



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

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Paul Rangel, Board Chair

Susan Stetzer, District Manager

November 2022 Vote Sheet

Nominating Committee

Officers and Candidates

- Paul Rangel, Board Chair **39 YES 2 ABSTAIN**
- Eric Diaz, First Vice-Chair **39 YES 2 ABSTAIN**
- Tareake Dorill, Second Vice-Chair **39 YES 2 ABSTAIN**
- Laryssa Shainberg, Secretary **39 YES 2 ABSTAIN**
- Kanielle Hernandez, Vice-Secretary **39 YES 2 ABSTAIN**
- Amanda Liu, Treasurer **39 YES 2 ABSTAIN**

Executive Committee

no vote necessary

Personnel and Board Member Matters Task Force

- Interview and selection of candidates for the ADM position

VOTE: TITLE: Selection of candidate for vacant Assistant District Manager position

To approve the Personnel Task Force's recommendation for the District Manager to offer the Assistant District Manager position to the candidate that the Personnel Task Force decided should be hired.

41 YES 0 NO 0 ABS 0 PNV MOTION PASSED

SLA & DCA Licensing Committee

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

New Liquor License Applications

2. A-Roll NYC Inc, 5 St Marks Pl (op)

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

WHEREAS, A-ROLL NYC, Inc, doing business as A-ROLL, is seeking a full on-premises liquor license, in the premises located at 5 St. Marks Place, West store/basement, between Third Avenue and Second Avenue, New York, New York; and

WHEREAS, this is an application for an establishment with a pending certificate of occupancy, 13 tables and 30 seats with one 13-foot bar with four seats in the rear, full kitchen and food preparation area, serving Chinese Barbecue food during all hours of operation, no televisions, recorded music at ambient background levels; and

WHEREAS, there are 17 full on-premises liquor licenses within 500 feet per the SLA LAMP map; and

WHEREAS, Lex 18 Inc, doing business as Yakitori Taisho, previously operated with a full on-premises liquor license from November 1995 until January 2021 at these premises and was open until 2:00 AM Sunday to Thursday and until 4:00 AM Friday and Saturday (<https://www.yelp.com/biz/yakitori-taisho-new-york>); and

WHEREAS, the applicant, Siu Ki Cheng, is currently licensed for Chelsea 28th Street LLC, doing business as Fairfield Inn & Suites by Chelsea, located at 116 West 28th Street; and

WHEREAS, one of the principals, Tuo Liu, has been operating and managing restaurants for nearly 10 years and operated a similar Chinese barbeque restaurant under the name A-ROLL Chicken Feet in Flushing from 2020 to 2021, and the other principal, Siu Ki Cheng, managed a restaurant from 2014 to 2015 in Flushing before operating the Fairfield Inn & Suites by Chelsea from 2021 to present; and

WHEREAS, there were zero commercial 311 complaints at this location with NYPD action necessary since 2018; and

WHEREAS, a representative of St. Marks Block Association spoke at the community board meeting; and

WHEREAS, nine residents who live within two blocks of the location including four residents of 5 St. Marks signed a petition in favor of the application; and

WHEREAS, the applicant has agreed to remove the existing curbside dining structure in front of the premises; and

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a full on-premises liquor license for A-ROLL, for the premises located at 5 St Marks Place, West store/basement, New York, New York, unless the applicant agrees to the following signed notarized stipulations that

- 1) it will operate as a full-service restaurant, with Chinese Barbecue food prepared in a full kitchen and food preparation area and served during all hours of operation,
 - 2) its hours of operation will be opening no later than 12:00 P.M. Monday-Sunday and closing by 12:00 A.M on Sunday to Thursday and by 2:00 A.M. on Friday to Saturday,
 - 3) it will not use outdoor space for commercial use,
 - 4) it will close any front or rear facade 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 non-musical performances, or during unamplified live performances or televised sports,
 - 5) it will play ambient background music only, consisting of recorded music, and will not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
 - 6) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3,
 - 7) it will not host pub crawls or party buses,
 - 8) it will not have unlimited drink specials with food,
 - 9) it may have "happy hours" until 10:00 P.M. each night
 - 10) it will ensure that there are no wait lines outside and will designate an employee for ensuring no loitering, noise or crowds outside,
 - 11) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
 - 12) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.
3. Sonnyboy (Vian Ventures LLC), 65 Rivington St (op)
withdrawn
 4. Gugu Sushi Bar, 87 Ludlow St (wb)

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

WHEREAS, Gugu Sushi Bar LLC doing business as Gugu Sushi Bar, is seeking a wine beer license, in the premises located at 87 Ludlow Street, between Delancey Street and Broome Street, New York, New York; and

WHEREAS, this is an application for a two-floor establishment with a pending temporary certificate of occupancy of 145 people, 20 tables and 40 seats with a counter with six seats with a 27-foot bar with nine seats on the ground floor and 10 tables and 36 seats with a 15-foot 2-inch bar with ten stools in the basement, with a full kitchen, serving sushi/omakase during all hours of operation, no televisions, ambient recorded background music; and

WHEREAS, there are 29 full on-premises liquor licenses within 500 feet per the SLA LAMP map; and

WHEREAS, this location was previously licensed to The Fifth Elephant LLC dba Mini Rex as a karaoke bar until February 2019, which was approved by Community Board 3 in October 2018 for a full-on premises liquor license with stipulations after this board denied the application in April 2017 but the SLA subsequently approved it, including: it would operate as a karaoke tavern, with a kitchen open and serving food during all hours of operation, its hours of operation would be 4:00 P.M. to 12:00 A.M. all days, it would not commercially operate any outdoor areas, it would install soundproofing consistent with the recommendations of a

sound engineer and would use a pre-set limiter to control noise and bass, it would employ security personnel all days, but is not currently licensed; and

WHEREAS, prior to Mini Rex, this location was licensed with a full on-premises liquor license doing business as Leftfield from 2012 to 2018, which was open until 1:00 AM all nights, played only ambient recorded background music, was not allowed to use the backyard, operated as a restaurant/tavern and had at least three SLA disciplinary actions in 2017 and 2013; and

WHEREAS, in July 2022 Community Board 3 voted to deny an application from a different operator for a full on-premises license at this location with 2:00 A.M. closing all nights because of the liquor license saturation in the neighborhood and problematic location history; and

WHEREAS, this operator withdrew its application to Community Board 3 for a full on-premises liquor license at 143 Orchard Street for Burgers and Chismis LLC in May 2017 after the committee indicated it would deny the request, and was subsequently approved for a wine beer license that same month by the board; and

WHEREAS, in February 2020 the applicant returned to Community Board 3 requesting an upgrade to a full on-premises liquor license, which the board denied, but the State Liquor Authority subsequently approved with stipulations to be open until 1:00 A.M. all nights, to have 10 private events per year, recorded music only, no dancing, no use of outdoor space; and

WHEREAS, it appears that the applicant is breaking its "no dancing stipulation," according to Resy and The New Yorker which described dancing and a dance floor in reviews of Gugu Room (<https://www.newyorker.com/magazine/2022/09/12/the-more-is-more-pizzazz-of-gugu-room>; <https://blog.resy.com/2022/07/gugu-room-new-york/>); and

WHEREAS, this applicant also holds a tavern wine at 370 Lenox Avenue in CB10 for Taste Collection LLC doing business as Juicery Harlem; and

WHEREAS, this applicant has no SLA disciplinary history; and

WHEREAS, there were zero commercial 311 complaints at this location with NYPD action necessary since 2019 when it became unlicensed; and

WHEREAS, one resident of 242 Broome Street, across the street from the premises, wrote in opposition to the application; and

WHEREAS, 41 residents who live within two blocks of the location including five residents of 87 Ludlow Street signed a petition in favor of the application; and

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a wine beer license for Gugu Sushi Bar LLC, for the premises located at 87 Ludlow Street, New York, New York, unless the applicant agrees to the following signed notarized stipulations that

- 1) it will operate as a restaurant, with a full kitchen serving sushi/omakase during all hours of operation,
- 2) its hours of operation will be opening no later than 5:00 P.M. Tuesday to Sunday and closing by 11:00 P.M. Tuesday to Thursday, 12:00 A.M. Friday to Saturday, and 10:00 P.M. Sunday,
- 3) it will not use any outdoors spaces for commercial purposes,
- 4) it will have a closed fixed façade with no open doors or windows except my entrance door will close by 10:00 P.M. or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances, or during unamplified live performances or televised sports,
- 5) it will play ambient background music only, consisting of recorded music and will not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 6) it will not have dancing,
- 7) it will install soundproofing as needed in consultation with a sound engineer to ensure that no sound is audible in the surrounding residences,
- 8) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3,

- 9) it will not host pub crawls or party buses,
 - 10) it will not have unlimited drink specials with food,
 - 11) it may have "happy hours" until 7:00 P.M. each night,
 - 12) it will ensure that there are no wait lines outside and will designate an employee for ensuring no loitering, noise or crowds outside,
 - 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.
5. Cafe Mocha Inc, 111 1st Ave (op)
withdrawn
6. Fishmarket II (Mama's Cooking II LLC), 171 Ave A (op)

VOTE: TITLE: Community Board 3 Recommendation To Deny

WHEREAS, Mama's Cooking II LLC d.b.a. Fishmarket II, is seeking an upgrade to a full on-premises liquor license, in the premises located at 171 Avenue A, between 10th and 11th Streets, New York, New York; and

WHEREAS, this is an application for an establishment with a certificate of occupancy of 72 people, eight tables and 72 seats with one 35-foot bar with 12-14 seats, full kitchen, serving food during within one hour of closing, three televisions, ambient background music that may be played on a jukebox; and

WHEREAS, there are seven full on-premises liquor licenses within 500 feet per the SLA LAMP map; and

WHEREAS, this applicant was given administrative approval for a wine and beer license from Community Board 3 in October 2021 for this location, (<https://www1.nyc.gov/assets/manhattancb3/downloads/sla/2021/10/questionnaires/22-171-Avenue-A-Questionnaire.pdf>), has been licensed to serve wine and beer since April 2022, and has no adverse history; and

WHEREAS, this location has never had a full on-premises liquor license, according to the SLA license database; and

WHEREAS, this applicant has operated a location at 111 South Street licensed to L & J Marketplace Inc. d.b.a. Fish Market Restaurant with a full on-premise liquor service since 2009, where there have been no commercial 311 complaints since 2018, and one instance of disciplinary action in May 2020 for failure to comply with local regulations (https://sla.ny.gov/system/files/documents/2021/12/01-04-2022_-_detailed_disciplinary_agenda.pdf); and

WHEREAS, there was one commercial 311 complaint at this location with NYPD action necessary since 2018; and

WHEREAS, six residents wrote to Community Board 3 and three residents, representatives of the North Avenue A Block Association, 9th A-1 Block Association and the East Village Community Coalition spoke at the meeting asking to deny this application because of the quality-of-life issues caused by an oversaturation of liquor licenses on Upper Avenue A and because they believe that this location is subject to 200 foot rule; and

WHEREAS, 25 residents who live within two blocks of the location signed a petition in favor of the application; and

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a full on-premises liquor license for Mama's Cooking II LLC, for the premises located at 171 Ave, New York, New York, because of Community Board 3's guidance about the oversaturation of liquor licenses on upper Avenue A, which creates quality of life issues for residents and because this location has never been licensed with a full on-premises liquor license (<https://www1.nyc.gov/assets/manhattancb3/downloads/cb3docs/guidance-to-applicants-on-cb3-licensing-priorities.pdf>).

7. Sommtime (Nice Hospitality Group LLC), 254 Broome St (wb)

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

WHEREAS, Nice Hospitality Group LLC doing business as Somm Time, is seeking a wine beer license, in the premises located at 254 Broome Street, between Ludlow Street and Orchard Street, New York, New York; and

WHEREAS, this is an application for an establishment with a certificate of occupancy of 74 people, six tables and 10 seats with one bar with 10 seats, with a food preparation area, serving food during all hours of operation, no televisions, ambient recorded background music; and

WHEREAS, Community Board 3 administratively approved 254 Broome LLC in September 2019 to operate at this location with a tavern wine license with hours of operation from 11:00 A.M. to 12:00 A.M. all days and in June 2021 approved the operator for an extension of hours to 2:00 A.M. Thursday to Saturday; and

WHEREAS, the applicants have been managing Somm Time at its current location since April 2020 and have a long history in the hospitality industry and are now applying with their own LLC for a license to operate Somm Time with the same method of operation including hours of operation; and

WHEREAS, these premises are adjacent to a formerly licensed establishment that was a known quality of life issue for the community and generated 311 complaints thus it was impossible to determine if recorded 311 complaints were for these exact premises; and

WHEREAS, this location has no known complaints to Community Board 3; and

WHEREAS, a representative of the Orchard Street Block Association claimed that "this location has been one of the most problematic on a problematic street" which could not be verified by Community Board 3; and

WHEREAS, the owner/operator of Sally Can Wait next door at 252 Broome Street and another local resident spoke in favor; and

WHEREAS, 23 residents who live within two blocks of the location including seven who live at 254 Broome Street above the premises signed a petition in favor of the application; and

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a wine beer license for Nice Hospitality Group LLC, for the premises located at 254 Broome Street, New York, New York, unless the applicant agrees to the following signed notarized stipulations that

- 1) it will operate as a wine bar, with continental cuisine prepared in a food preparation area, served during all hours of operation,
- 2) its hours of operation will be opening no later than 11:00 A.M. all days and closing by closing by 12:00 A.M. Sunday to Wednesday and 2:00 A.M Thursday to Saturday,
- 3) it will close all outdoor dining allowed under the temporary Open Restaurants program and any other subsequent uses by 10:00 P.M. all days and not have any speakers or TV monitors,
- 4) it will close any front or rear facade 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 non-musical performances, or during unamplified live performances or televised sports,
- 5) it will play ambient background music only, consisting of recorded music, and will not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 6) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3,
- 7) it will not host pub crawls or party buses,
- 8) it will not have unlimited drink specials with food,
- 9) it may have "happy hours" until 7:00 P.M. each night,
- 10) it will ensure that there are no wait lines outside and will designate an employee for ensuring no loitering, noise or crowds outside,
- 11) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 12) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

8. Beverly's (Grand Exhibitions Group LLC), 297 Grand St (op)

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

WHEREAS, Grand Exhibitions Group LLC doing business as BEVERLY'S, is seeking a full on-premises liquor license, in the premises located at 297 Grand Street, between Allen Street and Eldridge Street, New York, New York; and

WHEREAS, this is an application for a bar and art exhibition space with a certificate of occupancy of 74 people, nine tables and 39 seats with one 20-foot bar with 10 seats, a food preparation area with local food such as focaccia available during all hours of operation, no televisions, ambient recorded background music; and

WHEREAS, there are 15 full on-premises liquor licenses within 500 feet per the SLA LAMP map; and

WHEREAS, this location has never been licensed, was previously a hair salon, and is zoned C4-4A - "C4 districts are mapped in regional commercial centers, such as Flushing in Queens and the Hub in the Bronx, that are located outside of the central business districts," according to NYC Planning (<https://www1.nyc.gov/site/planning/zoning/districts-tools/c4.page>); and

WHEREAS, the applicants previously held a full on-premises liquor license at 21 Essex Street (south store) for Essex Café Group LLC dba Beverly's from February 2013 until December 2020 where they had one SLA disciplinary item from 2014 related to the improper postage of health signage; and

WHEREAS, Beverly's at 21 Essex Street closed at the beginning of the covid pandemic, and the applicants have been operating art exhibitions with their 501(c)3 nonprofit BEVERLY'S Exhibitions Corp from 5 Eldridge Street; and

WHEREAS, Beverly's shared an address with an extremely problematic business OTFOTEOC Ltd doing business as Clockwork Bar so it was impossible to discern which business the history of 311 complaints were related to; and

WHEREAS, this location is in a fully commercial district with no residential tenants and the applicants received letters of support from several nearby business owners within two blocks including from: a record store on the second floor of the premises, galleries at 299 Grand Street, 291 Grand Street, 127 Eldridge Street, along with recommendations from from seven other local business owners, and

WHEREAS, 91 residents who live within two blocks of the location signed a petition in favor of the application; and

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a full on-premises liquor license for Grand Exhibitions Group LLC, for the premises located at 297 Grand Street, New York, New York, unless the applicant agrees to the following signed notarized stipulations that

- 1) it will operate as a bar and art exhibition space, with a food preparation area with local food such as focaccia available during all hours of operation,
- 2) its hours of operation will be opening no later than 3:00 P.M. all days and closing by 1:00 A.M. Sunday to Wednesday and 2:00 A.M. Thursday to Saturday,
- 3) it will close all outdoor dining allowed under the temporary Open Restaurants program and any other subsequent uses by 10:00 P.M. all days and not have any speakers or TV monitors,
- 4) it will close any front or rear facade 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 non-musical performances, or during unamplified live performances or televised sports,
- 5) it will play ambient background music only, consisting of recorded music, and will not have live music, DJs, third-party 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" until 9:00 P.M. each night,
- 10) it will ensure that there are no wait lines outside and will designate an employee for ensuring no loitering, noise or crowds outside,
- 11) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 12) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

Items not heard at Committee

- 9. New Malaysia Food Corp, 9 Pell St (wb)
administratively approved
- 10. Entity to be formed by Chase Sinzer, 90 E 10th St (wb)
administratively approved
- 11. Vote to adjourn
approved by committee

41 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Land Use, Zoning, Public & Private Housing Committee

no meeting scheduled

Transportation, Public Safety, & Environment Committee

- 1. Approval of previous month's minutes
approved by committee
- 2. Planning for future agenda items
no vote necessary

Bus Stop Application(s)

- 3. Academy Express LLC Inc- stop on the north side of 9th St, from 3rd Ave to 4th Ave

VOTE: TITLE: Rejection of support for an Academy Express LLC stop on the North side of East 9th St, between 3rd and 4th Avenues.

WHEREAS NYU has an existing transportation service with shuttle routes through the community district 3 and beyond, connecting NYU facilities and residences. Academy Bus LLC, who provide that service to NYU, have applied for a DOT permit for a curbside loading and unloading permit on the North side of East 9th St, between 3rd and 4th Avenues.

WHEREAS by providing privately contracted transportation services for NYU students, faculty and employees, NYU is diverting demand away from available public transportation options including duplicating portions of MTA provided subways and bus routes, and the extensive Citi bike system. The location of the proposed bus stop is within 0.3 miles of 8 subway lines (L, N, Q, R, W, 4, 5, 6) and numerous local and express bus lines, and

WHEREAS it would be beneficial to the community if that NYU demand for transit showed up in the ridership counts conducted regularly by MTA/NYCT. Those ridership numbers determine funding and scheduling adjustments in public transit services provided by the MTA/NYCT. By offering a redundant, private alternate to public city buses, true transit ridership numbers are misrepresented due to a dilution of the ridership pool; and

THEREFORE IT BE RESOLVED CB3 recommends that DOT does not approve of this permit to Academy Express LLC for curbside loading and unloading on the North side of East 9th St, between 3rd and 4th Avenues because the entirety of the private transportation system operated by Academy Bus for NYU is unnecessary and harmful to community district 3.

- 4. Vote to adjourn
approved by committee

41 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding Transportation item 3)

38 YES 2 NO 0 ABS 1 PNV MOTION PASSED (Transportation item 3)

Parks, Recreation, Waterfront, & Resiliency Committee

- 1. Approval of previous month's minutes
approved by committee
- 2. Parks Manager Update
no vote necessary
- 3. DDC: ESCR Update
no vote necessary

4. Chinatown Partnership and DPR: public art presentation: temporary seating installation on Pike Street Malls by Cheryl Wing-Zi
no vote necessary
5. Vote to adjourn
approved by committee

41 YES 0 NO 0 ABS 0 PNV MOTION PASSED

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

1. Approval of previous month's minutes
approved by committee
2. CUNY Graduate School of Public Health & Public Policy: Informational presentation on *Health Equity and Access to Care (HEAC) project*
no vote necessary
3. Future agenda planning
no vote necessary
4. CAB/CEC reports
no vote necessary
5. Vote to adjourn
approved by committee

41 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Arts & Cultural Affairs Committee

no meeting scheduled

Economic Development Committee

no meeting scheduled

Landmarks Committee

meeting canceled