New York, New York, since 2015, as well as having worked in other licensed businesses in this area; and

WHEREAS, James Carbone has a longstanding history of activism in this community which includes helping to organize local businesses and working on historical and preservation issues in this district; and

WHEREAS, notwithstanding the numerous full on-premises liquor licenses within five hundred (500) feet of this location, numerous local community organizations and residents support James Carbone in his efforts to continue to operate a business at this location; and

WHEREAS, given these circumstances, a corporation, with principals James Carbone and Graham Winton, was denied by Community Board 3 in February of 2018 unless the applicant agreed to make as conditions of its license the stipulations that it would 1) operate as a full-service pizza restaurant and bar, with a kitchen open and serving food to within two (2) hours of closing, 2) have hours of operation of 12:00 P.M. to 2:00 A.M. Sundays, 4:00 P.M. to 2:00 A.M. Mondays and Tuesdays, 4:00 P.M. to 4:00 A.M. Wednesdays through Fridays and 12:00 P.M. to 4:00 A.M. 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, but not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee would be charged and have no more than six (6) private parties per year during which the entire business would close to the public, 6) not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3, 7) have "happy hours" to 7:00 P.M. each night, 8) not host pub crawls or party buses, 9) not have unlimited drink specials with food, 10) ensure no wait lines outside and designate an employee responsible 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 same principals were reheard by Community Board 3 in March of 2019 to remove the wine beer license of Clinton Craft LLC, with principal Graham Winton, from 7 Clinton Street, between East Houston Street and Stanton Street, New York, New York, to 41-43 East 7th Street, between Second Avenue and Cooper Square, New York, New York, and for a change in class of that license to a full on-premises liquor license once it was removed and were approved the removal and denied the application for a change in class of the wine beer license to a full on-premises liquor license unless the applicant agreed to make as conditions of its license the stipulations that it would 1) operate as a full-service pizza restaurant and bar, with a kitchen open and serving food to within two (2) hours of closing, 2) have hours of operation of 12:00 P.M. to 2:00 A.M. Sundays, 4:00 P.M. to 2:00 A.M. Mondays and Tuesdays, 4:00 P.M. to 4:00 A.M. Wednesdays through Fridays and 12:00 P.M. to 4:00 A.M. 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 and have no more than six (6) private parties per year during which the entire business would close to the public, 6) not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3, 7) have "happy hours" to 7:00 P.M. each night, 8) not host pub crawls or party buses, 9) not have unlimited drink specials with food, 10) ensure no wait lines outside and designate an employee responsible 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, this applicant was issued a full on-premises liquor license by the SLA on June 5, 2020; and

WHEREAS, Community Board 3 informed the applicant that the zoning restrictions prohibited the uses proposed by the applicant, to wit scheduled musical and stage performances, whether dance, spoken word, comedy or drag performances; and

WHEREAS, Community Board 3 cannot support the proposed uses that are not permitted within this zoning designation but will support an alteration of the full on-premises liquor license to allow live music and DJs, provided that these types of music are not scheduled, as well as to change the hours of operation of the business, given the longstanding history of operation at this location by one of the principals; and

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for an alteration of the full on-premises liquor license, for the premises located at 41-43 East 7th Street, between Second Avenue and Cooper Square, New York, New York, to wit allowing live music and DJs and changing its hours of operation to 12:00 P.M. to 4:00 A.M. all days, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service pizza restaurant, with a kitchen open and serving food to within two (2) hours of closing,
- 2) its hours of operation will be 12:00 P.M. to 4:00 A.M. all days,
- 3) it will not commercially operate any outdoor areas,
- 4) it will close any front or rear façade entrance doors at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances or during unamplified live performances or televised sports, and will otherwise have a closed fixed facade with no open doors or windows,
- 5) it will play recorded and live music and have DJs at background and entertainment levels as an accompaniment to its method of operation as a restaurant but will not have promoted events, scheduled performances or any event at which a cover fee will be charged and may have no more than six (6) private parties per year during which the entire business would close to the public,
- 6) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3,
- 7) it may have "happy hours" to 8:00 P.M. each night,
- 8) it will not host pub crawls or party buses,
- 9) it will not have unlimited drink specials with food,
- 10) it will 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.

6. El Nuevo Amanecer Rest, 117 Stanton St @ Essex St (op/upgrade)

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

WHEREAS, a corporation with principal Daniel Caba is seeking a change in class of its existing wine beer license to a full on-premises liquor license for its restaurant, doing business as El Nuevo Amanecer Restaurant, for the premises located at 117 Stanton Street, at the corner of Essex Street and Stanton Street; and

WHEREAS, this is an application for a Mexican restaurant with no listed certificate of occupancy, fifteen (15) tables and sixty-eight (68) seats, a ten (10) foot bar with six (6) stools, a kitchen open during all hours of operation, hours of operation of 3:00 P.M. to 1:00 A.M. Sundays through Thursdays and 3:00 P.M. to 3:30 A.M. Fridays and Saturdays, windows, two (2) televisions, recorded background music and happy hours; and

WHEREAS, this applicant was issued a wine beer license by the SLA on December 23, 1999; and

WHEREAS, there are ten (10) to fourteen (14) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant but twenty-four (24) full on-premises liquor licenses and three (3) pending full on-premises liquor licenses within five hundred (500) feet of this location per the SLA LAMP map; and

WHEREAS, Community Board 3 believes that this location is within two hundred (200) feet of a New York City public school, to wit P.S. 20, The Anna Silver School, located at 166 Essex Street, between East Houston Street and Stanton Street; and

WHEREAS, the attorney for applicant has stated that he measured and recorded the distance from the school using a measuring wheel and found it to be more than two hundred (200) feet away from this location but the applicant stated that it will move its entrance to the western end of the business on Stanton Street if the business is found to be within two hundred (200) feet of the school; and

WHEREAS, the applicant has operated this business since 1999 but the business has been in the Lower East Side since 1986; and

WHEREAS, the LES Dwellers, an area resident association, and an area resident appeared to state that it wants to support a longstanding good business in the community and would support this application if the location is found not to be within two hundred (200) feet of the school; and

WHEREAS, provided that this location is found not to be within two hundred (200) feet of the aforementioned school or provided that the applicant can alter its business so that its entrance is not within two hundred (200) feet the school, Community Board 3 would support this application with stipulations governing the method of operation of its business; now

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the change in class of the wine beer license to a full on-premises liquor license for the corporation with principal Daniel Caba, doing business as El Nuevo Amanecer Restaurant, for the premises located at 117 Stanton Street, at the corner of Essex Street and Stanton Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service Mexican restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 3:00 P.M. to 1:00 A.M. Sundays through Thursdays and 3:00 P.M. to 3:30 A.M. Fridays and Saturdays,
- 3) it will not commercially operate any outdoor areas,
- 4) it will close any front or rear façade doors and windows at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances or during unamplified live performances or televised sports,
- 5) it will play ambient background music only, consisting of recorded music, and will not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 6) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3,
- 7) it may have "happy hours" to 6:00 P.M. each night,
- 8) it will not host pub crawls or party buses,
- 9) it will not have unlimited drink specials with food,
- 10) it will 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. Brasserie Saint Marc (UKI Freedom LLC), 136 2nd Ave btwn St Marks Pl & E 9th St (op/alt/change method of operation: expand to backyard)

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

WHEREAS, UKI Freedom LLC is seeking an alteration and a change in the method of operation of its full on-premises liquor license for the premises doing business as Brasserie Saint Marc, located at 136 Second Avenue, between Saint Marks Place and East 9th Street, New York, New York, to wit extending its license and commercial use to its rear yard; and

WHEREAS, this is an application for a French American Ukrainian restaurant with a combined certificate of occupancy of seventy-four (74) people or two hundred ninety-nine (299) people on the ground floor and basement, twelve (12) tables and fifty-seven (57) seats, a twenty-six (26) foot bar, a fifteen (15) foot by seven (7) foot bar and a thirteen (13) foot bar with an aggregate thirty-eight (38) stools with two (2) bars on the ground floor and one (1) bar in the basement, a sidewalk café, hours of operation for the interior space of 8:00 A.M. to 4:00 A.M. all days, a kitchen open during all hours of operation, French doors, no televisions, recorded background music, happy hours and no promoted events, scheduled performances or events with cover fees; and

WHEREAS, materials submitted by the applicant reflect that it is now seeking to commercially operate its rear yard with fifteen (15) tables and sixty (60) seats and hours of operation of 8:00 A.M. to 2:00 A.M. all days; and

WHEREAS, the questionnaire submitted by the applicant reflects that the applicant is also seeking to amend its hours of operation to 8:00 A.M. to 4:00 A.M. all days; and

WHEREAS, this applicant was heard by Community Board 3 in May of 2018, June of 2018 and July of 2018 and was denied a full on-premises liquor license in July of 2018 unless the applicant agreed to make as conditions of its license stipulations that it would 1) operate as a full-service French American Ukrainian restaurant, with a kitchen open and serving food during all hours of operation, 2) have hours of operation of 8:00 A.M. to 2:00 A.M. all days, 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 and have no more than twelve (12) private parties per year, 6) not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3, 7) have

"happy hours" to 8:00 P.M. each night, 8) not host pub crawls or party buses, 9) not have unlimited drink specials with food, 10) ensure no wait lines outside 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, this location was unlicensed at the time that this application was first heard and is residentially zoned with an R7A R8B designation with a C1-5 commercial overlay; and

WHEREAS, Community Board 3 heard the original application three (3) times in part because the applicant was not well-prepared to answer questions about its method of operation, because of the proposed elements of the application, because of the lack of experience of the applicant and because Community Board 3 had concerns that, given what the applicant was proposing, the business would not be operated consistent with the stated method of operation of a restaurant; and

WHEREAS, although the location was previously unlicensed and Community Board 3 noted that there were twenty-three (23) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant but forty (40) full on-premises liquor licenses and one (1) pending full on-premises liquor license within five hundred (500) feet of this location per the SLA LAMP map at the time of its original hearing, Community Board 3 ultimately approved the application for a full on-premises liquor license because the applicant stated that this location would be a restaurant that would host Ukrainian events, meetings and dinners by organizations from the longstanding local Ukrainian community, because the applicant intended to open the ground floor all day and occasionally open the cellar for groups, meetings or private dinners, because the applicant had amended its application to eliminate commercial use of the backyard and a sidewalk café and had agreed to close its business at 2:00 A.M. all days and because there was a substantial showing of support for this application from the local Ukrainian community, including local business owners, residents and representatives of the Ukrainian community; and

WHEREAS, this applicant was then issued a full on-premises liquor license by the SLA on October 1, 2019, and opened its business on October 16, 2019; and

WHEREAS, this applicant was heard for an alteration and change in method of operation in January of 2020 and withdrew after asserting that 1) although it had stated and signed stipulations that would become conditions of its license that it would not have DJs, live music, promoted events, scheduled performances and events with cover fees, the applicant was seeking to add DJs, live music, karaoke, promoted events, scheduled performances, ticketed sales and events with cover fees, and 2) although it had stated and then signed stipulations that would become conditions of its license that it would not commercially use any outdoor areas, the applicant was seeking to operate a sidewalk café and had begun plans to extend commercial use to its backyard; and

WHEREAS, this applicant was then heard for a sidewalk café permit, as well as for an alteration and change in method of operation in February of 2020 in which it was seeking to add four (4) televisions, have DJs three (3) times per week and live music consisting of string, woodwind and horn instruments and a piano, unlimited drink specials, outside seating at a sidewalk café and twenty (20) to twenty-four (24) private parties per year; and

WHEREAS, Community Board 3 recommended a denial of its application for an alteration and to change the method of operation of the business but approved a sidewalk café permit provided that 1) its café consist of ten (10) tables and twenty (20) seats flush against the façade of the building and standing three (3) feet six (6) inches from the façade into the sidewalk, consistent with the submitted plans, 2) there would be a three (3) foot wait aisle between café seating and the sidewalk, 3) there would be a thirty (30) inch barrier around the perimeter of the sidewalk café, and 4) its hours of operation would be 10:00 A.M. to 10:00 P.M. all days; and

WHEREAS, at the conclusion of its February of 2020 hearing, the applicant informed community board members that it had already applied for a public assembly permit to increase its occupancy although it did not provide this information to Community Board 3 during the hearings of its application for a full on-premises liquor license; and

WHEREAS, during the community board hearings in January of 2020 and February of 2020, representatives of the owners' association of 51 Saint Marks Place appeared in opposition to the alteration application in part because the applicant expressed an intention to extend its business into

the courtyard shared with 51 Saint Marks Place without having engaged in any outreach or notice the residents of that building or consideration of the impacts on their quality of life; and

WHEREAS, the applicant has now informed Community Board 3 that it is in the process of amending its certificate of occupancy for its interior to two hundred ninety-nine (299) people; and

WHEREAS, the applicant has not communicated with residents of the buildings overlooking the backyard who would be directly affected by its use; and

WHEREAS, two (2) residents of 43 Saint Marks Place appeared in support of this application; and

WHEREAS, the applicant requires a valid certificate of occupancy for the backyard to permit any commercial use; and

WHEREAS, given these circumstances, Community Board 3 would not now support a change in the indoor hours of operation; and

WHEREAS, provided that the applicant has a certificate of occupancy to commercially operate the backyard, given these circumstances, Community Board 3 would only support commercial use of the rear yard provided that the applicant agree to reduced seating and hours of operation and sound mitigation for this area; now

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for an alteration and change in the method of operation of the full on-premises liquor license of UKI Freedom LLC, doing business as Brasserie Saint Marc, in the premises located at 136 Second Avenue, between Saint Marks Place and East 9th Street, New York, New York, to wit extending its license and commercial use to its rear yard, 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 French American Ukrainian restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 8:00 A.M. to 2:00 A.M. all days,
- 3) it will operate its sidewalk café with hours of operation of 10:00 A.M. to 10:00 P.M. all days,
- 4) it will operate its backyard, which will not include the narrow corridor along the back of the building, as an additional dining area for seated diners only, with no more than six (6) tables and twenty-four (24) seats and hours of operation of 10:00 A.M. to 9:00 P.M. all days and will install a canopy, awning or other structure over the backyard and sound baffling materials and vegetations around the perimeter of the backyard to mitigate sound,
- 5) 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 or during unamplified live performances or televised sports,
- 6) it will play ambient background music only, consisting of recorded music, and will not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee will be charged and will have no more than twelve (12) private parties per year,
- 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 8:00 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 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.

8. Broome Street Bakery (254 Broome LLC), 254 Broome St (wb/alt/change method of operation: bakery/cafe to wine bar, from 12am closing to 2am closing everyday)
withdrawn
9. Beetle House (Fun Hat LLC), 308 E 6th St btwn 1st & 2nd Aves (op/alt/expanding into adjacent space, same address)

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

WHEREAS, Fun Hat LLC is seeking an alteration of its full on-premises liquor license for its restaurant, doing business as Beetle House, in the premises located at 308 East 6th Street, between First Avenue

and Second Avenue, New York, New York, to wit expanding its commercial space and liquor license into the adjacent storefront, located at 306-308 East 6th Street; and

WHEREAS, this application is for a Beetlejuice themed restaurant with a certificate of occupancy of one hundred (100) people, twenty-five (25) tables and one hundred (100) seats, a twenty-three (23) foot bar with twelve (12) stools, a kitchen open during all hours of operation serving European fusion food, hours of operation of 4:00 P.M. to 12:00 A.M. Tuesdays through Thursdays and 4:00 P.M. to 2:00 A.M. Fridays through Sundays, no televisions and recorded background music; and

WHEREAS, Community Board 3 denied an application for a full on-premises liquor license for this applicant in June of 2016; and

WHEREAS, the applicant was then issued a full on-premises liquor license by the SLA on May 16, 2017; and

WHEREAS, the adjacent storefront that the applicant is seeking to occupy was previously occupied by a longstanding Japanese restaurant, doing business as Cherin Sushi, on this block that was denied an application for wine beer license for this storefront by Community Board 3 in April of 2017 unless the applicant agreed to make as conditions of its license stipulations that it would 1) operate as a full-service Japanese restaurant, with a kitchen open and serving food to within one (1) hour of closing, 2) have hours of operation of 5:00 P.M. to 12:00 A.M. Mondays through Thursdays, 5:00 P.M. to 2:00 A.M. Fridays and Saturdays and closed Sundays, 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 seek a change in class to a full on-premises liquor license without first obtaining the approval of Community Board 3, 8) not have "happy hours," 9) not host pub crawls or party buses, 10) not have unlimited drink specials with food, 11) not have 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 location is residentially zoned with an R8B zoning designation; and

WHEREAS, given that the applicant will maintain its method of operation as a full-service restaurant, Community Board 3 would support this application with stipulations governing the method of operation for the business, including not having wait lines outside as the business is located on a residential street; now

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for an alteration of the full on-premises liquor license for Fun Hat LLC, doing business as Beetle House, for the premises located at 308 East 6th Street, between First Avenue and Second Avenue, New York, New York, to wit expanding its commercial space and liquor license into the adjacent storefront, located at 306-308 East 6th Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service European fusion restaurant with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 4:00 P.M. to 12:00 A.M. Tuesdays through Thursdays and 4:00 P.M. to 2:00 A.M. Fridays through Sundays,
- 3) it will not commercially operate any outdoor areas,
- 4) it will close any front or rear façade entrance doors at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances or during unamplified live performances or televised sports, and will otherwise have a closed fixed facade with no open doors or windows,
- 5) it will play ambient background music, consisting of recorded music, but 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.

New Liquor License Applications

10. Entity to be formed by Leroy Garcia, 51 1st Ave btwn E 3rd & E 4th Sts (op) withdrawn

11. The Bronx Brewery LLC, 64 2nd Ave btwn E 3rd & E 4th Sts (wb)

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

WHEREAS, The Bronx Brewery LLC is seeking a wine beer license to operate a restaurant in the premises located at 64 Second Avenue, between East 3rd Street and East 4th Street, New York, New York; and

WHEREAS, the SLA notice, questionnaire and statement submitted by the applicant indicates that this applicant is also seeking to operate a small pilot brewery and taproom at this location; and

WHEREAS, this applicant is seeking to operate a restaurant brewery and taproom with a certificate of occupancy of seventy-four (74) people, eighteen (18) tables and fifty-nine (59) seats, a twenty (20) foot bar with ten (10) stools, 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, a kitchen open during all hours of operation serving a menu consisting primarily of burgers and vegetarian burgers, accordion doors and windows, two (2) televisions, recorded music and DJs at background levels, ticketed and promoted events and security; and

WHEREAS, the applicant was denied a full on-premises liquor license for this location by Community Board 3 in August of 2020 because 1) it furnished an insufficient public benefit for the approval of a full on-premises liquor license to operate a tavern brewery with limited food, promoted and ticketed events, DJs and wait lines, 2) was seeking to operate a business in a location that is within five hundred (500) feet of twenty (20) full on-premises liquor licenses and in an area already well-served with businesses selling craft and locally sourced beer, and 3) this location is within two hundred (200) feet of an active house of worship, in that this location is two (2) buildings away from the Iglesia de Cristo East Side Church of Christ, located at 56 Second Avenue, between East 3rd Street and East 4th Street; and

WHEREAS, the applicant has operated the same business since 2011, located at 856 East 136th Street, Bronx, New York, for which the SLA issued a full on-premises liquor license on September 21, 2018; and

WHEREAS, this location is a five (5) story residential building with ground floor commercial space, constructed in 1900, which has never housed a licensed business and which is surrounded by similarly aged and constructed buildings in an area that is densely populated with people and licensed businesses; and

WHEREAS, the existing business of the applicant is housed in a stand-alone warehouse in an industrial area of the Port Morris section of Bronx County and is surrounded by no other licensed business; and

WHEREAS, notwithstanding that this area is well-served by businesses selling beer and craft beer and businesses identifying themselves as focused on the sale of craft and locally sourced beer, including beer produced in small breweries in New York City and New York State, given that this applicant is now applying for a wine beer license, Community Board 3 would support this application with stipulations governing the method of operation of its business; now

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a wine beer license for The Bronx Brewery LLC for the premises located at 64 Second Avenue, between East 3rd Street and East 4th 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

- 1) it will operate as a full-service American restaurant, brewery and taproom, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 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) it will not commercially operate any outdoor areas,

- 4) it will employ security guards during ticketed events, if needed,
- 5) 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 or during unamplified live performances or televised sports,
- 6) it will play ambient background music only, consisting of recorded music and DJs, with a DJ no more than one (1) time per week, and will not have live music, promoted events, scheduled performances or any event at which a cover fee will be charged, will have no more than twenty-four (24) private parties per year and may have ticketed events related to beer or food as part of its method of operation, including presold tickets for food and beer pairings,
- 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 will not have "happy hours,"
- 9) it will not host pub crawls or party buses,
- 10) it will not have unlimited drink specials with food,
- 11) it will ensure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 12) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 13) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

12. 120 Orchard Bar LLC, 120 Orchard St btwn Rivington & Delancey Sts (op)
withdrawn

13. Zazzy's Pizza (86-88 Stanton Smalls LLC), 173 Orchard St a/k/a 86-88 Stanton St (wb)

VOTE: TITLE: Community Board 3 Recommendation To Deny

WHEREAS, 86-88 Stanton Smalls LLC is seeking a wine beer license to operate a pizza restaurant, with a proposed business name of Zazzy's Pizza, in the premises located at 173 Orchard Street a/k/a 86-88 Stanton Street, at the corner of Stanton Street and Orchard Street, New York, New York; and

WHEREAS, this applicant is seeking to operate a pizza restaurant on the ground floor and basement with its kitchen and storage in the basement, a certificate of occupancy of seventy-four (74) people, eight (8) tables and sixteen (16) seats, no bar, a kitchen open during all hours of operation, hours of operation of 12:00 P.M. to 12:00 A.M. Mondays through Thursdays and 12:00 P.M. to 4:00 A.M. or 5:00 A.M. Fridays through Sundays with alcohol service ending at 12:00 A.M. all days, one (1) television, recorded background music and happy hours; and

WHEREAS, this location was previously unlicensed and housed a pizzeria, doing business as Rosario's Pizza, which operated at this location for twenty (20) years but had been in the Lower East Side since 1963; and

WHEREAS, the applicant has had experience operating an unidentified licensed business in Long Island between 2016 and 2020; and

WHEREAS, the LES Dwellers, an area residents' association, and an area resident appeared to express concern that this business will contribute to the horrible late-night traffic and noise on Orchard Street given its late hours and that the previous business had late-night crowds outside its business; and

WHEREAS, given that this location will continue to be operated as a pizzeria, the SLA/DCA Licensing Committee of Community Board 3 recommended the denial of this application for a wine beer license unless the applicant agreed to make as conditions of its license stipulations that 1) it will operate as a pizza restaurant with a kitchen open and serving food during all hours of operation, 2) its hours of operation will be 12:00 P.M. to 12:00 A.M. Sundays through Thursdays and 12:00 P.M. to 4:00 A.M. Fridays and Saturdays with alcohol service ending at 12:00 A.M. all days, 3) it will not commercially operate any outdoor areas, 4) it will close any front or rear façade entrance doors at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances or during unamplified live performances or televised sports, and will otherwise have a closed fixed facade with no open doors or windows, 5) it will play ambient background music only, consisting of recorded music, and will not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged, 6) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3, 7) it will not host pub crawls or party buses, 8) it will not have unlimited drink specials with food, 9) it may have "happy hours" to 8:00 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; and

WHEREAS, the applicant would not agree to ensuring that there would be no wait lines outside of its business but otherwise agreed to the other stipulations memorializing its proposed method of operation; and

WHEREAS, Community Board 3 has asked applicants proposing to operate licensed businesses with late night hours of operation in this area to agree to ensure that they will not have wait lines outside, given that the streets in this area are already overwhelmingly congested with people from the existing licensed businesses and noise from those people and the cars transporting them; now

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a wine beer license for 86-88 Stanton Smalls LLC, with a proposed business name of Zazzy's Pizza, for the premises located at 173 Orchard Street a/k/a 86-88 Stanton Street, at the corner of Stanton Street and Orchard Street, New York, New York.

14. Rue B NYC Inc, 188 Ave B btwn E 11th & E 12th Sts (op)

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

WHEREAS, Rue B NYC Inc. is seeking a full on-premises liquor license to operate a restaurant tavern, doing business as Rue B, in the premises located at 188 Avenue B, between East 11th Street and East 12th Street, New York, New York; and

WHEREAS, this is an application for a restaurant tavern with a certificate of occupancy of thirty (30) people inside, three (3) tables and twelve (12) seats inside, fifteen (15) tables and thirty (30) seats in the backyard, a twenty-five (25) foot bar with four (4) stools, hours of operation of 5:00 P.M. to 4:00 A.M. all days inside and 6:00 P.M. to 10:00 P.M. Sundays through Wednesdays and 6:00 P.M. to 11:00 P.M. Thursdays through Saturdays outside, a kitchen open during all hours of operation serving a limited menu, windows, no televisions, live entertainment level music 7:00 P.M. to 11:00 P.M. all days, promoted events, scheduled performances. no events with cover fees, happy hours and security during live performances; and

WHEREAS, the applicant has now stated that it is not applying for a sidewalk café as part of its application; and

WHEREAS, the previous applicant was approved a full on-premises liquor license by Community Board 3 in September of 2000 provided the applicant operate its business consistent with its proposed method of operation, which included operating as a restaurant with recorded music and live music consisting of a piano and no outdoor space, and closing its façade at 10:00 P.M. each night; and

WHEREAS, this location has long operated as a restaurant tavern, doing business as Rue B, with regularly scheduled live jazz performances, including scheduled performances with cover fees and or service charges imposed on patrons for the bands; and

WHEREAS, this location is zoned R7A with a C1-5 commercial overlay; and

WHEREAS, with respect to the proposed method of operation to include scheduled performances, Community Board 3 has informed the applicant that given that the zoning for this location is R7A with a C1-5 overlay, scheduled performances and events with cover fees are not permitted; and

WHEREAS, the applicant has stated that it will not have scheduled performances, events with cover fees or any service charge associated with having live music; and

WHEREAS, there are ten (10) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant and the SLA LAMP map; and

WHEREAS, the applicant stated that it has been the manager of the existing business for six (6) years, it has purchased the assets of the business and it intends to have live background music between 7:00 P.M. and 9:00 P.M. as an accompaniment to its method of operation as a restaurant; and

WHEREAS, the applicant requires a valid certificate of occupancy for the backyard to permit any commercial use; and

WHEREAS, Community Board 3 informed the applicant that it cannot continue to host scheduled performances or have events with cover fees; and

WHEREAS, provided that the applicant has a certificate of occupancy to commercially operate the backyard, given that this is a longstanding existing business and the applicant has long been its manager, Community Board 3 would support this application with stipulations governing the method of operation for the business and consistent with the zoning; now

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a full on-premises liquor license for Rue B NYC Inc., doing business as Rue B, for the premises located at 188 Avenue B, between East 11th Street and East 12th 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

- 1) it will operate as an American restaurant tavern, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 5:00 P.M to 4:00 A.M. all days inside,
- 3) it will operate its backyard with no more than fifteen (15) tables and thirty (30) seats, no music and hours of operation of 6:00 P.M. to 10:00 P.M. all days,
- 4) it will employ one (1) security guard 6:00 P.M. to 12:00 A.M. Wednesdays through Saturdays as needed,
- 5) 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 or during unamplified live performances or televised sports,
- 6) it will play recorded and live music at background levels as an accompaniment to its method of operation as a restaurant but will not have 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 will not host pub crawls or party buses,
- 9) it will not have unlimited drink specials with food,
- 10) it may have "happy hours" to 8:00 P.M. each night,
- 11) it will ensure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 12) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 13) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

15. Avenue A Gourmet LLC, 202 Ave A (op)
withdrawn

16. Entity to be formed by John Cutillo, 218 Ave A btwn E 13th & E 14th Sts (op)

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

WHEREAS, Pub 218 Corp. is seeking a full on-premises liquor license for the premises located at 218 Avenue A, between East 13th Street and East 14th Street, New York, New York; and

WHEREAS, this is application for a tavern with a certificate of occupancy of seventy-four (74) people, five (5) tables and sixteen (16) seats, a twenty-two (22) foot by nine (9) foot bar with twenty-one (21) stools, a prep area serving food to within one (1) hour of closing, hours of operation of 12:00 P.M. to 4:00 A.M. all days, a closed façade, four (4) televisions, recorded background music, security and happy hours; and

WHEREAS, the previous licensee at this location was denied a full on-premises liquor license by Community Board 3 in February of 2010, unless the applicant agreed to make as conditions of its license stipulations that it would 1) have hours of operation of 12:00 P.M. to 4:00 A.M. all days, 2) employ bonded licensed security persons at all times, 3) play recorded music and music from a jukebox only, and 4) keep its façade windows closed at all times; and

WHEREAS, the previous licensee was issued a full on-premises liquor license by the SLA on October 25, 2010; and

WHEREAS, there are nine (9) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant and the SLA LAMP map and one (1) pending full on-premises liquor license within five hundred (500) feet of this location per the SLA LAMP map; and

WHEREAS, the applicant has operated a tavern located at 132 Ludlow Street, New York, New York, for twelve (12) years, a tavern located at 138 Ludlow Street, New York, New York, for nine (9) years, and a restaurant bar located at 211 Avenue A, New York, New York, for five (5) years; and

WHEREAS, the applicant has stated that it will employ some of the staff of the previous business; and

WHEREAS, given that this location was previously operated as a tavern with a full on-premises liquor license, given the history of the applicant and given that the applicant is intending to maintain the method of operation of the business and employ some of the same staff, Community Board 3 would approve this application 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 liquor license for Pub 218 Corp. for the premises located at 218 Avenue A, between East 13th Street and East 14th Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a tavern, serving food during all hours of operation,
- 2) its hours of operation will be 12:00 P.M. to 4:00 A.M. all days,
- 3) it will not commercially operate any outdoor areas,
- 4) it will employ one (1) security guard at the entrance from 8:00 P.M. to 4:00 A.M. Thursdays through Saturdays as needed,
- 5) it will close any front or rear façade entrance doors 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 or during unamplified live performances or televised sports, 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 without first appearing before Community Board 3,
- 8) it will not host pub crawls or party buses,
- 9) it will not have unlimited drink specials with food,
- 10) it may have "happy hours" to 8:00 P.M. each night,
- 11) it will ensure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 12) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 13) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

17. Friedmans on Grand LLC, 359 Grand St btwn Essex & Norfolk Sts (op)

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

WHEREAS, Friedman's on Grand LLC is seeking a full on-premises liquor license to operate a restaurant, with a proposed business name of Friedman's, in the premises located at 359 Grand Street, between Essex Street and Norfolk Street, New York, New York; and

WHEREAS, this applicant is seeking to operate a restaurant with a certificate of occupancy of seventy-four (74) people, eleven (11) tables and forty (40) seats inside, two (2) tables and ten (10) seats at a sidewalk café within its building line, four (4) tables and sixteen (16) seats in a backyard, a fifteen (15) foot bar with six (6) stools, a kitchen open during all hours of operation, hours of operation of 9:00 A.M. to 11:00 P.M. all days inside and 8:00 A.M. to 10:00 P.M. all days outside and recorded background music; and

WHEREAS, the previous licensee at this location was denied a full on-premises liquor license by Community Board 3 in September of 2017 unless the applicant agreed to make as conditions of its license stipulations that it would 1) operate as a full-service barbeque restaurant, with a kitchen open and serving food during all hours of operation, 2) have hours of operation of 11:00 A.M. to 1:00 A.M. Sundays through Wednesdays and 11:00 A.M. to 2:00 A.M. Thursdays through Saturdays, 3) have hours of operation for an outdoor café, consisting of four (4) tables and eight (8) seats, within its building line, of 12:00 P.M. to 10:00 P.M. all days, 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 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) have "happy hours" to 7:00 P.M. each night, 8)

not host pub crawls or party buses, 9) not have unlimited drink specials with food, 10) ensure no wait lines outside 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 previous licensee was issued a full on-premises liquor license by the SLA on July 6, 2018; and

WHEREAS, there are nine (9) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant and the SLA LAMP map; and

WHEREAS, the applicant has thirty (30) years' experience operating multiple similar businesses with wine beer and full on-premises liquor licenses within New York City; and

WHEREAS, the Seward Park around Canal East Block Association submitted a letter in support of this application given its method and hours of operation; and

WHEREAS, given that this location will continue to be operated as a full-service restaurant and will operate with daytime hours of operation and early closing times, Community Board 3 would support this application for a full on-premises liquor license with stipulations governing the method of operation of the business; now

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a full on-premises liquor license for Friedman's on Grand LLC., with a proposed business name of Friedman's, for the premises located at 359 Grand Street, between Essex Street and Norfolk 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

- 1) it will operate as a full-service American restaurant with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 7:00 A.M. to 11:00 P.M. all days,
- 3) it will operate a sidewalk café within its building line consisting of two (2) tables and ten (10) seats and hours of operation of 8:00 A.M. to 10:00 P.M. all days,
- 4) it will operate its backyard with four (4) tables and sixteen (16) seats and hours of operation of 8:00 A.M. to 10:00 P.M. all days,
- 5) it will close any front or rear façade entrance doors 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 or during unamplified live performances or televised sports, and will otherwise have a closed fixed facade with no open doors or windows,
- 6) it will play ambient background music only, consisting of recorded music, and will not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 7) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3,
- 8) it will not host pub crawls or party buses,
- 9) it will not have unlimited drink specials with food,
- 10) it will not have "happy hours,"
- 11) it will ensure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 12) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 13) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

Items not heard at Committee

18. Parkside Lounge (Sterling Parkside Corp), 317 E Houston St (op/corp change)
administratively approved
19. Takumi Japanese Cuisine (Takumi Japanese Cuisine II Inc), 112-114 Eldridge St (wb)
administratively approved
20. Yankee Restaurant Pizza Inc, 181 Ave C (wb)
administratively approved
21. Veeray Da Dhaba (Sadguru Inc), 222 1st Ave (wb)
administratively approved
22. Dian Kitchen (Dian Kitchen LLC), 435 E 9th St (b)
administratively approved
23. Vote to adjourn

approved by committee

46 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Landmarks Committee

1. Approval of previous month's minutes approved by committee
2. Certificate of Appropriateness for 538-540 E. 11th St

VOTE: TITLE: Approval of the Certificate of Appropriateness

To approve the application for a Certificate of Appropriateness for 538-540 East 11th Street, aka Free Public Baths of the City of New York

WHEREAS, the Free Public Baths (architect Arnold W. Brunner) was built in 1904-1905 in the neo-Italian Renaissance style, using Indiana limestone on the façade; and

WHEREAS, proposed modifications include:

- installation of grates in the arched openings
- addition of one step to the front stairs, addition of handrails, and change of materials of the stairs to limestone
- replacement of electric lanterns with gas lanterns
- replacement of the bulkhead cladding to make the bulkhead appear less visible;

and

WHEREAS, the new gas lanterns are an appropriate replacement for the existing electric lanterns; and

WHEREAS, the additional step on the stairs and the change of materials to limestone, as well as the handrails, are an improvement over the existing stairs; and

WHEREAS, the change of bulkhead cladding to a zinc panel should diminish its visibility; and

WHEREAS, the grates in the arched openings are a welcome suggestion of their original appearance; and

WHEREAS, there is documentary evidence of the original appearance of the pedimented doorway entrances; and

WHEREAS, the planned restoration of the façade is very welcome; so

THEREFORE BE IT RESOLVED, CB 3 approves the Certificate of Appropriateness for 538-540 East 11th Street.

BE IT FURTHER RESOLVED, CB 3 recommends that, given that documentary evidence exists showing the original pedimented doorway entrances, an effort should be made, along with the proposed changes to the existing gates, to reference the original pedimented doorways.

3. Certificate of Appropriateness for 217 East 5th Street REAR

VOTE: TITLE: Approval of the Certificate of Appropriateness

To approve the application for a Certificate of Appropriateness for 217 Rear East 5th Street

WHEREAS, the rear building at 217 East 5th Street is within the East Village/Lower East Side Historic District; and

WHEREAS, 217 East 5th Street Rear is a three-story Italianate style carriage house, built c. 1862-63 (architect not determined); and

WHEREAS, the application is to provide barrier-free access to all levels of the house as follows

- Add a new ADA lift
- Change existing, non-historic exterior staircase, 2nd floor platform, 3rd floor landing, and 2nd and 3rd floor doors to accommodate the lift and create ADA access to each level
- Add a new rooftop bulkhead to establish ADA access to the existing outdoor roof deck

and

WHEREAS, the East Village/Lower East Side Historic District Designation Report says little about this rear house; and

WHEREAS, the proposed alterations and additions to the building are not visible from the public way; so

THEREFORE BE IT RESOLVED, CB 3 approves the Certificate of Appropriateness for 217 Rear East 5th Street.

4. FY'2022 District Needs Statement and Capital & Expense Priorities

VOTE: To approve FY 2022 District Needs Statement and Capital & Expense Priorities.

5. Vote to adjourn

approved by committee

46 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding Expense Priorities)

45 YES 0 NO 1 ABS 0 PNV MOTION PASSED (Expense Priorities)

Land Use, Zoning, Public & Private Housing Committee

1. Approval of previous month's minutes

approved by committee

2. Grand Street Guild – Minor Modification of Seward Park Extension LSRD to facilitate 2 buildings with approx 480 units of affordable housing at 144 Clinton St and 131 Broome St

VOTE: TITLE: Grand Street Guild – Minor Modification of Seward Park Extension LSRD

WHEREAS, approval is being sought to modify the site plan and zoning calculations for the Seward Park Extension East Large-Scale Residential Development (LSRD) to facilitate the construction of two new buildings with a total of 480 affordable apartments; and

WHEREAS, these modifications consist of:

- a zoning lot change that merges three discrete parcels (Parcel 3A, 3B, and 3C) within the current LSRD and re-labels the new zoning lot as Parcel 3
- updates to the zoning calculations and site plan of this new parcel to reflect the demolition of a parking structure and one-story community facility building, and the construction of two new buildings and proposed open space improvements, and to account for an existing maintenance building which is not currently shown on the LSRD site plan; and

WHEREAS, the LSRD has been modified several times since its creation in 1969 to facilitate the redevelopment of the larger Seward Park Extension Urban Renewal Area, which was created in 1965 and expired and 2005; and

WHEREAS, most recently the LSRD was modified in October 2019 to correct mapping inconsistencies, an action which was approved by this Board; and

WHEREAS, the development this modification would facilitate is located in an R8 zoning district, which allows up to 6.5 FAR for community facility use and 6.02 FAR for residential uses; and

WHEREAS, the development site currently includes six existing buildings, known as the Grand Street Guild, totaling 3.50 FAR:

- three 26-story residential buildings, one of which has a 15,000 square foot drug store on the ground floor
- a two-story parking garage
- a one-story community facility
- a one-story maintenance building; and

WHEREAS, the new construction at the development site will take advantage of the remaining available FAR by:

- demolishing the two-story parking structure
- demolishing the one-story community facility
- constructing a new 15-story building with 235 affordable units (with two-stories of parking) at the southeast corner of Clinton Street and Broome Street with a maximum height of 181 feet and 1.39 FAR
- constructing a new 16-story building with 245 affordable units (with 6,044 square feet of ground floor community facility space) mid-block on the south side of Broome Street between Clinton and Pitt Streets with a maximum height of 190 feet and 1.05 FAR; and

WHEREAS, this proposed development fully complies with the existing R8 zoning and does not require any increase in the allowable FAR on the site; and

WHEREAS, the surrounding area largely consists of other R8 or C6-2 zoning districts (the equivalent of R8), with neighboring buildings including the 20-story buildings at Seward Park Co-op, 14- and 15-story buildings at Essex Crossing, and the existing 26-story buildings at Grand Street Guild; and

WHEREAS, in addition to the 480 total affordable dwelling units, a new parking structure, and a new community facility space, the applicant will improve open spaces adjacent to the new buildings; and

WHEREAS, a public north-south pedestrian connection on the western portion of the LSRD will be opened up along the former route of Attorney Street;

THEREFORE BE IT RESOLVED, Community Board 3 supports the modifications of the Seward Park Extension East LSRD only if the following additional matters are addressed:

- The owners of the development would enter into a legally enforceable agreement with the Grand Street Guild Residents Association agreeing to the points included in the letter written by the Grand Street Guild Management Office to Council Member Margaret Chin dated October 16, 2020.
- The owner will make the new buildings affordable per the New York City Department of Housing Preservation and Development Extremely Low & Low-Income Affordability (ELLA) Program Term Sheet and make best efforts to maintain affordability in perpetuity.
- We recommend that the developer commits to giving priority to local applicants for job openings and to coordinate with the Lower East Side Employment Network.

GRAND STREET GUILD
Management Office 410 Grand Street
New York, New York 10002
October 16, 2020

Hon. Margaret Chin
New York City Council Member 250 Broadway, Suite 1762
New York, NY 10007

Re: Grand Street Guild

Dear Council Member Chin:

We have summarized below the commitments that are being made by the Grand Street Guild to the Grand Street Tenants Association and Grand Street residents in connection with the development of the two new 100% affordable residential buildings on the Grand Street campus. The commitments relate as noted to either or both the new development and to the existing 600 units of affordable housing at Grand Street (the "HUD Projects").

As you know, the development is scheduled for two phases: the first, the construction of multifamily building on the corner of Clinton Street and Broome Street which will include a maximum of 235 apartments and 126 accessory parking spaces (the "Family Project"), and the second, the construction of a senior residential project on Broome Street mid-block between Clinton Street and Pitt Street which will include a maximum of 245 apartments and a community facility space on the ground floor (the "Senior Project")(the Family Project and Senior Project are collectively referred to as the "Projects").

HUD Project Affordability. The Housing Assistance Payment contracts for the HUD Project have been extended through 2035 at which time the HUD Project is obligated under the terms of such HAP contracts to seek an additional fifteen (15) extension through April, 2050. Grand Street will use its best efforts to extend the contracts and maintain affordability after such date.

HUD Project Utilities. Grand Street agrees to continue the current practice and not charge residents of the HUD Projects for utilities subject to any future superseding requirements of HUD and other regulatory agencies.

Affordability. The Projects will be developed under the applicable HPD Term Sheets for the construction of extremely low and low-income multi-family and senior projects. HPD has not yet determined whether the current ELLA program or revised Term sheets will be applicable to the Family

Project but it is anticipated that the terms required will be substantially similar to the current ELLA program including required affordability tiers, rents, marketing bands and OurSpace requirements.

Community Preference. Grand Street will seek Community Preferences for the Projects for Community Board 3 residents to the extent available under existing law.

Construction of Projects. Grand Street will comply with all applicable HPD design and construction requirements and all New York City Zoning Resolution, New York Building Code, New York City Housing Maintenance Code, the New York City Multiple Dwelling Law, the Fair Housing Act and Section 504 of Rehabilitation Act of 1973 requirements with respect to the construction of the Projects including all applicable open space, set back and related zoning requirements including the installation of lighting on the Grand Street campus in conformance with such requirements.

Asbestos Monitoring. As required by applicable DOB regulations, Grand Street will retain an independent asbestos monitoring firm during demolition of the existing garage and during the demolition of the existing day care building. The reports of such consultant will be made immediately available to the Grand Street residents. The contractor for the Projects, Monadnock Construction, will meet with Tenants Association and residents prior to the start of demolition and construction, and as needed thereafter, to review all of its demolition and construction safety protocols and provide additional information relating to the planned work.

Air Purifiers. For the demolition of the garage, the residents of 410 Grand Street with special needs or other agreed issues will be supplied with air purifiers on request. The same protocol will be applied for the residents of 131 Broome Street upon demolition of the day care center.

Parking. Upon the closing of the garage for demolition, the Temporary Parking program previously provided by Grand Street to the HUD Project tenants currently leasing parking spaces at the garage will commence and such residents shall be entitled to all benefits and services provided thereunder. The Family Project will include two stories of underground parking containing 126 accessory parking spaces as has been previously approved by DOB. Grand Street has also agreed to install an air pump and vacuum in the garage subject to DOB rules and approval. Grand Street will not assess any increases in the monthly parking fee while the garage is closed and will cap all increases in the parking fees to two percent (2%) a year until commencement of occupancy in the Senior Project. Thereafter, increases in the monthly parking fees shall be determined pursuant to the HUD rules and approval process.

Amenities. The approved plan for the Family Building includes a child play area and a fitness room. In addition, Grand Street has developed a plan for new site improvements and amenities for the entire Grand Street campus which could potentially include a new playground behind the maintenance building for 5 to 12 year old children, a basketball hoop with area for play (sufficient for young children shooting), a new trellis near the new playground, an upgrade to the existing water feature and addition of new water play features, and the addition of a flower garden adjacent to 410 Grand Street.

TA Office. Grand Street is providing at no charge to the Tenants Association exclusive use of the office in the community space at 131 Broome Street. Grand Street has completed an extensive renovation and installation of new HVAC system at the community space.

In addition, Grand Street has agreed to pay \$5,000 to counsel for the Tenant Association.

Sincerely yours,

Grand Street Guild
By:
Anthony Savarese
Owners Representative

ccs:
Grand Street Guild Board of Directors
Grand Street Guild Tenants Association, Attn: Sandra Strother
Association of New York Catholic Homes, Attn: James McSpritt
Catholic Charities, Archdiocese of New York, Attn: Monsignor Kevin Sullivan
Congress Member Carolyn Maloney
Manhattan Borough President Gale Brewer

NYS Senator Brian Kavanagh
NYS Assembly Member Yuh Line-Niou

AS:mjc

3. FY'2022 District Needs Statement and Capital & Expense Priorities
VOTE: To approve FY 2022 District Needs Statement and Capital & Expense Priorities.
4. Vote to adjourn
approved by committee

46 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding Expense Priorities)

45 YES 0 NO 1 ABS 0 PNV MOTION PASSED (Expense Priorities)

Transportation, Public Safety, & Environment Committee

1. Approval of previous month's minutes
approved by committee
2. Revel: electric scooter service and safety measures
no vote necessary
3. FY'2022 District Needs Statement and Capital & Expense Priorities
no vote necessary
4. Vote to adjourn
approved by committee

46 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding Expense Priorities)

45 YES 0 NO 1 ABS 0 PNV MOTION PASSED (Expense Priorities)

Vote to adjourn

46 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Members Present at Last Vote:

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

Meeting Adjourned