



# THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

59 East 4th Street - New York, NY 10003  
Phone (212) 533-5300 - Fax (212) 533-3659  
www.cb3manhattan.org - info@cb3manhattan.org

Jamie Rogers, Board Chair

Susan Stetzer, District Manager

## August 2016 Vote Sheet

### SLA & DCA Licensing Committee

1. Approval of previous month's minutes

**VOTE:** To approve the minutes of July 2016

### Applications within Saturated Areas

2. French Headquarter LES (Wild East Corp), 51 Ave B (wb)  
withdrawn
3. Red Compass (Iberia Discover Georgia Inc), 154 Orchard St (upgrade to op)

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

**WHEREAS**, Iberia Discover Georgia Inc., doing business as Red Compass, is seeking a change in class of its wine beer license to a full on-premises liquor license for its restaurant located at 154 Orchard Street, between Rivington Street and Stanton Street; and

**WHEREAS**, based upon the questionnaire submitted by the applicant to Community Board #3 and the statements of the applicant to the community board, it is also seeking to alter its stipulations by having live music; and

**WHEREAS**, this applicant was initially heard by Community Board #3 in August of 2015 for a full on-premises liquor license for this location and an unlicensed adjacent storefront and withdrew its application after hearing community and community board concerns about its lack of outreach and experience in an area with so many licensed businesses; and

**WHEREAS**, this applicant then applied to Community Board #3 for a wine beer license in September of 2015 and was administratively approved with stipulations to 1) operate a full-service Georgian 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. 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, including but not limited to DJs, live music and live nonmusical performances, 5) play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee would be charged, 6) not apply for any alteration in its method of operation without first appearing before Community Board #3, 7) not seek a change in class to a full on-premises liquor license without first obtaining the approval of Community Board #3, 8) not host pub crawls or party buses, 9) not have happy hours, 10) not have wait lines 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 wine beer license for this applicant was then issued by the SLA on December 18, 2015, and the applicant began operating its business in January of 2016; and

**WHEREAS**, although the applicant asserted that there are four (4) full on-premises liquor licenses within five hundred (500) feet of its business in its community board questionnaire for this application, there are at least thirty (30) full on-premises liquor licenses within five hundred (500) feet of its business; and

**WHEREAS**, the applicant has also conceded that it has been operating its business inconsistent from its stipulations, in that it already has live music performances; and

**WHEREAS**, the applicant has failed to articulate a community or public benefit for the approval of a full on-premises liquor license, in that the applicant stated that it is applying for said license because its clients have requested cocktails; and

**WHEREAS**, there is community opposition to the approval of this application from the LES Dwellers, a local residents association, given that the applicant has only been operating its business since January of 2016 and given that the applicant worked with this community organization before applying for its wine beer license and then approached the organization

within a few months of opening for support for a change in class of its license to a full on-premises liquor license; now

**THEREFORE, BE IT RESOLVED** that Community Board #3 moves to deny the application for a change in class of a wine beer license to a full on-premises liquor license for Iberia Discover Georgia Inc., doing business as Red Compass, for the premises located at 154 Orchard Street, between Rivington Street and Stanton Street.

4. Seaside Beach Inc, 171 Ave C (op)

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

Understanding that this is a sale of assets of an existing business with a full on-premises liquor license, Community Board #3 moves to deny the application for a full on-premises liquor license for Seaside Beach Inc., for the premise located at 171 Avenue C, between East 10th Street and East 11th 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 Latin influenced food during all hours of operation,
- 2) its hours of operation will be 3:00 P.M. to 2:00 A.M. Sundays through Wednesdays and 3:00 P.M. to 4:00 A.M. Thursdays through Saturdays,
- 3) it will not commercially operate any outdoor areas,
- 4) it will employ a security guard all nights,
- 5) it will install additional soundproofing, if necessary,
- 6) it will close any front or rear façade entrance doors at 10:00 P.M. every night or when amplified sound is playing and will otherwise have a closed fixed facade with no open doors or windows,
- 7) 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,
- 8) it will not apply for any alteration in its method of operation without first appearing before Community Board #3,
- 9) it may have "happy hours" to 7:00 P.M. each night,
- 10) it will not host pub crawls or party buses,
- 11) it will not have unlimited drink specials with food,
- 12) it will insure that there are no wait lines outside and will designate an employee to oversee patron crowds and noise on the sidewalk,
- 13) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 14) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints

Community Board #3 is approving this application for a full on-premises liquor license although this is a location in an area with numerous full on-premises liquor licenses because 1) this applicant has operated similar taverns in this community without any history of complaints, 2) Community Board #3 supported this application at 129 Avenue C, between East 8th Street and East 9th Street, in October of 2015, and 3) the applicant furnished approximately one hundred nine (109) signatures from area residents in support of its application

5. Cholo Noir (Chicano Gotham LLC), 503 E 6th St (op)

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

**WHEREAS**, Chicano Gotham LLC, is again applying for a full on-premises liquor license to operate a restaurant bar and art gallery, with a proposed business name of Cholo Noir, in the premises located at 503 East 6th Street, between Avenue A and Avenue B, New York, New York; and

**WHEREAS**, this application was previously heard and denied by Community Board #3 in June of 2016 (a copy of said motion is hereto attached), but the applicant asked that it be re-heard by Community Board #3 to provide additional information regarding its application; and

**WHEREAS**, this applicant is now proposing to operate a Southern California-style Mexican, to wit West Coast Mexican or "Chicano" barbeque, restaurant with a bar and Latin art gallery, hours of operation of 5:00 P.M. to 1:00 A.M. Mondays through Fridays and 12:00 P.M. to 1:00 A.M. Saturdays and Sundays, eleven (11) tables and forty-eight (48) seats, a twelve (12) foot stand up bar with an unspecified number of stools, an open façade, recorded background music and gallery showings; and

**WHEREAS**, this applicant previously proposed operating a Southern California-style Mexican or "Chicano" restaurant with a bar and art gallery, reduced bar menu after 12:00 A.M. which can be prepared without a chef, hours of operation of 5:00 P.M. to 2:00 A.M. Mondays through Fridays and 12:00 P.M. to 2:00 A.M. Fridays and Saturdays, fifteen (15) tables and forty-five (45) seats, a twenty (20) foot stand up bar with twelve (12) stools, an open façade, recorded background music and gallery showings; and

**WHEREAS**, there has never been a business with a liquor license at this location, it was previously operated as a longtime gym and it is located on a residentially zoned side street, zoned R7A; and

**WHEREAS**, as conceded by the applicant, there are twenty-five (25) full on-premises liquor licenses within five hundred (500) feet of this location and Community Board #3 has observed that there are twenty-seven (27) full on-premises liquor licenses within five hundred (500) feet of this location; and

**WHEREAS**, its stated public benefit is its operation as and "East Los Angeles Chicano" restaurant and as a Latin art gallery; and

**WHEREAS**, the applicant has now furnished sixty-six (66) petition signatures and four (4) letters from area residents in support of its application; and

**WHEREAS**, notwithstanding that the applicant has now furnished additional evidence of support for its application from area residents and has reduced its closing times by one (1) hour, its stated public benefit is insufficient in an area with so many licensed businesses given that there are numerous restaurants in the area that offer Southern California-style Mexican, Tex-Mex, Mexican and "Chicano" cuisine, as well as numerous art galleries which operate with no liquor licenses, and its method of operation as a late night restaurant bar would not contribute to the stated public benefit of this community board of increasing retail diversity in an area overwhelmed by nightlife businesses; now

**THEREFORE, BE IT RESOLVED** that Community Board #3 again moves to deny the application for a full on-premises liquor license for Chicano Gotham LLC, with a proposed business name of Cholo Noir, for the premises located at 503 East 6th Street, between Avenue A and Avenue B, New York, New York.

6. David's Cafe (Team 110 Inc), 110-112 St Marks Pl (upgrade to op)  
withdrawn

7. Zaragoza Mexican Deli & Grocery Inc, 215 Ave A (wb)

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

**WHEREAS**, Zaragoza Mexican Deli & Grocery Inc. initially appeared before Community Board #3 seeking a wine beer license for its deli restaurant, in the premises located at 215 Avenue A, between East 13th Street and East 14th Street; and

**WHEREAS**, Community Board #3 denied an application for a beer license for this applicant in May of 2012, unless the applicant agreed before the SLA to make as conditions of its license stipulations that it would 1) operate as a bodega with fast food Mexican service, serving food during all hours of operation, 2) have hours of operation of 10:00 A.M. to 12:00 A.M. Mondays through Thursdays, 10:00 A.M. to 4:00 A.M. Fridays and Saturdays and 11:00 A.M. to 12:00 A.M. Sundays, and 3) 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

**WHEREAS**, the SLA then denied the aforementioned beer license for the applicant in June of 2012 because of violations it had received in August and September of 2011 for selling beer without a license; and

**WHEREAS**, Community Board #3 then denied an application for a beer license for this applicant in March of 2014, unless the applicant agreed before the SLA to make as conditions of its license stipulations that it would 1) operate a bodega deli with fast food Mexican service, serving food during all hours of operation, 2) have hours of operation of 10:00 A.M. to 12:00 A.M. Mondays through Thursdays, 10:00 A.M. to 4:00 A.M. Fridays and Saturdays and 11:00

A.M. to 12:00 A.M. Sundays, 3) 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, 4) have a closed fixed façade with no open doors or windows, 5) not commercially operate any outdoor areas, 6) not apply for any alteration in its method of operation without first appearing before Community Board #3, 7) not seek an upgrade in class of its liquor license, 8) not have "happy hours," 9) not host pub crawls or party buses, 10) provide training to all employees to insure that they comply with the law and check identifications to insure no sales to minors, and 10) provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

**WHEREAS**, it is the understanding of Community Board #3 that the applicant is now appearing for a wine beer license because the SLA approved the second application for a beer license for this applicant but that the applicant has been unable to obtain a letter of no objection from the Department of Buildings, which is a necessary document for obtaining its license; and

**WHEREAS**, given that the applicant had previously applied for a license to serve beer only and that it has stated that it only intends to serve beer now, the applicant has now stated that it will apply for a beer license for this business; now

**THEREFORE, BE IT RESOLVED** that Community Board #3 moves to deny the application for a beer license for Zaragoza Mexican Deli & Grocery Inc., doing business as Zaragoza Mexican Deli, for the premises located at 215 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 deli restaurant with fast food Mexican service, serving food during all hours of operation,
- 2) its hours of operation will be 10:00 A.M. to 12:00 A.M. Mondays through Thursdays, 10:00 A.M. to 4:00 A.M. Fridays and Saturdays and 11:00 A.M. to 12:00 A.M. Sundays,
- 3) it will 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 will be charged,
- 4) it will close any front or rear façade entrance doors at 10:00 P.M. every night or when amplified sound is playing and will otherwise have a closed fixed facade with no open doors or windows,
- 5) it will not commercially operate any outdoor areas,
- 6) it will not apply for any alteration in its method of operation without first appearing before Community Board #3,
- 7) it will not seek it will not seek a change in class of its liquor license to a full on-premises liquor license without first obtaining the approval of 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 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. Black Tap UWS LLC, 177 Ludlow St (wb)

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

**WHEREAS**, Black Tap UWS LLC, is applying for a wine beer license to operate a restaurant, with a proposed business name of Black Tap, in the premises located at 177 Ludlow Street, between East Houston Street and Stanton Street, New York, New York; and

**WHEREAS**, this applicant is proposing to operate a burger and milkshake restaurant on the ground floor of this location, with a certificate of occupancy of one hundred twenty (120) people, hours operation of 11:00 A.M. to 2:00 A.M. all days, thirty (30) tables and ninety (90) seats, a twenty-four (24) foot stand up bar with twelve (12) stools, an open façade, recorded background music and three (3) televisions; and

**WHEREAS**, Community Board #3 was concerned about granting a wine beer license to this applicant with its proposed maximum occupancy, closing times of 2:00 A.M. all days and no

provision to have no wait lines outside because 1) this location has previously housed a business with a wine beer license which had no letter of objection to have an occupancy greater than ten (10) people, 2) there are fifty-six (56) full on-premises liquor licenses within five hundred (500) of this location, including ten (10) full on-premises liquor licenses on this block of Ludlow Street, two (2) of which are hotel on-premises liquor licenses with multiple public venues, and two (2) wine beer licenses, 3) the existing Black Tap restaurants, located at 529 Broome Street, New York, New York, and 248 West 14th Street, New York, New York, operate no later than 12:00 A.M. Sundays through Wednesdays and 1:00 A.M. Thursdays through Saturdays and are known for their outdoor wait lines of one and a half (1½) to two (2) hours which wrap around the block and are controlled using stanchions and ropes, and 4) this applicant has had experience operating a licensed business since only March of 2015; and

**WHEREAS**, this applicant has further conceded that its existing Black Tap restaurant, located at 529 Broome Street, has outdoor wait lines and it has stated that it cannot on its own prevent patrons from congregating outside; and

**WHEREAS**, four (4) residents of the subject and surrounding buildings, as well as the LES Dwellers, a local residents association, submitted statements expressing great concern about the addition of a business known for its excessive wait lines to Ludlow Street, a narrow street already overburdened by lines forming for the club No Fun, located at 161 Ludlow Street, between East Houston Street and Stanton Street, as well as congested sidewalks and street from the numerous other licensed businesses, including the two hotels located on the same block, and have asked that this application be denied or be approved with stipulations restricting its occupancy and use; and

**WHEREAS**, the district manager of Community Board #3 has stated that this block of Ludlow Street is so overwhelmed with vehicular traffic congestion during all hours, as well as overwhelmed by garbage from its existing businesses, that addressing these issues have been identified as particular community board concerns; and

**WHEREAS**, although the applicant furnished evidence of some outreach to and support from the surrounding community for its business, in that it furnished twenty-five (25) petition signatures, given the conditions of the surrounding area, Community Board #3 can only approve this application with restrictions on its occupancy, hours of operation and ability to allow patrons to congregate outside; now

**THEREFORE, BE IT RESOLVED** that Community Board #3 moves to deny the application for a wine beer license for Black Tap UWS LLC, with a proposed business name of Black Tap, for the premises located at 177 Ludlow Street, between East Houston 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 burger restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 11:00 A.M. to 12:30 A.M. all days,
- 3) it will not commercially operate any outdoor areas,
- 4) it will close any front façade doors and windows at 9:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances,
- 5) it will install soundproofing,
- 6) it will 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 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 seek a change in class of its liquor license to a full on-premises liquor license without first obtaining the approval of Community Board #3,
- 9) it may have "happy hours" 7:00 P.M. each night,
- 10) it will not host pub crawls or party buses,
- 11) it will not have unlimited drink specials with food,
- 12) it will insure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 13) it will have no more than seventy-four (74) patrons in its business at one time,
- 14) it will conspicuously post this stipulation form beside its liquor license inside of its business, and

15) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

9. Trapizzino LES LLC, 144 Orchard St (aka 86 Rivington St) (wb)

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

**WHEREAS**, Trapizzino LES LLC is seeking a wine beer license to operate an Italian restaurant serving "Roman neighborhood street food," in the premises located at 144 Orchard Street a/k/a 86 Rivington Stree, at the corner of Orchard Street and Rivington Street; and

**WHEREAS**, Community Board #3 was concerned about granting a liquor license to this applicant with its proposed weekend closing time of 2:00 A.M. because 1) this applicant has no experience operating a licensed or similar business in this neighborhood and no experience operating a licensed business within New York State, and 2) there are numerous eating and drinking establishments in the surrounding area which operate with late hours, and

**WHEREAS**, given these concerns, Community Board #3 has conditioned its approval, in part, on a stipulation to close no later than 12:00 A.M. Sundays through Wednesdays and 1:00 A.M. Thursdays through Saturdays; now

**THEREFORE, BE IT RESOLVED** that Community Board #3 moves to deny the application for a wine beer license for Trapizzino LES LLC, for the premises located at 144 Orchard Street a/k/a 86 Rivington Street, at the corner of Orchard Street and Rivington 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 Italian restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 11:00 A.M. to 12:00 A.M. Sundays through Wednesdays and 1:00 A.M. Thursdays through Saturdays,
- 3) it may operate a sidewalk café, consisting of no more than twelve (12) seats, until 11:00 P.M. each night, provided that an awning is extended over the café while it is operating,
- 4) it will close any front façade doors and windows at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances,
- 5) it will 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 will be charged,
- 6) it will not apply for any alteration in its method of operation without first appearing before Community Board #3,
- 7) it will not seek a change in class of its liquor license to a full on-premises liquor license without first obtaining the approval of 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 insure 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.

10. Boka (Hourglass Holdings Inc), 9 St Marks Pl (upgrade to op)

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

**WHEREAS**, Hourglass Holdings Inc., doing business as Boka, is seeking a change in class of its wine beer license to a full on-premises liquor license for its restaurant located at 9 Saint Marks Place, between Second Avenue and Third Avenue; and

**WHEREAS**, this applicant was denied a wine beer license by Community Board #3 in June of 2008, given the numerous licensed premises existing on this block of Saint Marks Place at that time; and

**WHEREAS**, the wine beer license for this applicant was then issued by the SLA on June 30, 2009; and

**WHEREAS**, this applicant then applied to Community Board #3 for a change in class of its wine beer license to a full on-premises liquor license in April of 2011 and was denied because 1) there were seventeen (17) liquor licenses on this block of Saint Marks Place, at least seven (7) of which the applicant had conceded were full on-premises liquor licenses, 2) there had been demonstrated consistent opposition to the addition of any other liquor licenses on this block because of the number of existing licensed establishments and their attendant noise and vehicular and pedestrian traffic congestion issues, 3) this location is located on a residentially zoned street, zoned R8-B , 4) the numerous existing nighttime establishments had resulted in significant noise and vehicular and pedestrian traffic, as well as a request by the previous commanding officers of the local police precinct that no new liquor licenses be issued on this street, and 5) the applicant had failed to demonstrate the public benefit derived from the approval of an upgrade of its liquor license; and

**WHEREAS**, the applicant operates a Korean fried chicken restaurant which attracts a large population of college students attending the area universities; and

**WHEREAS**, the applicant has conceded that there are twenty-three (23) full on-premises liquor licenses within five hundred (500) feet of its business in its community board questionnaire for this application, as well as forty (40) liquor licenses within one (1) block of this location and ***there are ten (10) full on-premises liquor licenses, ten (10) wine beer licenses, including that of the applicant, two (2) beer licenses and at least two (2) retail liquor licenses on this block of Saint Marks Place, between Second Avenue and Third Avenue;*** and

**WHEREAS**, this block of Saint Marks Place continues to be overwhelmed by pedestrian and vehicular congestion as the result of so many licensed businesses; and

**WHEREAS**, notwithstanding that it furnished sixty-nine (69) signatures in support of its application from area residents and has operated its business since 2009, the applicant has failed to articulate a community or public benefit for the approval of a full on-premises liquor license, in that the applicant stated that it is applying for said license because, although it is operating a successful business, it wants to offer its clients a "diversity of alcohol;" and

**WHEREAS**, the applicant has conceded that the majority of its patrons are less than twenty-one (21) years old and, although produced by the applicant in support of the good operation of its business, the applicant presented a two (2) inch stack of fake identifications it had confiscated from patrons within an eight (8) month period of time, which further supports the nondrinking age of patrons and the lack of community benefit in approving a full on-premises liquor license for this location whose patrons are principally underaged; now

**THEREFORE, BE IT RESOLVED** that Community Board #3 moves to deny the application for a change in class of a wine beer license to a full on-premises liquor license for Hourglass Holdings Inc., doing business as Boka, for the premises located at 9 Saint Marks Place, between Second Avenue and Third Avenue.

11. River Coyote LLC, 121 Ludlow St (wb)

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

**WHEREAS**, River Coyote LLC is seeking a wine beer license to operate a coffee wine bar, in the premises located at 121 Ludlow Street, between Rivington Street and Delancey Street; and

**WHEREAS**, Community Board #3 was concerned about granting a liquor license to this applicant with its proposed weekend closing time of 2:00 A.M. because 1) this applicant has no experience operating a licensed or similar business in this neighborhood, and 2) there are numerous eating and drinking establishments in the surrounding area which operate with late hours, and

**WHEREAS**, given these concerns, Community Board #3 has conditioned its approval, in part, on a stipulation to close no later than 12:00 A.M. Sundays through Thursdays and 1:00 A.M. Fridays and Saturdays; now

**THEREFORE, BE IT RESOLVED** that Community Board #3 moves to deny the application for a wine beer license for Coyote River LLC, for the premises located at 121 Ludlow Street,

between Rivington Street and Delancey Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a coffee wine bar, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 7:00 A.M. to 12:00 A.M. Sundays through Thursdays and 7:00 A.M. to 1:00 A.M. Fridays and Saturdays,
- 3) it will not commercially use any outdoor areas,
- 4) it will install soundproofing consistent with the recommendations of a sound engineer,
- 5) it will close any front façade doors and windows at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances, or when acoustic live music is playing,
- 6) it will play ambient background music only, consisting of recorded music, and not have DJs, promoted events, scheduled performances or any event at which a cover fee will be charged, and may have ambient acoustic live music, provided that it consist of no more than three (3) pieces or instruments and that it be played only during the hours of 11:00 A.M. to 10:00 P.M. Sundays through Thursdays and 11:00 A.M. to 12:00 A.M. Fridays and Saturdays,
- 7) it will not apply for any alteration in its method of operation without first appearing before Community Board #3,
- 8) it will not seek a change in class of its liquor license to a full on-premises liquor license without first obtaining the approval of Community Board #3,
- 9) it will not have "happy hours,"
- 10) it will not host pub crawls or party buses,
- 11) it will not have unlimited drink specials with food,
- 12) it will insure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 13) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 14) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

#### **Sidewalk Cafe Application**

12. La Contrada (CJFM LLC), 84 E 4th St

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

To approve the application for a sidewalk café permit for seventeen (17) tables and thirty-four (34) seats for CJFM LLC, doing business as La Contrada, at the premises located at 84 East 4th Street a/k/a 67 Second Avenue, at the corner of Second Avenue and East 4th Street, because the applicant has signed a change agreement which will become part of its DCA license that

- 1) its café will consist of seventeen (17) tables and thirty-four (34) seats, with twelve (12) tables and twenty-four (24) seats to be located on Second Avenue and five (5) tables and ten (10) seats located against the façade of the business along East 4th Street, between the front restaurant entrance, located on the corner of East 4th Street and Second Avenue, and the exterior restaurant entrance, located on East 4th Street, and
- 2) its hours of operation will be 11:00 A.M. to 11:00 P.M. Sundays and 10:00 A.M. to 11:00 P.M. Mondays through Saturdays.

#### **Alterations**

13. Vintage B Inc, 56-58 Ave B (aka 235-237 E 4th St) (wb/alt/extend closing hours to 1am all days)

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

**WHEREAS**, Vintage B Inc., doing business as Turntable '50 and '60, is seeking an alteration of its wine beer license for the premises located at 56-58 Avenue B a/k/a 235-237 East 4th Street, at the corner of Avenue B and East 4th Street, to wit extending its closing times to 1:00 A.M. all days; and

**WHEREAS**, based upon the questionnaire submitted by the applicant to Community Board #3, it is also seeking to have happy hours to 8:00 P.M. each night; and

**WHEREAS**, the wine beer license for this applicant was administratively approved by Community Board #3 in November of 2014 with stipulations to 1) operate a full-service chicken 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, including but not limited to DJs, live music and live



nonmusical performances, 5) play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee would be charged, 6) not apply for any alteration in its method of operation without first appearing before Community Board #3, 7) not seek a change in class to a full on-premises liquor license without first obtaining the approval of Community Board #3, 8) not host pub crawls or party buses, 9) not have happy hours, 10) not have wait lines 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 wine beer license for this applicant was then issued by the SLA on May 15, 2015; and

**WHEREAS**, although this applicant confirmed its attendance with the Community Board #3 office, the applicant then failed to appear before Community Board #3 to review this application; and

**WHEREAS**, this application was also heard by the SLA/DCA Committee of Community Board #3 in July of 2016, the applicant also failed to appear at that meeting and a motion to deny this application was made because of its failure to appear and because two representatives of the East 4th Street A-B Block Association appeared and stated that the block association was opposed to this application because the applicant had done no community outreach regarding this alteration although area residents had previously approached the applicant to express concerns about the noise and crowds outside of its business and these representatives had further stated that these conditions still exist so extending the hours of operation for this business would extend the time that there would be noise and crowds outside of this business; and

**WHEREAS**, subsequent to the committee motion in July of 2016, the applicant asked Community Board #3 that this application be withdrawn and re-heard because the applicant had been unable to appear due to a personal emergency; and

**WHEREAS**, five (5) residents of the surrounding area appeared at the August of 2016 hearing, including representatives of the East 4th Street A-B Block Association, and stated that they had long struggled to address issues of noise and crowds from eating and drinking businesses on Avenue B and had twice tried to meet with the applicant regarding this alteration application and the applicant had at first stated it could not meet with them and then failed to respond to their second attempt; now

**THEREFORE, BE IT RESOLVED** that, for all of the foregoing reasons, Community Board #3 moves to deny the application for an alteration of the wine beer license for Vintage B Inc., doing business as Turntable '50 and '60, for the premises located at 56-58 Avenue B a/k/a 235-237 East 4th Street, at the corner of Avenue B and East 4th Street, to wit extending its closing times to 1:00 A.M. all days and adding happy hours.

14. Charrua (Bistro Uruguay Inc), 131 Essex St (alt/upgrade to op/extend Thursday-Sunday closing hours to 2am)  
withdrawn

15. Speedy Romeo (J Salt LLC), 63 Clinton St (op/alt/extend license into adjacent store at 61 Clinton St)

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

To deny the application for an alteration of the full on-premises liquor license for J Salt LLC, doing business as Speedy Romeo, for the premise located at 63 Clinton Street, between Rivington Street and Stanton Street, to wit, extending the license into the adjacent storefront located north of 63 Clinton Street at 61 Clinton Street, extend and enlarge the kitchen and move it from the basement of 63 Clinton Street to the ground floor of 63 Clinton Street and reconfigure the bar and seating, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that

- 1) it will operate as a full-service Italian restaurant, with a kitchen open and serving food to within one (1) hour of closing,
- 2) its hours of operation will be 11:00 A.M. to 1:00 A.M. Sundays through Thursdays and 10:00 A.M. to 2:00 A.M. Fridays and Saturdays,

- 3) it will 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 will be charged,
  - 4) it will not commercially use any outdoor areas,
  - 5) it will close any front façade doors and windows at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances,
  - 6) it will not apply for any alteration in its method of operation without first appearing before Community Board #3,
  - 7) it may have "happy hours" to 7:00 P.M. every night,
  - 8) it will not host pub crawls or party buses,
  - 9) it will not have unlimited drink specials with food,
  - 10) it will insure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
  - 11) it will have no more than one hundred three (103) patrons in its business at one time, consistent with its proposed seating plan,
  - 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.
16. Bar Goto (Liquid Samurai LLC), 245 Eldridge St (op/alt/extend Sunday-Thursday closing hours to 2am)

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

Understanding that the applicant has entered into a memorandum of understanding regarding its method of operation with the Eldridge Street Block Association (a copy of which is hereto attached), Community Board #3 moves to deny the application for an alteration of the full on-premises liquor license for a Liquid Samurai LLC, doing business as Bar Goto, for the premises located at 245 Eldridge Street, between East Houston Street and Stanton Street, to wit extending its closing hours to 2:00 A.M. all days, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that

- 1) it will operate as a full-service Japanese Itzakaya or small plates restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 5:00 P.M. to 2:00 A.M. all days,
- 3) it will 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 will be charged,
- 4) it will not commercially use any outdoor areas,
- 5) it will close any front façade doors and windows at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances,
- 6) it will not apply for any alteration in its method of operation without first appearing before Community Board #3,
- 7) it will not have "happy hours,"
- 8) it will not host pub crawls or party buses,
- 9) it will not have unlimited drink specials with food,
- 10) it will insure 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**

17. To be Determined, 79 Clinton St (op)  
withdrawn
18. Oishi Village Sushi, 199 2nd Ave (op)

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

**WHEREAS**, Oishi Village Sushi Inc. initially appeared before Community Board #3 seeking a full on-premises liquor license to operate an all-you-can eat Japanese sushi restaurant, in the premises located at 119 Second Avenue, between East 12th Street and East 13th Street; and

**WHEREAS**, Community Board #3 was concerned about granting a full on-premises liquor license to this applicant given that 1) this application is for a full on-premises liquor license for an all-you-can eat Japanese sushi restaurant, in a location which has never been operated as a restaurant or been previously licensed, 2) it is proposing to operate in a location which is within five hundred (500) feet of at least twenty-seven (27) full on-premises liquor licenses, 3) there are numerous Japanese sushi restaurants in the surrounding area which operate with wine beer licenses, 4) this applicant has articulated no community benefit for granting it a full on-premises liquor license, and 5) this applicant has no experience operating a business in this neighborhood and limited experience operating a similar business with a wine beer license at 230 East 29th Street, New York, New York, since 2014; and

**WHEREAS**, given the concerns of Community Board #3, the applicant has now stated that it will apply for a wine beer license for this business; now

**THEREFORE, BE IT RESOLVED** that Community Board #3 moves to deny the application for a wine beer license for Oishi Village Sushi Inc., for the premises located at 199 Second Avenue, between East 12th Street and East 13th 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 Japanese restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 10:30 A.M. to 11:00 P.M. Mondays through Thursdays, 11:00 A.M. to 12:00 A.M. Fridays and Saturdays and 11:30 A.M. to 11:00 P.M. 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 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 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 without first appearing before Community Board #3,
- 7) it may have "happy hours" to 7:00 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 insure 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.

19. To be Determined, 302 E 12th St (op)

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

Understanding that this is a sale of assets of a one hundred nine (109) year old restaurant with a full on-premises liquor license, that the name, method of operation, employees and management will remain the same and that the new owners have had a relationship with the neighborhood and the business for decades, Community Board #3 moves to deny the application for a full on-premises liquor license for PJ Restaurant Inc., with a proposed business name of John's of 12th Street, for the premises located at 302 East 12th Street, between First Avenue and Second Avenue, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that

- 1) it will operate as a full-service Italian restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be from 12:00 P.M. to 1:00 A.M. Sundays through Thursdays and 12:00 P.M. to 2:00 A.M. Fridays and Saturdays,
- 3) it will close any front or rear façade entrance doors at 10:00 P.M. every night or when amplified sound is playing and will otherwise have a closed fixed facade with no open doors or windows,
- 4) it will play ambient recorded background music and will not have DJs, live music, promoted events, scheduled performances or any events at which a cover fee will be charged,
- 5) it will not commercially operate any outdoor areas,

- 6) it will not apply for any alteration in its method of operation without first appearing before Community Board #3,
- 7) it will not host pub crawls or party buses,
- 8) it will not have "happy hours,"
- 9) it will not have unlimited drink specials with food,
- 10) it will designate an employee to oversee patrons and noise on the sidewalk,
- 11) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 12) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

20. Famous Original Pizza School (Pizza a Casa Inc), 371 Grand St (upgrade to op)

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

Provided that this location is not within two hundred (200) feet of a school, to wit Seward Park High School, located at 350 Grand Street, between Essex Street and Ludlow Street, Community Board #3 moves to deny the application for a change in class of its wine beer license to a full on-premises liquor license for Pizza a Casa Inc., doing business as Pizza a Casa Pizza School, for the premises located at 371 Grand Street, between Norfolk Street and Essex Street, as well as for the application to alter its existing hours of operation, 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 and school, with a 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. Sundays through Thursdays and 7:00 A.M. to 2:00 A.M. Fridays and Saturdays,
- 3) it will close any front or rear façade entrance doors at 10:00 P.M. every night or when amplified sound is playing and will otherwise have a closed fixed facade with no open doors or windows,
- 4) it will not commercially operate any outdoor areas,
- 5) it will play ambient background music only, consisting of recorded music, and will not have live music, DJs, scheduled performances or any event at which a cover fee will be charged,
- 6) it may have in-house promoted events associated with its operation as a pizza school,
- 7) it will not apply for any alteration in its method of operation 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 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

Community Board #3 is approving this application for a change in class to a full on-premises liquor license although this is a location in an area with more than three (3) on-premises liquor licenses within five hundred (500) feet of this location because 1) the applicant has been operating without complaints for five (5) years, 2) it provided substantial support for its application, in that it furnished fifty-two (52) petition signatures from area residents in support of its application, and 3) it entered into a memorandum of understanding regarding its method of operation with the Seward Park around Canal East Association (a copy of which is hereto appended) in anticipation of this change in class of its liquor license.

21. Two Bits Retro Arcade (Doustan Development Corp), 153 Essex St (upgrade to op)  
withdrawn

**Items not heard at Committee**

22. Wagamama (Wagamama NY 55 Third Ave LLC), 55 3rd Ave (wb)  
no vote necessary
23. Drunken Dumpling (Drunken Dumpling Corporation), 137 1st Ave (wb)  
no vote necessary
24. The Tang (MT Noodles LLC), 120 1st Ave (wb)  
no vote necessary
25. Cara Na Mara (Cara Na Mara LLC), 47 Clinton St (wb)  
no vote necessary
26. 51 Mott Street Restaurant (51 Mott Street Restaurant Inc), 51 Mott St (wb)

- no vote necessary
27. In Thursday Kitchen LLC, 424 E 9th St (wb)  
no vote necessary
28. Three Seat Espresso (Three Seat Espresso & Barber LLC), 137 Ave A (wb)  
no vote necessary
29. Shanghai Asian Manor (Shanghai Asian Manor Inc), 21 Mott St (wb)  
no vote necessary
30. Kuni's Ikinari Steak (Kuni's Corporation), 90 E 10th St (wb)  
no vote necessary
31. Drexler's (JJD Group LLC), 9 Ave A (op/alt/doors open until 10pm if no live music or amplified sound  
no vote necessary

**Old Business**

32. Holiday Inn (Delancey 150 Inc), 150 Delancey St btwn Suffolk & Clinton Sts (hotel op/including rooftop and main floor dining room)

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

**WHEREAS**, Delancey 150 Inc. is seeking a full on-premises liquor license to operate a basement restaurant and rooftop bar within the premises doing business as The Holiday Inn, located at 148-150 Delancey Street, between Suffolk Street and Clinton Street; and

**WHEREAS**, this is an application for 1) a basement restaurant with a certificate of occupancy of seventy (70) people, ten (10) tables and fifty-two (52) seats, hours of operation of 8:00 A.M. to 4:00 A.M. all days, a ten (10) foot bar with an undisclosed number of stools, a kitchen open to within one (1) hour of closing, recorded background music, happy hours to 8:00 P.M. and four (4) televisions, and 2) a rooftop bar with a certificate of occupancy of one hundred fifty (150) people, an undisclosed amount of seating that appears to consist of couches and chairs based upon a diagram submitted by the applicant, hours of operation of 12:00 P.M. to 4:00 A.M. all days, an eight (8) foot by twelve (12) foot bar with an undisclosed number of stools, weddings and corporate events and recorded background music; and

**WHEREAS**, the hotel on-premises liquor license for this location was last heard by Community Board #3 in November of 2013 and was denied unless the applicant agreed to make as conditions of its license stipulations to 1) operate a full-service American restaurant in the basement, with a kitchen open and serving food during all hours of operation, 2) have hours of operation for its restaurant of 6:30 A.M. to 12:00 A.M. all days, 3) have a closed fixed façade with no open doors or windows, 4) play recorded background music and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged, 5) not apply for an alteration without first appearing before the community board, 6) not host pub crawls or party buses, 7) not have happy hours, and 8) provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

**WHEREAS**, the current applicant is seeking to assume operation of the basement restaurant, extending its hours of operation to 4:00 A.M. all days and to create a craft beer bar on the roof which is now used only to house hotel mechanical equipment, its boiler and its air conditioning system; and

**WHEREAS**, this applicant first appeared before Community Board #3 for an alteration to extend the existing hotel on-premises liquor license to the roof in June of 2016 and at that time represented that it was a new applicant, which would assume operation of the restaurant within four (4) months with service of food and alcohol to rooms, as well as seek to operate a rooftop bar; and

**WHEREAS**, at its last hearing, sixteen (16) residents of Suffolk Street appeared to speak in opposition to the proposed use of the roof and provided a petition containing two hundred (200) signatures in opposition to this use and fifteen (15) letters from residents of Suffolk Street were submitted, all concerned about the proximity of their buildings to the rooftop bar and existing late night noise from the hotel courtyard which borders the backs of residential buildings on Suffolk Street and Clinton Street; and

**WHEREAS**, given that its application in June of 2016 was missing necessary details regarding the proposed operation of the rooftop bar and its relationship to the hotel, it had no sound mitigation plan for use of the roof and it had done no outreach to its residential neighbors who could be impacted by a rooftop bar, the applicant elected to withdraw its application to

meet with neighboring residents, complete its application and respond to questions raised by Community Board #3 about its plans for mitigating sound travelling from the roof to residential apartment windows; and

***WHEREAS, although previously confirming its attendance, the applicant has now failed to appear before Community Board #3 for review of its application and, although the applicant was informed in person and its attorney was informed in writing that additional information was necessary to adequately review this application, including a sound mitigation plan for its proposed rooftop bar, the applicant has failed to provide this additional requested information regarding its application to be reviewed by this community board; and***

**WHEREAS,** residents who appeared before Community Board #3 represented that they had participated in a conference call with the applicant on July 1, 2016, in which it stated that it would operate the roof as a craft beer bar, it conceded that it was seeking to have large events, live music and a sound system consisting of speakers on the roof, it appeared to have no conception of the noise issues attendant to operating an open rooftop bar and it failed to produce any report from a sound engineer regarding this proposed use; and

**WHEREAS,** twenty-three (23) residents of Suffolk Street and Clinton Street appeared in opposition to this application and nineteen (19) letters in opposition to the use of the roof were submitted from residents of 98-100 Suffolk Street, 102 Suffolk Street, 104 Suffolk Street, 106, Suffolk Street, 112 Suffolk Street, 116 Suffolk Street and 105 Clinton Street, complaining about the existing noise from the courtyard they share with the hotel, the proximity of the hotel roof to their apartment windows, its proposed location along the party wall with 98-100 Suffolk Street, the impact on the residents of their buildings who consist of families with children as well as seniors, the high concentration of people on the street already from nightlife businesses and the inability of their small streets to absorb additional people and traffic and the existing noise heard by neighboring residents from the HVAC system located on the roof which is indicative of what will be heard when the roof is occupied by one hundred fifty (150) people; and

**WHEREAS,** the Suffolk Street Block Association submitted a letter on behalf of four hundred (400) residents in opposition to the rooftop use because of its proximity of less than twenty (20) feet to residential apartment windows, its lack of sound mitigation, its proposed large events and live music, its proposed speakers on the roof and the lack of public interest in an additional craft beer bar in an area with at least thirteen (13) similar businesses (see attached letter with appended list of nearby businesses with the same method of operation), the LES Dwellers submitted a letter in opposition to the use of the roof, asking that if it is approved it have hours of operation of 9:00 A.M. to 6:00 P.M. and no alcohol service or music and the cooperative board of 98-100 Suffolk Street submitted a letter with twenty-four (24) signatures from its building residents in opposition to the use of the roof; and

**WHEREAS,** residents stated that although the hotel address is 148-150 Delancey Street, the hotel entrance is actually on Suffolk Street, between Rivington Street and Delancey Street, which is a residentially zoned street, there is already vehicle congestion and horn honking as a result of its entrance being located on a residential side street and the addition of a one hundred fifty (150) person public venue at this location would exponentially increase the noise and vehicle congestion on this street; and

**WHEREAS,** although the applicant has experience operating licensed establishments, one of which is within another Holiday Inn, it has operated these businesses for a short period of time and in commercially zoned areas, that being 23 Park Place, doing business as Rattle & Hum, since December 1, 2014, 585 Eighth Avenue, doing business as Rattle & Hum West, since October 27, 2015, and 300 West 40th Street a/k/a 613 Eighth Avenue, doing business as Beer Authority, since April 5, 2012; and

**WHEREAS,** the applicant has sustained a conditional no contest plea on April 19, 2013 for its premises doing business as Beer Authority, located at 300 West 40th Street a/k/a 613 Eighth Avenue, for a sale to minor and unlicensed security from December 7, 2012; and

**WHEREAS,** there are fifteen (15) full on-premises liquor licenses within five hundred (500) feet of this location; and

**WHEREAS**, given that this applicant is proposing to operate with late night hours, outdoors events and live music, has failed to consider the impact its proposed large scale outdoor venue will have on the numerous residential buildings that surround it and failed to appear to respond to questions already raised by Community Board #3, Community Board #3 has no assurance that this applicant will be a responsible license holder in this community; now

**THEREFORE, BE IT RESOLVED** that Community Board #3 moves to deny the application for Delancey 150 Inc. for a full on-premises liquor license to operate a basement restaurant and rooftop bar within the premises doing business as The Holiday Inn, located at 148-150 Delancey Street, between Suffolk Street and Clinton Street.