



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

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

Gigi Li, Board Chair

Susan Stetzer, District Manager

September 2014 Full Board Minutes

Meeting of Community Board #3 held on Tuesday, September 23, 2014 at 6:30pm at PS 20, 166 Essex Street.

Public Session:

Bryan Solomon-Puertas: Speaking on behalf of the NYCHA Sandy Rebuilding Project, he updated the board on the project. He reviewed the next steps for work, including Section 3 requirements of NYCHA-resident employment. The project is operating in LaGuardia, Baruch, Riis and Wald houses. The office is located at Riis houses. There will be Chinese, Spanish and Russian interpreters.

Sherry Yao: Also speaking on behalf of the NYCHA Sandy Rebuilding Project, she said that in tandem with the rebuilding project, there is a program for high school students who are NYCHA residents. The program focuses on math and engineering. There are scholarship opportunities.

Solomon-Puertas: This is a chance for students to talk with and learn from general contractors. The jobs in the program are only available to NYCHA residents, but job applicants do not need a GED.

Jillian Moya: Speaking on behalf of Ryan-Neena health center about mobile mammograms, she said those that are diagnosed with breast cancer are guaranteed treatment, regardless of insurance.

Imani Brown: Speaking on behalf of Citizens Committee for New York, she informed the board that her organization is issuing grant money for community-based events that are primarily volunteer led.

Cactus Lo: Speaking against harassment of Falun Gong practitioners, she detailed the harassment practitioners have undergone in China. She then noted that photos were taken of the practitioners in Seward Park and wanted to raise concern in the community that there is potential harassment.

Karen Leow: Speaking for Greenwich Village Coalition for History Preservation, she spoke against turning the CHARAS community center into a dorm. She also reported about the information panels the organization has had on restaurant preservation and affordable housing.

Valerie Lewis: Speaking as the Executive Director of 3rd St Music School, she introduced the organization and noted that they are celebrating their 120th anniversary. She spoke about the financial aid packages and programs available at the organization, including Friday night concerts that are free to the public.

Izhar Patkin: Speaking as a resident of First Street, he was responding to a note he received that a building on First Street might be seeking a variance to be twelve floors high. He came seeking information.

Michael Ladin: Speaking as a local resident, he felt that a glass tower being built on 2nd Ave was a violation of the rule of the commons.

Vaylateena Jones: Speaking on behalf of the LES Power Partnership, she gave details on a workshop on substance abuse issues, which can be used for recertification for substance abuse prevention counselors, and a workshop on safety and self-care to prevent disease and illness.

Edward Fang: Speaking on behalf of Indochina Sino-American Community Center, he described the services the center provides, including job training and job placement, English as a second language, computer programming and self-defense.

Public Officials:

Mayor Bill de Blasio, Alize Beal: Not Present

Public Advocate Letitia James, Adam Chen: In August, the Public Advocate pushed for a pilot program to equip police officers with body cameras to combat police brutality. The Public Advocate is pushing for better regulation of nail salons. She is also aware of and concerned about anti-Semitic and anti-Muslim bias incidents.

Comptroller Scott Stringer, Crystal Feng: The Comptroller issued a report finding a \$400,000 surplus, and he is recommending this surplus be used to improve NYCHA housing.

Borough President Gale Brewer, Patricia Ceccarelli: Applications for community boards will be available soon. There will be an advance training on land use and zoning. The Borough President will be hosting mixers with principals and teachers to increase arts in schools. The Borough President will send data interns to district managers' offices soon.

Congressmember Carolyn Maloney, Victor Montesinos: The Congressmember supported a law that makes the kits used for identification of alleged rapists more accessible.

Congressmember Nydia Velazquez, Iris Quinones: The Congressmember held a small business disaster workshop. She participated in the Climate march. The Congressmember has been involved with a small business grant program for low-income individuals.

Assembly Speaker Sheldon Silver, Zach Bommer: The Lower East Side Employment Network and a local hotel signed a memorandum of understanding that requires the hotel to have 30% of its hires be local, which sets the tone that there must be tangible commitments to the community.

Assemblymember Deborah J. Glick, Sarah Sanchala: Not Present

Assemblymember Brian Kavanagh, Marcela Medina: She stated the Assemblymember had a successful Senior Citizen Rent Increase Exemption event.

State Senator Daniel L. Squadron: He congratulated Gigi on her new term. He spoke about securing funding for Pier 42 and spoke about programming at the pier. He spoke about the Big U award to the community. He spoke about pedestrian safety on Delancey and Pitt and improving safety on that intersection. He spoke about improvements to the East Broadway subway station. He spoke about the new regulation of intercity busses in Chinatown. Now the 311 app needs to be updated to include intercity bus complaints. He spoke about his work to fight for tenants rights, which has caused state agencies to scrutinize bad landlords. He spoke about more funding for schools. He spoke about a parks equity solution to make sure that smaller parks can receive funding for improvement. This group should include community gardens. He also spoke about conducting a study of street ponding next spring similar to the study his office conducted a few years ago. He spoke about the loss of healthcare facilities in the community and efforts to stop or replace the loss.

State Senator Brad M. Hoylman, Maya Kurien: The senator spreadheaded an amicus brief in a case of a local resident whose landlord is attempting to purchase the lease to her rent regulated apartment. This is illegal and would undermine the integrity of the program. The senator is sponsoring free flu shots on October 2 from 10:00AM-1:00PM.

Councilmember Margaret Chin, Persephone Tan: She spoke about city council legislation that doubles the maximum fine on a landlord to \$10,000 per residential unit. The minimum fine is \$1,000 for the first incident and \$2,000 for the second incident. She spoke about the safety of South Street, where a pedestrian was recently killed crossing the street.

Councilmember Rosie Mendez: She introduced Shaila Rodriguez. On October 19, there will be a street co-naming for Miriam Freidlander. She went with parents of Rimaldi Ram with 30,000 signatures demanding civil rights investigations for police conduct. She noted there have been noise complaints from rooftop noises. She marched last month for real affordability for all demanding that all new residential construction include 50% affordable housing at a variety of income bands. She followed this up with a workshop for Senior Citizen Rent Increase Exemption co-sponsored by Assemblyman Kavanaugh. She did a walkthrough of Wald and Riis houses and noted trash and rat issues, which she will bring to the NYCHA chair and board. She noted that she had received an answer from the Department of Buildings (DOB) that the Cooper Union did not have a lease from the landlord of the site of the CHARAS community center. The DOB put in place a stop-work order on construction, and any work that the landlord or any tenant would need to do, would need to be approved by the DOB. The DOB will likely require that there be an appropriate community facility in the construction. The next phase of the battle will be to try to get the building back for the community.

Members Present at First Vote:

David Adams	[P]	David Crane	[P]	Anne K. Johnson	[P]
Dominic Berg	[A]	Enrique Cruz	[P]	Linda Jones	[P]
Karen Blatt	[P]	Morris Fajtelewicz	[P]	Vaylateena Jones	[P]
Lisa Burriss	[P]	Flora Ferng	[A]	Meghan Joye	[A]
Justin Carroll	[A]	Gloria Goldenberg	[P]	Lisa Kaplan	[P]
Karlin Chan	[P]	Jan Hanvik	[P]	Carol Kostik	[P]
Jimmy Cheng	[P]	Ayo Harrington	[P]	Ben Landy	[A]
MyPhuong Chung	[P]	Herman F. Hewitt	[P]	Mae Lee	[P]

John Leo	[P]	Ariel Palitz	[P]	Nancy Sparrow-Bartow	[P]
Ricky Leung	[P]	Teresa Pedroza	[P]	Julie Ulmet	[P]
Alysha Lewis-Coleman	[P]	Carolyn Ratcliffe	[P]	Josephine Velez	[P]
Gigi Li	[P]	Joyce Ravitz	[P]	Rodney Washington	[A]
William LoSasso	[P]	Carlina Rivera	[P]	Kathleen Webster	[P]
Chad Marlow	[P]	James Rogers	[P]	Justin Yu	[P]
Penina Mezei	[A]	Richard F. Ropiak	[P]	Thomas Yu	[A]
Alexandra Militano	[P]	Christopher Santana	[P]	Zulma Zayas	[P]
Chiun Ng	[P]	Susan Scheer	[P]		

Minutes:

Minutes of June 2014 were approved, as is.

42 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Board Chairperson's Report:

Chairperson Gigi Li: Reviewed the email she sent seeking to at a Public Housing subcommittee to the Land Use committee, making the Landmarks Subcommittee a full committee and formation of a CB3-CB6 joint committee on the waterfront and BIG U. She noted that budget priority meetings were scheduled in the near future. She congratulated Susan Stetzer on her ten-year anniversary with the board.

Ricy Leung: Announced he would resign from the board in order to spend time with his newborn baby and wife. He thanked the board for their efforts, love and respect.

Li: In order to fill the position, according to the bylaws, she noted the Executive Committee will vote on a new Second Vice Chair. Li proposed that at the October full board meeting there should be an open nomination, and the person should be elected at the November Executive Committee meeting.

District Manager's Report:

District Manager Susan Stetzer: The District Manager asked members and particularly committee chairs to check the draft agenda to make sure there are no problems and to let her know if there are any. She reminded people to check the website for information—all the budget information is on the website and the monthly agenda will always have available documentation attached to the agenda item.

She announced a rat reservoir pilot project from 7th Street to Houston Street from Avenues A to C. Currently there is no incentive for city owned properties to cure rat problems, but in this program, the Department of Health will work with businesses, gardens and schools on how to prevent and cure. The Department of Transportation (DOT) will be coming to the community board in December to discuss plans for safety along South Street. She stated that she believed this should be a joint Transportation and Parks Committee meeting. There is a concern about a synthetic drug called K2, particularly in shelters. There have been concerns regarding safety at the school on 220 Henry Street, and we have contacted DOT to have access to a study DOT conducted upon request of the Transportation Committee in 2013.

Committee Reports:

Executive Committee

Li: Carolyn Ratcliffe will run next month's Arts Subcommittee meeting, but the position is available.
no vote necessary

Parks, Recreation, Cultural Affairs, Landmarks, & Waterfront Committee

No report.

1. Preliminary discussion of Fiscal Year 2016 budget priorities
no vote necessary

Block Party

2. Nuyorican 2nd Annual Community Block Party, 10/31, E 3rd St (Aves B - C)
VOTE: CB3 approves the Nuyorican 2nd Annual Community Block Party, 10/31, E 3rd St (Aves B - C).

40 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Land Use, Zoning, Public & Private Housing Committee

There was a resolution on approval of a gym. Chairperson Li was asked to write a letter to Kushner landlords on behalf of the tenants regarding their housing.

1. TIL (Tenant Interim Lease) Program status update including update of remaining buildings in CB3

- no vote necessary
- 2. HPD update on status of tenant relocation at 400 Grand Street
no vote necessary
- 3. Update of the Essex Street Market Vendors Association Working Group
no vote necessary
- 4. Kushner Companies- property at 170-174 East Second Street: tenants status update
no vote necessary
- 5. 421a application for 331 E Houston St (B345, L17)
withdrawn
- 6. BSA 146-14-BZ, 285 Grand St: special permit to allow operation of fitness center in cellar of building
VOTE: TITLE: Community Board 3 Approval of BSA application # 146-14-BZ, 285 Grand Street, special permit to allow operation of fitness center in cellar of building

WHEREAS, the proposed use of the cellar at 285 Grand Street by Bowery CrossFit will not impair the essential character or future use or development of the surrounding area; and

WHEREAS, the Club will contain facilities for classes, instruction, and programs for physical improvement, body building, weight reduction, and aerobics; and

WHEREAS, the first and second floors of the building remain available for commercial use; and

WHEREAS, handicapped access will be provided by an elevator from street level to the cellar; so

THEREFORE, BE IT RESOLVED, that Community Board 3 approves the BSA special permit application by Bowery CrossFit to operate a physical culture establishment in the cellar of 285 Grand Street with entrance on the 1st floor.

40 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Human Services, Health, Disability, & Seniors / Youth & Education

The committee reviewed the change of the Catherine Street Shelter to adult family shelter and the closing of the Rivington House medical facility.

- 1. Life (Catherine Street) family shelter - conversion to adult family shelter
no vote necessary
- 2. Presentation by Rivington House regarding closure of AIDS nursing facility
VOTE: Title: Community Board 3 Resolution to Explore Options Regarding the Future of Rivington House

WHEREAS, in July 2014, Village Care announced the closing of the AIDS nursing facility located at Rivington House;

WHEREAS, CB 3 is concerned about the future use of Rivington House and would like to understand further the alternatives available to Village Care as they determine what will happen to this facility;

THEREFORE, BE IT RESOLVED, CB 3 shall designate representatives to meet with elected officials, Rivington House and other parties of interest to explore and investigate the options available to Rivington House and advocate for the option that will best serve the needs of the community. The CB 3 office shall facilitate such meetings and, together with the CB 3 representatives, report back to the HHS committee on progress and findings.

- 3. Presentation and request for support for CIDNY class action lawsuit against DOT to have pedestrian rights-of-way in Manhattan below 14th street usable by persons with mobility and vision disabilities and to maintain rights-of-way so that these features are fully useable

RECOMMENDATION ONLY - NO QUORUM

VOTE: Title: Community Board 3 Resolution to support Disability Rights Advocates Curb Cut Lawsuit

Whereas Community Board 3, Manhattan has a long-standing position that all streets should have curb cuts that will enable them to be accessible, and

Whereas lack of curb cuts deprive persons who use wheelchairs, walkers, and other mobility aids, and persons with vision impairments, who seek to use the sidewalks and pedestrian routes to be excluded from the pedestrian culture that is so critical to community life in New York City because many of the City's sidewalks and pedestrian routes are too dangerous for use by persons with disabilities. Dangers include curbs at pedestrian crossings without curb ramps for wheelchair users or curbs with hazardous

curb ramps that are extremely steep, broken or are blocked by off-the-curb obstructions, namely vehicles. Maneuvering city sidewalks and intersections poses an ongoing risk, and

Whereas the City has also failed to maintain accessible features on pedestrian rights-of-way throughout Lower Manhattan, including failing to fix uneven, and/or crumbling pavement, failing to remove protruding and/or moveable obstructions, failing to ensure a sufficiently wide path of travel, and failing to correct excessive slopes among other failures to maintain accessible features of such facilities, in violation of Title II of ADA, therefore

Be it resolved that Community Board 3 supports the lawsuit by the Disability Rights Advocates against NYC Department of Transportation to have New York City install curb cuts at every intersection to make them accessible and to maintain accessible features on all curb cuts to comply with Title II of ADA.

4. Planning for FY 2017 DNS
no vote necessary

40 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Economic Development

No Report

1. Update from LES Employment Network
no vote necessary
2. EVCC: Request for input for a survey of consumer preferences in the East Village. The project includes an online survey of the preferences of consumers that live, work, study, or visit the area and an analysis of syndicated demographic, economic and consumer spending data for the study area.
no vote necessary
3. Discussion/development of committee's priorities for the next year
no vote necessary

Con Ed Task Force

The new guidelines were discussed

1. Update on previously approved projects
no vote necessary
2. Guidelines and timing for Fall 2014 Funding Cycle

VOTE: Title: Fall 2014 Funding Cycle Guidelines for Con Edison Settlement Fund

Guidelines to submit proposals for Community Board 3 Consolidated Edison Settlement Funds (REVISED SEPTEMBER 2014)

NEXT SUBMISSION DEADLINE, FOR FALL 2014 FUNDING CYCLE:

- **FOR OPTIONAL OR MANDATORY LETTER OF INQUIRY (IF APPLICABLE): OCTOBER 10, 2014**
- **FOR FULL PROPOSALS: NOVEMBER 14, 2014**
- **DEADLINES ARE 4 PM TO PERMIT PROMPT DISTRIBUTION OF MATERIALS TO TASK FORCE MEMBERS.**

TASK FORCE MEETING TO REVIEW LETTERS OF INQUIRY: OCTOBER 29, 2014, 6:30 PM SHARP

Guidelines:

Proposals will be considered within the scope of the Consolidated Edison Settlement Fund if: "Implementation of projects such as local air quality improvement, health improvement, or amenities programs in the vicinity of the East River Complex." Proposals are reviewed by a committee of volunteers and all deadlines for submissions must be adhered to without exception. Please read these guidelines carefully and comply fully with them.

What we are looking for. Proposals that:

- Benefit residents of the area around the plant and prioritize air quality improvement effort closest to the plant.
- Prioritize benefits to air quality, health and safety, consistent with the nature of the Article X involvement of the community
- For the Fall 2014 funding cycle, CB3 is seeking proposals that primarily ameliorate air quality, health and/or quality of life problems in the vicinity of the Con Ed plant. Proposals that are primarily educational, research or outreach in nature are not being sought.

- Projects led by or that engage with local organizations with a strong connection to the CB3/CB6 areas, and projects that provide for local resident involvement and employment
- Achieve measurable goals related to improvement in the environment
- Proposals must be for projects that are fully scoped and for which the proposer has already received written external bids or estimates for any significant work or services being procured outside the organization. Relationships with any partners outside the proposer's organization must be established prior to the proposal being made. Funds cannot be reallocated once a project is approved.
- Funding Amounts: Initial funding amounts will be in the range of \$50,000-\$150,000 (though exceptions can be made for strong proposals that demonstrate a greater need). It is strongly recommended that all proposers first present their ideas to the Task Force through a Letter of Inquiry. Proposals in excess of \$175,000 MUST first be submitted as a letter of inquiry before a proposal may be submitted (see "Letters of Inquiry" below).

Projects outside Manhattan CB 3 and CB 6 will NOT be considered.

Proposal content -- limit to 10 pages:

- Written description including goals, activities, leadership, how proposed project fits in organizational mission
- Timeline
- Deliverables including measurement of impacts if applicable
- Detailed project budget. All elements of your proposal must be scoped and budgeted. Proposers are encouraged to identify their own sources of contingency funding if needed for their project. Requests for contingency funds for a project will receive close scrutiny and proposals must identify how such funds will be applied if not ultimately used for the project. Phased projects must have separate budgets for each phase and will be subject to additional review prior to release of funds for each stage after the first.
- Identify other funding that has been or is being sought for this project. Describe how your project will be sustainable after receiving funding from the Settlement Fund. Documentation of additional funding may be required by the Task Force.
- Description of organization including form of incorporation, history, annual budget, and audited financial statements. Audited financial statements will not be counted towards the 10 page limit.
- Tax ID numbers will be required of successful applicants.

Evaluation criteria:

- How well does proposal meet threshold criteria (above)?
- Is proposal complete, clear, realistic, well thought-out and ready to implement as soon as funded?
- Is proposal consistent with the organization's mission and resources?
- How does proposed project mesh with other initiatives in the community?
- Does proposed project leverage other resources?
- **Late proposals will not be considered.**

Process/timeline

- 2 cycles per year (Spring/Summer, Fall/Winter); proposals will not be considered outside of these two cycles.
- At first meeting following submissions, Task Force members will have reviewed proposals and proposers are required to attend for questions and discussion. If the Task Force determines that there are substantial shortcomings after its initial review, it may decide that the proposal will not be considered that funding cycle.
- If after initial review the proposal is deemed strong enough for continued consideration, the proposer may be asked for additional information to be submitted within 10 days. Failure to submit the requested information by the date required will cause the proposal to be dropped from consideration.
- At following meeting, the Task Force will vote on whether or not to recommend funding to the full Community Board 3. Proposers must attend this meeting as well. The Task Force may not be able to consider a proposal for funding if the applicant is not present to answer questions.
- After an affirmative vote by full Board, the project is submitted to NYC Law Department, NYS Department of Public Service and Con Edison, all of which need to agree that this is an appropriate use of Settlement Funds. This stage may take many months and there is no assurance that these parties will consent to the project.
- All proposals are public and will be posted on the Community Board 3 website.

Letters of Inquiry

While proposals will not be accepted outside of the two annual cycles, interested parties may at any time submit a brief (2-3 page) letter of inquiry to ascertain on a preliminary, non-binding basis whether their project fits the general goals of the Settlement Fund. Feedback from the Task Force will be entirely informal and will in no way create a presumption that an eventual proposal would be recommended for funding. As

noted above, Letters of Inquiry are recommended to all potential applicants and any planned proposal in excess of \$175,000 MUST first be submitted as a Letter of Inquiry.

Submissions

- Submissions should be made by email to the Community Board 3 office, which will distribute them to the Task Force members. The email address to submit to is:
conedsettlementfund@cb3manhattan.org
- 3. Review Letters of Inquiry, if any
no vote necessary

40 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Ethics, By-laws & Procedures Task Force

No Report

1. Written suggestions by Vaylateena Jones dated April 30, 2014 to be discussed
no vote necessary
2. Duties of Officers
no vote necessary

Transportation & Public Safety and Environment Committee

Discussion on support of disability rights lawsuit to force DOT to provide curb cuts and discussion on supporting the tolling of East River crossings.

At full board, there was discussion of the rationale behind the East River bridge tolls, which included transportation infrastructure budget gaps and traffic congestion problems in our community.

Item 4 pulled for vote.

1. Presentation and request for support for DRA class action lawsuit against DOT to have pedestrian rights-of-way in Manhattan below 14th street usable by persons with mobility and vision disabilities and to maintain rights-of-way so that these features are fully useable. (JOINT TRANSPORTATION/HUMAN SERVICES AGENDA ITEM)

VOTE: Title: Community Board 3 Resolution to support Disability Rights Advocates Curb Cut Lawsuit

Whereas Community Board 3, Manhattan has a long-standing position that all streets should have curb cuts that will enable them to be accessible, and

Whereas lack of curb cuts deprive persons who use wheelchairs, walkers, and other mobility aids, and persons with vision impairments, who seek to use the sidewalks and pedestrian routes to be excluded from the pedestrian culture that is so critical to community life in New York City because many of the City's sidewalks and pedestrian routes are too dangerous for use by persons with disabilities. Dangers include curbs at pedestrian crossings without curb ramps for wheelchair users or curbs with hazardous curb ramps that are extremely steep, broken or are blocked by off-the-curb obstructions, namely vehicles. Maneuvering city sidewalks and intersections poses an ongoing risk, and

Whereas the City has also failed to maintain accessible features on pedestrian rights-of-way throughout Lower Manhattan, including failing to fix uneven, and/or crumbling pavement, failing to remove protruding and/or moveable obstructions, failing to ensure a sufficiently wide path of travel, and failing to correct excessive slopes among other failures to maintain accessible features of such facilities, in violation of Title II of ADA, therefore

Be it resolved that Community Board 3 supports the lawsuit by the Disability Rights Advocates against NYC Department of Transportation to have New York City install curb cuts at every intersection to make them accessible and to maintain accessible features on all curb cuts to comply with Title II of ADA.

2. Support for traffic safety measures: Stop sign for westbound Delancey St at Pitt Street. Lane marking for right turn only and stop sign at NE corner of westbound Delancey St and Pitt St. Stop sign should be placed further out, possible planter and reflective for westbound Delancey St.
withdrawn
3. DOT presentation on Clinton Street safety changes
no vote necessary
4. Presentation and request for support on MOVE NY Fair Tolling and Transportation Reinvestment Plan

VOTE: Title: Community Board 3 Resolution to Support Move NY Fair Tolling in NYC proposal to increase revenue dedicated to transportation infrastructure improvements

Whereas, Move NY proposes to toll all points of entry into the Manhattan Central Business District (CBD). The tolls on the East River crossings and 60th Street would cost \$5.33 for each leg, which matches the cost of the Brooklyn Battery and Midtown tunnels.

Whereas, Move NY proposes the reduction of tolls for residents living far from mass transit because they have fewer transportation options. The tolls on the Verrazano, RFK, Whitestone and Throgsneck bridges will be reduced to \$2.83 each leg. The reduction in the toll on the Verrazano Bridge will incentivize commercial traffic to use the bridge to travel to New Jersey, without first traveling into lower Manhattan.

Whereas, drivers in registered commercial vehicles will pay the new tolls just once per day, even if they travel several times a day into the CBD. For \$10.66, they will have unlimited access to the region's core while benefitting from potential increased traffic speeds in the CBD.

Whereas, Move NY proposes a "locked box" for the funds so that they may not be diverted from specified improvements to the transportation network.

Whereas, New York's transportation network is in disrepair. Bridge tolls, one of the principal sources of revenue for the system, have been implemented inconsistently, with a disproportionate burden borne by drivers traveling along less congested crossings within the city, with few or no transit alternatives. Meanwhile, other drivers use the most congested crossings, which could easily be traveled by transit, for free.

Whereas, this inconsistent tolling, in addition to leaving the transportation system underfunded, also creates an incentive for drivers to compete for the free crossings, resulting in disproportionate congestion on the city streets connecting to those crossings, with correspondingly high collision rates.

Whereas Move NY proposes a rationalization of tolls which would ensure that all users contribute to the maintenance and expansion of the transportation system, but in proportion to the availability of transit alternatives, and the congestion to which they contribute.

Therefore, be it resolved that CB 3 supports the principles of fair tolling described above, which will raise additional revenue to provide funding dedicated for transportation infrastructure improvements that will make the transportation network more reliable, accessible and affordable.

5. LES BID presentation and request for support for Orchard streetscape proposal

RECOMMENDATION ONLY - NO QUORUM

VOTE: Title: Community Board 3 Resolution to Support Proposed Orchard Streetscape Improvements and Request for Further Study of Broome Street Pedestrian Plaza

Whereas, the LES BID engaged in a comprehensive process of outreach to residents, merchants and property owners on Orchard Street.

Whereas, they hosted a public community visioning session to determine modifications to the streetscape.

Whereas, additional surveying was conducted both in person at the Lower East Side Visitor Center as well as online.

Whereas, the proposed Orchard Streetscape Manual is a unified vision for streetscape elements that support motorists, pedestrians and cyclists alike.

Whereas, the plan increases safety through a variety of traffic calming measures.

Therefore it be resolved Community Board 3 support the plan as proposed.

Further it be resolved as each element receives funding Community Board 3 be updated on installations of each element

Further it be resolved that prior to approval and installation of a Broome Street pedestrian plaza DOT conduct an analysis of traffic impacts to mitigate concerns about the potential of a ripple effect in the

overall neighborhood network, including future impacts from the redevelopment of nearby SPURA sites.

6. Identification of areas of concern regarding intercity bus siting
no vote necessary

40 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding Transportation item 4)

16 YES 22 NO 2 ABS 0 PNV MOTION DID NOT PASS (Transportation item 4)

30 YES 8 NO 1 ABS 0 PNV MOTION PASSED (refer Transportation item 4 to October committee)

SLA & DCA Licensing Committee - August

Renewal with Complaint

1. Hair of the Dog (168 Orchard Partners), 168-170 Orchard St at Stanton St (op)

VOTE: TITLE: Community Board #3 Recommendation To Deny As Stipulations Were Not Agreed To

WHEREAS, 168 Orchard Partners, doing business as Hair Of The Dog, is seeking the renewal of its full on-premise liquor license, for the premise located at 168-170 Orchard Street, at the corner of Orchard Street and Stanton Street, New York, New York; and

WHEREAS, this applicant was originally denied for a full on-premise liquor license by Community Board #3 in November of 2011, as well as an alteration to move its kitchen and create an event space, unless the applicant agreed to make as conditions of its license a stipulation that 1) it would operate a restaurant tavern, serving food to within one (1) hour of closing, 2) it would have hours of operation of 11:30 A.M. to 4:00 A.M. all days, 3) it would close its façade at 10:00 P.M., and 5) it would have security all day; and

WHEREAS, this applicant was approved by Community Board #3 for a sidewalk café, consisting of twelve (12) tables and twenty-four (24) seats, in January of 2012; and

WHEREAS, Community Board #3 has received resident complaints on June 2, 2014, July 21, 2014, July 28, 2014, July 30, 2014, August 1, 2014, August 3, 2014, August 8, 2014, August 10, 2014, August 11, 2014, August 15, 2014 and August 18, 2014, of loud music and bass to 4:00 A.M. most nights, doors and windows open past 10:00 P.M., loud unruly patrons on the sidewalk, patrons yelling on the sidewalk, patrons blocking the sidewalk around the business and blocking the residential entrance to 166 Orchard Street, vomit on the doorstep of 166 Orchard Street, music and bass heard by the fifth floor tenant of the subject building, early morning banging from keg deliveries, garbage being swept into the street by the staff every day, loud sports events that can be heard blocks away, no control of the sidewalks by staff at night and patrons screaming and yelling in the sidewalk café at late at night; and

WHEREAS, the LES Dwellers, a neighborhood tenants association, submitted a written complaint stating that this business is a rowdy sports bar that replaced a quiet French restaurant, its patrons are loud and block the sidewalks and the venue is loud even when the doors and windows are closed and, further, the association submitted video footage showing overcrowded noisy sidewalks around the business on July 27, 2014 and August 8, 2014, as well as still photographs of crowds on other nights, and video footage from April 13, 2014, showing the café being used by standing drinking patrons; and

WHEREAS, the community board office has received complaints from surrounding businesses that this business is excessively loud and unable to control its patron noise and crowds outside; and

WHEREAS, the applicant has stated that although its interior maximum occupancy is one hundred fifty-two (152) people, it has inadequate waiting space inside its business and has had to create wait lines outside which wrap around Orchard Street onto Stanton Street and, further, that, although it proposed having twelve (12) televisions, it actually has twenty-one (21) televisions; and

WHEREAS, although the applicant stated that it is a full-service restaurant, the number of televisions coupled with frequent advertised loud sporting events, as well as frequent advertised drink specials, including illegal drink specials offering drinks for one dollar (\$1.00) less than half of regularly priced drinks, are inconsistent with this method of operation and consistent with a large scale sports bar; now

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the application to renew the full on-premise liquor license for 168 Orchard Partners, doing business as Hair Of The Dog, for the premise located at 168-170 Orchard Street, at the corner of Orchard Street and Stanton Street, because the applicant has not agreed to additional conditions of its license that

- 1) it will close its sidewalk café no later than 10:00 P.M. Sundays through Thursdays and 11:00 P.M. Fridays and Saturdays,
- 2) it will employ at least two (2) security guards to be located on the sidewalk during sports events or Fridays and Saturdays, from 10:00 P.M. to 4:30 A.M., to address patron noise, crowds and behavior on the sidewalk and maintain quiet,
- 3) it will close any façade doors and windows by 10:00 P.M. every night and during any televised sports events,
- 4) it will employ an acoustic engineer to conduct sound and bass testing in affected surrounding residential apartments and will implement its recommendations to insure that sound and bass is inaudible in apartments; and
- 5) it will not apply for any alteration in its method of operation without first appearing before Community Board #3, and
- 6) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

Applications within Saturated Areas

2. Hotel Indigo (180 Orchard Owner LLC), 171 Ludlow St (aka 180 Orchard St) btwn E Houston & Stanton Sts (op)

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

WHEREAS, the applicant, 180 Orchard Owner LLC, by its qualified representative or principal, is seeking a hotel liquor license for a twenty-four (24) story hotel, with a proposed business name of The Indigo Hotel, and located at 171 Ludlow Street, a/k/a 180 Orchard Street, New York, New York, between East Houston Street and Stanton Street; and

WHEREAS, said applicant will maintain the primary method of operation of said location of renting hotel rooms and will maintain the following ancillary public uses:

- 1) an interior fourteenth floor restaurant cafe with forty (40) seats for dining with an additional seventy (70) seats in the attached lobby, a fifteen (15) foot bar with eight (8) stools, a kitchen open and serving food during all hours of operations, recorded background music and hours of operation of 7:00 A.M. to 4:00 A.M. all days;
- 2) an interior fifteenth floor restaurant bar space with a one hundred ninety-five (195) person capacity, ninety-five (95) seats at tables, a twenty-five (25) foot bar with seventeen (17) stools, food service from the fourteenth floor kitchen during all hours of operation, recorded music, DJs and acoustic live music played at background level and hours of operation of 7:00 A.M. to 4:00 A.M. all days;
- 3) an exterior fifteenth floor terrace lounge on the Ludlow Street side of the hotel with a twenty-five (25) person capacity, lounge seating for twenty-five (25) people, recorded background music and hours of operation of 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;
- 4) an exterior fifteenth floor terrace lounge on the Orchard Street side of the hotel with a one hundred forty-four (144) person capacity, seating for ninety-six (96) people consisting of lounge seating and seating at tables, a fifteen (15) foot bar with eight (8) to ten (10) stools, recorded background music and hours of operation of 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;
- 5) an exterior second floor terrace on the Orchard Street side of the hotel and ancillary to its conference room, with a fifteen (15) person capacity, no food or beverage service and hours of operation of 7:00 A.M. to 9:00 P.M.; and

WHEREAS, said hotel is located on Orchard Street and Ludlow Street, between East Houston Street and Stanton Street, in an approximate two (2) block area housing well over sixty (60) liquor licensed premises, forty-one (41) of which are full on-premise liquor licenses; and

WHEREAS, said hotel is located on a block with two (2) other large scale hotels with hotel liquor licenses, as well as one (1) eleven (11) story hotel with a pending hotel liquor license application; and

WHEREAS, as a consequence of the numerous licensed businesses within this small geographic area, the area is plagued by late night noise from businesses, from people on the sidewalks and street and

from traffic, as well as from significant vehicular and pedestrian traffic congestion on the streets and sidewalks; and

WHEREAS, Community Board #3 recognizes that during the past eighteen (18) months, this applicant has met with and attempted to address the concerns of community residents and local community organizations by changing the locations of its proposed outdoor areas, decreasing the hours of the proposed outdoor areas, creating a large covered waiting area on the ground floor of its property to prevent patrons from congregating on the street, engaging an acoustic study to prospectively address music and patron noise in its outdoor areas and engaging a traffic study to address vehicular traffic on Ludlow Street and Orchard Street as a consequence of its operation; and

WHEREAS, Community Board #3 appreciates that this applicant will be a unionized hotel, working closely with the Hotel Trades Council, and that it has entered into an agreement with the Lower East Side Hiring Network with a stated goal of hiring thirty percent (30%) of its staff locally;

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the application for a hotel liquor license for 180 Orchard Owner LLC, with a proposed business name of The Indigo Hotel, for the premise located at 171 Ludlow Street, a/k/a 180 Orchard Street, New York, New York, 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

Generally, 1) the entrance to the hotel which is located on Ludlow Street, between East Houston Street and Stanton Street, will be its primary entrance, 2) a secondary entrance to the hotel and access to its fifteenth floor public spaces will be located on Orchard Street, between East Houston Street and Stanton Street, 3) service deliveries and garbage pickups will be effected on Orchard Street in as-of-right parking or no standing spaces designated for hotel use and there will be no service deliveries or pickups on Ludlow Street, 4) the applicant will provide waiting areas on the hotel property, rather than allowing patrons to wait outside, there will be no wait lines on the sidewalk on either Ludlow Street or Orchard Street and staff persons will be designated to oversee both streets to insure that there are no patrons or patron noise on the sidewalk of either street, 5) there will be a staff person on the ground floor pass through between Ludlow Street and Orchard Street whose responsibilities will include insuring that noise from this area does not travel to either Ludlow Street or Orchard Street, 6) the applicant will make efforts to prevent taxis or limousines from standing on Ludlow Street or Orchard Street by assigning personnel whose responsibilities include monitoring hotel traffic, 7) the applicant will not host any promoted events, scheduled performances or any event at which a cover fee will be charged in any of its public areas, will not seek to obtain a cabaret permit and will play ambient background music in all of its public areas, 8) the applicant will close any façade doors and windows by 10:00 P.M. every night, including windows opening onto its fifteenth floor terraces, 9) the applicant will not host pub crawls or party buses and will not have happy hours, 10) the applicant will provide a telephone number for residents to call with complaints, will immediately address any resident complaints and will agree to turn off outside speakers no later than 9:00 P.M. if there are any complaints about outdoor music;

Specifically,

With respect to the fourteenth floor interior restaurant cafe, 11) it will operate as a full-service restaurant appended to the hotel lobby, with a kitchen open and serving food during all hours of operation, 12) its hours of operation will be 7:00 A.M. to 4:00 A.M. all days, 13) 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;

With respect to the fifteenth floor interior area, 14) it will operate as a full-service restaurant bar, utilizing the fourteenth floor kitchen to serve food during all hours of operation, 15) its hours of operation will be 7:00 A.M. to 4:00 A.M. all days, 16) it will play ambient background music only, consisting of recorded music and will have occasional DJs and live acoustic music, but will not have promoted events, scheduled performances or any event at which a cover fee will be charged;

With respect to the fifteenth floor exterior terrace overlooking Ludlow Street, 17) it will operate as a lounge area, consisting of lounge seating, and will serve food during all hours of operation, 18) 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, 19) 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, 20) its recorded background music will be amplified only by small

speakers placed on the ground, consistent with its attached sound engineering report, it will have a limiter on its sound system to reduce sound and will not have a subwoofer;

With respect to the fifteenth floor exterior terrace overlooking Orchard Street, 21) it will operate as a lounge area, consisting of lounge and table seating, and will be serving food during all hours of operation, 22) 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, 23) 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, 24) its recorded background music will be amplified only by small speakers placed on the ground, consistent with its attached sound engineering report, it will have a limiter on its sound system to reduce sound and will not have a subwoofer, 25) it will close its pool located on the terrace no later than 5:00 P.M. every day;

With respect to the second floor exterior terrace overlooking Orchard Street, 26) it will operate as a quiet outdoor appendage to its hotel conference room and will hold no more than fifteen (15) people, 27) given its proximity to the street and surrounding residential apartment buildings, it will close no later than 9:00 P.M. every night, and 28) it will have no food or beverage service and play no music.

3. Nadico Hotel LLC, 163 Orchard St btwn E Houston & Stanton Sts (op)

no vote necessary

4. Maiden Lane (Yardbird LLC), 162 Ave B @ E 10th St (upgrade to op)

VOTE: TITLE: Community Board #3 Recommendation To Deny

WHEREAS, Yardbird LLC, doing business as Maiden Lane, is seeking a change in class of its existing wine beer license to a full on-premise liquor license, for its café wine bar, located at 162 Avenue B, at the corner of Avenue B and East 10th Street; and

WHEREAS, this applicant was heard for wine beer license by Community Board #3 in October of 2012 and denied unless the applicant agreed to make as conditions of its license a stipulation that 1) it would operate as a café wine bar, serving food during all hours of operation, 2) its hours of operation would be 11:00 A.M. to 12:00 A.M. all days, 3) it would close any façade doors and windows at 10:00 P.M. every night, 4) it would play ambient background music only, consisting of recorded music, and would not have live music, DJs, promoted events or events at which a cover fee would be charged, and 5) it would not seek to extend its hours until it had been operating at least six (6) months;

WHEREAS, this applicant then applied to this community board to extend its hours to 11:00 A.M. to 2:00 A.M. all days in July of 2013 but was asked to withdraw as it had only been operating for three (3) months;

WHEREAS, this applicant then sought to obtain a sidewalk café permit for ten (10) tables and twenty (20) seats in March of 2013 and was approved by this community board;

WHEREAS, this applicant then applied to this community board to extend its hours and add monthly DJs in October of 2013 and was denied unless the applicant agreed to make as conditions of its license an additional stipulation that 1) its hours of operation would be 11:00 A.M. to 2:00 A.M. all days, 2) it would play ambient background music only, consisting of recorded music and monthly DJs, and would not have live music, promoted events or events at which a cover fee would be charged, 3) it would not host pub crawls or party buses, 4) it could have happy hours to 6:00 P.M. every night, and 5) **it would not seek a change in class of its liquor license to a full on-premise liquor license;**

WHEREAS, within the less than one and a half (1½) years of its operation, this applicant has already expanded its method of operation by 1) extending its hours of closing, 2) adding DJs, and 3) almost doubling its seating capacity with the addition of a sidewalk cafe; and

WHEREAS, this applicant agreed not to seek a change in class of its liquor license in October of 2013 when it was approved for an extension of hours and the addition of DJs to its business; and

WHEREAS, although the applicant submitted substantial petition signatures and resident letters in support of its application, three (3) residents appeared in opposition to this application and two (2) local community organizations, East Village Community Coalition and Good Old Lower Eastside, submitted opposition letters to this application, stating that the business has not been open long enough to seek an upgrade, the applicant had agreed not to upgrade its license which the community should be able to rely upon and there are already numerous licensed businesses in the immediate area; and

WHEREAS, there are thirteen (13) full on-premise liquor licenses within five hundred (500) feet of this location, eight (8) of which are within one (1) block of this business; and

WHEREAS, the applicant has stated an insufficient community benefit for seeking a change in class of its existing wine beer license in that it stated that it is to strengthen its business and because patrons have requested liquor; now

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the application for a change in class to a full on-premise liquor license for Yardbird LLC, doing business as Maiden Lane, for the premise located at 162 Avenue B, at the corner of Avenue B and East 10th Street.

5. The Comedians' Club, 120 St Marks Pl btwn 1st Ave & Ave A (wb)

VOTE: TITLE: Community Board #3 Recommendation To Deny

WHEREAS, Contented World LLC is seeking a wine beer license to operate a comedy club, with a proposed business name of The Comedian's Club, for the premise located at 120 St. Marks Place, between First Avenue and Avenue A; and

WHEREAS, this is an application for a tavern comedy club with nightly scheduled stage shows, hours of operation of 8:00 A.M. to 2:00 A.M. all days, a fifteen (15) foot bar, a prep area serving food until closing, a projector for use in its performances, acoustic live music and recorded background music, nightly promoted events, scheduled performances and events with cover fees; and

WHEREAS, St. Marks Place, between First Avenue and Avenue A is residentially zoned, being designated R8B and Use Group 6; and

WHEREAS, the New York City Department of Buildings has informed Community Board #3 that the proposed method of operation of this business as a comedy club with nightly scheduled performances **is contrary to the legal zoning for this street** (see written determination attached hereto); and

WHEREAS, this determination has been provided to this applicant: now

WHEREAS, Community Board #3 cannot approve an application for a liquor license where the proposed method of operation is illegal; now

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the application for a wine beer license for Contented World LLC, with a proposed business name of The Comedian's Club, for the premise located at 120 St. Marks Place, between First Avenue and Avenue A.

6. Box Kite Coffee (Tuck Shop Two Corp), 115 St Marks Pl (upgrade to op)

withdrawn

7. Wassail LLC, 162 Orchard St btwn Stanton & Rivington Sts (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 preexisting full-service restaurant with a full on-premise liquor license, Community Board #3 moves to deny the application for a full on-premise liquor license for Wassail LLC, for the premise located at 162 Orchard Street, between Stanton Street and Rivington Street, 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 cider themed restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 10:00 A.M. to 1:00 A.M. Sundays, 4:30 P.M. to 1:00 A.M. Mondays through Wednesdays, 4:30 P.M. to 2:00 A.M. Thursdays and Fridays and 10:00 A.M. to 2:00 A.M. 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 façade doors and windows by 10:00 P.M. every night,
- 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 insure that there are no wait lines outside and designate an employee to oversee patrons and noise on the sidewalk, and

10) 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-premise liquor license although this is a location in an area with numerous full on-premise liquor licenses because 1) this is a full-service restaurant with a full kitchen in a location which operated as a full-service restaurant with a full on-premise liquor license, 2) the applicant will close its business earlier than the previous business, 3) there was no community opposition to this application and evidence that its existing business is well operated in that the applicant furnished a letter of no complaint from Community Board #1 Queens and a resident of that community appeared in its support, and 4) the applicant furnished two hundred (200) signatures from area residents in support of its application and had the support of The LES Dwellers, the local residents association.

8. Amuse Wine Bar (Soul Happy LLC), 121 Ludlow St btwn Rivington & Delancey Sts (upgrade to op)

VOTE: TITLE: Community Board #3 Recommendation To Deny

WHEREAS, Soul Happy LLC, doing business as Amuse Wine Bar, is seeking a change in class of its existing wine beer license to a full on-premise liquor license, for its wine bar, located at 121 Ludlow Street, between Rivington Street and Delancey Street; and

WHEREAS, this applicant was heard for wine beer license by Community Board #3 in June of 2013 and denied unless the applicant agreed to make as conditions of its license a stipulation that 1) it would operate as a wine bar, serving food during all hours of operation, 2) its hours of operation would be 12:00 P.M. to 12:00 A.M. Sundays through Thursdays and 12:00 P.M. to 2:00 Fridays and Saturdays, 3) it would close any façade doors and windows at 9:00 P.M. every night, 4) it would play ambient background music only, consisting of recorded music a low tempo live jazz, and would not have DJs, promoted events or events at which a cover fee would be charged, 5) it would not seek a change in class of its liquor license to a full on-premise liquor license, and 6) it would host happy hours no later than 7:00 P.M. weekdays and 8:00 P.M. Saturdays and Sundays; and

WHEREAS, in addition to seeking a change in class of its liquor license, this applicant is also seeking to extend its happy hours to 8:30 P.M. every night; and

WHEREAS, this applicant has failed to comply with its existing stipulations in that it has conceded that 1) it is not serving food during all hours of operation, 2) its windows are open past 9:00 P.M. most nights, 3) and it is opening later than 12:00 P.M. every day; and

WHEREAS, this applicant has conceded that it has been engaging in illegal unlimited wine specials, as advertised on its business website; and

WHEREAS, this applicant has no prior experience operating a business with a liquor license of any type and has operating the existing business only ten (10) months; and

WHEREAS, there are forty (40) full on-premise liquor licenses within five hundred (500) feet of this location, as well as ten (10) applications for full on-premise liquor licenses within the same area pending before the SLA; and

WHEREAS, the applicant has stated an insufficient community benefit for seeking a change in class of its existing wine beer license in that it stated that it is for "customer convenience;" now

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the application for a change in class to a full on-premise liquor license for Soul Happy LLC, doing business as Amuse Wine Bar, for the premise located at 121 Ludlow Street, between Rivington Street and Delancey Street.

Sidewalk Cafe Application

9. La Pizza Shop Inc, 110 Ave A @ E 7th St
withdrew after committee meeting with revised plans

Alterations

10. Whynot Coffee Wine & Art Gallery (Whynot Orchard LLC), 175 Orchard St between E Houston & Stanton Sts
(op/alt/add additional bar)

VOTE: TITLE: Community Board #3 Recommendation To Deny

WHEREAS, Whynot Orchard LLC, doing business as Whynot Coffee Wine & Art Gallery, is seeking an alteration of its wine beer license, to its existing coffee wine bar, located at 175 Orchard Street, between East Houston Street and Stanton Street, to wit converting its coffee food counter to a standup bar with bar stools and adding live jazz music; and

WHEREAS, this applicant was denied a full on-premise liquor license by Community Board #3 in October of 2013 and denied a wine beer license in November of 2013, in part because it was proposing to operate a coffee wine bar with two (2) bars in an area already overwhelmed by licensed businesses; and

WHEREAS, this applicant was then approved for a wine beer license by the SLA for a coffee wine bar and art gallery with one (1) stand up bar, provided that 1) it closed at 1:00 A.M. all nights, 2) had an art gallery which comprised fifty percent (50%) of the business, 3) had no promoted events, scheduled performances or events with cover fees, 4) provided a contact number for residents to immediately respond to complaints, and 5) closed its façade doors and windows by 9:00 P.M. if music was playing and 10:00 P.M. if music was not playing; and

WHEREAS, this applicant has failed to comply with its existing stipulations in that 1) it has been observed by area residents to have its two-story glass façade completely open until closing most nights, 2) it has regularly scheduled performances, consisting of live acoustic and amplified music of all types, as well as live dance performances, 3) it has charged cover fees and suggested tips (see advertisements hereto attached) which one resident who attended the community board hearing stated he was told was a required cover fee he was expected to pay to hear the program on the night he was at the business, 4) a building resident who attended the community board hearing stated that she has consistently complained about loud noise and bass from music emanating from this business and has encountered unresponsive and hostile business management, 5) there is no evidence that this applicant has provided any contact information to residents to respond to complaints, and 6) the applicant conceded that it has had only one gallery showing since it opened; and

WHEREAS, area residents have observed patrons of this business drinking beer and wine while seated outside on the outdoor benches belonging to this business, which is an illegal extension of its existing liquor license; and

WHEREAS, this applicant has failed to demonstrate any documented community support for the alteration of its wine beer license; and

WHEREAS, there are at least fifty-seven (57) liquor licenses within five hundred (500) feet of this location, as conceded by the applicant, and it should not be permitted to extend its liquor license in any way when it failed to comply with its agreement with the SLA; and

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the application to alter the wine beer license for Whynot Orchard LLC, doing business as Whynot Coffee Wine & Art Gallery, located at 175 Orchard Street, between East Houston Street and Stanton Street, to wit converting its coffee food counter to a standup bar with bar stools and adding live jazz music.

11. Via Tribunali (Pizza Vita NYC LLC), 122 Ludlow St btwn Rivington & Delancey Sts (removal of bar/add tables and chairs/extend hours)

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

To deny the application for an alteration of the wine beer license for Pizza Vita NYC LLC, doing business as Via Tribunali, for the premise located at 122 Ludlow Street, between Rivington Street and Delancey Street, to wit extending its hours of operation and removing its standup bar and installing additional tables and seats for dining, unless the applicant agrees before the SLA to make as conditions of its license the following additional signed notarized stipulation that

- 1) it will operate as a full-service pizza restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 10:00 A.M. to 1:00 A.M. Sundays through Thursdays and 10:00 A.M. to 3:00 A.M. Fridays and Saturdays,
- 3) 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,
- 4) it will close any façade doors and windows at 10:00 P.M. every night,
- 5) it will not commercially use any outdoor areas,
- 6) it will not apply for an alteration of its method of operation without first appearing before Community Board #3,
- 7) it will not host pub crawls or party buses,
- 8) it may have "happy hours" to 6:00 P.M.,
- 9) it will not seek an upgrade in class of its liquor license to a full on-premise liquor license without first obtaining approval from Community Board #3,

- 10) it will insure that there are no wait lines and designate an employee to oversee patrons and noise on the sidewalk, and
- 11) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

New Liquor License Applications

12. Honshu Ichi (Ichi 88 Inc), 188 1st Ave btwn E 11th & E 12th Sts (op)

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

Understanding that, although the applicant has applied for a full on-premise liquor license, this is a sale of assets of a preexisting Japanese restaurant operating with a wine beer license for ten (10) years, the applicant has no experience operating a licensed business and there are thirteen (13) full on-premise liquor licenses within five hundred (500) feet of this location, Community Board #3 moves to deny the application for a wine beer license for Ichi 88 Inc., with a proposed business name of Honshu Ichi, for the premise located at 188 First Avenue, between East 11th Street and East 12th Street, 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 restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 11:30 A.M. to 11:30 P.M. Sundays through Thursdays and 11:30 A.M. to 12:00 A.M. Fridays and Saturdays,
- 3) 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,
- 4) it will not commercially use any outdoor areas,
- 5) it will close any façade doors and windows by 8:00 P.M. every night,
- 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 insure that there are no wait lines outside,
- 10) it will not seek an upgrade in class of its liquor license to a full on-premise liquor license without first obtaining approval from Community Board #3,
- 11) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

13. To be Determined, 359 Grand St btwn Essex & Norfolk Sts (op)

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

To deny the application for a full on-premise liquor license for Bonhomie LLC, for the premise located at 359 Grand Street, between Essex Street and Norfolk Street, 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 Spanish restaurant, with a kitchen open and serving food to within one (1) hour of closing,
- 2) its hours of operation will be 8:00 A.M. to 12:00 P.M. Mondays through Thursdays, 8:00 A.M. to 1:00 A.M. Fridays, 11:00 A.M. to 1:00 A.M. Saturdays and 11:00 A.M. to 11:00 P.M. Sundays,
- 3) 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,
- 4) it will not commercially use any outdoor areas,
- 5) it will close any façade doors and windows by 10:00 P.M. every night,
- 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 6:00 P.M. every night,
- 8) it will not host pub crawls or party buses,
- 9) it will insure that there are no wait lines outside and designate an employee if necessary to oversee patrons and noise on the sidewalk, and
- 10) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints

Community Board #3 is approving this full on-premise liquor license because 1) although this is a previously unlicensed location, there are only four (4) full on-premise liquor licenses within five hundred (500) feet of this location, 2) this application has ten (10) years' experience operating three (3) similar restaurants in Manhattan, and 3) this applicant has entered into a memorandum of understanding regarding its operation with the Seward Park and Canal East Block Association.

14. Comfort Diner (Grand St Comfort LLC), 399 Grand St @ Clinton St (op)

VOTE: TITLE: Community Board #3 Recommendation To Deny As Stipulations Were Not Agreed To

To deny the application for a full on-premise liquor license for Grand St Comfort LLC, with a proposed business name of Comfort Diner, for the premise located at 399 Grand Street, at the corner of Grand Street and Clinton Street, because the applicant has not agreed to make as conditions of its license the following stipulations that

- 1) it will operate as a full-service restaurant, specifically a diner, 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 P.M. Mondays through Thursdays, 7:00 A.M. to 1:00 A.M. Fridays, 8:00 A.M. to 1:00 A.M. Saturdays and 8:00 A.M. to 12:00 A.M. Sundays,
- 3) 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,
- 4) its hours of operation for the outdoor area within its property line, consisting of twelve (12) tables and twenty-four (24) seats, will be 7:00 A.M. to 10:00 P.M. Mondays through Fridays and 8:00 A.M. to 10:00 P.M. Saturdays and Sundays,
- 5) it will close any façade doors and windows by 10:00 P.M. every night,
- 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 designate an employee to oversee patrons and noise on the sidewalk,
- 10) it will not apply to extend its hours until it has been operating its business for at least six (6) months and will not seek to extend its closing hours past 2:00 A.M., and
- 11) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

15. Attaboy Cocktails LLC, 134 Eldridge St btwn Grand & Delancey Sts (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 preexisting tavern with a full on-premise liquor license and that the applicant has been a manager of the preexisting business since 2004, Community Bard #3 moves to deny the application for a full on-premise liquor license for Attaboy Cocktails LLC, with a proposed business name of Attaboy Cocktails, for the premise located at 134 Eldridge Street, between Grand Street and Delancey Street, 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 tavern, with a prep area serving food to within one (1) hour of closing,
- 2) its hours of operation will be 6:00 P.M. to 4:00 A.M. all days,
- 3) 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,
- 4) it will have a closed fixed façade with no open doors or windows and will close any façade or rear doors by 10:00 P.M. every night,
- 5) it will not commercially operate any outdoor areas,
- 6) it will not apply for an alteration of 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 insure that there are no wait lines outside and designate an employee if necessary to oversee patrons and noise on the sidewalk, and
- 10) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

16. 99 Favor Taste Restaurant Inc, 285 Grand St btwn Forsyth & Eldridge Sts (wb)

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

To deny the application for a wine beer license for 99 Favor Taste Restaurant Inc., for the premise located at 285 Grand Street, between Forsyth Street and Eldridge Street, 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 Korean barbeque and Chinese hotpot restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 12:00 P.M. to 1:00 A.M. all days,

- 3) 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,
- 4) it will not commercially use any outdoor areas,
- 5) it will have a closed fixed façade with no open doors or windows and will close any façade or rear doors by 10:00 P.M. every night,
- 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 seek an upgrade in class of its liquor license to a full on-premise liquor license without first obtaining approval from Community Board #3,
- 10) it will insure that there are no wait lines outside, and
- 11) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

17. Eurest Dining (Compass Group USA Inc), 51 Astor Pl (op)
withdrawn

18. AAJ Hospitality Inc, 112 Stanton St btwn Ludlow & Essex Sts (op) – changed to beer/wine

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

To deny the application for a wine beer license for AAJ Hospitality Inc., for the premise located at 112 Stanton Street, between Ludlow Street and Essex Street, 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 Spanish fusion restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 12:00 P.M. to 11:00 P.M. Mondays through Wednesdays, 12:00 P.M. to 12:30 A.M. Thursdays through Saturdays and 11:00 A.M. to 10:00 P.M. Sundays,
- 3) 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,
- 4) it will not commercially use any outdoor areas,
- 5) it will close any façade doors and windows by 10:00 P.M. every night,
- 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 seek an upgrade in class of its liquor license to a full on-premise liquor license without first obtaining approval from Community Board #3 and not until it has been operating at least two (2) years,
- 10) it will insure that there are no wait lines outside and designate an employee if necessary to oversee patrons and noise on the sidewalk, and
- 11) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

19. To be Determined, 174 Rivington St btwn Attorney & Clinton Sts (op)

VOTE: TITLE: Community Board #3 Recommendation To Deny As Stipulations Were Not Agreed To

Provided that this location is not within two hundred (200) feet of P.S. 140, located at 123 Ridge Street, and P.S. 142, located at 100 Attorney Street, both of which have entrance doors on Rivington Street, Community Board #3 moves to deny the application for a full on-premise liquor license for 174 Rivington Street Corp., with principals Luca Frank Carucci and Joseph Peraino IV, for the premise located at 174 Rivington Street, between Attorney Street and Clinton Street, because the applicant has not agreed to make as conditions of its license the following stipulations that

- 1) it will operate as a tavern, with a prep area serving food to within one (1) hour of closing,
- 2) its hours of operation will be 12:00 P.M. to 1:00 A.M. all days,
- 3) it will play ambient background music only, consisting of recorded music and DJs, and will not have live music, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 4) it will have a closed fixed façade with no open doors or windows and will close any façade or rear doors by 10:00 P.M. every night,
- 5) it will not commercially operate any outdoor areas,
- 6) it will install soundproofing,

- 7) it will employ at least one (1) security guard Sundays through Tuesdays and two (2) security guards Wednesdays through Saturdays, at least one of which will always be outside to monitor noise and crowds on the sidewalk,
- 8) it will not apply for an alteration of its method of operation without first appearing before Community Board #3,
- 9) it will not host pub crawls or party buses,
- 10) it may have "happy hours" to 8:00 P.M. each night,
- 11) it will insure that there are no wait lines outside and designate an employee to oversee patrons and noise on the sidewalk,
- 12) it will only use its back door as an emergency egress,
- 13) it will install a sound limiter to insure that volume and bass are kept low; and
- 14) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

20. Cha Chan Tang (Tea Bistro Inc), 45 Mott St @ Bayard St (upgrade to op)

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

To deny the application for a change in class of its existing wine beer license to a full on-premise liquor license for Tea Bistro Inc., doing business as Cha Chan Tang, for the premise located at 45 Mott Street, at the corner of Bayard Street and Mott Street, as well as an alteration of its method of operation, to wit amending its operating hours, 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 restaurant, serving Hong Kong cuisine, with dining on its first floor and two (2) karaoke rooms in its basement, and with a kitchen open and serving food to within one (1) hour of closing on both floors,
- 2) its hours of operation will be 7:00 A.M. to 2:00 A.M. Sundays through Wednesdays and 7:00 A.M. to 4:00 A.M. Thursdays through Saturdays,
- 3) it will play ambient background music, consisting of recorded music, in the first floor dining room and will have live karaoke in the two (2) basement karaoke rooms but will not have other live music, DJs, promoted events, scheduled performances, except any fee associated with the karaoke rooms, or any event at which a cover fee will be charged,
- 4) it will not commercially use any outdoor areas,
- 5) it will have a closed fixed façade with no open doors or windows and will close any façade or rear doors by 10:00 P.M. every night,
- 6) it will employ a security guard Thursdays through Saturdays who will be located at the entrance to its basement and will insure that no one under the age of twenty-one (21) enters the basement,
- 7) it will not apply for any alteration in its method of operation without first appearing before Community Board #3,
- 8) it may have "happy hours" to 7:00 P.M. each night,
- 9) it will not host pub crawls or party buses,
- 10) it will insure that there are no wait lines outside and designate an employee to oversee patrons and noise on the sidewalk, and
- 11) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

Items not heard at Committee

21. Luzzo's (Chito Inc), 211-213 1st Ave (op/corp change)
no vote necessary
22. Odessa Restaurant Inc, 117 Ave A (op/corp change)
no vote necessary
23. Milk and Hops (Astoria Cheese Inc), 63 E 9th St (b)
no vote necessary
24. Pho Vietnam 87 Corporation, 87 Chrystie St (wb)
no vote necessary
25. Red Koi Inc, 57 1st Ave (wb)
no vote necessary
26. Red and Gold Crab Shack (Red and Gold Boil Inc), 30 St Marks Place (wb)
no vote necessary

40 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding August SLA item 18)

39 YES 0 NO 0 ABS 1 PNV MOTION PASSED (August SLA item 18)

SLA & DCA Licensing Committee - September

Applications within Saturated Areas

1. To be Determined, 98 Ave C (wb)

withdrawn

2. Taqueria Lower East Side (Barraza Foods Inc), 121 Orchard St (op)

withdrawn

3. Nadico Hotel LLC, 163 Orchard St btwn E Houston & Stanton Sts (op)

VOTE: TITLE: Community Board #3 Recommendation To Deny

WHEREAS, the applicant, Nadico Hotel LLC, by its qualified representative or principal, is seeking a hotel liquor license for an eleven (11) story hotel located at 163 Orchard Street, New York, New York, between East Houston Street and Stanton Street; and

WHEREAS, this applicant appeared before Community Board #3 for this application last month and was asked to withdraw its application because its application materials were incomplete and without a description of its proposed public spaces and because it had failed to outreach to the local business improvement district, police precinct, community groups or residents about its proposed plan;

WHEREAS, this applicant again appeared before Community Board #3 without completed application materials and during a long hearing it was established from the applicant directly that the applicant is proposing to have the following public spaces in its hotel:

- 1) an interior ground floor lobby lounge of twelve hundred (1,200) to thirteen hundred (1,300) square feet, seating twenty-three (23) people, with fifteen (15) seats indoors and four (4) tables and eight (8) seats outdoors within the property line at street level on Orchard Street, hours of operation of 5:00 P.M. to 2:00 A.M. all days both indoors and outdoors, liquor and food service from the second floor bar and recorded background music;
- 2) an outdoor rooftop garden overlooking Orchard Street of approximately six hundred (600) square feet, holding ten (10) to fifteen (15) people for events, with varying daytime and nighttime hours of operation depending upon the nature of the event, no music and food and alcohol service from the second floor bar;
- 3) an interior lower lobby in the basement level with eight (8) seats in a recreational area, hours of operation of 7:00 A.M. to 12:00 A.M. all days, no music and, although there will be no alcohol service in this area, guests will be able to carry their own drinks down to this level from the second floor;
- 4) an outdoor second story open air lounge, spanning the entire floor from Orchard Street to Allen Street, of approximately twelve hundred (1,200) to thirteen (1,300) square feet, fifty (50) seats consisting of lounge seating and seats at tables, a three (3) foot by six (6) foot bar with five (5) stools, a prep area serving salads, sandwiches and seasonal soups, hours of operation of 5:00 P.M. to 12:00 A.M. all days and recorded background music; and

WHEREAS, this applicant has provided no plan or diagram depicting how its roof top will be constructed and no defined pedestrian or vehicular traffic plan; and

WHEREAS, said hotel is located on Orchard Street and Allen Street, between East Houston Street and Stanton Street, with entrances on Orchard Street and Allen Street, in an approximate two (2) block area housing well over sixty (60) liquor licensed premises, forty-three (43) of which are full on-premise liquor licenses; and

WHEREAS, said hotel is located on a block with a twenty-one (21) story hotel with a hotel liquor license, as well as a twenty-four (24) story hotel with a pending hotel liquor license application, as well as other licensed businesses; and

WHEREAS, as a consequence of the numerous licensed businesses within this small geographic area, the area is plagued by late night noise from businesses, from people on the sidewalks and street and from traffic, as well as from significant vehicular and pedestrian traffic congestion on the streets and sidewalks; and

WHEREAS, given that the proposed method of operation for this location has no kitchen or restaurant and includes only a prep area, serving salads and sandwiches and seasonal soups, the applicant cannot legally obtain a hotel liquor license; and

WHEREAS, pursuant to ABC §64(5), a hotel liquor license may be granted only where a business is "**conducted as a bona fide hotel provided that a restaurant is operated in such premises;**" and

WHEREAS, ABC §3(27) provides that a *"[r]estaurant' shall mean a place which is regularly and in a bona fide manner used and kept open for the serving of meals to guests for compensation and which has suitable kitchen facilities connected therewith;"* and

WHEREAS, ABC §3(27) further provide that *"[m]eals' shall mean the usual assortment of foods commonly ordered at various hours of the day; the service of such foods and victuals only as sandwiches or salads shall not be deemed a compliance with this requirement;"* and

WHEREAS, this applicant has represented to this community board that it intends to operate a travelers hotel for the "tech savvy traveler," and anticipates having hotel guests under the age of twenty-one (21) years old given its planned low prices for rooms; and

WHEREAS, the open second floor with a proposed method of operation of a lounge with a bar, prep area and recorded music and closing at 12:00 A.M. is within a few feet of residential apartment windows in buildings abutting this location on its north and south sides on Orchard Street; and

WHEREAS, although the applicant informed the community board that it was willing to enclose this second floor arcade, per the applicant its current building plans filed with the New York City Department of Buildings **require** that this floor be an open area to permit a building of this height, and the applicant as of now has not sought to determine from the Department of Buildings if its building plans can be altered to permit this this area to be enclosed; and

WHEREAS, Community Board #3 is opposed to the sale or service of alcohol from the second story "arcade" as it is currently constructed since the second floor façade on both Orchard Street and Allen Street is open from an approximate two (2) foot parapet to the ceiling, it is within feet of residential apartment windows on Orchard Street, and this open area is the only planned point of sale or service of alcohol for this entire building; and

WHEREAS, this applicant has failed to adequately communicate how the sale or transfer of alcohol to minors would be restricted in a hotel where the proposed plan allows for patrons to travel throughout the public spaces with alcoholic beverages and where the expected age of patrons is under twenty-one (21) years old; and

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the application for a hotel liquor license for Nadico Hotel LLC, for the premise located at 163 Orchard Street, New York, New York, between East Houston Street and Stanton Street.

4. Epicure Kitchen LLC, 45 Ave B (wb)
no vote necessary

Sidewalk Cafe Application

5. Berkli Parc Cafe (HH Hospitality LLC), 61 Delancey St (small unenclosed)

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 four (4) tables and sixteen (16) seats for HH Hospitality LLC, doing business as Berkli Parc Cafe, at the premise located at 61 Delancey Street, at the corner of Delancey Street and Allen Street, because the applicant has signed a change agreement which will become part of its DCA license that

- 1) its café will consist of four (4) tables and sixteen (16) seats placed against with the façade of the business on Delancey Street, and
- 2) its hours of operation will be 8:00 A.M. to 10:00 P.M. Mondays through Fridays and 11:00 A.M. to 10:00 P.M. Saturdays and Sundays.

New Liquor License Applications

6. Taqueria Saint Marks (Barraza Foods Inc), 79 St Marks Pl btwn 1st & 2ns Aves (op)

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

To deny the application for a full on-premise liquor license for Barraza Foods Inc., with a proposed business name of Tacqueria St. Marks, for the premise located at 79 St Marks Place, 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 Mexican 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 2:00 A.M. Mondays through Thursdays, 11:00 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 will 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 façade doors and windows by 10:00 P.M. every night,
- 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 8:00 P.M. each night,
- 8) it will not host pub crawls or party buses,
- 9) it will insure that there are no wait lines outside and designate an employee if needed to oversee patrons and noise on the sidewalk, and
- 10) 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-premise liquor license although this is a location in an area with numerous full on-premise liquor licenses because 1) this is a full-service restaurant with a full kitchen in a location which operated with a full on-premise liquor license, 2) the applicant will close its business earlier than the previous business five (5) nights a week, 3) there was no community opposition to this application and evidence that its existing business is well operated in that the applicant has operated the same business for three (3) years without apparent complaint at 198B Orchard Street, and 4) the applicant furnished one hundred twenty-three (123) signatures from area residents in support of its application.

7. Sliders (Aleppo Slider LLC), 647 E 11th St btwn Aves B & C (upgrade to op)

VOTE: TITLE: Community Board #3 Recommendation To Deny

WHEREAS, Aleppo Slider LLC, doing business as Sliders, is seeking a change in class of its existing wine beer license to a full on-premise liquor license, for its tavern restaurant, located at 647 East 11th Street, between Avenue B and Avenue C; and

WHEREAS, Community Board #3 heard this applicant for a wine beer license application for a proposed restaurant in August of 2013 and denied it because 1) the community board was concerned that the proposed method of operation, limited menu and late night hours were that of a bar rather than a full-service restaurant, 2) the method of operation of this business was incompatible with its proposed location on a residentially zoned side street, and 3) the applicant had failed to meet with the local block association to address any concerns or questions about its method of operation and there was substantial community opposition to this application; and

WHEREAS, this applicant then applied for and obtained a wine beer license from the SLA; and

WHEREAS, this applicant has been operating the existing business since November of 2013; and

WHEREAS, Community Board #3 believes that its concerns about the method of operation of this business have been realized in that 1) the applicant advertises its business on its webpage as a combination classic sports bar and East Village bar, 2) although omitted from its wine beer application to the community board (hereto attached), this business has four (4) forty-two (42) inch screen televisions and one (1) seventy-five (75) inch screen television, consistent with its method of operation as a sport bar, 3) residents of the street have complained that loud unruly patrons are often spilling out of its wide open façade during sports events, 4) it has a limited menu comprised of sliders, sandwiches and appetizers, 4) although the square footage of the business is small, the applicant has installed a twenty-five (25) foot bar, 5) its advertised telephone number is (212)580-BEER; and

WHEREAS, there are complaints from residents of this street that the business has its façade open from floor to ceiling most nights, the music and noise from patrons emanates from this open façade and that noisy unruly patrons crowd the sidewalk in front of this façade to watch sports events; and

WHEREAS, there are eleven (11) existing full on-premise liquor licenses and one (1) full on-premise liquor license pending before the SLA within five hundred (500) feet of this location and eight (8) of the existing full on-premise liquor licenses are within one (1) block of this location; and

WHEREAS, there is no public benefit and none proffered by the applicant for granting a full on-premise liquor license to this apparent tavern located on a residential side street and within close proximity to numerous existing full on-premise liquor licenses; now

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the application for a change in class to a full on-premise liquor license for Aleppo Sliders LLC, doing business as Sliders, for the premise located at 647 East 11th Street, between Avenue B and Avenue C.

8. To be Determined, 171 E B'way btwn Rutgers & Jefferson Sts (op)

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

To deny the application for a full on-premise liquor license for MCFNY2 LLC, for the premise located at 171 East Broadway, between Rutgers Street and Jefferson Street, 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 Asian inspired restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 12:00 P.M. to 12:00 A.M. Sundays through Wednesdays and 12:00 P.M. to 1:00 A.M. Thursdays through Saturdays,
- 3) 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,
- 4) it will not commercially use any outdoor areas,
- 5) it will close any façade doors and windows by 10:00 P.M. every night,
- 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 insure that there are no wait lines outside and designate an employee to oversee patrons and noise on the sidewalk, and
- 10) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints

Community Board #3 is approving this full on-premise liquor licenses because 1) there are only eight (8) full on-premise liquor licenses within five hundred (500) feet of this location, 2) this applicant has operated the same business without complaint at 154 Orchard Street since 2012, 3) this is a sale of assets of a restaurant with a full on-premise liquor license, 4) this applicant has entered into a memorandum of understanding regarding its method of operation with the Seward Park and Canal East Block Association in which it has, in part, agreed to limit its nighttime hours for the first six (6) months of operation and not seek to extend its closing hours past 2:00 A.M. after that period of time has passed.

9. Huertas (Molinero LLC), 107 1st Ave btwn E 6th & E 7th Sts (upgrade to op)

VOTE: TITLE: Community Board #3 Recommendation To Deny

WHEREAS, Molinero LLC, doing business as Huertas, is seeking a change in class of its existing wine beer license to a full on-premise liquor license, for its restaurant, located at 107 First Avenue, between East 6th Street and East 7th Street; and

WHEREAS, this applicant was heard for wine beer license by Community Board #3 in October of 2013 and denied unless the applicant agreed to make as conditions of its license a stipulation that it would 1) operate a full-service Spanish restaurant, serving food during all hours, 2) have hours of operation of 10:30 A.M. to 12:00 A.M. Sundays, 11:30 A.M. to 12:00 A.M. Mondays through Thursdays, 11:30 A.M. to 1:00 A.M. Fridays and 10:30 A.M. to 1:00 A.M. Saturdays, 3) play ambient background music only, consisting of recorded music, and would not have live music, DJs, promoted events or events at which a cover fee would be charged, 4) close any façade doors and windows at 10:00 P.M. every night, 5) not commercially use its outdoor space, 6) install soundproofing, if needed, 7) have happy hours to 7:00 P.M., 8) not apply for an alteration without first appearing before the community board, 9) not host pub crawls and party buses, 10) not have wait lines outside and have a staff person designated to oversee patrons and noise on the sidewalk, and 11) immediately respond to complaints and provide a contact number for residents; and

WHEREAS, this applicant has been operating the existing business since April of 2014; and

WHEREAS, there are thirty-four (34) full on-premise liquor licenses within five hundred (500) feet of this location, nine (9) of which are within one (1) block of this location; and

WHEREAS, notwithstanding that that applicant has developed a reputation for its business as a restaurant with reasonable hours, furnished substantial petition signatures in support of its application, seventy-eight (78) of which were apparently from residents living within a two (2) block radius of this business, as well as twenty-two (22) letter in its support from residents and patrons,

Community Board #3 cannot approve this full on-premise liquor license given that this business has operated less than five (5) months and given the number of full on-premise liquor licenses in the immediate area; now

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the application for a change in class to a full on-premise liquor license for Molinero LLC, doing business as Huertas, for the premise located at 107 First Avenue, between East 6th Street and East 7th Street.

Items not heard at Committee

10. Tache Artisan Chocolate (Artisan Chocolates LLC), 254 Broome St (wb)

no vote necessary

11. Pasteur Grill & Noodles Inc, 85 Baxter St (wb)

no vote necessary

40 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Members Present at Last Vote:

David Adams	[P]	Linda Jones	[P]	Teresa Pedroza	[A]
Dominic Berg	[P]	Vaylateena Jones	[P]	Carolyn Ratcliffe	[P]
Karen Blatt	[P]	Meghan Joye	[A]	Joyce Ravitz	[P]
Lisa Burriss	[P]	Lisa Kaplan	[P]	Carlina Rivera	[P]
Justin Carroll	[A]	Carol Kostik	[P]	James Rogers	[P]
Karlin Chan	[P]	Ben Landy	[A]	Richard F. Ropiak	[P]
Jimmy Cheng	[A]	Mae Lee	[P]	Christopher Santana	[P]
MyPhuong Chung	[P]	John Leo	[P]	Susan Scheer	[P]
David Crane	[P]	Ricky Leung	[P]	Nancy Sparrow-Bartow	[P]
Enrique Cruz	[P]	Alysha Lewis-Coleman	[P]	Julie Ulmet	[P]
Morris Fajtelewicz	[P]	Gigi Li	[P]	Josephine Velez	[P]
Flora Ferng	[A]	William LoSasso	[P]	Rodney Washington	[A]
Gloria Goldenberg	[P]	Chad Marlow	[P]	Kathleen Webster	[P]
Jan Hanvik	[P]	Penina Mezei	[A]	Justin Yu	[A]
Ayo Harrington	[P]	Alexandra Militano	[P]	Thomas Yu	[P]
Herman F. Hewitt	[P]	Chiun Ng	[A]	Zulma Zayas	[P]
Anne K. Johnson	[A]	Ariel Palitz	[P]		

There was a motion to refer Transportation Item 4 to committee to examine potential impact on the community and targeted populations, in particular drivers and small businesses.

Meeting Adjourned