



# THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

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Alysha Lewis-Coleman, Board Chair

Susan Stetzer, District Manager

November 2020 Full Board Minutes

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

### Public Session:

- *Tommy Loeb (Community member)* – On 11/4 there was a community meeting about Pier 42 when EDC presented its latest plan and everybody was quite shocked. People were concerned that about 40% of the space will be taken up by tennis courts and those who attended agreed they are not the highest priority for the community.
- *Wendy Brawer (Community member)* – Asking the city to maintain Pier 36. She asked a riverside walkway be extended to Pier 35 to give additional riverside access.
- *Marco Massaro (120 Orchard Bar Applicant)* – Would like to regard uneasiness the Community Board's uneasiness with 120 Orchard's applicants. Marco has over a decade of experience in the service industry and worked at Taqueria LES just up the block. He was also a resident of Delancey Street and Clinton Street for many years.
- *Ryan Levan (120 Orchard Bar Applicant)* – Asking that the full board reconsider the SLA committee's decision to deny 120 Orchard Bar's application. The location is a continuously licensed location. The SLA committee's resolution does not address the applicants' efforts to caucus with the community. The applicants also have addressed many of the committee's concerns through sound proofing and traffic mitigation.
- *Cameron Schur (120 Orchard Bar Applicant)* – This location has had an existing license for quite a bit of time and the applicants have negotiated in good faith with the community to mitigate concerns. We are in a unique time during Covid-19 and there are estimates that 50-70% of operators could go out of business. Investment in businesses is critically important during this time. The applicants are also already licensed at 244 East Houston Street and this sends a bad message to future business owners who are considering investing in the neighborhood.
- *James Whitefield (120 Orchard Room Applicant)* – Has nearly 10 years of experience in the service industry including as a GM. He has spent the last 6 years working as the manager of licensed businesses in hotels, specifically with the Tao Group. I believe my experience operating bars in a hotel will be an asset to the neighborhood because one of the main jobs is to make sure that hotel guests and bar guests are not intertwined. One of the concerns from the community board was lack of experience, but he is confident in his experience as an operator that he will be able to tackle any community issues.
- *Sandra Strother (President of the Grand Street Guild Residents Association)* – Thanks the board for last month and its support for the new Grand Street Guild towers. Thanks Rodney Washington for adding on to the resolution that the community residents are hired for construction by the developer.
- *Michael Marino (VP of Friends of Corlears Park)* – Thanks everyone for coming out for the Halloween event last week. 125 families came through the park and Gale Brewer and Carlina Rivera attended the party. There will be two more events coming up: 11/29 Annual Fall Rake Up from 10am-1pm and 12/6 4-5pm there will be a tree lighting event.

### Public Officials:

Mayor Bill de Blasio, Andrew Kunkes:

- No report

Public Advocate Jumaane Williams, Phillip Ellison:

- No report

Comptroller Scott Stringer, Luke Wolf:

- Comptroller launched an investigation into how the city addressed the Covid-19 crisis and he has had to sue the city for documents related to the crisis after City Hall did not produce a single document
- Currently 100,000 students without wifi and 13,000 across shelters. Put out a plan focusing on those students

Borough President Gale Brewer:

- February 1 at 5 PM is the deadline for any new community board applicants and re-applicants
- Hosting sessions for the communities that want to apply for FY 22 budget on 12/8 at 4pm. Applications will be due in February.

- Thanking CB3 and Councilmember Rivera working on the Catholic Church properties to understand how much of it can be used for affordable housing and green spaces
- Still working on child care spots – 550 were pulled out of Manhattan and sent to other boroughs

Congressmember Nydia Velazquez, Lingxia Ye:

- Congressmember Velazquez has been distributing turkeys
- Putting pressure on NYCHA to put up a plan to keep residents safe from Covid-19

Congressmember Carolyn Maloney, Victor Montesinos:

- No report

Assemblymember Yuh-Line Niou, Shivani Gonzalez:

- Focused on community meetings for 70 Mulberry

Assemblymember Deborah J. Glick, Charlie Anderson:

- In the community working to support them

Assemblymember Harvey Epstein:

- Gave out 700 turkeys to community members
- Allocated \$100 million rent relief but not all of it was distributed. Governor needs to do a better job of advertising the program and making the application easier.

State Senator Brian Kavanaugh:

- Gubernatorial executive order, administrative changes by the state housing agency, or the legislature could release the remaining \$60 million from the rent relief fund. But it is just a drop in the bucket for what is needed.
- Eviction moratorium is not nearly as comprehensive as needed.
- Working on 174 Forsyth Street which is a HUD funded building that is housing people with hearing challenges and the conditions are very poor. Been working with his state and city colleagues to try and address that.

State Senator Brad M. Hoylman:

- Conference is looking at the \$60 million in unspent funds for rent relief, governor could release it by executive order but he hasn't done that
- Passed a bill making it easier for New Yorkers to fire their gym memberships
- Passed a bill to modify SLAP laws that are intended to silence people, requiring complainants to pay defendants' pleas if the judge rules that the lawsuit was intended to silence
- Pandemic Self-Storage Act would stop any auctions of self-storage during the pandemic
- Will be coming out with his ideas for the Soho/Noho rezoning with Councilmember Rivera and Senator Kavanaugh

Councilmember Margaret Chin, Kana Ervin:

- Council passed a historic age discrimination package that Margaret has been working on for a long time

Councilmember Carlina Rivera, Isabelle Chandler:

- Working to address heat and gas outages as they come up, especially in Haven Plaza

Members Present at First Vote:

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

Troy Velez [P] Kathleen Webster [P] Ricky Wong [P]  
Rodney Washington [P] Jacky Wong [P]

Minutes:

Minutes of September 2020 were approved, as is.

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

Election of Board Officers

Chair- Alysha Lewis Coleman 32, Michael Marino 16 ... Winner Alysha Lewis Coleman  
1st Vice-Chair- Lisa Kaplan 21, Laryssa Shainberg 25, Abstain 2 ... Winner Laryssa Shainberg  
2nd Vice-Chair- Eric Diaz 45, Abstain 3 ... Winner Eric Diaz  
Secretary- Michelle Kuppersmith 46, Abstain 2 ... Winner Michelle Kuppersmith  
Assistant Secretary- Shirley Fennessey 44, Abstain 4 ... Winner Shirley Fennessey  
Treasurer- Thomas Rosa 25, Sandra Strother 22, Abstain 1 ... Winner Thomas Rosa

Board Chairperson's Report:

Chairperson Alysha Lewis-Coleman

- Increase in Covid-19 cases in CD3 and all over the city. DOH has created a new position of Manhattan Director of Test and Tracing, who has reached out to CB3 to help with liaisons to the community. LES Ready will be working on pop up testing on Avenue B and Avenue D (dates coming). There will be a need for volunteers for the testing day.
- CB3 will be throwing a Zoom holiday party and ALC is asking all community board members who have talents to offer their performance services. She is also asking for organizers, please email her.
- Please send any contributions to Michelle for the staff holiday gift.

District Manager's Report:

District Manager Susan Stetzer

- Community board member application is on the CB3 website
- DOT is expediting programs like Street Seats and Bike Corrals without community review
- Still getting many complaints about non-compliance with Open Restaurants mainly: no amplified sound and totally enclosed outside spaces that are not adhering with the 25% occupancy rule for indoor dining. The latter problem has been brought to the city's attention but there hasn't been enough of a response.

Committee Reports:

**Executive Committee**

- Executive Committee Vote

**VOTE:** To add the following to the CB 3 Policies:

Agenda Item Description

Resolutions may be introduced and voted on at any committee meeting where a subject has been placed on the agenda and made public according to CB#3 policy, unless that agenda item has an asterisk\* on it with the explanation at the bottom stating: "Informational presentation. No resolution." Resolutions shall generally be allowed, except where the committee by vote or consensus of the body determines that it would be preferable to defer the matter to a subsequent meeting for legitimate reasons such as gathering further information.

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

Transportation, Public Safety, & Environment Committee

1. Approval of previous month's minutes and roll call (minutes are deemed approved if no objections) approved by committee
2. DOT Freight & Mobility Unit: Houston St Cargo Bike Corral Proposal and delivery strategy updates

**VOTE: TITLE: Community Board 3 support for the Houston Street Cargo Bike Corral**

**Whereas** New York City is developing a comprehensive citywide Smart Truck Management plan to better manage freight in New York City, and

**Whereas** included in this program is the commercial cargo bicycle pilot program, which went public in December 2019, and

**Whereas** Cargo Bike Corrals are designated bike parking areas marked by bike sleds, flexible bollards, and markings in the curbside lane, and

**Whereas** commercial cargo bicycles enrolled in the pilot can load, unload, and stage at the curb wherever commercial vehicles can, and

**Whereas** cargo bike corrals are intended to provide increased bike parking capacity in curbside lane of street where demand outweighs available sidewalk space and alleviates issues with bike parking on street signs, fences, and trees, clearing space on the sidewalk, and

**Whereas** the Houston Street cargo bike corral would replace the designated truck loading zone west of Chrystie street, currently used by cargo bikes, and

**Whereas** Whole Foods Market will be in a maintenance agreement with DOT ensuring the cargo Bike Corral is clear of snow and debris, and will be reporting derelict bikes, and

**Whereas** Amazon has committed to being accessible to CB 3 to resolve any issues, so

**Therefore** be it resolved that Community Board 3 supports the Houston Street Cargo Bike Corral under the following conditions:

- Amazon commits to not use the sidewalk for any purpose including carts, drivers, or management of the program
- Amazon / DOT will return to CB3 for any modification of the proposed use
- Internal use will be utilized first before using public space to minimize the use of the street, thereby increasing safety for pedestrians.

3. Open Restaurant street on Avenue B at 2nd Street: safety issues including emergency lane

**VOTE: TITLE: Open Restaurant street on Avenue B at 2nd Street: safety issues including emergency lane**

**WHEREAS**, the NYC Open Streets: Restaurants program allows for expanded seating for restaurants on select corridors by closing streets to traffic and opening outdoor dining space on the roadbed; and

**WHEREAS**, there is currently an Open Streets: Restaurants closure on Avenue B between East 2nd Street and East 3rd Street and another Open Streets: Restaurant closure on Avenue B between East 3rd Street and East 4th Street; and

**WHEREAS**, current criteria for the Open Streets: Restaurants program requires that the entity managing an Open Street must maintain a 15-foot emergency lane through their open street at all times and must work with DOT and FDNY to ensure emergency access; and

**WHEREAS**, under this program, restaurants may not extend roadway setups beyond the width of their storefront and may not extend in to the mandatory 15-foot emergency lane; and

**WHEREAS**, individual businesses must delineate their footprint with some type of barrier to make the boundaries of restaurants and the emergency access lane clear; and

**WHEREAS**, currently at the Open Streets: Restaurants locations on Avenue B between East 4th Street and East 2nd Street, these requirements are not being followed despite DOT inspections, and the emergency lane is regularly obstructed with seating, creating a hazard for area residents and potentially delaying emergency response times; and

**WHEREAS**, the FDNY previously came to Community Board 3 in July 2020 and September 2020 to express concern that closing parts of Avenue B would lead to delays in their response times, as it requires units leaving the firehouse on East 2nd Street between Avenue B and Avenue C to drive extra blocks west before responding to calls east of the station; and

**WHEREAS**, as reported at the October Community Board 3 District Service Cabinet meeting, an incident occurred on October 10th, 2020 in which an FDNY fire engine was responding to a call at 60 Avenue D and was forced to turn around and reroute down Houston Street because of the lack of emergency access at the Open Streets: Restaurants locations on Avenue B;

**THEREFORE BE IT RESOLVED**, Community Board 3 requests improved inspections with enforcement of the Open Streets: Restaurants program requirements for emergency access on Avenue B between East 2nd and East 4th Street, including delineation and maintenance of a clear emergency access lane at all times; and

**THEREFORE BE IT FURTHER RESOLVED**, Community Board 3 requests improved inspections with enforcement of the requirements on the width of restaurant setups in the roadbed on Avenue B

between East 2nd and East 4th Street in order to limit the private, for-profit use of public space beyond what the Open Streets: Restaurants program expressly allows.

4. DOT Freight & Mobility Unit: Expanding the protected bike network: Avenue C and E. Houston St proposal

**VOTE: TITLE: NYC DOT Bicycle Unit: Expanding the protected bike network: Avenue C and E Houston St proposal**

**WHEREAS**, the New York City Department of Transportation (DOT) is proposing two new protected bike lanes in Community Board 3, with one running in both directions on Houston Street between Second Avenue and the waterfront, and the other running in both directions on Avenue C from Houston Street to 20th Street; and

**WHEREAS**, this proposal comes ahead of the start of construction for the East Side Coastal Resiliency (ESCR) Project which will temporarily close an important north-south, car-free cycling connection through East River Park; and

**WHEREAS**, the proposal for protected bike lanes on Avenue C will provide bike lane linkage to replace the bike lanes in East River Park that will be closed for the ESCR Project; and

**WHEREAS**, on Houston Street between 2nd Avenue and the waterfront and along these 4 north-south corridors, there have been 28 cyclist injuries, and during the prior year there were 30 cyclist injuries, as well as two incidents involving cyclists where pedestrians were injured; and

**WHEREAS**, East River Greenway ride count data the East River Greenway bike path currently serves 1600-2100 riders per day based on DOT data and these riders will need a safe alternative when the bike path is temporarily closed, and

**WHEREAS**, 112 parking spaces will be lost to accommodate the installation of the bike lanes, and

**WHEREAS**, loading zones will need to be created to accommodate the needs of local businesses, but the needs of the businesses has not yet been surveyed, and

**WHEREAS**, description of proposed protected lanes—describe how they are moving on-street parking locations, installing painted barriers, shortening pedestrian crossings at intersections, etc.

**THEREFORE BE IT RESOLVED**, DOT as next step should outreach to the residents and businesses of the community along the entire route to ensure community support and to understand needs created by the street change, and

**THEREFORE BE IT FURTHER RESOLVED**, DOT should design the safest possible bikes lanes with as much physical separation from the travel lanes on the narrow stretch of Avenue C between Houston Street and 4th Street, and

**THEREFORE BE IT FURTHER RESOLVED**, DOT should consider creating a separated bike lane on the blocks where they are sandwiched between the moving lane and the parked cars, and

**THEREFORE BE IT FURTHER RESOLVED**, DOT has committed to Community Board 3 for an update on the design before installation occurs

5. Vote to adjourn  
approved by committee

**47 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding Transportation items 2, 3, 4)**

**46 YES 0 NO 1 ABS 0 PNV MOTION PASSED (Transportation items 2, 3, 4)**

#### **Economic Development Committee**

1. Approval of previous month's minutes and roll call (minutes are deemed approved if no objections) approved by committee
2. DOB: information for small businesses on outdoor heating requirements  
no vote necessary
3. Support for grants for small businesses to winterize outdoor spaces

**VOTE: TITLE: To Support for Grants for Small businesses to Winterize Outdoor Spaces**

Whereas, small businesses make up a significant portion of the Manhattan CB3 economy, employ a large number of workers and immigrant workers, and remain vulnerable to a new wave of impacts from the COVID-19 pandemic; and

Whereas, Community Board 3 recognizes the recent efforts of the City Council and Mayor's Office to rescue small businesses and provide economic stimulus through the Open Restaurants and Open Storefronts programs and also by approving and providing guidance about outdoor heating to continue these programs through the winter; and

Whereas, recognizing that in addition to restaurants and stores, local non-profits and cultural institutions, many of whom operate outdoor spaces, also add to the economic, social and cultural well-being of our community; and

Whereas, federal relief for states, municipalities, small businesses and workers are unlikely to become available in time to address the impact of winter weather; now

Therefore Be It Resolved, that Community Board 3 supports measures by the City and City Council, as well as by local associations, to sustain small businesses and protect the public from the spread of COVID19; and

Therefore Be It Further Resolved, that Community Board 3 requests that Small Business Services (SBS) optimize the PPE + Reopening Supplies Marketplace to include outdoor heating devices, such as propane, electrical and solar devices, and support grants for such supplies as well as to construct and maintain safe and stable temporary curb structures for all small businesses including restaurants, retail stores as well as local non-profits and cultural institutions.

4. Update on Special District

no vote necessary

5. Report from Arts & Cultural Affairs Subcommittee—Support for City agencies to increase funding opportunities, and Support for NYC Council Proposed legislation Int 2068-2020 to facilitate outdoor permitting for art events and performances

**VOTE: TITLE: Resolution to Request NYC to Institute WPA-Style Program to Employ Artists and to request City Agencies including DCLA, DOT, DYCD, DSNY, DOE, Parks & MOME to increase funding opportunities in the current budget for artists and arts organizations.**

Whereas, the Arts & Culture sector has experienced extensive damage from the Pause program enacted by NYS as a necessary response to Covid-19; and

Whereas, approximately 70% of the arts community has had their funding cut according to Senator Jose Serrano; and

Whereas, many gig economy artists and cultural producers had no income since March and were either unable to access unemployment benefits or did not qualify for months; and

Whereas, the prospects of new commissions and projects are nonexistent since theaters, venues and all live-performance initiatives are indefinitely shuttered; and

Whereas, the economic hit that the arts and cultural sector is receiving will have long term impacts depending on sector specificities; and

Therefore, in order to assuage the damage to the visual & performing arts industry we request that the City create WPA style programs to employ artists and cultural workers for the next 3-5 years as the impacted Arts & Cultural industries re-bounce.

6. Vote to adjourn

approved by committee

**47 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding Economic Development items 3, 5)**

**46 YES 0 NO 1 ABS 0 PNV MOTION PASSED (Economic Development items 3, 5)**

#### **Parks, Recreation, Waterfront, & Resiliency Committee**

1. Approval of previous month's minutes and roll call (minutes are deemed approved if no objections)  
approved by committee

2. Parks Manager Update / JAMAL  
no vote necessary

3. DDC: East Side Coastal Resiliency update  
no vote necessary

4. EDC: BMCR Outreach Update  
no vote necessary

5. EDC/Dock NYC: Pier 36 Public Access  
no vote necessary
6. EDC: Pier 42 construction update  
no vote necessary
7. Vote to adjourn  
approved by committee

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

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

1. Approval of previous month's minutes and roll call (minutes are deemed approved if no objection)  
approved by committee
2. Center for Sustainable Development (CSD)'s presentation of an education proposal to address digital fatigue and learning loss associated with COVID-19 for learners and families  
no vote necessary
3. CAB reports  
no vote necessary
4. Vote to adjourn  
approved by committee

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

**SLA & DCA Licensing Committee**

1. Approval of previous month's minutes and roll call (minutes are deemed approved if no objections)  
approved by committee

**Alterations**

2. 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
3. Noree Thai Bazaar (Noree Thai Bazaar Inc), 274 Grand St btwn Forsyth & Eldridge Sts (op/alt/customer bar-decrease from 26' to 21', bar seat-decrease from 13 to 9, bathroom-decrease from 3 on ground level to 2)

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

**WHEREAS**, Noree Thai Bazaar Inc., doing business as Noree Thai Bazaar, is seeking an alteration of its full on-premises liquor license for the premises located at 274 Grand Street, between Forsyth Street and Eldridge Street, New York, New York, to wit decreasing its bar size and number of stools at its bar and decreasing its bathrooms; and

**WHEREAS**, this is an application for a Thai restaurant with a certificate of occupancy seventy-four (74) people, twenty-three (23) tables and forty-four (44) seats, a fourteen (14) foot bar with nine (9) stools, hours of operation of 12:00 P.M. to 2:00 A.M. all days, a kitchen serving food during all hours of operation, French doors, three (3) television and recorded background music; and

**WHEREAS**, a letter submitted by the attorney for the applicant reflects that the applicant is seeking to decrease the length of its bar from twenty-six (26) feet to twenty-one (21) feet, decrease its bar stools from thirteen (13) stools to nine (9) stools and decrease the number of bathrooms; and

**WHEREAS**, this applicant was denied a full on-premises liquor license by Community Board 3 in May of 2018 unless the applicant agreed to make as conditions of its license stipulations that it would 1) operate as a full-service Thai restaurant, with a kitchen open and serving food during all hours of operation, 2) have hours of operation of 11:00 A.M. to 11:00 P.M. Sundays through Wednesdays and 11:00 P.M. to 12:00 A.M. Thursdays through Saturdays, 3) not commercially operate any outdoor areas, 4) close any front or rear façade entrance doors at 10:00 P.M. every night or when amplified sound is playing and otherwise have a closed fixed facade with no open doors or windows, 5) play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee would be charged, 6) not apply for any alteration in its method of operation without first appearing before Community Board 3, 7) not have "happy hours," 8) not host pub crawls or party buses, 9) not have unlimited drink specials with food, 10) not have wait lines 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 applicant was issued a full on-premises liquor license by the SLA on May 1, 2018; and

**WHEREAS**, this applicant was denied a change in its method of operation to extend its hours of operation by Community Board 3 in March of 2020 unless the applicant agreed to make as conditions of its license stipulations that it would 1) operate a full-service Thai restaurant, with a kitchen open and serving food during all hours of operation, 2) have hours of operation of 12:00 P.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, 6) not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3, 7) not host pub crawls or party buses, 8) not have unlimited drink specials with food, 9) not have "happy hours," 10) not have wait lines outside and designate an employee to oversee patrons and noise on the sidewalk and oversee the front of the business when the façade is open to ensure no noise and crowds outside, 11) 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 SLA disapproved the method of operation application on July 31, 2020, because of inconsistencies between the physical layout represented in the original application and the actual layout of the business; and

**WHEREAS**, the SLA suspended the full on-premises liquor license for this applicant after investigators observed patrons inside of the business and unmasked employees on August 21, 2020; and

**WHEREAS**, the applicant has now clarified that the application that it originally submitted to the SLA reflected that there is a twenty-six (26) foot bar with thirteen (13) stools and three (3) bathrooms and omitted that the second floor would be used only for storage although the business actually has a fourteen (14) foot bar with nine (9) stools and two (2) bathrooms and uses the second floor for storage, all of which had been included in its original community board application; and

**WHEREAS**, given that applicant is applying for an alteration to reflect the actual layout of its business, Community Board 3 would approve this application for an alteration of this license; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 recommends the approval of the application for an alteration of the full on-premises liquor license of Noree Thai Bazaar Inc., doing business as Noree Thai Bazaar, for the premises located at 274 Grand Street, between Forsyth Street and Eldridge Street, New York, New York, reflecting that the business has a fourteen (14) foot bar with nine (9) stools and two (2) bathrooms and uses the second floor for storage.

#### **New Liquor License Applications**

4. Ooh La (Maestro Coffee Roaster LLC), 19-21 Clinton St btwn E Houston & Stanton Sts (wb)

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

**WHEREAS**, Maestro Coffee Roaster LLC is seeking a wine beer license to operate a coffee shop cafe, with a proposed business name of Ooh La La, in the premises located at 19-21 Clinton Street, between East Houston Street and Stanton Street, New York, New York; and

**WHEREAS**, this applicant is seeking to operate a coffee shop café with a certificate of occupancy of fifteen (15) people, five (5) tables and twelve (12) seats, a nine (9) foot by five (5) foot bar with three (3) stools, a prep area serving food during all hours of operation, hours of operation of 7:00 A.M. to 1:00 A.M. all days, one (1) television, recorded background music and happy hours; and

**WHEREAS**, this location has been a longstanding cocoa dessert bar coffee shop and its last licensee was administrative approved a wine beer license by Community Board 3 in June of 2018 provided that the applicant agreed to make as conditions of its license stipulations that it would 1) serve food during all hours of operation, 2) have hours of operation of 9:00 A.M. to 10:00 P.M. Sundays, 9:00 A.M. to 11:00 P.M. Mondays through Thursdays and 9:00 A.M. to 12:00 A.M. Fridays and Saturdays, 3) not commercially operate any outdoor areas, 4) close any front or rear façade 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, consisting of recorded music, but not have DJs, live music, promoted events, scheduled performances or any events at which a cover fee would be charged, 6) not apply for any alteration in its method of operation without first appearing before Community Board 3, 7) not host pub crawls or party buses, 8) not have unlimited



drink specials with food, 9) have happy hours to 7:00 P.M. each night, 10) not have wait lines wait lines outside and designate an employee to oversee patrons and noise on the sidewalk, 11) conspicuously post its 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 then issued a wine beer license by the SLA on September 12, 2018; and

**WHEREAS**, the applicant has no experience operating a licensed business, but the principals have three (3) and four (4) years' experience as bartenders respectively; and

**WHEREAS**, given that this location will continue to be operated as a coffee shop with daytime hours of operation, Community Board 3 would support this application for a wine beer 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 wine beer license for Maestro Coffee Roaster LLC, with a proposed business name of Ooh La La, for the premises located at 19-21 Clinton Street, between East Houston Street and Stanton 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 coffee shop cafe with less than a full kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 7:00 A.M. to 1:00 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 7:00 P.M. each night,
- 10) it will ensure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 11) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 12) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

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

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

**WHEREAS**, an entity to be formed by principal Leroy Garcia is seeking a full on-premises liquor license to operate a tavern lounge in the premises located at 51 First Avenue, between East 3rd Street and East 4th Street, New York, New York; and

**WHEREAS**, this applicant is seeking to operate a tavern lounge on the ground floor and basement with a certificate of occupancy of one hundred fifty-one (151) people, ten (10) tables and twenty-six (26) seats, a fifteen (15) foot bar with fourteen (14) stools on the ground floor, hours of operation of 1:00 P.M. to 2:00 A.M. Sundays through Wednesdays and 1:00 P.M. to 4:00 P.M. Thursdays through Saturdays, a prep area serving appetizers to 12:00 A.M. all days, a closed facade, four (4) televisions, recorded music and DJs at background levels, "community outreach and programming" consisting of educational talks and presentations for small businesses and networking events, security and happy hours; and

**WHEREAS**, this location has been a longstanding tavern hookah lounge doing business as Karma and has previously been operated as a tavern by various proprietors since the 1970s; and

**WHEREAS**, the previous licensee J&J International New York Inc. was issued a full on-premises liquor license by the SLA on March 1, 2000; and

**WHEREAS**, the original method of operation of the previous licensee, according to stipulations signed with Community Board 3 and dated October 28, 1999, was for a business 1) serving food during all hours of operation, 2) not commercially using any outdoor space, 3) not having DJs, 4) not having dancing without a cabaret license, 5) not having live music, and 6) operating according to the hours of operation represented in its application; and

**WHEREAS**, the previous licensee was denied a renewal of its full on-premises liquor license by Community Board 3 in February of 2004 because of complaints of noise, that it was open past its legal operating hours, that it had DJs contrary to its original method of operation and that it had illegally converted a service bar to a stand up bar; and

**WHEREAS**, the previous licensee was then denied an alteration by Community Board 3 in March of 2007 to expand its occupancy in the basement because it conceded at that time that it was making the alteration to address continuing issues of noise and crowds in front of the business and because it had been nuisance abated in December of 2006; and

**WHEREAS**, the previous licensee was heard for a renewal of its full on-premises liquor license by Community Board 3 in February of 2016, because of numerous complaints from residents about its inability to control noisy violent patrons in front of its business and Community Board 3 then asked the SLA to investigate the licensee for violations of its method of operation and to work with local police to protect residents from the violence they had observed in front of this business; and

**WHEREAS**, there are two (2) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant but there are four (4) full on-premises liquor licenses within five hundred (500) feet of this location per the SLA LAMP map; and

**WHEREAS**, the applicant has no experience operating a licensed business but has ten (10) years' experience as a consultant and promoter to licensed businesses and has also provided licensed businesses with host and security services; and

**WHEREAS**, the applicant submitted a written statement, detailing its experience and community involvement, and two (2) letters from longtime associates, attesting to its character and responsibility; and

**WHEREAS**, the board of Village View Housing Corporation, which represents multiple residential buildings across the street from this location comprised of twenty-five hundred (2,500) tenants consisting of elderly people and young families, submitted a letter and its chairperson and a board member appeared in opposition to this application, stating that 1) they had met with the applicant and were concerned that the proposed business would be the same as Karma whose patrons were loud, unruly and violent late at night both in front of the business and around the residential buildings across the street, 2) the applicant had no experience operating a licensed business, and 3) there is no public benefit in the addition of a tavern to this area which has numerous licensed businesses, including taverns; and

**WHEREAS**, four (4) residents of 60 First Avenue, which is part of Village View Housing Corporation, and one (1) resident of 51 First Avenue submitted letters in opposition to this application, stating that they did not want another tavern at this location given their longtime bad experience with Karma which included numerous complaints of noise and patrons fighting in front of the business; and

**WHEREAS**, consistent with these complaints, the previous licensee had entered into a conditional no contest plea before the SLA on September 8, 2006, for an underage sale, sustained charges on December 24, 2008, for blocked exits, entered into a conditional no contest plea on January 15, 2010, for inadequate emergency exits and an underage sale and entered into a conditional no contest plea on January 21, 2011, for an underage sale; and

**WHEREAS**, also consistent with these complaints, the business received twenty-five (25) 311 commercial noise complaints from October 2, 2018 to October 3, 2020; and

**WHEREAS**, although the applicant had submitted application materials and originally stated that it would maintain the business name of Karma and its method of operation as a hookah lounge and one of the principals would be the previous licensee J&J International New York Inc., the applicant has now stated that it will not maintain the business name of Karma or its method of operation as a hookah

lounge, it will restrict its patrons to the ground floor of the business and use the basement for food preparation and storage and J&J International New York Inc. is no longer one of the principals; and

**WHEREAS**, given that this location has been continuously licensed since before 1993, Community Board 3 believes that this application for a full on-premises liquor license will be subjected to a lesser standard of review; and

**WHEREAS**, given these circumstances, Community Board 3 would support this application for a full on-premises liquor license with stipulations governing the method of operation of the business, including earlier closing hours; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 recommends the denial of the application for a full on-premises liquor license for an entity to be formed by principal Leroy Garcia, for the premises located at 51 First 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 tavern lounge, with less than a full kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 1:00 P.M. to 12:00 A.M. Sundays through Wednesdays and 1:00 P.M. to 2:00 A.M. Thursdays through Saturdays,
- 3) it will not commercially operate any outdoor areas,
- 4) it will employ at least one (1) security guard weekends, who will be stationed at the entrance, and will employ additional security guards, if 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 DJs, and will not have live music, scheduled performances or any event at which a cover fee will be charged but may have promoted events consisting only of educational talks and presentations and small business and networking events no more than two (2) times per month, between 5:00 P.M. and 10:00 P.M., and may employ a DJ during these events, as well as up to two (2) times per week as part of its regular operations,
- 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 5:00 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.

6. Via Della Pace (48 E Seventh Street Associates Inc), 87 E 4th St (op)  
withdrawn

7. Peppa's Jerk Chicken (San Peppas Jerk Chicken Express Inc IV), 90-96 Stanton St (op)  
withdrawn

8. 120 Orchard Bar LLC, 120 Orchard St btwn Rivington & Delancey Sts (op)

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

**WHEREAS**, 120 Orchard Bar LLC is seeking a full on-premises liquor license to operate a tavern lounge in the premises located at 120 Orchard Street, between Rivington Street and Delancey Street, New York, New York; and

**WHEREAS**, the applicant is proposing to operate a tavern lounge with a certificate of occupancy of two hundred seventy-nine (279) people on the ground floor and basement, eighteen (18) tables and one hundred three (103) seats, a twenty-five (25) foot bar with eleven (11) stools on the ground floor and a fifteen (15) foot bar with six (6) stools in the basement, hours of operation of 4:00 P.M. to 4:00 A.M. Mondays through Fridays and 12:00 P.M. to 4:00 A.M. Saturdays and Sundays, a prep area serving Asian food during all hours of operation, two (2) televisions, recorded and live music and DJs at background and entertainment levels, scheduled performances and events with cover fees, private parties, security, happy hours and wait lines outside; and

**WHEREAS**, the applicant has stated that this is a sale of assets of an existing tavern with a full on-premises liquor license and that the SLA has already issued the applicant a temporary license; and

**WHEREAS**, the applicant has stated that it is intending to operate a tavern lounge with live music and DJs in the basement and a lounge eating area with a "robust menu" and recorded background music on the ground floor; and

**WHEREAS**, the previous licensee at this location was a longstanding local tavern that had to relocate within the neighborhood and was denied a full on-premises liquor license by Community Board 3 in April of 2014 at its new location unless the applicant agreed to make as conditions of its license stipulations that it would 1) operate as a tavern with music and art and serving food during all hours of operations, 2) have hours of operation of 4:00 P.M. to 4:00 A.M. all days, 3) play ambient and entertainment level music, consisting of recorded music, live music and DJs and have scheduled performances, but not have promoted events or any event at which a cover fee would be charged, 4) not commercially operate any outdoor areas, 5) have a closed fixed façade with no open doors or windows, 6) not apply for any alteration in its method of operation without first appearing before Community Board 3, 7) have "happy hours" to 9:00 P.M., 8) not host pub crawls or party buses, 9) employ security guards all days and have at least one (1) security guard outside the front door from 10:00 P.M. to closing, 10) install additional soundproofing, if needed, 11) not have wait lines outside and designate an employee to oversee crowds and noise outside, 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 September 16, 2014; and

**WHEREAS**, there are twenty-six (26) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant but twenty-eight (28) 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**, the applicant has stated that the public benefit for approving a full on-premises liquor license for this location is that it is intending to operate this location consistent with how it has been operating for the past eighteen (18) years but in a more upscale and community-conscious manner; and

**WHEREAS**, the applicant has no experience operating a licensed business but two (2) of the principals have experience working in eating and drinking establishments, including businesses in the area, and the applicant was issued a conditional approval letter by the SLA on October 14, 2020, for a full on-premises liquor license for the premises located at 244 East Houston Street, New York, New York, which is not yet open; and

**WHEREAS**, this applicant was heard by Community Board 3 in October of 2020 and withdrew its application at that time to address community concerns about its proposed method of operation and the operation of the previous business that were raised during that hearing; and

**WHEREAS**, given the concerns expressed by residents and the community board, the applicant has now submitted a statement and stated that, in addition to what it has already proposed in its original application, the applicant will agree to keep its doors and windows closed, make its best efforts to maintain order inside and outside of the business, ensure that patrons leave in a quiet, respectful manner, discourage patrons from congregating outside and clear the area of patrons immediately after closing and not have outside promoters, scheduled entertainment, events focused on drink specials or events with cover fees but cannot otherwise amend its method of operation because its business model will no longer be sustainable; and

**WHEREAS**, the applicant furnished one (1) letter from an area resident in support of its application and eight (8) people, appeared, three (3) of whom spoke, in support of this application, stating that they know the principals personally and professionally and believe that the principals will be responsible business owners who will positively contribute to the area; and

**WHEREAS**, the LES Dwellers submitted a letter and its representatives appeared, stating that their organization had met with the applicant and is opposed to a full on-premises liquor license for this applicant at this location given that 1) although it had tried to work with the applicant about its method of operation, there remain outstanding issues about security, DJs, wait lines, a sidewalk café and the proposed hours of operation, 2) there is no public benefit in adding another large-scale

nightlife driven venue in this area because there are already too many full on-premises liquor licenses within five hundred (500) feet of this location and this area is already overserved by tavern lounges, 3) the elements of this business, to wit DJs, live music, promoted events, late night closings, two (2) floors with two (2) bars, a huge capacity, wait lines and security will have a more significant impact on the residents of the immediate area than another type of business, 4) the previous business at this location had a long history of resident complaints of loud unruly patrons on the street and sidewalk in front of the business, including complaints in 2015 and 2016 from residents of 119 Allen Street and 124 Allen Street about loud unruly patrons gathering in front of the business, wait lines, vomit and trash from patrons in the adjacent residential entrances and drunk patrons in the hallways of the adjacent residences, which have proven that the next business has the potential to also have a significant impact on the community, 5) the people who have now appeared to speak in opposition to this application are residents of the immediate area who are directly impacted by any new business and they are already suffering from traffic congestion, incredible loud noise and raucous patrons on the streets and another business with the same method of operation will perpetuate the existing problems, 6) this applicant has no experience operating a licensed business, and 7) residents who live in this community and work to support this city need businesses that will serve them within their community rather than another licensed business; and

**WHEREAS**, a representative of the Chinatown Core Block Association appeared in opposition to this application, stating that he has experience designing menus for Chinese restaurants and reviewed the proposed menu which he did not find to be robust given that it contains few choices consisting of only frozen food items; and

**WHEREAS**, tenant representatives of 10 Stanton Street, 189 Allen Street and First Houses, three (3) area New York City Housing Authority developments, appeared in opposition to this application, one (1) of whom spoke, stating that 1) this location is a large capacity establishment with the potential to significantly adversely affect residents, 2) the existing businesses in this area are not adequately addressing the aftermath of their operation which is people, noise, trash, urine and horn honking, on the streets which were once primarily residential and what was once a neighborhood has become no more than a "backdrop" for bars and their patrons, 3) given these wide ranging problems, having security at a particular business is not effective given that it only pushes patrons down the street away from a particular business, which does not alleviate the conditions in the area, and 4) residents need a variety of businesses to support their community rather than another tavern; and

**WHEREAS**, representatives of the Suffolk Street Block Association and the Bowery Block Association, appeared, one (1) of whom spoke, in opposition to this application, citing the number of full on-premises liquor license within five hundred (500) feet of this location, which includes nine (9) full on-premises liquor licenses within the same block; and

**WHEREAS**, two (2) residents of the adjacent building 122 Orchard Street, who also work in the nightlife industry, appeared in opposition to this application, stating that the conditions outside of their building because of the existing business are horrible, that its patrons are always trying to enter their building, that they urinate and vomit in the entryway of the building and that security for the existing business does nothing to control the patrons; and

**WHEREAS**, fifteen (15) other residents of the immediate area appeared, two (2) of whom spoke, in opposition to this application, expressing concern about the size of the business and the proposed late-night hours of operation, as well as about the unlivable conditions in the area because of the existing licensed businesses and their patrons who congregate on the streets; and

**WHEREAS**, consistent with these complaints, the previous business received thirty-six (36) 311 commercial noise complaints in the past year, sixteen (16) of which required police action to correct; and

**WHEREAS**, Community Board 3 recognizes that this premises, which is located on a narrow one-lane street with small-scale, primarily residential buildings with ground floor commercial spaces, is substantially different from the premises located at 244 East Houston Street, New York, New York, for which the applicant was recently approved a full on-premises liquor, because that premises is located on a wide commercial avenue and because the previous business had no substantial history of complaints; and

**WHEREAS**, although the applicant stated during its second community board hearing that it needs to have DJs, security, the proposed hours of operation and a sidewalk café as part of its business plan, the applicant then stated that it could reduce its closing times Sundays through Thursdays and that it

had developed a plan to have no wait lines in an effort to garner approval of its application for a full on-premises liquor license but Community Board 3 were unpersuaded that these were well considered proposals given the repeated statements of the applicant that it needed to maintain certain elements to sustain its business plan and because they were insufficient in the face of the arguments against supporting this application; and

**WHEREAS**, Community Board 3 cannot support this application given that the applicant has no experience operating a licensed business, there is overwhelming community opposition to the addition of a full on-premises liquor license at this location, there is a long history of complaints about the previous business at this location which includes numerous complaints of noisy rowdy patrons on the street and sidewalk in front of the business and in the adjacent residential buildings, the intolerable conditions in the area have not abated during this pandemic and there is no public benefit in opening a tavern lounge with limited food, DJs, in-house promoted events, security and wait lines in an area well-served with similar businesses; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 recommends the denial of the application for a full on-premises liquor license for 120 Orchard Bar LLC for the premises located at 120 Orchard Street, between Rivington Street and Delancey Street, New York, New York.

9. Avenue A Gourmet LLC, 202 Ave A btwn E 12th & E 13th Sts (op)

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

**WHEREAS**, Avenue A Gourmet LLC is seeking a full on-premises liquor license to operate a restaurant in the premises located at 202 Avenue A, between East 12th Street and East 13th Street, New York , New York; and

**WHEREAS**, this applicant is proposing to operate a Latin restaurant with a certificate of occupancy of seventy-four (74) people, twenty-three (23) tables and fifty-four (54) seats inside and three (3) tables and six (6) seats at a sidewalk cafe, a thirty-two (32) foot bar with twelve (12) stools in the front of the business, a kitchen open during all hours of operation, hours of operation of 11:00 A.M. to 11:00 P.M. Sundays, 11:00 A.M. to 12:00 A.M. Mondays through Wednesdays and 11:00 A.M. to 2:00 A.M. Thursdays through Saturdays, accordion doors, one (1) television, recorded background music, four (4) private parties per month, security and happy hours; and

**WHEREAS**, this location has never housed a licensed business and is located on a narrow two-lane street comprised of residential buildings with ground floor commercial space; and

**WHEREAS**, although included in its notice to the SLA, the attorney for the applicant submitted a statement that the applicant is no longer proposing to have security; and

**WHEREAS**, Community Board 3 informed the applicant that it would have to separately apply for a sidewalk café permit and that a sidewalk café would not be considered as part of this application given that there is no preexisting sidewalk café at this location; and

**WHEREAS**, there are eleven (11) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant but there are twelve (12) full on-premises liquor licenses and two (2) pending full on-premises liquor licenses within five hundred (500) feet of this location per the SLA LAMP map; and

**WHEREAS**, the applicant has stated that the public benefit for approving a full on-premises liquor license for this location is that it is an existing restaurant owner in the community that wants to operate a fine dining restaurant; and

**WHEREAS**, the applicant had operated a Spanish tapas restaurant with a wine beer license, located at 174 First Avenue, New York, New York from 2010 to 2018, has operated the same business at 85 Second Avenue since 2018 which was issued a wine beer license by the SLA on October 12, 2018, and has been approved a full on-premises liquor license by the SLA on September 28, 2020 for a newly opened restaurant at 29 Second Avenue, New York, New York; and

**WHEREAS**, four (4) residents of the immediate area appeared in support of this application, stating that they 1) support new businesses and commerce in the area, 2) would like to see more restaurants with great food and liquor in the area given that this area is known for its restaurants, 3) support the applicant who is a responsible great restaurant operator whose business will add value to the neighborhood, and 4) believe that the applicant should not be denied an opportunity to open a restaurant to support the declining retail market; and

**WHEREAS**, the North Avenue A Neighborhood Association, a local resident's association, submitted a letter and representatives appeared in opposition to this application, stating that the association had met with one of the principals of the applicant and is opposed to this application given that 1) there are already too many full on-premises liquor licenses within five hundred (500) feet of this location, there are restaurants with full on-premises liquor licenses and wine beer licenses and a liquor store on this block and the area is already overcrowded with patrons and noise, 2) the occupancy of the business, its late night closing hours, large bar located near the front of the business and open façade will add to the worsening crowds and noise in the area, 3) this is a previously unlicensed location and this organization has successfully worked with landlords to fill available storefronts with daytime retail and service businesses which has resulted in multiple daytime businesses and a veterinarian replacing licensed businesses on this block, 4) the principal Eli Liedman is also a principal of Highpoint Property Group, the developer and landlord of the building who has already been a poor property owner at other buildings in the immediate area where it has permitted roof deck and balcony parties which have generated many resident complaints, for which there has had to be police and community board mediation, and there is concern that this newly constructed building, which also has a roof deck and balconies, will add to this already noisy area from its rooftop to the proposed open ground floor commercial space, 5) the applicant has no familiarity with the historic issues on Avenue A regarding patron noise and congestion from licensed businesses which are different from the wider avenues where it has its existing businesses, 6) the applicant has never operated a business with a full on-premises liquor license and has only been issued a full on-premises liquor license for its business on Second Avenue at the end of September, and 7) the applicant could articulate no public benefit in that it stated that it would be adding a quality cultural dining establishment to an area already well-served with numerous restaurants; and

**WHEREAS**, the East Village Community Coalition, an organization serving area businesses and residents, submitted a letter and a representative appeared to state that 1) it had also met with one of the principals and expressed concern that there were discrepancies between what that principal stated it was proposing to operate and what was included in the questionnaire submitted to Community Board 3 and prepared by the other principal and that the principal had stated that it would revise its application materials but never did, 2) there are already three (3) restaurants and a liquor store on this block and the block does not need an additional licensed business, 4) there are vacant previously licensed locations in the area that this applicant could occupy rather than adding another licensed business to an unlicensed location that there are numerous existing licensed and other business which should have community support rather than supporting the addition of a new business with a full on-premises liquor license to a location that has not been previously licensed, 5) both this organization and the North Avenue A Neighborhood Association have worked for years to encourage landlords to replace closing bars and restaurants on upper Avenue A with other businesses which has been successful, and 6) during the construction phase of this building, they sent a letter to the developer of this building asking that it place much-needed daytime retail business in its ground floor commercial space as that has been a community need identified by her and other community organizations; and

**WHEREAS**, the East 13th Street (A-B) Block Association submitted a letter in opposition to this application given that 1) there are too many licensed businesses in the area which has caused this area be overwhelmed with noise and mayhem, especially on weekends 2) the proposed open façade, large bar situated by the open facade and later weekend closing times will exacerbate the existing conditions and negatively impact residents who have already been suffering from these conditions, 3) there are many businesses that provide Latin food in the area so there is no public benefit in adding a similar restaurant, and 4) the community sorely needs daytime retail and service businesses that residents can use rather than another eating and drinking business; and

**WHEREAS**, a resident of the area and member of the North Avenue A Neighborhood Association submitted a letter in opposition to this application, stating that 1) there are eleven (11) full on-premises liquor licenses within five hundred (500) feet of this location, 2) this is an unlicensed location, 3) there is no public benefit in the addition of a restaurant in an area that is amply served by other restaurants, 4) it is unfair to create competition for existing struggling restaurants by approving this business, and 5) recent community board surveys have confirmed that this area needs daytime retail and service businesses rather than additional restaurants; and

**WHEREAS**, seven (7) residents of the immediate area submitted letters in opposition to this application, stating that 1) there are already too many licensed businesses in this area which has created a "frat party atmosphere" in a residential neighborhood, 2) the area is already overcrowded with patrons, resulting in noisy, congested and blocked sidewalks and streets, 3) the occupancy of the

business, its late night closing hours, large bar located near the front of the business and open façade will add to the existing crowds and noise, 3) this is a previously unlicensed location, 4) Highpoint Property Group is a lax landlord who has permitted loud parties on its roof top and balconies, and 5) there is no public benefit in the addition of another licensed eating and drinking business in an area with so many bars and restaurants; and

**WHEREAS**, during its community board hearing, the attorney for the applicant proposed alternative closing times for the proposed business and the applicant stated that it had considered relocating the proposed bar in an effort to respond to community concerns but did not provide proposed alternative plans to the residents or Community Board 3; and

**WHEREAS**, notwithstanding that the applicant has operated another restaurant in this community, given that this application is for a full on-premises liquor license in a previously unlicensed location without sufficient public benefit and that the expressed need of this community is for daytime retail and service businesses, Community Board 3 cannot support this application; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 recommends the denial of the application for a full on-premises liquor license for Avenue A Gourmet LLC, for the premises located at 202 Avenue A, between East 12th Street and East 13th Street, New York, New York.

**Items not heard at Committee**

10. Clandestino Cafe & Bar (35 Canal Cafe LLC), 35 Canal St (op/corp change)  
administratively approved
11. Cozy Cafe (Cozy Cafe Corp), 43 E 1st St (op/corp change)  
administratively approved
12. Pinks Cantina (Cantina 203 LLC), 203 Chrystie St (wb/corp change)  
administratively approved
13. Pinks (East Village Hospitality LLC), 242 E 10th St (op/corp change)  
administratively approved
14. Hi-Collar (Sobaya Restaurant Inc), 214 E 10th St (removal of op from 214 E 10th St to 231 E 9th St)  
administratively approved
15. 3 Times (3 Times 90 Inc), 90 Clinton St (b)  
administratively approved
16. Joey Bats Cafe (Joey Bats Cafe NYC LLC), 129 Allen St (wb)  
withdrawn
17. Kyuramen (Zhong Corporate Group Inc), 210 E 14th St (wb)  
administratively approved
18. Koko Sushi Corp, 214 1st Ave (wb)  
administratively approved
19. Sushi Kai (Sushi Kai Inc), 332 E 9th St (wb)  
administratively approved
20. Usumoya (Dokkdo Restaurant Group LLC), 620 E 6th St (wb)  
administratively approved
21. Vote to adjourn  
approved by committee

**47 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding SLA item 8)**

**24 YES 20 NO 3 ABS 0 PNV MOTION PASSED (SLA item 8)**

**Landmarks Committee**

meeting canceled

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

1. Approval of previous month's minutes and roll call (minutes are deemed approved if no objections)  
approved by committee
2. DCP: Land Use Application N 210095 ZRY - "Zoning for Coastal Flood Resiliency" Citywide Zoning Text Amendment

**VOTE: TITLE: N210095ZRY - "Zoning for Coastal Flood Resiliency" Citywide Zoning Text Amendment**

**WHEREAS**, the New York City Department of City Planning (DCP) has proposed a new zoning text amendment, referred to as the Zoning for Coastal Flood Resiliency (ZCFR) text amendment; and

**WHEREAS**, Community District 3 was severely impacted by coastal flooding from Hurricane Sandy in 2012 and remains vulnerable to coastal flooding with significant portions of the district lying within



the 1% and 0.2% annual chance floodplains—including more than 27,000 dwelling units in the 0.2% floodplain<sup>1</sup>—which underlines the importance of these zoning regulations; and

**WHEREAS**, the ZCFR text amendment updates and makes permanent zoning rules that were put in place after Hurricane Sandy in an emergency and temporary fashion; and

**WHEREAS**, these rules largely relate to Appendix G of the New York City Building Code, which governs buildings in the 1% annual chance floodplain and requires habitable spaces in new and rehab construction to be raised above the Design Flood Elevation, with everything beneath that elevation required to be wet-floodproofed (for residential uses) or dry-floodproofed (for non-residential uses); and

**WHEREAS**, because these requirements can be quite restrictive, in the wake of Hurricane Sandy temporary zoning texts were adopted in 2013 and 2015 on an emergency basis to allow increased flexibility for buildings in the coastal floodplain to rebuild and retrofit for resiliency, but those regulations are set to expire; and

**WHEREAS**, ZCFR would make these emergency regulations permanent, extend the new zoning rules to cover a larger area, and add additional zoning rules to address issues that have arisen since the emergency rules were implemented; and

**WHEREAS**, ZCFR does this by:

- 1) Expanding the option of Appendix G regulations for flood-resistant construction standards to buildings in the 0.2% annual chance floodplain;
- 2) Determining Appendix G eligibility based on zoning lot rather than individual building, thus expanding qualifying areas;
- 3) Providing additional building height and allowing new reference planes for height measurements when building owners opt in or are required to comply with Appendix G floodproofing standards, so that no living spaces are located below the flood elevation but owners do not lose net habitable spaces in their buildings;
- 4) Making modifications to the Quality Housing program to promote lower building scale by allowing minimum base heights to continue to be measured from the base plane rather than the new reference plane, so setbacks in buildings can be closer to the ground and base heights can be lower;
- 5) Providing a full floor area exemption to wet-floodproofed ground floor spaces;
- 6) Providing floor area exemptions for the first 30 horizontal feet of non-residential floor space in Commercial and M1 Districts for buildings that employ dry-floodproofing;
- 7) Removing floor area exemptions for low-quality below-grade spaces such as cellars and basements;
- 8) Adjusting street wall requirements to accommodate exterior stairs, ramps, and flood panels;
- 9) Subjecting blank walls created by floodproofing requirements to streetscape rules that add elements such as planting, street furniture, or artwork;
- 10) Creating a Board of Standards and Appeals ground floor use special permit allowing for ground floor office use in residential districts to encourage more options for ground floor uses in dry-floodproofed buildings;
- 11) Creating additional bulkhead and height allowances to facilitate the relocation of mechanical equipment from basements and cellars to the top of buildings and allowing new utility structures as a permitted obstruction on properties larger than 1.5 acres;
- 12) Allowing flood barriers to be considered as permitted obstructions in required open areas, including landscaped berms and their associated floodgates which were not previously allowed;
- 13) Allowing space used for the storage of temporary flood panels to be exempted from floor area calculations;
- 14) Permitting the construction of bi-level esplanades that facilitate waterfront public access and raising the required level of visual corridors on upland streets from three feet above curb level to five feet
- 15) Allowing appropriately scaled power systems (generators, solar energy systems, fuel cells, batteries, etc.) to be considered as permitted obstructions in required open areas;
- 16) Classifying both ramps and lifts as permitted obstructions in all required open areas to improve accessible design standards;
- 17) Prohibiting the development of new nursing homes and restrict enlargement of existing facilities in the 1% annual chance floodplain

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<sup>1</sup> NYC Department of City Planning "Community District Profiles – Manhattan Community District 3" <<https://communityprofiles.planning.nyc.gov/manhattan/3>>

18) Creating a disaster recovery provision that would be available as a text amendment when a disaster occurs, providing a framework to allow uses in zoning districts where they are not typically permitted, and providing relief from other zoning rules for a length of time to be determined based on the disaster when the text amendment is approved;

**THEREFORE BE IT RESOLVED**, Community Board 3 disapproves of application N210095ZRY, the "Zoning for Coastal Flood Resiliency" citywide zoning text amendment.

**VOTE:** This was referred back to committee.

- 3. Update on Two Bridges rezoning application  
no vote necessary
- 4. Report from Public Housing & Section 8 Housing Subcommittee  
no vote necessary
- 5. Vote to adjourn  
approved by committee

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

Vote to adjourn

**47 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	[P]	Richard Ropiak	[P]
Dominic Berg	[P]	Lisa Kaplan	[P]	Thomas Rosa	[P]
Lee Berman	[P]	Olympia Kazi	[P]	Robin Schatell	[P]
Karlin Chan	[A]	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	[P]
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